



Disabled Persons Assembly NZ

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To New Zealand Electricity Authority,

Please find attached DPA's submission on Consumer Care Guidelines 2023

For any further inquiries, please contact:

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Introducing Disabled Persons Assembly NZ

We work on systemic change for the equity of disabled people

Disabled Persons Assembly NZ (DPA) is a not-for-profit pan-impairment Disabled People's Organisation run by and for disabled people.

We recognise:

- Māori as Tangata Whenua and [Te Tiriti o Waitangi](#) as the founding document of Aotearoa New Zealand;
- disabled people as experts on their own lives;
- the [Social Model of Disability](#) as the guiding principle for interpreting disability and impairment;
- the [United Nations Convention on the Rights of Persons with Disabilities](#) as the basis for disabled people's relationship with the State;
- the [New Zealand Disability Strategy](#) as Government agencies' guide on disability issues; and
- the [Enabling Good Lives Principles](#), [Whāia Te Ao Mārama: Māori Disability Action Plan](#), and [Faiva Ora: National Pasifika Disability Disability Plan](#) as avenues to disabled people gaining greater choice and control over their lives and supports.

We drive systemic change through:

- **Leadership:** reflecting the collective voice of disabled people, locally, nationally and internationally.
- **Information and advice:** informing and advising on policies impacting on the lives of disabled people.
- **Advocacy:** supporting disabled people to have a voice, including a collective voice, in society.
- **Monitoring:** monitoring and giving feedback on existing laws, policies and practices about and relevant to disabled people.

UN Convention on the Rights of Persons with Disabilities

DPA was influential in creating the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD),¹ a foundational document for disabled people

which New Zealand has signed and ratified, confirming that disabled people must have the same human rights as everyone else. All state bodies in New Zealand, including local and regional government, have a responsibility to uphold the principles and articles of this convention. There are a number of UNCRPD articles particularly relevant to this submission, including:

- **Article 3 – General principles**
- **Article 8 – Awareness raising**
- **Article 10 – Right to life**
- **Article 11 – Situations of risk and humanitarian emergency**
- **Article 19 – Living independently and being included in the community**
- **Article 25 - Health**
- **Article 28 – Adequate standard of living and social protection**

New Zealand Disability Strategy 2016-2026

Since ratifying the UNCRPD, the New Zealand Government has established a Disability Strategy² to guide the work of government agencies on disability issues. The vision is that New Zealand be a non-disabling society, where disabled people have equal opportunity to achieve their goals and aspirations, and that all of New Zealand works together to make this happen. It identifies eight outcome areas contributing to achieving this vision. There are a number of Strategy outcomes particularly relevant to this submission, including:

- **Outcome 5 – Accessibility**

The Submission

DPA welcomes the opportunity to feedback on the Electricity Authority's proposed Consumer Care Guidelines 2023.

This submission addresses some of the key questions from the consultation document most relevant to the disabled community and make recommendations around improving the accessibility of power retailer services to our community.

Do you think that the Guidelines are currently delivering on their purpose and intended outcomes?

No, DPA considers that the guidelines are not delivering on their intended outcomes. For this reason, we support the updating of these guidelines to make their application mandatory across all retailers.

Do you agree that parts 2, 6, 7, and 8 are the parts of the Guidelines that prevent the greatest harm from occurring to consumers?

Yes, but DPA considers the other parts to also be very important, especially Part 9 (fees and bonds). We urge Electricity Authority to commit now to making the full set of Guidelines mandatory.

If this work must be done in two tranches, then Part 9 (fees and bonds) should be added to the list of priority areas.

What do you think the benefits to domestic consumers will be under options 2, 3, and 4?

Disabled consumers need the protection of all parts of the Guidelines. Only Option 4 provides this.

Do you agree with our preliminary preference for option 3?

No. DPA strongly prefers Option 4. Making the full set of Guidelines mandatory will give the most protection for disabled people. If Option 3 is chosen, then we strongly urge that Part 9 (fees and bonds) be added to the list of priority areas.

