

Family Violence Rules: Guidance for Energy Retailers

Version 1

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For inquiries about this publication, email AERretailcompliance@aer.gov.au.

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1 Introduction

Energy retailers (**retailers**) have a crucial role in supporting customers affected by family violence and reducing and preventing the harm that perpetrators can impose through the energy market. Recognising this, the National Energy Retail Rules (the **Retail Rules**) were amended, commencing on 1 May 2023, to include new obligations on retailers relating to family violence.¹ These obligations, which apply to residential and small business customers, are designed to improve retailers' response to and support of customers experiencing family violence across National Energy Customer Framework (**NECF**) jurisdictions.²

The family violence obligations in the Retail Rules vary in some respects from the obligations under the Victorian Energy Retail Code of Practice.³ Retailers operating across the NECF and Victoria must ensure the requirements set out in the Retail Rules are met for their operations in the NECF jurisdictions.

The purpose of this document is to provide guidance to retailers on their key responsibilities to customers affected by family violence under the Retail Rules. This Guidance is not binding and serves only as an informative tool. Definitive interpretation of the relevant legislation is reserved for the Courts.

Understanding Family Violence

Family violence, also referred to as domestic violence or abuse, involves a pattern of behaviour intended to coerce, control or dominate someone in a domestic, intimate, family, or family-like relationship. Family violence may take many forms including physical, emotional, psychological, financial, economic, sexual, social, technological and spiritual abuse. Children and young people can also be impacted by family violence, both directly or indirectly by hearing, witnessing, or being exposed to its effects.⁴

The Retail Rules define 'affected customer' as any small customer, including a former customer of a retailer, who may be affected by family violence.⁵ As this definition includes former customers of a retailer, a retailer must continue to apply the affected customer protections as set out in its family violence policy to affected customers who no longer have an active energy account with the retailer. The Australian Energy Regulator (**AER**) considers that the ongoing protection of affected customer information is essential to prevent a disclosure that could risk their personal safety.⁶

¹ These obligations are the result of a [rule change process](#) conducted by the Australian Energy Market Commission (AEMC). The AEMC's final determination and Rule were published in September 2022. Family violence is defined in rule 3 of the Retail Rules to have the meaning given to the term "domestic abuse" in section 8(8) of the *Intervention Orders (Prevention of Abuse) Act 2009 SA*.

² AEMC, [Final Rule Determination](#), AEMC, 2022, p 3-8.

³ Essential Services Commission, [Victorian Energy Retail Code of Practice](#)

⁴ Safe and Equal, [Forms of family violence](#), Safe and Equal website, 2024, accessed 21 November 2024.

⁵ Retail Rules, rule 3.

⁶ Affected customer information is defined in rule 76G(3) of the Retail Rules to refer to any information that may be used to identify, communicate with or locate an affected customer, including information about their whereabouts, contact details, or financial or personal circumstances.

Family violence and essential services

Family violence is the leading contributor to death, disability and illness in Australian women aged 18 to 44.⁷ One in 4 women and around one in 14 men in Australia have experienced violence by an intimate partner.⁸

Social discrimination and systemic and structural barriers often create significant challenges for people seeking help. These barriers may include limited access to information about their rights, entitlements and how to access services, particularly for individuals facing communication and literacy challenges. Discrimination based on age, ability, colonial history, criminal record, sexual orientation, poverty, race, sex, gender identity, as well as other forms of bias, can all increase the severity and long-term effects of family violence.⁹

Essential services, including energy, can be exploited by perpetrators of family violence to cause harm.¹⁰ Energy retailers have a critical role in supporting customers affected by family violence and reducing and preventing the harm that perpetrators can impose through the energy market. It is important that retailers understand how perpetrators may misuse the energy market, to ensure they develop and implement systems and processes that effectively protect and support their customers.

Examples of exploitation of essential services by perpetrators may include:

- obtaining an affected customer's personal information from a retailer, such as their contact details and using these to locate or contact them
- forms of financial abuse such as controlling access to energy bills or refusing to contribute to their payment, or interfering with attempts to set up or maintain payment plans leading to mounting debt and eventual disconnection
- limiting access to utilities such as heating or cooling
- threatening or organising the disconnection of energy supply, and
- pressuring an affected customer to sign or agree to contracts or arrangements with a retailer.

Background

This document sets out the AER's expectations on how the objectives of the obligations in the Retail Rules may be achieved. The AER welcomes ongoing engagement and feedback from retailers, victim survivors, family violence services and other stakeholders on the content of this document.¹¹

⁷ Safe and Equal, [Impacts of family violence](#), Safe and Equal website, 2024, accessed 12 November 2024.

⁸ Australian Bureau of Statistics (ABS), [Personal Safety, Australia](#), ABS website, 2023, accessed 16 September 2024.

⁹ Safe and Equal, [Impacts of family violence](#), Safe and Equal website, 2024, accessed 12 November 2024.

¹⁰ AEMC, [Final Rule Determination](#), AEMC, 2022, p 1.

¹¹ Any queries and/or feedback regarding this Guidance can be directed to AERretailcompliance@aer.gov.au.

