



4 August 2022

Ms Anna Collyer  
Chair  
Australian Energy Market Commission  
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Sydney NSW 2000

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**RE: RCC0042 Draft Determination Protecting customers affected by family violence.**

Origin Energy appreciates the opportunity to provide a submission in response to the Australian Energy Market Commission's (AEMC) Draft Determination *Protecting customers affected by family violence*.

Origin strongly agrees with the Rule change proponent that energy retailers have a crucial role to play in supporting affected customers. It is vital that retailers support customers affected by family violence in a respectful way and provide safe, supportive, and flexible assistance.

Origin has designed and introduced a family violence policy and proactively makes this policy available to all its residential customers. We agree that critical to any family violence policy is having appropriately qualified staff. This will better enable retailers to identify an affected customer and ensure affected customers are afforded appropriate support

In this regard, we strongly support the AEMC's draft Rule for the application of a retailer's family violence policy to take precedence over the terms and conditions of a market retail contract to the extent of any inconsistency.

While we understand the AEMC's position not requiring undue burden of evidence, we support the view that documented evidence ought to be avoided unless necessary. In this regard, we believe the Rules ought to make clear that recorded conversations have the effect of documented evidence for the purposes of complying with the Rules.

Origins views on matters raised by the AEMC are set out below.

*Requirement for retailers to implement a family violence policy*

As stated in previous submissions, Origin considers that the requirement for an energy retailer to have a family violence policy is an essential component of providing retail services. Such a policy is crucial to providing customers with the confidence that they can have a safe and confidential conversation about their circumstances as well as obtaining information regarding how their retailer can support them.

*Application to embedded networks*

Origin supports the AEMC's proposed Rule to extend family violence protections to customers who reside within embedded networks. This will ensure consistent support is available to affected customers regardless of their supply structure.



### *Meaning of family violence*

We support the AEMC's draft decision to adopt the meaning of family violence given to the term 'domestic abuse' as described in section 8(8) of the Intervention Orders (Prevention of Abuse Act 2009) SA (the Act).

We consider that broadening the coverage of the types of relationships within which abuse may occur is appropriate, notwithstanding it now sets a higher standard than exists in Victoria – and by association creates another inconsistency between NECF and Victoria.

### *Compliance enforcement and civil penalties*

The application of a civil penalty regime ought to be as objective as practicable. However, there are a number of clauses that have subjective requirements.

For instance, Rule 76D(b)(ii) requires that a retailer must consider whether an affected customer is a hardship customer when initially identified as an affected customer and 'from time to time thereafter'. What a retailer considers reasonable as time to time may be different to a regulator's expectations. For this reason, it would be beneficial to provide guidance on what the AEMC's expectations are with respect to this Rule.

Similarly, Rule 76(H) requires retailers to have a process to avoid repeat disclosure which 'provides for effective ongoing engagement with an affected customer.' Again, it is unclear what is meant by 'ongoing engagement'.

### *Evidence*

The AEMC has proposed not to allow a retailer to request evidence of the family violence in any circumstances (draft Rule 76I). Furthermore, draft Rule 76E states that before taking action to recover arrears from an affected customer or transferring affected customer debt to a third-party debt collector, a retailer must take into account whether other persons are jointly or severally responsible for the energy usage that resulted in the accumulation of those arrears.

Origin has previously argued that documentary evidence should be able to be requested for debt management issues where there is not sufficient evidence in documentation or recordings held by the retailer to demonstrate an environment of family violence.

Specifically, we argued that an affected party may not realise that they have accumulated a debt until after the fact. For example, the perpetrator may have put the energy account in the affected customer's name without their knowledge. To confirm whether other persons are jointly or severally responsible for the energy usage that resulted in the accumulation of those arrears it will be necessary to obtain evidence from the affected party to establish who had responsibility for the energy usage and under what circumstances.

The AEMC's draft Rule states that a retailer must not require a customer to provide documentary evidence to access assistance under the retailers' family violence policy. We agree that evidence should not be a precondition. In some instances, providing a document may be less traumatic for the customer than re-telling their experience to each provider. It ought to be the customer's choice whether they provide such documentation – as applies in banking.

The Victorian better practice approach to evidence is clear that evidence is not to be utilised as a barrier to providing assistance.<sup>1</sup> However, retailers can request additional information from customers in limited circumstances where it is required to inform the retailer about the action that would best meet a

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<sup>1</sup> Essential Services Commission 2019, Better practice in responding to family violence Exploring ways energy and water retailers can provide family violence assistance that is safe and effective: 6 August p.34.



customer's individual needs. If information is requested and the customer does not provide this, then the retailer should still work to identify what options are available based on the information it does have, even if this is limited.

Furthermore, for the avoidance of doubt the Rules ought to define recorded conversations as being equivalent to documented evidence to support an objective compliance with the Rules.

If you have any questions regarding this submission, please contact Courtney Markham in the first instance on (03) 9821 8086 and or [Courtney.Markham@Originenergy.com.au](mailto:Courtney.Markham@Originenergy.com.au).

Yours sincerely

A handwritten signature in black ink, appearing to read "Sean Greenup".

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