



# INFORMATION

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## Protecting customers affected by family violence

### Submissions encouraged on changes needed to the energy rules

The Australian Energy Market Commission would like to hear your views on how the National Energy Retail Rules (NERR) could be changed to better protect customers affected by family violence.

### We want feedback on Red and Lumo's rule change request

The Commission would like to hear your views on the changes Red and Lumo propose to the National Energy Retail Rules. We invite comments on the effectiveness of each of their proposed changes to the rules. We also seek your views on amendments that could enhance the proposed changes.

The key changes in the rule change request are:

- **family violence policy** – a retailer must develop, publish and implement a family violence policy that explains assistance available to customers, and review it at least every two years.
- **account security** – a retailer must not disclose an affected customer's personal information without their consent (including to a joint account holder) and a retailer must find a preferred communication method for an affected customer, including by suggesting alternative methods if the affected customer's choice isn't practicable.
- **customer safety prioritised** – in dealing with an affected customer a retailer must firstly have regard for the safety of that customer.
- **a cause of payment difficulty** – family violence must be recognised by a retailer as a form of payment difficulty.
- **debt management** – before attempting to recover a debt from an affected customer a retailer must consider the impact of recovery action on the affected customer and whether other persons might be jointly responsible for the usage.
- **evidence of family violence** – a retailer can only ask for evidence of family violence from an affected customer when considering de-energisation and that evidence must be limited to what is reasonably required to consider de-energisation.
- **consistency between a retailer's family violence policy and a market retail contract** – where there is an inconsistency between an affected customer's market retail contract and the retailer's family violence policy, the policy prevails. A retailer must continue to ensure an affected customer may continue to be provided with customer retail services under the Rules.
- **consistency between the proposed change and other parts of the Rules** – if a retailer is unable to fulfil an obligation under a customer retail contract or the Rules because they are complying with the proposed part, the retailer would not breach the Rules.

### The Commission wants feedback on additional matters

In addition to your perspectives on the effectiveness of the changes proposed by Red and Lumo and any improvements these require, the Commission is also interested in your views on the following key issues:

- **Additional matters:** Are there matters to protect consumers affected by family violence that you would like to see addressed in the NERR beyond those considered in the proposed rule? These could be issues, protections or requirements. For instance, matters regarding the Victorian approach, compliance and enforcement, or ways to minimise implementation costs.

- **Alternative approaches:** What regulatory approaches from other sectors should the Commission consider, to complement, amend or replace Red and Lumo's proposal? The Commission welcomes views on why a particular regulatory approach is being used and evidence of its effectiveness in protecting consumers from family violence. Could a broader cross-sector approach effectively address family violence in the energy sector? What would be its key aspects? What existing jurisdictional provisions should the Commission take into account for this rule change?
- **Assessment framework:** Is the proposed assessment framework appropriate? What amendments or additions would you suggest, and why?

## Consultation process

The Commission will use open and inclusive consultation on this rule change. We invite victims/survivors, family violence service providers, community and peak bodies, governments, other essential services and businesses seeking to end family violence to be involved.

To participate, the Commission invites you to attend a forum in February 2022. Please register your interest by emailing [ProjectRRC0042@aemc.gov.au](mailto:ProjectRRC0042@aemc.gov.au).

The Commission also encourages you to provide a written submission. These are due several weeks after the forum, on 3 March 2022. You will find a submission template you can use at the project page for this rule change. Please lodge your written submission via the Commission's website, [www.aemc.gov.au](http://www.aemc.gov.au), using the 'lodge a submission' function and selecting the project reference code **RRC0042**.

## Background

### How family violence perpetrators use essential services to harm people

Financial security is an important factor in victims gaining freedom from abusive partners. A victim's financial security can be affected by partners who perpetuate family violence by controlling household finances, accounts or by incurring debts, jointly or in a victim's name.<sup>1</sup> A conservative estimate is that economic abuse occurs in 50 per cent of family violence cases.<sup>2</sup> In particular, the Commission recognises that many perpetrators use essential services to control and harm victims often by putting accounts in a victim's name alone, accumulating large bills or refusing to contribute to the cost of services.

Perpetrators can also use essential services to cause other non-financial forms of abuse like technological facilitated abuse, by accessing a victim's meter data or stalking, by gaining the victim's contact details.

### Royal Commission into family violence

The Victorian Government established the Royal Commission into Family Violence (Royal Commission) in recognition of the harm that family violence causes and the need to invest in family violence reforms. It was given broad terms of reference.

Its final report contained 227 recommendations. Among these it proposed the Victorian Government and the Essential Services Commission of Victoria work together to make changes to energy and water regulation in Victoria to address this form of economic abuse. This led to new family violence-related changes in the Victorian Energy Retail Code, which require retailers operating in Victoria to implement a family violence policy, and meet minimum standards on:

- account security
- customer service
- debt management practices
- external support services
- documentation from consumers
- staff training.

<sup>1</sup> State of Victoria, The Royal Commission into Family Violence, March 2016, vol. 21, p.93.

<sup>2</sup> Economic abuse reference group, Family violence and economic abuse - an overview, April 2018, p. 2.

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