Consistent with the Australian Energy Market Commission's (**AEMC**) recommendations, the following three family violence obligations in the Retail Rules have been classified as Tier 1 civil penalty provisions:¹²

- rule 76A: a retailer must:
 - a) have a family violence policy that sets out how the retailer will identify and assist affected customers, including how the retailer will apply each of the affected customer protections in these Retail Rules
 - b) publish its family violence policy on the retailer's website and ensure that its family violence policy is easily accessible on its website
 - c) implement, maintain and comply with its family violence policy, and
 - d) review and update its family violence policy from time to time as required to reflect changes in circumstances or maintain consistency with leading practice¹³
- rule 76D: a retailer must, in dealing with an affected customer, have regard firstly to the safety of the customer, as far as the customer's safety is impacted by them being an affected customer and take into account the particular circumstances of the affected customer, and
- rule 76G(1): a retailer must not, and must procure that all its contractors, subcontractors and agents do not, disclose or provide access to affected customer information to any other person without the consent of the affected customer.

Version 7 of the AER's [Retail Compliance Procedures and Guidelines](#) includes new reportable obligations for breaches of the family violence obligations.¹⁴ In particular, breaches of rules 76D and 76G(1) of the Retail Rules must be reported to the AER immediately, and breaches of rule 76A must be reported on a half-yearly basis or as soon as reasonably practicable where a material breach is identified.

Supporting consumers affected by family violence is an enduring AER [Compliance and Enforcement priority](#) which means that the AER will prioritise issues impacting consumers affected by family violence.

Retailer engagement with affected customers

Retailers must appropriately engage with and assist affected customers and should treat them with respect and flexibility. Retailers should also be conscious that affected customers may not be aware of their financial situation or have access to information or documentation pertaining to their finances and/or accounts, including their energy bills or debt, as an outcome of financial control by the perpetrator.

¹² National Energy Retail Regulations, Schedule 1, Part 1. Tier 1 civil penalties are applied to provisions where a breach could result in death or injury, with the goal of preventing significant consumer harm. See also AEMC, [Final Rule Determination](#), AEMC, 2022, pp 9-10.

¹³ Family violence policy means a policy prepared by a retailer in accordance with rule 76A of Part 3A of the Retail Rules.

¹⁴ Version 7 is effective from 1 April 2025. Retailers should ensure that the version they are accessing is the current version in effect as versions are updated from time to time.

Retailers need to consider key safety risks when identifying and engaging with affected customers. For example, inadvertent disclosure of confidential information to perpetrators through unsecure customer accounts and poor internal systems and processes pose a significant risk to affected customers. Retailers risk retraumatizing an affected customer by requiring them to repeatedly disclose or refer to their experience of family violence. For example, by seeking documentary evidence of family violence, or by not ensuring staff are able to engage appropriately and effectively with affected customers.

Further guidance on these key safety risks and mitigation strategies is set out below.

2 Retailer Obligations

2.1 Prioritisation of safety

Rule summary

In all dealings with an affected customer, retailers must:

- have regard firstly to the affected customer's safety, as far as the customer's safety is impacted by them being an affected customer, and
- take into account the particular circumstances of an affected customer.¹⁵

AER Guidance

Safety should be the paramount consideration for retailers. A failure to have regard to the safety of an affected customer could result in their death, serious injury or further trauma.

It is not a retailer's responsibility to provide crisis family violence support to affected customers. This support needs to be provided by a specialist family violence case manager and/or organisation. Retailers should prioritise a "Recognise, Respond, Refer" model when interacting with affected customers. "Recognise, Respond, Refer" is an integrated health response to domestic and family violence, and seeks to equip all staff with the skills to identify signs of abuse, respond effectively and refer to support services, when required.

Retailers should implement systems and processes that promote the secure handling and management of an affected customer's information and account to prevent any inadvertent disclosure. Such an approach may include:

- simplifying the process for affected customers to separate from joint accounts with perpetrators
- restricting staff access to sensitive affected customer information
- asking the affected customer for their preferred form/s of communication and clearly recording this on their account
- disabling automated communications for affected customers to minimise the risk of automated text messages, emails or letters being sent to perpetrators
- undertaking manual checks for all communications to affected customers prior to them being sent to ensure they will be delivered using the affected customer's preferred method of communication
- ensuring that customer communication is not sent to a previous address where an affected customer has provided a new address
- minimising the inclusion of personal details in customer communication. For instance, communications to affected customers could include only the suburb their property is

¹⁵ Retail Rules, rule 76D.

located in rather than the full address, reducing the risk if the information is accessed by the perpetrator, and

- designing systems and processes with affected customers in mind, with regular reviews and the ability to scale up systems and processes if more customers are identified as affected customers.

Family violence affects members of all communities, but because of institutionalised systems of power, it can be more likely to occur for people who experience other forms of discrimination (including First Nations people, individuals with a disability and/or chronic health conditions, culturally and linguistically diverse people, including recently arrived migrants and people that are LGBTIQ+).¹⁶

Taking an affected customer's circumstances into account will involve an intersectional approach. Intersectionality refers to the ways in which a person may have multiple overlapping identities which can lead to compounded experiences of discrimination or privilege, depending on their context. For instance, a person may face various forms of discrimination, such as sexism, ableism and racism, simultaneously that shape the prevalence and severity of family violence experiences.¹⁷

Understanding family violence through an intersectional lens enables the design of policies and practices which are accessible, inclusive, and non-discriminatory.

