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Life Support Review
Essential Services Commission
Level 37, 2 Lonsdale Street
Melbourne, VIC 3000

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<https://engage.vic.gov.au>

To the Essential Services Commission,

Strengthening protections for life support customers: ESC Draft Decision

Uniting Vic.Tas welcomes the opportunity to provide comment on the draft decision on Strengthening Protections for Life Support Customers put forward by the Essential Services Commission (ESC).

Uniting is the community services organisation of the Uniting Church in Victoria and Tasmania. We deliver programs and services to people experiencing disadvantage including children at risk, aged and carer services, disability and mental health, employment services, alcohol and drug dependence services, housing, family violence and early learning.

Uniting particularly welcomes the ESC's intention of this review to improve the accuracy of the existing life support databases held by energy retailers and distributors and to harmonise protections for life support customers in line with obligations under the National Energy Customer Framework (NECF).

Our Social and Financial Inclusion programs (which include financial counselling and energy assistance outreach services) provide assistance to low income households across Victoria, including where one or more occupants is dependent on critical medical equipment to maintain health and wellbeing and sustain life.

From our experience with these assistance programs, we know that households with an occupant requiring life support and holding an eligible concession card sometimes miss out on receiving the Life Support Concession. This is despite the residents having registered as a life support customer with either their energy retailer or their local energy distributor.

As such, Uniting commends the ESC's considerable work on this draft decision and the consultation process undertaken to date.

In particular, we welcome the intention to include requirements to improve communication processes between energy businesses and to strengthen requirements to ensure life support registers are maintained and kept accurate. We also see the review process as an opportunity to improve the way energy retailers and distributors manage the life support registration process and ensure customers (and their carers) are provided with relevant information, concessions and support in a timely manner.

We also support the initiative by the Commission to include clearer protections for customers who are part of an embedded network and dependent on life support equipment as we know from our advocacy work that such customers are frequently excluded from mainstream concessions and support when experiencing financial difficulty as the relevant information is not readily available or visible to them.

From our work with some of the most vulnerable people in the community, we know that under the existing protections it is still possible for people to slip through the cracks. This is despite the best intent of the energy retailers and distributors who are charged with the responsibility of registering life support customers and ensuring they are informed about applicable concessions (when eligible).

We see an opportunity for energy retailers, distributors and hospitals to improve the way information is provided to individuals who are dependent on life support appliances, particularly at the point when they first become reliant on such equipment to support their health needs and continued independence at home.

The remainder of this submission focuses on responding to some of the specific questions and decision points raised in the Draft Decision.

We have focused on the questions put forward by the Commission that are most directly informed by our organisation's experience in providing advocacy and assistance to clients dependent on the use of life support equipment in their home.

Question 1: Number of Life Support Customers

Uniting commends the Commission's initiatives to ensure greater alignment and accuracy between registers held by energy retailers and distributors across Victoria.

In our view, the establishment of registers that are properly aligned and more accurate will provide more robust protections for customers in the event of planned and unplanned outages. We also see it as opportunity for all energy businesses to improve the way they communicate with customers requiring life support and to ensure eligible customers are provided with appropriate assistance and concession support.

We suggest that the Commission consider a reconciliation process for retailers and exempt sellers with distributors and exempt suppliers to be a two way process.

In acknowledging that it is unusual scenario, we do so on the basis that we are aware of customers who have been registered with their distributor as dependent on life support, but when investigated further there was no record of this being held by their current energy retailer. In these circumstances, it is not uncommon for a customer with an eligible concession card to subsequently miss out on the Life Support Concession for several years. In some instances, we have noted a discrepancy of up to 5 years for some of the clients we have assisted.

We note that under the process outlined for the registration of legacy life support customers there is an opportunity to provide information about appropriate concessions (including *Life Support Concession*; *Medical Cooling Concession*; *Excess Gas/Electricity Concessions* available through the Victorian Government's Department of Health and Human Services, DHHS) and other financial assistance (for example the *Essential Medical Equipment Payment*, available through the Federal Government's Department of Human Services, DHS).