The reason for our preference for Option 4 is that disabled people face a significant amount of energy hardship and poverty. This is borne out by statistics and data as disabled people are more likely to live in cold, damp, mouldy homes which require a great deal more heating and cooling than places where non-disabled people live.¹

Studies and data from the UK² and New Zealand³ show that disabled people and people with health conditions need to consume more electricity to stay warm, cool down and charge or use disability-related equipment including power wheelchairs, hoist beds and breathing apparatus.

These additional energy-related costs are part of the additional costs of living with disability which are faced by many disabled people, with figures from 2018 showing that 54% of all beneficiaries receiving a benefit from Work and Income either had a disability or health condition.⁴ Work and Income New Zealand provides some financial support for disabled people who face additional energy costs in the form of the Winter Energy Payment, Disability Allowance and hardship grants.⁵

¹ Unknown author. (2017, March 15). Disabled people more likely to be in cold, damp rental accommodation – Statistics NZ survey. *New Zealand Herald*.
<https://www.nzherald.co.nz/nz/disabled-people-more-likely-to-be-in-cold-damp-rental-accommodation-statistics-nz-survey/6LP3RYABGLY2EATG7L5357SQLI/>

² Sumaria, P. (2022, September 21). Why are disabled people more vulnerable to rising energy costs and what can be done about it? Retrieved from <https://www.regen.co.uk/disability-and-energy/>

³ Statistics New Zealand. (2020, October 28). Measuring inequality for disabled New Zealanders: 2018. Retrieved from <https://www.stats.govt.nz/reports/measuring-inequality-for-disabled-new-zealanders-2018>

⁴ Kia Piki Ake Welfare Expert Advisory Group. (2019). Welfare system: statistics. Retrieved from <https://www.weag.govt.nz/background/welfare-system-statistics/#:~:text=Recipients%20with%20a%20health%20condition,Working%20For%20Families%20tax%20credits>

⁵ Work and Income Te Hiringa Tangata. (n.d.) Power, gas and heating if you have a disability. Retrieved from <https://www.workandincome.govt.nz/eligibility/health-and-disability/power-and-heating-if-you-have-a-disability.html>

Despite some financial support being available to disabled customers experiencing financial hardship from government, it is the actions of power retailers which cause the most stress to disabled people and their families/whānau struggling to meet their disability-related energy needs.

Frequent power price increases and the need for disabled people to meet their high electricity needs sees many disabled people having to make the choice between heating, eating or doctor's visits.

These challenges culminate in some disabled people and people with health conditions facing the need to pay mounting bill debts or suffering disconnection – which for some people can represent the difference between life and death.

As the discussion paper highlights from the Second Quarter 2022 figures, 14,863 medically dependent customers registered their needs with retailers, with 544 people within this group still having outstanding debts greater than 60 days old. While the number of medically dependent customers with outstanding debts represents 3.66% of the total, this is still significant and growing levels of debt plus the threat of disconnection would likely have been hanging over this group the whole time.

All these medically dependent customers would have been living with a disability or health condition such that their life, health and wellbeing depends on a stable, working power supply.

Secondly, these figures also illustrate the ongoing struggle that disabled people face in affording electricity on the same basis as other New Zealanders, which is compounded by the fact that disabled people face other high non-power related disability costs including additional transport costs.

The Electricity Authority's finding that the current Consumer Care Guidelines are only being voluntarily adhered to by retailers illuminates the challenges that consumers are reporting in being treated with respect, dignity and compassion whenever they challenge a high bill or disconnection notice.

DPA urges that the Electricity Authority, as part of the updated Consumer Care Guidelines requires that power retailers ask customers about whether they have any

health condition or disability at time of sign up. This health and disability condition data should be provided within annual reports and other regulatory documents required filed by retailers with the Authority.

Requiring power companies to ask for people to confidentially disclose any health condition or disability information if they wish to have medical dependency recognised will assist retailers to identify customers who need priority in terms of having their power restored due to a fault or planned outage.

Recommendation 1: that the Authority require all power retailers to ask customers about whether they have any health condition or disability at time of sign up.

Recommendation 2: that health condition and disability data for customers is reported within all regulatory documents (i.e., annual reports) required to be filed by retailers.

Medical dependency criteria must be made more flexible too as currently having a life-threatening health condition which necessitates the operation of essential health equipment including dialysis machines, breathing apparatus and fridge/freezers for the storage of insulin are commonly recognised as the only reasons for granting dependency status.