Intersectionality is complex. A robust and meaningful intersectional approach requires an ongoing commitment from retailers through induction training, workplace resources, refresher training, and collecting customer and staff feedback with the aim of continually improving responses to family violence. Training for staff is critical so they can build their understanding of intersectionality as it relates to family violence and apply this knowledge in their interactions with affected customers. It is crucial that training is ongoing to embed consideration of intersectionality into the retailer's culture and practices, to foster a deeper understanding of the complexities and sensitivities and to ensure staff understanding remains up to date. This will help ensure retailer staff are able to appropriately adapt and assist customers from diverse backgrounds.

The AER considers a retailer's approach to having regard to an affected customer's safety and taking into account their particular circumstances will vary depending on the individual circumstances of an affected customer. The AER will look at the steps taken by a retailer when assessing compliance with these requirements.

¹⁶ AEMC, [Final Rule Determination](#), AEMC, 2022, p 20.

¹⁷ UN Women Australia, [Intersectionality Explained](#), UN Women Australia website, 2024, accessed 4 September 2024.

2.2 Family violence policy

Rule summary

Retailers must have a family violence policy that sets out how they will identify and assist affected customers, including how the retailer will apply each of the affected customer protections outlined in the Retail Rules.¹⁸ Retailers are required to implement, maintain, and comply with their family violence policy.¹⁹

The family violence policy must be:

- published in an easily accessible place on a retailer's website,²⁰ and
- reviewed and updated from time to time as required to reflect changes in circumstance or maintain consistency with leading practice.²¹

To the extent of any inconsistency, a retailer's family violence policy will take precedence over the terms and conditions of an affected customer's market retail contract.²²

AER Guidance

The Retail Rules require retailers to implement, maintain and comply with their family violence policy.²³ A retailer's family violence policy must set out the retailer's processes for identifying and supporting affected customers, including how affected customer protections, as outlined in the Retail Rules, will be applied. Retailers must be able to effectively apply their policy by having systems, processes, and appropriately skilled staff in place to ensure successful implementation.

The AER considers a retailer's family violence policy should be written in plain, inclusive, and sensitive language and drafted with the reader in mind. Instead of restating legal obligations, the policy should provide practical and relevant information for an affected customer's benefit.

Additionally, the AER expects a retailer's family violence policy to be easily readable and available in a variety of accessible and inclusive formats. Accordingly, the policy should:

- have adequate white space to promote readability
- have accessible and inclusive formats such as printed, large font and Easy English
- be translated into various languages to support linguistically diverse customers, and
- be accessible through screen readers for those with a visual impairment.

¹⁸ Retail Rules, subrule 76A(a). Family violence policy is defined in rule 3 of the Retail Rules as meaning a policy prepared by a retailer in accordance with rule 76A of Part 3A.

¹⁹ Retail Rules, subrule 76A(c).

²⁰ Retail Rules, subrule 76A(b).

²¹ Retail Rules, subrule 76A(d).

²² Retail Rules, subrule 76L(1).

²³ Retail Rules, subrule 76A(c).

The family violence policy should be developed with input from professionals who understand the relevant issues and individuals with lived experience. The AER recommends retailers engage the services of relevant advocacy groups and those with lived experience in drafting and developing their policy. This will help to ensure that the policy fulfills its intended purpose and supports affected customers effectively. The policy should also be developed with oversight and endorsement from senior leadership within the retailer and be actively promoted across the organisation.

A retailer's family violence policy should set out an evaluation and monitoring plan, to ensure the policy is reviewed regularly and remains aligned with good practice. This should be supported by appropriate data collection and reporting mechanisms to facilitate effective internal evaluation and monitoring, as well as regular reviews of the retailer's systems and processes for implementing the policy to ensure they remain fit for purpose.

Retailers should clearly set out what support is available to affected customers and what they can expect if they ask for help. The family violence policy should specify how the retailer will seek to identify and proactively engage with affected customers, ensuring that appropriate support is provided even if a customer does not actively request it.

A retailer's family violence policy should be accessible from the retailer's homepage, so it is easy for customers to find. Retailers should consider publishing their policy on a dedicated webpage which is clearly labelled and has a 'quick exit' button to promote customer safety, allowing users to be immediately redirected to an innocuous site (for example, a search engine homepage). This webpage could also include a non-exhaustive list of examples of different forms of family violence to help affected customers recognise and feel assured that the support is relevant to them.

The AER does not have a role in approving retailer family violence policies. However, the AER may review these policies from time to time to assess compliance with the requirements of the Retail Rules and may consider further action on case-by-case basis.

2.3 Skills Requirement

Rule summary

Retailers must ensure relevant persons are able, on an ongoing basis, to:

- understand the nature and consequences of family violence
- identify and engage appropriately and effectively with affected customers, and
- assist affected customers in accordance with the Retail Rules and the retailer's family violence policy.²⁴

This obligation covers any person with authority or capacity to act on behalf of the retailer, who may engage with affected customers. This includes retailer employees, contractors, and agents (including call centre and marketing personnel), as well as their managers.²⁵

²⁴ Retail Rules, subrules 76B(1)(a)-(c).

²⁵ Retail Rules, subrules 76B(2)(a)-(b).

This obligation also applies to those responsible for systems and processes that guide interactions with small customers.²⁶

AER Guidance

To meet this mandatory skills requirement, the AER expects retailers to engage with family violence issues and responses actively and on an ongoing basis.

The AER considers a retailer's senior leadership team should ensure that staff, contractors and agents at all levels understand the crucial role retailers play in supporting customers affected by family violence and ensure that this priority is reflected in the organisation's culture, systems and processes. A retailer's senior leadership team should play an active role in discussions about family violence across the organisation and visibly endorse and actively promote the practices outlined within the retailer's family violence policy to their staff. This involvement will help foster a culture of awareness and encourage accountability when it comes to identifying, engaging with, and assisting affected customers effectively.