Additional links to financial support services (for example, the 1800 007 007 National Debt Helpline) and social support services (for example, Carers Victoria) could be provided so that households requiring life support are better informed about available support options.

In our experience, the current practices of retailers and exempt sellers does not consistently demonstrate this provision of useful information to life support customers and their carers.

Question 3: Requirement for Customer to provide medical confirmation

In our view it is reasonable to request customers requiring Life Support protections (such as emergency response in the event of blackouts and notifications of planned and unplanned outages) to provide documentation to establish this need, provided they are given sufficient time to complete the application process. It is critical that the documentation be provided in languages and formats that are accessible across the population.

We note that the existing Life Support Concession form issued by DHHS for mains grid-connected customers is dual purpose: it provides additional financial assistance to concession holders with the cost of energy in households where life support equipment is in use whilst also acting as a registration form (for non-concession card holders). Given that a significant part of the Australian population struggles with literacy issues (around 30% as at 2018), we have frequently observed that many of our clients find it challenging to accurately populate these forms.

The Non-Mains Energy Concession form applicable to embedded network customers is similarly complicated. We have observed that many customers will require some informed assistance or guidance to understand what the requirements are and fulfil them.

As such, we encourage the Commission to consider principles of accessibility in any formats that are adopted around medical confirmation.

If medical confirmation is required, consideration should be given to the use of a standardised form that all registered process owners could provide to the customer. Documentation needs to be provided in plain English, as well as other languages and include the use of graphics to communicate critical tasks.

We would further encourage the Commission to consider whether an online portal would be feasible to allow hospital staff (including nurses, doctors and social workers) to assist patients with completing the application process. This could occur at point of sale when the patient is issued with life support equipment or discharged from hospital care.

Discretion as to the requirement for medical confirmation may be required where the registration process owner becomes aware of difficulties with establishing clear communication with the customer. In saying that, we note practices that support good customer service includes principles of accessibility. This includes practices such as the use by service providers of nationally available telephone translation services, the National Relay Service, provision of materials in plain English and other languages, as well as communicating with authorised representatives such as carers or support workers to navigate the life support registration process.

Question 5: Requirements on collecting and disclosing information

Uniting considers the principles the Commission has outlined in the Draft Decision in regards to requiring consent from the individual requiring life support to be appropriate. We suggest that relevant energy businesses involved in the registration process only need to be informed that a requirement for life support protection has been established through medical confirmation. It is inappropriate to provide any details of the customer's medical condition.

Draft Decision 14: Alignment with NERR in relation to information

We consider this review provides an opportunity for the energy industry that operates in Victoria to improve on current practices in respect to life support customers. While we acknowledge that some retailers demonstrate good principles of practice, from our experience in advocating for clients we know that this is not consistent across the industry or even across the same retailer.

As outlined earlier in this submission, there is considerable scope for retailers and embedded

network managers to ensure that all life support customers are aware of the requirements to maintain active registration (for example, when moving home or switching retailers) to ensure they receive appropriate protections due to planned or unplanned outages.

Similarly, there is an opportunity to review access to the full range of available concessions for all eligible concession holders as life support registers are properly aligned between retailers and distributors.

Ensuring customers receive concession entitlements

The Life Support Concession makes a significant difference to the overall cost of running a home where there are higher energy needs to respond to critical health issues.

This concession amounts to approximately \$485 per annum (calculation based on current average Victorian Default Offer tariff rate of 25.84c/kWh across all distribution zones). For households getting by on a restricted income (such as the Disability Support Pension or Age Pension), this concession significantly eases the financial cost burden of being reliant on medical equipment essential to supporting life.

Under the current DHHS guidelines the Life Support Concession can be backdated 12 months, if it is determined that an eligible customer has missed out on this entitlement. We note that in the past the practice of backdating has been discretionary on the part of DHHS and that financial counsellors have a role in successfully advocating for the entitlement to be backdated further.

