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We welcome the opportunity to provide this input.

VCOSS Submission to the ESC's Better Protections for Life Support Customers in Victoria draft decision

The Victorian Council of Social Service (VCOSS) welcomes the Essential Services Commission's (ESC) draft decision on better protections for life support customers in Victoria. People who rely on life support equipment are often some of the most vulnerable consumers in the energy market, with multiple and complex support needs. For those customers, the register is a crucial safeguard against harms created by planned and unplanned interruptions.

VCOSS acknowledges that there are some well-documented issues with the current operation of the register, as was found through the 2024 Network Outage Review. In that context, the ESC's review is both necessary and timely.

We believe that the changes laid out in the draft decision are an improvement on the initial proposal. It is our view that the proposed reforms are better geared towards minimising the risk of harm to customers with life support needs than those in the initial consultation paper. VCOSS is pleased to see how this proposal has evolved, as it is clear that the ESC has taken feedback from community sector representatives and consumer advocates onboard.

Finally, VCOSS is very pleased to see that there are no references in the draft decision to the assertion, advanced by some energy businesses and expressed in the initial consultation paper, that some consumers deliberately misuse the life support register to avoid disconnection for non-payment. It was our view that this was an entirely unfounded assumption based on a misunderstanding of consumer behaviour and the reasons for an expanded life support register.

New 'life-threatening' system flag

VCOSS supports the implementation of a new “life-threatening” system flag to ensure that customers most likely to be at risk of death or serious harm if there is an outage are better protected. If this is purely enacted as an operational measure for energy businesses and emergency response workers in times of outage and does not result in a tiered system of differing protections, this measure is appropriate.

Retailer ownership of registration, deregistration and updating of details

VCOSS believes that it is appropriate to assign responsibility for updating the life support register to retailers. While a centralised register managed by a third party was our preferred solution, in the absence of that, responsibility sitting with the party usually handling customer relations is a suitable alternative. We are also pleased to see that there will be a “no wrong door” approach, whereby distributors will collect and pass on customers’ details if the person contacts the distributor first.

We are concerned that retailers being responsible for managing the list might create a barrier for consumers on the life support register switching to a better offer at a different retailer. Or, that switching retailers will become a risk point when registration could fall off. VCOSS strongly urges that measures be put in place to ensure smooth transitions for life support customers who want to change retailers, such as measures to automate transfer of life support status between retailers, and that these measures are clearly communicated to consumers.

Updating medical confirmation processes

VCOSS supports the decision for the ESC, the Australian Energy Market Commission, and the Australian Energy Regulator to work towards a new standardised medical confirmation form in consultation with key interested parties. First and foremost, this new form should not be overly onerous for customers and health professionals to complete. The form should be easy to access and lodge and involve the collection of the minimum necessary information only.

Ideally, completion of the medical confirmation form should not be a requirement for being registered on the list or treated as “proof” of need. Instead, consumers should be taken at their word, and completion of the form should only facilitate the new life support flag and serve as a means for better understanding the customer’s requirements. This could be facilitated through outcomes-based regulation whereby retailers, in the absence of a completed form, are required to provide life support protections to customers if they have a “reasonable” belief that the customer needs life support equipment.

VCOSS strongly agrees with the decision not to require life support customers to update their medical confirmation every four years, and not to cap the times a customer can apply to register as a life support customer without upfront medical confirmation. Many cohorts who

are likely to require life support equipment already experience a high level of administrative burden complying with other checks and processes before getting the support they need. Requiring them to jump through additional hoops, especially if they have a long-term condition, would have been unfair. Especially if the reason for the additional checks was to assist businesses in maintaining the register itself, rather than to better support customers.

Finally, VCOSS understands that the medical confirmation form is intended to be completed by a GP only. We recommend that it should also be possible for registered nurses, pharmacists and allied health professionals to complete the form. Often, these healthcare workers have a closer understanding of the consumer's needs, especially if they make home visits, and can be more accessible than GPs. This is especially the case in rural and regional areas. These healthcare professionals often undertake similar confirmation processes, such as National Disability Insurance Scheme assessments, and possess appropriate clinical knowledge to complete the form.

Yearly check-ins

VCOSS supports the decision to require yearly check-ins with customers. This is an appropriate means to ensure that the accuracy of the list is up to date without putting the onus on customers.

However, we suggest yearly check-ins should only be for the purpose of checking that contact details are up to date, and that the retailer's understanding of the person's needs are still accurate. In other words, a process for fostering a better mutual understanding with the customer. The check-in process should not be an eligibility check, and the default assumption of the check-in should be that the customer will remain on the register, unless they ask to be taken off it.

Improving communication methods for contacting life support customers

VCOSS supports the ESC's decision to require retailers, exempt sellers and distributors to accept a customer's nominated secondary contact to receive communications about processes and outages, in addition to the life support customer. We also support the decision to allow both customers and secondary contacts to nominate a preferred communication method, including electronic channels. This is an appropriate measure to ensure better communication of outages, especially if they are unplanned.

As we stated in our initial submission, rules for requiring a secondary contact should be implemented with appropriate safeguards for unintended consequences. This includes for First Nations communities and customers experiencing vulnerability, such as those affected by family violence.