Retailers may also consider setting up a 'community of practice' to discuss challenges and best practice approaches, either internally between different teams or externally with other retailers (where appropriate), with input and ongoing guidance from professionals who understand the relevant issues or a survivor-advocate.

Retailers should conduct training across their business on family violence, both at the stage of initial onboarding of staff and frequent refresher training. Retailers should ensure that, after completing family violence training, their staff understand the complex nature and consequences of family violence and possess the skills required to identify and engage appropriately with affected customers. This will enable staff to provide effective support in accordance with the Retail Rules and the retailer's family violence policy. Retailers should also provide staff with ongoing support to ensure any skills gaps are identified and addressed in a timely fashion.

A lack of internal understanding of family violence could delay or prevent timely identification of affected customers which, in turn, could impact access to crucial support for affected customers and risk further trauma. It also risks retailers failing to meet the requirements of the Retail Rules.

The AER considers training should cover, amongst other things:

- how to recognise signs or signals of family violence, even in situations where the affected customer has not overtly disclosed their experience
- the impact of intersectionality in family violence and how to apply this knowledge in interactions with affected customers
- appropriate engagement for retailer staff who are not specialist family violence professionals
- referral pathways to specialist services, and

²⁶ Retail Rules, subrule 76B(2)(c).

- the importance of a flexible ‘customer centred’ approach when engaging with affected customers, including using non-judgemental and non-victim blaming language.

Retailers should note that the list provided above is not exhaustive. The AER strongly encourages retailers to consider engaging or partnering with an external provider specialising in family violence to design and deliver tailored training for their staff.²⁷

Training should be designed based on the likely engagement particular staff may have with an affected customer. For example, experiences of family violence may be revealed during phone conversations with call centre staff, particularly when discussing issues such as the non-payment or late payment of a bill. Therefore, training for call centre staff should recognise that affected consumers may still be experiencing trauma, which can impact their ability to retain, recall and communicate information.²⁸

There may be circumstances where a customer affected by family violence does not explicitly disclose their circumstances but exhibits signs which suggest they might be. A retailer’s staff training and family violence policy should provide guidance on how staff should respond in these situations, noting that responses will need to be tailored to each customer’s circumstances. This may include informing the customer about the family violence policy, the protections offered under it and providing them with information on available external support services.

Retailer staff working in overseas call centres may have culturally different understandings of family violence and may require tailored training programs designed to bridge cultural gaps. Culturally tailored training will better enable staff to understand the nature and consequences of family violence and identify and engage appropriately with affected customers. Retailers may benefit from involving local third-party specialists to deliver this training in a culturally relevant manner. In addition, retailers should consider conducting regular reviews of call recordings to evaluate the effectiveness of the training and ensure affected customers are being identified and engaged with appropriately.

Training material should be reviewed regularly and updated as needed. Where appropriate, this may be to incorporate any feedback received from affected customers about their interactions with the retailer.

Retailers should be conscious that their own staff may be affected by family violence and that receiving disclosure of family violence or identifying relevant behaviours can be distressing for staff. Retailers should have internal policies in place to support these individuals. This should include providing staff with information on accessing appropriate support services, including ensuring staff are aware of the availability of paid family and domestic violence leave.²⁹

²⁷ A list of potential family violence training providers can be found at <https://earg.org.au/family-violence-training-providers/>.

²⁸ EWOV (Energy and Water Ombudsman Victoria), [Energy and Water Ombudsman Victoria Position Statement - Family Violence](#), 13 November 2024, p 6.

²⁹ See for example <https://www.fairwork.gov.au/leave/family-and-domestic-violence-leave>.

2.4 Customer Identification

Rule summary

Retailers must implement a secure process that:

- provides a method to readily assess if a small customer is an affected customer
- provides a method to readily identify the account of a small customer who has been identified as an affected customer
- avoids the need for the affected customer to repeatedly disclose or refer to their experience of family violence, and
- provides for effective ongoing engagement with an affected customer.³⁰

AER Guidance

The AER considers this obligation is closely linked to the overarching requirement to prioritise an affected customer's safety and that a failure to implement a secure process could raise compliance concerns.³¹ The AER considers that once identified, a customer remains an affected customer until they inform the retailer otherwise. In accordance with the definition of affected customer, this includes where the customer no longer purchases energy from the retailer.

Affected customers should not need to re-live their experience of family violence every time they contact a retailer, including by needing to repeatedly disclose or refer to their experience of family violence when on a single call with the retailer. The need to repeatedly disclose circumstances of family violence can be traumatic. Repeated disclosure could increase the risk of a perpetrator discovering the disclosure has occurred if they were monitoring an affected customer's communications. It may also discourage affected customers from seeking support.

The retailer should ensure confidentiality is maintained when verifying an affected customer's identity. The retailer should have adequate security measures in place to minimise the risk of inappropriate or inadvertent disclosure of the affected customer information. Retailers should outline in their family violence policy at a high level the process for assessing and storing affected customer information. Further details on this process should be directly communicated to the affected customer whenever possible to limit inadvertent disclosure and unauthorised access.

