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Essential Services Commission

Level 37, 2 Lonsdale Street

Melbourne VIC 3000

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Essential Services Commission of Victoria discussion paper on family violence

AGL Energy (AGL) welcomes the opportunity to comment on the Essential Services Commission of Victoria's (Commission) family violence support discussion paper (Discussion Paper) released on 31 October 2018.

AGL is committed to providing support to our most vulnerable customers, including victim/survivors of family and domestic violence (VSFDV). AGL has worked closely with community groups over the years to develop and implement family and domestic violence policies and procedures for both our customers and our staff and was a Founding Partner of Thriving Communities which aims to build community resilience and single-entry point access to vulnerability support services.

AGL program

AGL recognises that improving the inclusiveness of Australian society and effectively supporting vulnerable members of the community requires collective action across industry, government and civil society. As a large provider of essential services, we identified the need to support our customers and employees affected by domestic violence. As such, we have developed policies and procedures and appropriate training to provide such support (as highlighted in Appendix C of the Commission's Discussion Paper).¹ This is a sensitive and complex community/social issue which requires continuous learning and improvements to our practices and processes.

One such improvement is the safe space process where a customer on a call indicates family violence and AGL staff will immediately ask the customer if they are in immediate danger / in a safe place to talk. If the customer indicates they are not, trained agents will refer to the Emergency Procedures to provide police referral. In addition to this, our agents can flag customer accounts for domestic and family violence and can add additional security like adding a codeword to these customer accounts to help reduce situations of access by fraud.

Apart from the work we have done, Thriving Communities is another way to help provide support and share knowledge with our peers and the community. We see the Thriving Communities Partnership as an opportunity to collaborate across sectors, share experiences and establish frameworks to support vulnerable customers.

Principles

¹ <https://www.esc.vic.gov.au/sites/default/files/documents/DSP-%20Family%20Violence%20Resources%20Review%202018%20-%20Discussion%20paper-%2020181031.pdf>



AGL supports the findings of the Victorian Royal Commission including *Recommendation 109* to list family violence as an explicit eligibility criterion for hardship programs and for the Commission to develop guidelines for training of customer service staff to help identify customers experiencing family violence and financial hardship.² We consider that the requirement for achieving this recommendation should sit at providing that relevant staff receive training on the management of family and domestic violence related calls.

AGL supports the broad principles within the Discussion Paper as being important actionable ways to assist all VSFDV – irrespective of the industry/sector/circumstance. Further, given the different retailer levels of maturity in understanding and approaching family violence, we consider the amendments to the Code should be on the provision of a policy addressing family and domestic violence in relation to training delivery. AGL therefore encourages any regulatory focus in this space to be measured, with a focus on collaboration, flexibility and developing principles that can be adopted within the scope of the appropriate Laws, Rules and Codes.

Regulatory response

AGL considers the Commission plays an important role in establishing a regulatory response that provides retailers with the necessary certainty to establish family violence policies to meet the guiding principles. Given the sensitive and complex nature of the issue, AGL considers the Commission’s regulatory response should encourage collaboration, knowledge sharing and continuous improvement in retailers’ training programs and support.

Domestic violence is a significant social issue and the business community has an important role to not only support affected people but to also educate and promote social awareness and change. AGL’s view is that a large employer, we are also responsible for supporting our own employees affected by family violence.

We also note the Water industry Code obligations require the water businesses’ family violence policy to identify the support that would be provided to affected staff, including training, leave, external referrals and counselling available. AGL believes this is an important principle, and already provides support for our staff on all these matters, including rolled out training for staff, access to leave, external referrals, online tools and assistance and an external employee assistance program.

However, we do not believe this is in the scope of the Royal Commission recommendation and goes beyond the regulatory parameters of the Commission’s powers. Importantly, we consider that this is a matter that should either be addressed through amendments to the relevant employment laws or as outlined above through a retailer’s social licence to operate and therefore implement policies aligned to community expectations. AGL also supports the Commission’s broader social work program over the last few years to promote greater awareness on this important societal issue and to bring industry and community sector together to collaborate and seek out solutions.

From a regulatory perspective, AGL supports the review of the appropriate laws and regulations that may be restricting positive outcomes for VSFDV. This could include the appropriate authorities completing reviews across the Privacy Act, Fair Work Act and Credit Collections regulation if there is a concern that VSFDV are not adequately protected, rather than seeking to apply deviations or derogations through amendments of the Energy Retail Code.

AGL would welcome the opportunity to work with the Commission to advocate for improved outcomes for VSFDV through the appropriate channels. For example, if there is insufficient provision of leave entitlements for staff who are VSFDV or discrimination concerns, the Fair Work Act and other relevant legislation should be reviewed to provide for these – not just from an energy or water perspective – but across all businesses/industries/Government across

² <http://www.rcfv.com.au/MediaLibraries/RCFamilyViolence/Reports/Final/RCFV-Summary.pdf> p75



Australia. This helps improve outcomes for all Australians and ensures that legislative and regulatory powers sit with those bodies that have been vested with the relevant responsibilities.

AGL considers that there is an opportunity for the Commission to utilise the support of water and energy retailers in pursuing this approach to effect change at a national level through the appropriate regulatory channels if this is deemed necessary. We therefore consider that the most important role the Commission can play in this space is to continue to be a facilitator and educator on the importance of family violence awareness and understanding across the industry.

We would like to thank the Commission for their considered and engaged consultation with stakeholders, including the informative and educational workshops. We look forward to participating in further consultation when the Draft Decision is released.

Should you have any questions or comments, please contact Kathryn Burela on (03) 9273 8654 or kburela@agl.com.au.

Yours sincerely

[Signed]

Elizabeth Molyneux

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