



# WIRRINGA BAIYA

## ABORIGINAL WOMEN'S LEGAL CENTRE INC

Wurringa Baiya provides free legal advice to Aboriginal and Torres Strait Islander women, children and youth who are or who have been victims of violence.

11 August 2022

Australian Energy Market Commission  
GPO Box 2603  
Sydney NSW 2001

To whom it may concern,

### **Submission to AEMC Rule Change: Protecting Customers Affected by Family Violence**

We refer to the above and welcome the opportunity to make a submission.

#### **Wurringa Baiya Aboriginal Women's Legal Centre**

Wurringa Baiya Aboriginal Women's Legal Centre (**Wurringa Baiya**) is a state-wide community legal centre that provides free and confidential legal advice and representation to Aboriginal and Torres Strait Islander women and children in New South Wales.

We are a gender-specific service sensitive to the culturally diverse needs of Aboriginal and Torres Strait Islander women who have been victims-survivors of domestic violence, family violence and sexual violence.

#### **Australian Energy Market Commission's (AEMC) draft rule and draft determination**

Wurringa Baiya supports the AEMC's draft rule and draft determination amending the National Energy Retail Rules (**NERR**) to provide protections and assistance to customers affected by domestic and family violence (**DFV**).

We make the following submissions in relation to the draft rule.

#### Retailers have a separate family violence policy

We support draft rule 76B which provides that retailers must have a family violence policy that complies with minimum standards mandated by the rule. However, we do not consider the minimum standards for these policies to be sufficient. We suggest that the AEMC prepare a minimum standards family violence policy (**minimum standards policy**) for retailers. Retailers can opt to include additional clauses to the minimum standards policy but will be bound to include the minimum standard clauses.

The minimum standards policy should be designed in consultation with DFV experts and the community sector and guided by the voices and experiences of women with lived experience. Retailer family violence policies should be guided by the voices of and acknowledge the unique impacts of DFV on Aboriginal and Torres Strait Islander women, as well as people from

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**Phone:** (02) 9569 3847 **Free call:** 1800 686 587 **Fax:** (02) 9569 4210 **Email:** info@wurringabaiya.org.au  
[www.wurringabaiya.org.au](http://www.wurringabaiya.org.au)

Wurringa Baiya is a non-profit organisation managed by Aboriginal women.

**ABN:** 60 382 206 441

culturally and linguistically diverse communities, people with disabilities and people from the LGBTIQ+ community.

We address the impact of DFV on Aboriginal and Torres Strait Islander women below.

Retailers ensure staff can identify, engage appropriately and effectively with and assist customers affected by family violence

Draft rule 76C requires retailers to ensure their staff have the knowledge and skills to recognise customers affected by family violence, be able to engage appropriately with them, and provide the support and protections established in the draft rule and the retailer's family violence policy. We welcome this draft rule, however, note that DFV is complex and issues such as misidentification of primary victims of domestic and family violence are common.

Aboriginal and Torres Strait Islander women have particular vulnerabilities that exist at the intersection of racial, gender and economic disadvantage. Aboriginal and Torres Strait Islander women commonly endure violence alone and do not report it to police or seek medical help for their injuries. Shame, a well-founded mistrust of white authorities and a fear of community retribution are all factors which inhibit disclosure. Accordingly, it is imperative that retailers working with customers affected by DFV are culturally competent and cognisant of the unique factors impacting Aboriginal and Torres Strait Islander women and communities.

We submit there should be minimum standards applied to the family violence training provided to retailer staff. At a minimum family violence training provided to retailer staff should:

- Be delivered by domestic and family violence experts and not in-house,
- Be ongoing and in-line with evolving research and practice,
- Be designed to include and promote the voices of women with lived experience,
- Be culturally competent, and
- Include training on the gendered nature of DFV and the unique impact of DFV on Aboriginal and Torres Strait Islander women.

Assistance with debt management, fees and payment methods

We support the inclusion of draft rule 76E, however, it should be strengthened to include mandatory consideration of debt waiver or suspension for customers affected by DFV. The current requirement that retailers must 'take into account' the impact of debt recovery is weak and unlikely to be enforced consistently and effectively. Debt recovery actions and transference of debt to third party debt collectors increase risks to safety and the wellbeing of people experiencing DFV. Retailers should be taking all steps necessary to waive, suspend or assist people experiencing DFV to manage debt.

We suggest the AEMC could consider mandating practice where retailers refer people experiencing DFV to financial counselling for one month before taking further debt recovery actions. This is a practical step that could assist people experiencing DFV manage their debt and mitigate potential for further harm.

We note the draft rule does not address the issue of disconnection and threats of disconnection as forms of abuse. We consider the draft rule should include measures to prevent disconnection of people experiencing DFV. Disconnection should be considered a last resort, and only after the

retailer has taken steps to assist the customer with debt management and has considered whether disconnecting them would threaten their safety.

Information on family violence support services

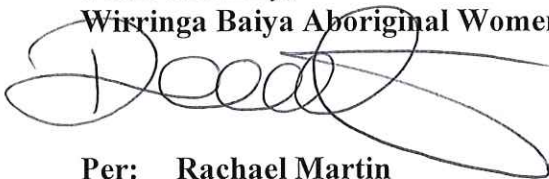
Draft rule 76J requires retailers to actively provide customers affected by DFV with referral information for at least one external DFV support service. Although the provision of referral information for external support services can lead to beneficial outcomes for women experiencing DFV, it must be provided by staff who have received adequate training to ensure it is done in a respectful, appropriate and culturally competent manner.

Contact details for speciality services should be available for Aboriginal and Torres Strait Islander women, as well as people from culturally and linguistically diverse communities, people with disabilities and people from the LGBTIQ+ community.

If you have any questions regarding this submission, please contact Rachael Martin of this office on (02) 9569 3847 or by email: [r.martin@wiringabaiya.org.au](mailto:r.martin@wiringabaiya.org.au).

Yours faithfully,

**Wirringa Baiya Aboriginal Women's Legal Centre**

A handwritten signature in black ink, appearing to read 'Rachael Martin', written over a horizontal line.

**Per: Rachael Martin  
Principal Solicitor**