Retailers should not rely solely on customers self-identifying as experiencing family violence. Staff training should include guidance on identifying affected customers to ensure staff are able to do this effectively. Resources for staff on identification (along with appropriate engagement and referral options) should be easily accessible.

³⁰ Retail Rules, subrules 76C(a)-(d).

³¹ Retail Rules, rule 76D.

When identifying an affected customer, retailers should be aware of potential indicators of family violence, which may include, but are not limited to, a customer:

- stating they have experienced family violence or conduct that is likely to constitute family violence, such as threatening and/or controlling behaviour or assault
- mentioning an intervention order (or equivalent legal protection)
- having urgently relocated residence or stating they are seeking refuge
- noting concern about a family member or joint account holder accessing their personal details
- not knowing or having access to the details of an account that is in their name
- requesting to add additional security measures to their account or asking for information to be provided without the knowledge of a family member or joint account holder
- referencing their partner's behaviour in a way that indicates they are concerned for their safety, or
- incurring substantial debt in their name for household utilities despite being financially dependent on someone else.³²

Retailers should also be aware of behavioural indicators of family violence, such as a customer appearing particularly nervous, hesitant or fearful. A further indicator may be where there is suspicious third party involvement, such as a partner trying to intervene during a call or control the conversation.

When a retailer's staff become aware of potential indicators of family violence, it is important that they are mindful that a customer may not be ready to disclose or identify as an affected customer. Retailer staff should approach these customers in a safe and non-judgemental manner, offering information about relevant supports and services, including the additional protections available for flagged accounts, where appropriate. Retailers should respect a customer's decision about whether to disclose family violence and be identified as an affected customer in the retailer's system.³³

Once it is determined that a customer is an affected customer, retailers should, subject to the engagement with the affected customer, add a flag to the account to secure it so that internal account access is limited to a need-to-know basis. Retailers should ensure their internal systems allow for affected customer accounts, once flagged by retailer staff, to be easily identifiable during subsequent phone calls or communications with the retailer. Adding a flag to an affected customer's account may assist retailers to directly transfer the affected customer to a trained staff member who is familiar with their circumstances. Where the perpetrator is a joint account holder with the affected customer, the retailer must ensure that the perpetrator is not alerted when a flag or other additional security measures are added to the account.

Once an affected customer's account is flagged, a retailer must not remove the flag unless requested by the affected customer. This protection extends to former customers of a retailer

³² EWOV, [Energy and Water Ombudsman Victoria Position Statement - Family Violence](#), 13 November 2024, p 4.

³³ Safe and Equal, [Identifying family violence](#), Safe and Equal website, 2024, accessed 29 January 2025.

who may be affected by family violence, even if they do not actively engage with the retailer. This will help ensure all affected customers' data remains secure, preventing inadvertent disclosure. If an affected customer requests to remove the flag from their account, the retailer must clearly explain that the various protections offered through the retailer's family violence policy will no longer apply to them or their account. The retailer must be satisfied that the affected customer understands this change before removing the flag from their account.

Version 4 of the AER's [Retail Performance Reporting Guidelines](#) imposes quarterly reporting obligations on retailers relating to customers affected by family violence. Retailers must report data around the number of affected customers they are assisting, as well as the number of those customers who are on a payment plan or access the retailer's hardship program.³⁴

2.5 Financial impacts of family violence

Rule summary

Before taking action to recover arrears from an affected customer or transferring affected customer debt to a third-party debt collector, retailers must take into account:

- the potential impact of debt recovery action at that time on an affected customer, and
- whether other persons are jointly or severally responsible for the energy usage that resulted in the debt.³⁵

Retailers must also:

- waive late payment fees for affected customers, and
- allow payment using Centrepay, where requested by an affected customer.³⁶

AER Guidance

Family violence can have long-term financial impacts on affected customers and their families. Retailers should be aware that family violence can take many forms, including economic and financial abuse and that debt can be accrued as a form of abuse against the affected customer.³⁷ 16% of women and 7.8% of men have experienced economic abuse by a cohabiting partner since the age of 15.³⁸

³⁴ Australian Energy Regulator (AER), [AER \(Retail Law\) Performance reporting procedures and Guidelines – Version 4](#), AER, 2024, p 62. Version 4 is effective from 1 July 2025. Retailers should ensure that the version they are accessing is the current version in effect as versions are updated from time to time.

³⁵ Retail Rules, subrule 76F(1).

³⁶ Retail Rules, subrules 76F(3)-(4).

³⁷ EWOV's position statement on family violence provides guidance to retailers around debt collection and how it can be used as a mechanism for abuse. EWOV, [Energy and Water Ombudsman Victoria Position Statement - Family Violence](#), EWOV, 13 November 2024, p 2.

³⁸ ABS, [Cohabiting partner violence, emotional abuse, and economic abuse](#), ABS website, accessed 24 October 2024.

A credit report includes information about a consumer's past and current loans and debts, including their repayment history.³⁹ Economic or financial abuse may negatively impact an affected customer's credit report, including accounts or loans they may not have applied for and/or have knowledge of.

A retailer cannot require a security deposit from a customer if the customer is a hardship customer of the retailer, or if the customer advises the retailer that they were identified as a hardship customer by another retailer in relation to any premises.⁴⁰ However, for other customers, for the purposes of deciding whether to require a security deposit a retailer must seek permission from the customer to obtain a credit check and request other information relating to the customer's credit history.⁴¹ In making its decision, the retailer must then take into account the credit history obtained through the credit check and the other information provided by the customer, which may include the customer informing the retailer of economic or financial abuse.

