

17th April 2019

Family Violence Resources Review
Essential Services Commission



By email: energy.submissions@esc.vic.gov.au

Dear Sir/Madam,

Energy Retail Code Changes to Support Family Violence Provisions for Retailers

The Economic Abuse Reference Group is an informal group of nine, mainly Victorian, community organisationsⁱ which provides input to government and industry responses to the financial impact of family violence. Our work is focused primarily in Victoria, but organisations from outside Victoria join in our work on national issues.

Our members have been pleased to have input to the process adopted by the ESC in developing these Code changes.

This work is very important, and we believe it will make a significant difference to many customers who experience family violence. We commend the ESC for leading this piece of work in a very collaborative way and for ensuring the voice and expertise of victim survivors with lived experience as well as the organisations that assist them.

Overall, we support the proposed changes and believe they reflect good practice.

We wish to provide further input on a number of issues.

Training

We believe that appropriate training and processes to support staff who experience family violence are vital – not just for the wellbeing of staff but in order to establish a business culture which strongly supports assistance for customers. We are disappointed that some companies may feel that this isn't the role of the ESC, however we expect to see this important issue addressed in the proposed guidance. Even if the Code is silent on the importance of processes to support staff in relation to their personal experience of family violence, it is vital that staff receive appropriate support from management in relation to the impact of their interaction with customers.

This means that in addition to managers receiving training in the items listed in 106F(2), managers should also receive training to enable them to support their staff, and such training should include an understanding of vicarious trauma.

Evidence

Obtaining evidence (for example letters from a doctor or psychologist) or providing an IVO can be time-consuming, can involve disclosure of very personal information and can risk re-traumatising the customer. Obtaining an IVO is an extremely stressful experience, and many victim survivors choose not to apply. Even if an IVO is granted, the IVO can contain extremely detailed, and private information about the abuse – which the victim survivor doesn't want to disclose to their energy company.

Wherever possible, businesses should not ask for evidence. In developing processes, consideration should be given to reducing the need for evidence. Before asking a person affected by family violence for evidence, relevant staff should ensure that they have no other option.

Businesses should accept the word of the customer unless there is information available to the contrary, and should accept the word of a financial counselling service or family violence service if such a service is involved.

We note that for customers who make direct contact with the business, it may be even more difficult to obtain proof of family violence without support.

Support Services

This should be amended to say “support service or services”, because in many cases it may be better that staff provide one contact rather than a number of them. See [EARG guidance](#) on this.

Third party debt collectors

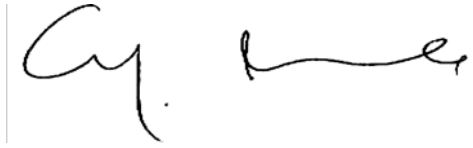
We believe that the obligation to ensure that contracts and agents comply with the new provisions could be clearer, and we believe that businesses should have an obligation to ensure that businesses purchasing their debts will comply. The Code should specify that businesses should require agents and debt purchasers to comply with the Code, including by incorporating it into contract KPIs.

The EARG has recently received feedback from family violence financial counsellors about their experience with third party collectors. Appropriate responses to customers experiencing family violence is patchy. It is not unusual to achieve a reasonable outcome if an advocate (such as a financial counsellor) speaks to a particular person within the collection business, but customers often receive an inappropriate response (often ignoring the customer's circumstances and demanding payment) from the collector's call centre.

Some businesses are prepared to call back outsourced debts when contacted by financial counsellors, but this doesn't help customers who are contacted direct by the debt collectors.

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

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Carolyn Bond', enclosed within a thin black rectangular border.

Carolyn Bond AO
For EARG

ⁱ Women's Legal Service Victoria, Consumer Action Law Centre, Council for the Single Mother and Her Children, Financial & Consumer Rights Council, Good Shepherd Australia New Zealand, Kildonan Uniting Care, Justice Connect Homeless Law, Domestic Violence Victoria, Redfern Community Legal Service (NSW).