A DPA member queried a power retailer over whether he could be recognised as medically dependent on the basis that he used a power chair which required nightly charging. He asked the retailer concerned about whether he could do so and recalled the response:

I asked the customer service representative at my power company contact centre as to whether the need to charge a wheelchair at night would be seen as necessary for the preservation of life. I told him that if I need to go out anywhere, including for shopping and other essential activities, then I must have my power chair to do that, to live my life, and to independently mobilise both in and outside my home.

The customer service representative went through the list of criteria for being granted medically dependent status and it only covered things like needing to

operate dialysis machines or breathing apparatus like CPAP machines. I said to the representative that I didn't have any of those devices and was declined.

DPA recommends that the criterion for medical dependency is reviewed in partnership with disabled people and disability organisations with a view to making it more flexible. This could be done through extending it to disabled people and people with health conditions who need to charge essential mobility and health-related equipment including power wheelchairs and electronic beds.

Recommendation 3: that the criterion for medical dependency is reviewed in partnership with disabled people and disability organisations with a view to making it more flexible.

The proposals to make disconnection a very last resort; giving retailers greater flexibility to recognise customers as medically vulnerable without the need for a medical certificate; and early recording of medical dependency (as we have recommended at the time when new customer registration occurs), will all assist in maintaining security of supply to at risk customers, including disabled people.

DPA also welcomes the policy's points around ensuring that all medically dependent customers are not disconnected and the need for power retailers to consider other information apart from just a customer's credit history when signing up. All this will mean that disabled people and other households who regularly experience energy poverty will be able to participate within the marketplace and switch providers as and when they choose.

Enabling customers to engage more easily with power companies over financial issues is another positive aspect. Encouraging people who may get into arrears to contact companies at an early stage to make payment arrangements and retailers having a mutual responsibility to ensure continuation of supply and take other proactive steps to support financially pressed customers are all good steps.

These proposals, aimed at reinforcing the principle of harm reduction when considering restricting or terminating electricity supply are very important, including for disabled people.

DPA would like to see all power retailers being proactive in maintaining contact with consumers, especially those who identify as being disabled people or living with health conditions. Maintaining regular two-way contact with high-risk customers would be the best way to identify any issues early in terms of seeing if people were on the right plans or needed to be moved to more affordable ones and checking if people needed support to make their homes energy efficient and help them apply for assistance to do so if needed.

DPA recommends that the Consumer Care Guidelines have additional points included to require all electricity-related information and support to disabled people to be provided in accessible formats.

This means that information provided by power retailers such as pamphlets, posters, letters and online information on websites/apps is available in accessible formats including Braille, Large Print, New Zealand Sign Language (NZSL), Easy Read (for people with learning disabilities and English as a second language), as well as video and audio formats.

Recommendation 4: that information provided by power retailers is made available in accessible formats.

Recommendation 5: that all power retail staff undergo disability and D/deaf responsiveness training.

Are there any other options you think we should consider?

DPA recommends proceeding with Option 4 and an immediate commitment to mandating the full set of Guidelines. If the work must be done in two stages, we ask that Part 9 (fees and bonds) be included in the first stage. But it is important that the Authority commit now to mandating the full set of Guidelines so that this cannot be delayed in future.

We believe that there are other consumer issues that require urgent action including around addressing issues like disconnection fees, prepay prices and lack of public data on disconnections.

As noted earlier, disabled people live on lower incomes and face high disability-related costs and additional charges for an essential service like electricity can be prohibitive for many in the disabled community.

DPA is concerned by the lack of disconnection data from providers as this would give a fuller picture of whether people are able to afford electricity or not in what is deemed to be a competitive market. We would be especially interested in data around disconnections affecting people in the medically dependent category and those on low to middle incomes.

Given the cost-of-living crisis that began in early 2022, there may have been more disconnections or disconnection warning notices served on customers than in previous years. Releasing this crucial data would mean that an analysis could then be performed enabling the Electricity Authority and other stakeholders, including central government, to determine what further changes are needed to protect consumers from price volatility and steep price rises.

Recommendation 5: that the Authority investigate and consult on the following issues as soon as possible:

- Disconnection fees
- Prepay prices
- The lack of public data on disconnections, including prepay disconnections.