A credit check may create a barrier for an affected customer seeking to leave a family violence situation and start anew, particularly where the affected customer has experienced economic or financial abuse which may negatively impact their credit history.⁴² Therefore, a retailer should consider whether it is appropriate to consider requiring a security deposit for an affected customer, given the potential for an affected customer's credit history to be negatively impacted as a result of being subjected to economic or financial abuse.

Financial abuse can manifest in various ways relating to energy, with perpetrators engaging in behaviours such as:

- insisting an account be in an affected customer's name and refusing to contribute to the cost of energy bills
- putting an account solely in name of an affected customer without their knowledge or consent
- holding an account jointly with the affected customer and refusing to contribute to the cost of energy bills,⁴³ or
- controlling spending, access to bank accounts or other assets, impacting an affected customer's ability to pay energy bills.

Retailers should consider these and other possibilities before commencing debt recovery action.

³⁹ OAIC (Office of the Australian Information Commissioner), [What is a credit report?](#), OAIC website, n.d, accessed 13 December 2024.

⁴⁰ Retail Rules, subrule 40(3). This subrule is classified as a tier 2 civil penalty provision under the National Energy Retail Regulations.

⁴¹ Retail Rules, subrule 39(1).

⁴² Financial Rights Legal Centre, [Credit Reporting and Economic Abuse: A practical guideline for financial counsellors and community workers](#), Financial Rights Legal Centre, 2022, p 5.

⁴³ Victorian Government, [Summary and recommendations](#), Royal Commission into Family Violence, 2016, IV:1 243, p 104.

Debt recovery action can have a significant impact on affected customers, including but not limited to the following:

- the affected customer needing to redisclose the experience of family violence to the debt collection agency which may lead to further trauma
- unlike retailer staff, debt collectors may not have received training on family violence, which may lead to the use of an insensitive approach and/or language, and again risk further trauma for the affected customer
- debt collection agency payment plans may not factor in an affected customer's history of family violence, including the fact that the debt may have been accrued by the perpetrator
- debt collectors may not refer affected customers to sources of support, such as family violence services, community legal centres or financial counselling, and
- debt collectors could unintentionally disclose the address or whereabouts of the affected customer to the perpetrator.

Retailers should have systems and processes in place to ensure affected customers with debt on a jointly held account are not disadvantaged if they leave a situation of family violence. This could include promptly identifying situations where debt can be waived or suspended in part or in full.

Retailers could also inform affected customers about financial assistance payments that are available to help a person leave a situation of family violence. However, it is not appropriate for retailers to pressure affected customers into accessing this support for the purpose of clearing energy debts with the retailer.⁴⁴

Retailers should also consider whether referral to a financial counsellor is appropriate, however, speaking to a financial counsellor must not be a precondition to receiving support.

2.6 Hardship and payment plans

Rule summary

A retailer must recognise family violence as a likely cause of a residential customer being a hardship customer or a small customer experiencing payment difficulties.⁴⁵

Retailers need to offer affected customers further payment plans, even if they have had two cancelled due to non-payment in the previous 12 months or have been convicted of an offence involving illegal energy use in the last two years, where someone else may have been jointly or severally responsible for these actions.⁴⁶

⁴⁴ For example, the [Escaping Violence Payment](#).

⁴⁵ Retail Rules, rule 76E.

⁴⁶ Retail Rules, subrule 33(2).

AER Guidance

Retailers should use the identification of an affected customer, or the flag on their account, as a prompt to assess whether the affected customer is experiencing payment difficulties and determine their eligibility for the retailer's hardship program.

Customer hardship support and payment assistance must remain available to an affected customer participating in the retailer's hardship program even after they transfer to another retailer or otherwise no longer purchase energy supply from the retailer. This would include in relation to the payment of any outstanding debt an affected customer has with the retailer.

Retailers should consider refraining from initiating debt collection proceedings for affected customers.

2.7 De-energisation for not paying a bill

Rule summary

A retailer must not arrange for the de-energisation of an affected customer's premises unless the retailer has taken into account:

- the potential impact of de-energisation on the affected customer at that time, and
- whether other persons are jointly or severally responsible for the relevant non-payment or action referred to in Retail Rule 111(1) and (3).⁴⁷

AER Guidance

Disconnection can seriously impact affected customers and their dependents. It can add an additional expense and be stressful in what is already a difficult time. Disconnection could also prevent an affected customer accessing assistance or leaving a situation of family violence. No electricity could mean no internet or ability to charge a mobile phone. Retailers should not arrange de-energisation of an affected customer's premises unless they have considered the impact of de-energisation on the affected customer and formed a view that it will not cause harm. As with other dealings with an affected customer, in arranging any de-energisation of an affected customer's premises, a retailer must have regard firstly to the affected customer's safety and take into account the particular circumstances of the affected customer.⁴⁸

⁴⁷ Retail Rules, subrule 111(2A).

⁴⁸ Retail Rules, subrule 76D(a).

