



Part of Energy Queensland

420 Flinders Street, Townsville QLD 4810
PO Box 1090, Townsville QLD 4810

ergon.com.au

3 March 2022

Ms Anna Collyer
Australian Energy Market Commission
GPO Box 2603
Sydney NSW 2000

Dear Ms Collyer

Ergon Energy Queensland submission to the AEMC consultation *Protecting Customers Affected by Family Violence* (RRC0042).

Ergon Energy Queensland Pty Ltd (Ergon Energy Retail) welcomes the opportunity to provide comment to the Australian Energy Market Commission (AEMC) on its *Protecting Customers Affected by Family Violence* consultation.

Please see enclosed Ergon Energy Retail's responses to the consultation questions.

Should you require additional information or wish to discuss any aspect of this submission, please contact either myself on 0409 239 883 or Laura Males on 0429 954 346.

Yours sincerely

Sarah Williamson

Sarah Williamson
Acting Manager Regulation

Telephone: 0409 239 883

Email: sarah.williamson@energyq.com.au

Encl – Ergon Energy Retail's comments on the Consultation Paper

Protecting customers affected by family violence

STAKEHOLDER FEEDBACK TEMPLATE

Please use this template if you wish to provide your feedback on the questions posed in the consultation paper. Please don't feel obliged to answer each question, but address those of particular interest or concern. Further context for each question can be found in the consultation paper.

SUBMITTER DETAILS

ORGANISATION: Ergon Energy Queensland (Ergon Energy Retail)

CONTACT NAME: Laura Males

EMAIL: laura.males@energyq.com.au

PHONE: 0429954346

DATE 03/03/22

PROJECT DETAILS

NAME OF RULE CHANGE: Protecting customers affected by family violence

PROJECT CODE: RRC0042

PROPONENT: Red Energy and Lumo Energy

SUBMISSION DUE DATE: 3 March 2022

CHAPTER 1 – VIEWS ON THE RULE CHANGE PROPOSAL

Question 1– Red and Lumo’s rule change request	
What are your views on the effectiveness of the changes proposed by Red and Lumo in protecting customers affected by family violence?	Ergon Energy Queensland (Ergon Energy Retail) supports the intent of the rule change.
What improvements and challenges should the Commission consider?	<p>Proposed National Energy Retail Rules (NERR) rule 76C requires a retailer to recognise family violence as a potential cause of payment difficulty. Ergon Energy Retail seeks clarity as to whether NERR rules 33 (1) and (2) relating to Payment Difficulties are also extended to customers affected by family violence. Whilst it is acknowledged that proposed rule 76H (Compliance by retailer) protects the retailer from regulatory action, if NERR rule 33 (2) is applied which allows a retailer to decline a payment plan in certain circumstances, then additional consequential amendments may be necessary.</p> <p>In our view, proposed rule 76D (Safety of affected customers prioritised) is ambiguous. Family Violence is a complex societal issue which cannot be defined as one specific scenario. The proposed rule obliges the retailer to have regard firstly to the safety of the customer. However, it must be highlighted that what is safe for one person may not be safe for another. Consequently, this proposed rule imposes an impossible test on unqualified retail staff to assess the safety of a customer. Instead, we recommend this rule be aligned with the Victorian water sector codes which require a retailer to <i>‘promote customer safety by providing for the secure handling of information about those affected by family violence’</i>¹. This wording makes it clear that the retailer must use the secure handling of information as a means to protect customer safety, and not expressly consider the physical safety of the victim-survivor which is how the current drafting may be interpreted.</p> <p>It is recommended proposed rule 76F (Debt Management) be more prescriptive or removed. The current drafting of subrule (1) (a) is subjective and relies upon the retailer being privy to the victim-survivor’s personal circumstances. Retail staff, even with training, are not qualified to assess ‘the potential impact of debt recovery action at that time on the affected customer’ as each affected customer will have different circumstances and</p>

¹ ESCV, Moving towards better practice: Implementing family violence policies in the Victorian water sector, May 2017, p. 5

may be extremely hesitant to disclose personal information. Consequently, we consider the term 'take into account' is subject to interpretation and a customer's willingness to disclose. Ergon Energy Retail questions the need for this rule as in our view current hardship policies should be sufficient to meet the intent of this proposed rule.