Uniting is confident that one of the outcomes from this review process will be a more accurate register of life support customers across the distribution zones (and within embedded networks).

As an outcome from this reconciliation process, we anticipate that there will be more visibility of life support customers who are registered in some way but are not currently receiving any entitlement to additional concession assistance (e.g. Life Support Concession, Medical Cooling Concession). Access to additional concessions makes a significant difference in helping households to manage the higher than normal costs of running equipment that is critical to maintaining health and prolonging life.

Where discrepancies in the Life Support Register are detected when retailers and distributors begin data matching, we would encourage energy retailers (and embedded networks in cooperation with DHHS) to give consideration to backdating any concession entitlements beyond 12 months to when the customer was first registered as a life support customer with their energy retailer or distributor (or embedded network operator).

We see a role for the Commission in informing and reminding retailers and exempt sellers of the full spectrum of concessions that might be applicable to eligible recipients of life support, including:

- Life Support Concession (DHHS)
- Medical Cooling Concession (DHHS)
- Excess Gas Concession (DHHS)
- Excess Electricity Concession (DHHS)
- Non-Mains Energy Concession (DHHS)

And to encourage retailers to proactively review their customer's accounts and fully inform customers of their entitlements.

We also encourage the Commission to make energy retailers aware that Life Support customers may be eligible to receive the *Essential Medical Equipment Payment* through DHS or the Department of Veterans' Affairs (DVA) and to actively apply this knowledge in their communication materials and when interacting with life support customers and their carers.

Better practice around life support customers

This review gives energy providers (retailers and exempt sellers) sufficient opportunity to review their existing practices and to be more innovative in meeting the needs of life support customers (and their carers) than we have seen historically.

From our experience working with households, we envisage such assistance could include:

- **Information pack:** Preferably in more than one language and medium. Advice on adjusting to life where life support equipment is involved. This would include tips on energy usage in the home, including advice around maintaining a comfortable home environment that supports healthy functioning. We envisage this could be common to all retailers and exempt sellers rather than individually branded.
- **In home energy advice:** Independent, outreach service to assist households dependent on life support so that the occupants can receive advice on energy usage that is tailored to their specific home environment and appliances in use there. The service could also assist access to support services such as financial counselling, in home care, and social support (for both the occupant requiring life support and their carer).

From our experience in providing energy assistance and advocacy to people who are managing acute and chronic health issues, we are confident that the adoption of the initiatives outlined above by energy providers will improve current industry practice and go some way to better equipping people to cope with a significant change in health status.

Question 7: Should distributors be allowed to de-register some life support customers

De-registration should only occur where adequate preventative measures and practices are in place.

In our view it is good practice for retailers to build in a question such as 'is there anyone in the household who requires life support equipment?' at multiple points in their conversations with customers. For example, this could include: when contracting a new customer; when reviewing tariffs; when registering concessions; and, when payment difficulty is determined by the retailer or disclosed by the customer. This is an important step in ensuring that no life support customer is inadvertently or unintentionally disconnected from a service that their health is dependent on.

While this is good practice (and we acknowledge exists within some retailers), we do not think that verbal reassurance from someone is sufficient evidence to authorise de-registration of life support at a residence. We are concerned with the potential for harm and unnecessary stress to individuals with critical health care needs if a distributor was to act solely on the verbal advice that a retailer receives from a customer (such as a new tenant).

In establishing a clearer process for de-registration of life support attached to a residence we think it is vital that the Commission factors in a 2-step process as a minimum.

Question 8: Timely notification

We consider it is reasonable to expect the registration process owner to notify other parties within one business day to ensure all registers are up to date and accurate. We further consider it reasonable to expect notified parties to update their register within 24 hours of receiving updated advice.

We anticipate that additional time may need to be provided in the event that the Commission opts to include gas retailers in the registration process.

Thank you for the opportunity to provide input to the draft decision. Further enquiries can be directed to the submission lead, Peter Appelman, at peter.appelman@vt.uniting.org.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jo Malcolm-Black'.

Jo Malcolm-Black
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