2.8 Protection of affected customer information

Rule summary

Retailers must not disclose or provide access to affected customer information to any other person (including a current or former joint account holder), without the affected customer's consent.⁴⁹

- Affected customer information covers information that may be used to identify, communicate with, or locate an affected customer, including information about their whereabouts, contact details, or financial or personal circumstances.⁵⁰

Retailers must ensure that their contactors, subcontractors and agents do not disclose or provide access to affected customer information to any other person without the consent of the affected customer.⁵¹

Retailers are able to share affected customer information to the extent required by law.⁵²

AER Guidance

Inadvertent disclosure of affected customer information can seriously impact their safety. For example, if a retailer revealed an affected customer's current address to the perpetrator, this may lead to the affected customer being confronted or seriously harmed. Information that may be used to identify an affected customer and must be protected could include the affected customer's phone numbers, email addresses, date of birth, any names and mailing address (noting this could be a PO box).

Examples of inadvertent disclosure include:

- sending printed correspondence to an old address which reveals the affected customer's new address
- sending emails to persons other than the affected customer who are or were part of a joint account, and
- storing affected customer information in a manner, such as in unsecured documents or systems, that could be accessed by unauthorised persons.⁵³

Data breaches expose retailers to significant risk of non-compliance with the family violence protections set out in the Retail Rules. The AER is aware of retailers applying additional layers of protection against inadvertent disclosure on customer accounts, including using a code word, a PIN identifier, or two-factor identification. Retailers may also consider engaging with cyber security experts to implement additional security and privacy measures to their customer accounts and any other areas where affected customer information is stored.

⁴⁹ Retail Rules, subrule 76G(1).

⁵⁰ Retail Rules, subrule 76G(3).

⁵¹ Retail Rules, subrule 76G(1). This does not include a contractor, subcontractor or agent of the retailer that requires access to the *affected customer* information in order to perform services for the retailer (Retail Rules, subrule 76(3)).

⁵² Retail Rules, subrule 76G(2).

⁵³ EWOF, [Empowering change: Supporting victim-survivors of family violence](#), EWOF, 2024, p 5.

Privacy measures may include, but are not limited to, the implementation of effective information handling and monitoring procedures designed to keep affected customer information secure.

Details of when, with whom and why affected customer information will be shared should be set out in a retailer's family violence policy and communicated directly to the affected customer where possible.

The AER encourages retailers to conduct internal audits to ensure automation within their systems does not risk leading to inadvertent disclosure of affected customer information. Secure handling of affected customer information may involve restricting access to a designated group of staff members or having a specialised team manage flagged affected customer accounts.

Inadvertent disclosure may cause financial detriment to an affected customer, for example resulting in the affected customer needing to move house or install security equipment at their current address to maintain safety, or to purchase a new phone number or sim card. In the event of an inadvertent disclosure a retailer should consider whether it may be appropriate to compensate the affected customer, either through financial compensation or other appropriate measures. Additionally, the retailer should evaluate whether the disclosure needs to be reported to the relevant regulator, including the Office of the Australian Information Commissioner, as well as to the AER under the self-reporting framework for reportable obligations.⁵⁴

The AER considers this obligation is closely linked to the overarching requirement to prioritise an affected customer's safety⁵⁵ and that a failure to protect affected customer information will also raise compliance concerns with that obligation.

2.9 Communication

Rule summary

Retailers must:

- take reasonable steps to identify an affected customer's preferred method of communication and if the identified method is not practicable offer alternative methods,⁵⁶ and
- record and use an affected customer's preferred method of communication.⁵⁷

The affected customer may also use this method in their communications with the retailer.⁵⁸

⁵⁴ AER, [AER Compliance Procedures and Guidelines – Version 7](#), AER, 2024. Version 7 is effective from 1 April 2025. Retailers should ensure that the version they are accessing is the current version in effect as versions are updated from time to time.

⁵⁵ Retail Rules, subrule 76D(a).

⁵⁶ Retail Rules, subrule 76H(1)

⁵⁷ Retail Rules, subrules 76H(2) and (4).

⁵⁸ Retail Rules, subrule 76H(2).

An affected customer's preferred method of communication takes precedence over any other customer communication requirement in the Retail Rules.⁵⁹

AER Guidance

Sending communications via a non-preferred method may pose a risk to an affected customer's safety. Retailers could inadvertently disclose affected customer information, such as their location, to the perpetrator. Using a non-preferred method also risks stress to the affected customer, for example, if a perpetrator monitors the affected customer's phone calls, text messages, letterbox or emails.

To effectively engage with affected customers, it is essential that retailers recognise and adapt to the customer's preferred method of communication. The requirement for a retailer to take reasonable steps to identify an affected customer's communication preferences begins when a customer is first identified as an affected customer.

An affected customer's preferred contact method may change over time. Retailers should have processes in place for updating this information if requested by the affected customer. Retailers may wish to consult with family violence professionals and victim survivors to understand various forms of communication that may be preferred by affected customers and design their systems and processes accordingly.

Retailers should ensure their internal systems support and simplify the selection and use of a preferred communication method. One form of communication could be via a person an affected customer has authorised to act on their behalf such as a third-party support worker or a financial counsellor. Where an affected customer's preferred method of communication is via a third party, retailers should accept an 'authority to act' and no longer contact an affected customer directly. This includes when issuing bills to the affected customer.⁶⁰

Retailers should implement robust processes and systems to verify the identity of a third-party support person to ensure that an affected customer's preferred method of communication is not exploited by a perpetrator.

Examples of ways a retailer's internal security can be enhanced include:

- training staff to undertake additional security checks
- verifying the national registration number of an affected customer's third-party support person who is acting in a professional capacity
- using two-factor authentication to confirm the third-party support person's identity when communicating with them
- clarifying if the affected customer would like any additional security measures added to their account to ensure they feel confident that their personal information is secure,⁶¹ and
- having time out periods on online accounts, requiring a customer to re-enter their password following a defined period of inactivity.

