

5th December 2018

Family Violence Resource Review 2018
Essential Services Commission
Level 37, 2 Lonsdale Street,
Melbourne, 3000

Via email: energyenquiries@esc.vic.gov.au



Dear Sir/Madam,

Providing family violence support – Draft paper

The Economic Abuse Reference Group is an informal group of ten Victorian community organisations¹ 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.

Thank you for the opportunity to comment on this draft publication.

We commend the Essential Services Commission (ESC) for its approach, and believe this document will be an effective tool to support utility businesses when implementing family violence policies and processes. We are pleased that the paper reflects expert advice from a range of respected sources.

We support the ESC's approach of "responsibility based" regulation, the proposal to amend the Energy Retail Code to create a customer entitlement to "respect, assistance and confidentiality" when a customer is involved in a family violence situation, and the requirement for retailers to consider how best to achieve the outcomes.

Terminology.

We suggest that ESC uses the notation "victim-survivor" (or "victim survivor") throughout, rather than "victim/survivor". We note that both notations have been used in the draft, but the "/" suggests people are one or the other rather than acknowledging someone can be both victim and survivor at the same time. We note that the use of language is evolving and that EARG has, until recently, referred to "victim/survivor" in our materials. On page 22, "victim" should be changed to "victim-survivor".

¹ Consumer Action Law Centre, Council of Single Mothers and their Children, Domestic Violence Victoria, Financial & Consumer Rights Council, Good Shepherd Australia New Zealand, Justice Connect Homeless Law, Kildonan Uniting, WEstjustice, Women's Information and Referral Exchange, Women's Legal Service Victoria.

Prevention

We note that the document refers to EARG's recommendation that businesses analyse their products and processes to identify where their services and activities could potentially increase risk for victims-survivors.

We suggest that the process of analysing products and processes is identified in the paper as a way that businesses can contribute to family violence prevention, and that it should not be a "once off" activity. Part of the process of developing new products and processes should include consideration of family violence risks - for example whether they might compromise safety, or increase the risk of financial abuse.

Build a culture of awareness internally and externally.

We agree with the point made that this requires much more than having a policy on a website. (page 20). However, it may be worth stressing the importance of having this information on the business' website so that it's accessible by staff and customers.

It is important that staff are aware of their limitations, as well as obligations. We suggest you add to the third dot point under "Build a culture of awareness, internally and externally" so that it becomes "Support staff to understand their role and limitations (page 5).

Lead from the top (page 10)

Conditions of gender inequality and discrimination contribute to family violence, and businesses should ensure that the business culture supports gender equity, and provides a strong message about discrimination and harassment. This can contribute to the prevention of family violence, and sets a foundation for the development of effective family violence policies. We suggest that this is mentioned in the first paragraph on this page.

Prioritise safety and choice for victim-survivors

On page 15, it is worth mentioning that there are trained survivor advocates available who can provide useful input and feedback to the business, for example through Women's Health East Speaking Out Program. <http://whe.org.au/what-we-do/prevention-of-violence-against-women/speaking-out-program-media-advocate-program-family-violence-sexual-assault/>

Input from survivor advocates could also be added to the dot points on page 5 in relation to Developing an Informed Approach.

Family violence victim-survivors are often in a stressful situation and too much information can be overwhelming. Businesses should provide information as clearly as possible, consider that they may need to repeat some information, and offer to provide complex information in writing (if the customer agrees, and in a way that the customer says is safe).

A good solution for one customer may not suit another. Check with the customer to see what solution would be suitable. For example, one customer may appreciate the account being 'locked' so that information isn't available to the perpetrator. For another client, such a "solution" may increase risks of violence from the perpetrator.

Debt Management

In the section on debt management (page 18), the paper should recommend that businesses consider the impact on the victim-survivor's credit report, and where a debt is waived as a result of family violence, the business should take steps to remove any default from the credit report.

This section should also refer to debt buyers, and the obligation for businesses to ensure that agents and debt buyers have appropriate training and processes to respond to customers experiencing family violence, and that businesses are able, and prepared, to "call back" debts where there is an allegation that the collector isn't responding appropriately to a customer.

Intersectionality

Intersectionality can be a complex issue to explain simply, however we think it's important that a person's experience of inequality/discrimination is not only seen as something that may increase the risk of family violence, but that it can impact on their experience of violence and their experience with various institutions.

We suggest that you delete the following sentence:

"Family violence affects members of all communities, and can be more likely to occur for people who experience other forms of discrimination (including people from Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, people with disabilities, people who identify as LGBTIQ)."

And replace it with the following:

"As well as gender inequality, other forms of inequality and discrimination experienced (for example by people with a disability, migrant refugee backgrounds, Aboriginal and Torres Strait Islander people) can increase the risk of family violence, and shape their experience of family violence. Discriminations such as racism, ableism, homophobia and transphobia will impact how people will experience services such as the police and the courts and even their utility company. This coupled with family violence will further shape the access people have to services and the power and authority they may (or not) be able to leverage when accessing services."

We also suggest that you add to the resources in this section:

Our Watch, 2017, Equality and Respect - Practice Guidance - Equality and Respect for All Women, an Intersectional Approach. https://www.ourwatch.org.au/getmedia/8d9385a8-ce4d-4b84-8328-f26c37cbf0f9/PG_Equality-and-respect-for-all-women_final_2.pdf.aspx

Providing further assistance

We note that some of the banks provide family violence support grants for customers, for example to assist with costs of moving and setting up in a new home. We would like to see more businesses encouraged to offer these types of programs. However, we are happy for the ESC to determine whether it is appropriate to mention this in this publication.

Correction

Footnote 29, page 19 – While author of "Helping not Hindering" is identified correctly in the text, it is wrongly stated as Consumer Action Law Centre (instead of Consumer Utility Advocacy Centre) in the footnote.

Please don't hesitate to contact Carolyn Bond if you have any queries or require further input on any issue.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Carolyn Bond'. The signature is written in a cursive style with a large initial 'C' and a long horizontal stroke.

Carolyn Bond AO
on behalf of the Economic Abuse Reference Group.