Ergon Energy Retail support the introduction of proposed rule 76I (Evidence), however, we recommend that a timeframe be adopted. As an example, evidence provided by the customer should remain current for a term of four years with the customer required to re-confirm with the retailer they are continuing to experience family violence. It is recognised that a timeframe cannot be placed on how long a person may be a victim of family violence. However, such a time limit ensures the retailer is made aware of the customer's evolved circumstances. We acknowledge it has the added benefit of preventing the exploitation of this obligation by a small subset of customers.

CHAPTER 2 – ADDITIONAL COMPONENTS THAT COULD BE INCLUDED IN THE RULE

Question 2 – Additional matters

Are there matters you would like to see addressed in the National Energy Retail Rules beyond those considered in the proposed rule? These could be issues, protections or requirements. For instance, regarding the Victorian approach, compliance and enforcement, or ways to minimise implementation costs?

1. Ergon Energy Retail suggests that a rule be considered which specifically requires the training of retail staff from a specialist service provider. This would not only ensure a consistent approach to family violence protections across retailers but would provide valuable support to staff who may have unconscious biases with respect to family violence. The requirement for specialist family violence training would support the Royal Commission findings that victims were often confronted by lack of empathy and understanding of family violence².
2. Ergon Energy Retail recommends that a customer identified as experiencing family violence be referred to a specialist team in a similar manner in which hardship cases are managed. This would assist in minimising the repeated disclosure of the need for family violence assistance by the affected customer.
3. There are many support services available to victim-survivors of family violence. Ergon Energy Retail do not support an obligation that would require a retailer to actively refer the customer to an external support service for two reasons:
 - a. the number of support services available is extensive and impossible to narrow; and

² State of Victoria, The Royal Commission into Family Violence, March 2016, Vol. 4, p. 103.

	<p>b. there may be a risk of written referrals being found by the perpetrator resulting in further harm to the victim-survivor.</p> <p>4. The suggestion that the proposed rule should apply to embedded networks is not supported by Ergon Energy Retail. The disclosure by the victim-survivor places them in a vulnerable position and Ergon Energy Retail has privacy and safety concerns about this disclosure in an embedded network scenario.</p> <p>5. Ergon Energy Retail recommends that identification criteria be implemented as part of the rule change similar to the requirements outlined in the hardship policy. Ergon Energy Retail also recommends that customers experiencing family violence self-identify to receive the protections of the rule change. We consider there is a risk of harm to individual consumers where the protections afforded are reliant upon unqualified retail staff identifying an unstated need for family violence protections which may see customer's referred for specialist assistance without their knowledge or consent, simply because of the obligations imposed on the retailer to do so.</p> <p>6. As Ergon Energy Retail only operates in regional Queensland it does not currently have a family violence policy aligned with the Victorian requirements. Should the rule change be made, Ergon Energy Retail suggests that an implementation period of 12-18 months is required to allow sufficient time for system enhancements and staff training.</p>
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CHAPTER 3 – ALTERNATIVE APPROACHES AND COMPLEMENTARY POLICY APPROACHES

Question 3: Alternative approaches

<p>What regulatory approaches from other sectors should the Commission consider, to complement, amend or replace Red and Lumo's proposal? Please explain why that regulatory approach is being used and provide evidence of its effectiveness in protecting</p>	<p>Ergon Energy Retail provides no comment.</p>
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consumers from financial abuse.	
Could a broader cross-sector approach effectively address financial abuse in the energy sector? What would be its key aspects?	Ergon Energy Retail provides no comment.
What existing jurisdictional provisions should the Commission take into account for this rule change?	Ergon Energy Retail provides no comment.

CHAPTER 4 – WHAT IS AN APPROPRIATE ASSESSMENT FRAMEWORK FOR THIS RULE CHANGE

Question 4: Assessment framework	
Is the proposed assessment framework appropriate? What amendments or additions would you suggest, and why?	Ergon Energy Retail provides no comment.