⁵⁹ Retail Rules, subrule 76H(3).

⁶⁰ Retail Rules, Schedule 1, cl 9.1(b).

⁶¹ EWOF, [Empowering change: Supporting victim-survivors of family violence](#), EWOF, 2024, p 15.

2.10 Documentary evidence

Rule summary

Retailers must not require affected customers or third parties acting on their behalf to provide any documentary evidence of family violence as a precondition for applying the relevant Retail Rules or the retailer's family violence policy.⁶²

AER Guidance

The Retail Rules prohibit retailers from requiring affected customers to provide documentary evidence of family violence as a precondition to providing protections and support.

We note that this protection is broader than that provided under the Victorian framework which permits retailers to request documentary evidence in certain circumstances.⁶³ Retailers operating across the NECF and Victoria must ensure the requirements set out in the Retail Rules are met for their operations in the NECF jurisdictions.

Requesting documentary evidence of family violence can be invasive and uncomfortable for an affected customer and risk further trauma, irrespective of whether it is sought by a retailer as a mandatory (serving as a precondition) or optional piece of information to be provided. It may also result in the perpetrator discovering the disclosure of family violence which could heighten the risk posed to the affected customer's safety.

Additionally, if a retailer seeks documentary evidence, affected customers may interpret this as a requirement for receiving support and subsequently avoid seeking assistance, which could result in them not receiving the support they are entitled to.

A retailer's request for documentary evidence of family violence also poses a risk of vicarious trauma for their staff.

Accordingly, the AER considers that retailers should avoid asking for documentary evidence, even where it is optional for the affected customer to provide it.

2.11 Information about external support services

Rule summary

Retailers must provide affected customers with information about the availability of one or more external family violence support services – at a time and in a manner that is safe, respectful, and appropriate given the affected customer's circumstances.⁶⁴

⁶² Retail Rules, rule 76I.

⁶³ Clause 155 of the [Victorian Energy Retail Code of Practice \(version 3\)](#) permits retailers to seek documentary evidence when reasonably required for debt management and recovery or disconnection purposes.

⁶⁴ Retail Rules, subrule 76J(1).

Retailers must also keep an up-to-date list of one or more external family violence support services on their website.⁶⁵

AER Guidance

Retailers must include a list of one or more external family violence support services on their website, to help provide customers with an accessible way to find support when they need it. This list should include an accurate description of the services offered by the listed organisation/s, along with their up-to-date contact details and a link to their website, if available.

A retailer's family violence policy should also include a list of external family violence support services, along with an accurate description of what each external support service provides for ease of reference. The list should specify where the service operates, particularly if it is not available in all states and territories, and should only include services that operate within the jurisdictions where the policy applies. For example, if the policy applies solely to customers in the NECF jurisdictions (Queensland, New South Wales, South Australia, the ACT and Tasmania), support services from Victoria should not be included.

Family violence support services referred to should cater to the diverse needs of different customer groups. This includes those with a disability and/or chronic health conditions, First Nations people and culturally and linguistically diverse people, including recently arrived migrants and customers that are LGBTIQ+. Retailers should regularly review the available family violence support services to ensure their published list is up to date and only includes relevant services.⁶⁶

The AER expects a retailer's staff training to include processes that ensure affected customers are promptly and appropriately referred to external support services as needed.

2.12 No breach of contract

Rule summary

The Retail Rules contain provisions to give retailers regulatory certainty and confidence when helping customers affected by family violence.

- A retailer will not be in breach of its customer retail contract if it is unable to fulfil an obligation under the contract as a result of complying with the family violence provisions in the Retail Rules.⁶⁷
- If an affected customer is unable to fulfil an obligation under their customer retail contract by using their preferred method of communication with the retailer, the customer will not be in breach of their contract.⁶⁸

⁶⁵ Retail Rules, subrule 76J(2).

⁶⁶ A list of support services (state by state and national) is available at <https://areyousafeathome.org.au/find-a-service/#1648542618372-7ceae3a9-3fb3adb8-6382>.

⁶⁷ Retail Rules, subrule 76K(1).

⁶⁸ Retail Rules, subrule 76K(2).

AER Guidance

Retailers should consider how these requirements apply to individual affected customers on a case-by-case basis depending on their circumstances. A retailer should not request or require an affected customer to update their preferred method of communication for the purpose of the affected customer fulfilling an obligation under their contract with the retailer.

2.13 Model terms and conditions

Rule summary

The model terms and conditions for standard retail contacts have been amended to reflect, where appropriate, the new family violence provisions.⁶⁹

AER Guidance

Retailers should review their standard retail contract terms and conditions to ensure they reflect the model terms and conditions for standard retail contracts as set out in Schedule 1 of the Retail Rules.

⁶⁹ Retail Rules, Schedule 1.

3 Relevant resources

- [Protecting customers affected by family violence – AEMC rule change](#)
- [Victoria Energy and Water Ombudsman – Empowering change: Supporting victim-survivors of family violence](#)
- [Royal Commission into Family Violence \(2016\) – Summary and Recommendations](#)
- [Australian Bureau of Statistics – Personal Safety, Australia](#)
- [Safe + Equal – Understanding Family Violence](#)
- [Are you safe at home? – Find a Service](#)
- [Family violence training providers](#)