

16 April 2019

Family Violence Resources Review
Essential Services Commission
Level 37, 2 Lonsdale Street
Melbourne VIC 3000

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

Re: Energy Retail Code Changes to Support Family Violence Provisions for Retailers

Simply Energy welcomes the opportunity to provide feedback on the Essential Services Commission's (ESC) Draft Decision on Energy Retail Code Changes to Support Family Violence Provisions for Retailers.

Simply Energy is a leading second-tier energy retailer with over 680,000 customer accounts across Victoria, New South Wales, South Australia, Queensland and Western Australia. As a leading retailer with a consumer-centric focus, Simply Energy is continuously looking at ways to improve the services and support it provides to vulnerable energy consumers.

Overall, Simply Energy considers the proposed requirements in the ESC's draft decision are well balanced and adequately addresses the recommendations handed down by the Royal Commission into Family Violence. With this in mind, the following submission assesses the main changes to the Energy Retail Code (Energy Code) that Simply Energy considers to be essential to the effective administration of the ESC's proposed family violence protections, namely:

- confining the scope of the obligations to energy consumers rather the staff;
- ensuring that staff training is efficient and tailored to supporting the interests of affected customers; and
- allowing retailers to request documentary evidence, where appropriate, to assist in evaluating customer debt relief options.

Scope and application of the family violence obligations

Simply Energy supports confining the scope of the requirements under the Energy Code to energy customers. Simply Energy considers that it is imperative to ensure customers experiencing family violence are provided with both financial and emotional assistance to maintain access to essential services, such as energy and water.

Simply Energy, nevertheless, remains cognisant that its staff may also endure personal difficulties. In saying that, Simply Energy considers that the personal circumstances of staff members can be more effectively managed through internal policies and peer support, rather than regulatory intervention. In view this, non-binding guidance around how energy retailers can ensure that staff exposed to family violence are adequately supported is, from Simply Energy's perspective, the most appropriate course of action for ensuring staff members are also protected. Indeed, Simply Energy has a supportive collegial culture underpinned by robust internal policies and confidential counselling services to support its staff manage personal difficulties.

Tailored staff training

There are considerable consumer and social benefits associated with retailers providing staff with tailored training to handle interactions with customers who may be experiencing family violence. However, in realising these benefits, Simply Energy encourages the ESC to provide further clarity of the scope of this training, to maximise its effectiveness.

Based on the current drafting, clause 106F(1)(c) could be taken to extend to contractors responsible for developing software systems used to set out instructions to guide staff interactions with customers experiencing family violence. Simply Energy considers that this is beyond the scope of reasonably supporting those experiencing family violence. In view of this, the drafting of the relevant provisions under clause 106F need to be reassessed and narrowed to reflect a more focused application of training requirements to those staff members who directly interact and engage with affected customers.

Debt management process

In terms of managing operational and financial efficiency, Simply Energy would like to point out that retailers need to be able to adequately verify those customers who are exposed to family violence when assessing whether to suspend disconnection or provide customer debt relief. In view of this, Simply Energy considers that proposed clause 106L(2) must be maintained to allow retailers to 'seek appropriate documentary evidence of family violence when considering debt management and recovery.'

Simply Energy considers that short-term payment support and customer service support should be provided without the need for customers to provide documentary evidence. However, in terms of providing debt relief, Simply Energy considers that retailers should reasonably be able to request documentary evidence of family violence to assist in making an informed decision about the debt management actions that would be most appropriate in the customers circumstances. The absence of documentary evidence in such circumstances would risk fraudulent requests undermining the objective of providing support to those who need it.

It must also be recognised that the energy industry is not alone in combatting family violence. For this reason, Simply Energy encourages the ESC to look beyond the direct obligations under the Energy Code and recommend to the Victorian Government that it extends its tailored financial support to include those energy consumers exposed to family violence. Indeed, there may be customers who may feel too embarrassed to take up a payment plan or other form of ongoing assistance from their retailer. In view of this, one-off government funded payments, such as payments under the Utility Relief Grant Scheme (URGS), may be a more suitable option for customers to pay any outstanding debts and move on to a safer place of residence unencumbered by retail energy debt. Changes to the URGS eligibility criteria will be needed for this to take place.

Final remarks

In closing, Simply Energy would like to thank the ESC for working collaboratively with industry participants to develop a regime that seeks to actively support customers who are experiencing family violence.

Simply Energy looks forward to continuing to work actively with ESC in rolling out the family violence protections and welcomes further discussion in relation to this submission. To arrange a discussion or if you have any questions please contact Biljana Vitor, Compliance Officer, on [REDACTED].

Yours sincerely

A handwritten signature in black ink, appearing to read "James Barton", with a stylized flourish extending to the right.

James Barton
General Manager, Regulation
Simply Energy