

3rd August 2022

Australian Energy Market Commission
By website upload

contact: earg@earg.org.au



Dear Sir/Madam,

Protecting Customers Affected by Family Violence - Response to Draft Rule

Economic Abuse Reference Group

The Economic Abuse Reference Group (EARG) is a network of community organisations throughout Australia, which influences government and industry responses to the financial impact of domestic and family violence (DFV). Members include family violence services, community legal services, financial counselling services and women's services. See www.earg.org.au

EARG regularly engages with government, industry, and regulators. We have produced guiding principles for use by industry and have provided input to draft industry codes, guidelines, and legislation. EARG is funded by the Ecstra Foundation. See earg.org.au

The Draft Rule

The Draft Rule is a positive step towards assisting victim survivors of family violence across Australia. We are pleased to see that it aligns quite closely with the Victorian protections and takes into account a range of matters raised by EARG and others. In particular, we commend the coverage of small business, the requirement for staff to have appropriate skills, coverage of former customers, the broad definition of family violence, a process to avoid repeated disclosures, the requirement to apply protections without documentary evidence and the recommendation that customers of embedded networks benefit from these protections.

We generally support the joint submission by PIAC and others, to which some of our members contributed.

Not requiring evidence

Requiring providers to apply family violence protections without requiring evidence from victim survivors is an important provision. Requiring evidence can dissuade victim survivors from seeking help, and evidence (such as Court orders) is often unavailable. Even when it is available, this evidence often contains sensitive information. For example, one of our members reported a financial service business demanding evidence, when the only evidence available contained details of sexual assault. We understand that a lack of evidence has not been a problem for the energy industry in Victoria, or for other businesses such as banks, when trained staff are determining what assistance should be provided.

Reviewing the Rule and policies

This is a new Rule in an area (domestic and family violence) where better approaches are constantly evolving. In this environment, it is important that the Rule, and providers' policies, are reviewed regularly. We support a requirement that the Rule and provider policies be reviewed regularly, for example every 2-3 years.

Staff training

The requirement that "staff can identify, engage appropriately and effectively with and assist customers affected by family violence" is a positive change, and we note that this includes people responsible for systems and processes and managers of front-line staff. However, we believe that without a requirement for business-wide family violence training, it is unlikely that a culture will develop that leads to compliance. Compliance, and cultural change, requires training of all staff, and demonstration of a commitment from top management. There is also a risk that staff or contractors not covered by Clause 76C could have a role which impacts in some way on family violence processes and customers. We recommend that business-wide family violence training be required. We also recommend that training requirements include an understanding of the complexities and needs of different groups such as those with disability or from culturally diverse backgrounds.

Compliance

The key to positive outcomes for victim survivors of family violence will be compliance by providers. Providing support and assistance to retailers, monitoring compliance, and enforcement are vital.

A review of the Rule after a few years will ensure that any challenges with enforcement arising from the wording of the Rule can be identified to ensure that provider obligations are clear enough to enable enforcement.

Please don't hesitate to contact us if you require further information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Carolyn Bond', written in a cursive style.

Carolyn Bond AO
National Co-ordinator

