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Department of Human Services

South Australian Medical Heating and Cooling Concession Scheme

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CONTACT PERSON (for enquiries or amendments)

Position	Manager, Policy
Directorate	Concessions and Support Services
Telephone Number	08 8226 6901

TABLE OF CONTENTS

1. DEFINITIONS AND INTERPRETATION	4
2. DESCRIPTION OF SCHEME	7
3. SCHEME DETAIL	8
3.1 General	8
3.2 Application requirements	9
3.3 Children with medical conditions	9
3.4 Energy costs	9
3.5 Accommodation	10
4. PERSONAL INFORMATION AND CONSENT	10
4.1 Personal Information	10
4.2 Consent	10
5. REVIEW PROCESS	11
6. SCHEME HISTORY	11
Notes	11
Historical Versions	11
Schedule 1	12
Medical and Income Eligibility Criteria	12
Schedule 2	15
Medical Heating and Cooling Concession Amount	15

1. DEFINITIONS AND INTERPRETATION

In this *Scheme*:-

- 1.1 **alternative energy source** means - energy that is not received from an *off-grid retailer* or an *on-grid retailer*, which may include, but is not limited to:
- (a) petrol for the use of generators to back-up off-grid solar photovoltaic energy panels;
 - (b) liquid petroleum gas bottles.
- 1.2 **backdated concession** means—an amount determined by the *Department* as the amount of a concession to which an *eligible customer* is entitled but did not receive a *MHCC* at any time during the period, being for a period not earlier than the *eligibility commencement date* and no later than the start date of the first *billing period* after the date in which the determination for eligibility is made;
- 1.3 **concession** means—a *MHCC*;
- 1.4 **customer** means—a natural person who applies for, or receives, a *MHCC* under the *MHCC Scheme*, which may be the person with the *qualifying medical condition* or the parent/guardian of a *dependant* with the condition.
- 1.5 **Department** means—the South Australian Government department responsible for the administration of the *MHCC Scheme*;
- 1.6 **dependant** means—
- (a) a child under 16 years of age;
 - (b) a child 16-18 years of age in receipt of Youth Allowance or Special Benefit from Centrelink; or
 - (c) full time students between 16-24 years of age who attend school, college or university;
- 1.7 **eligibility commencement date** means—the date determined as the effective start date for the calculation of a concession for an *eligible customer*, as described in paragraph 3.1.3;
- 1.8 **eligible customer** means—a *customer* who meets the criteria and status for the purposes of eligibility for a *MHCC* determined by the *Minister* as described in *Schedule 1*;
- 1.9 **explicit informed consent** means—the *customer* clearly and explicitly gives their consent to the *department* for the use of their personal information for the purposes of the *MHCC Scheme*. When dealing with a *customer* who has a limited or diminished capacity to understand an *explicit informed consent* agreement, consent can be obtained from a legally authorised person able to provide consent on behalf of the *customer* (e.g. a parent or legal guardian);
- 1.10 **financial quarter** means—each of the following periods each financial year:
- 1 January to 31 March;
 - 1 April to 30 June;
 - 1 July to 30 September;
 - 1 October to 31 December.
- 1.11 **inset network** means - a transmission or distribution network that serves a group of premises in the same ownership, community, or strata title premises, including but not limited to:

- (a) retirement villages; or
 - (b) marinas; or
 - (c) other private networks.
- 1.12 **MHCC** means—the discount in the cost of energy provided to an *eligible customer* in an amount determined by the *Minister* from time to time and set out in *Schedule 2*, payable directly to the *eligible customer* via EFT, where the *eligible customer's* energy is provided by an:
- a. *on grid electricity* or *off grid electricity* source under an electricity bill; or
 - b. *alternative energy source*, on a pay as use basis and charged directly to the *customer* via a tax invoice; or
 - c. *inset network*, where the *customer* is charged directly by the *inset network operator* issuing a tax invoice.
- 1.13 **MHCC Scheme** means—the South Australian Medical Heating and Cooling Concession Scheme.
- 1.14 **Medical Criteria Guide** means – the guide developed by a board of *Medical Practitioners* which specifies eligible and ineligible conditions under the Medical Heating and Cooling Concession Scheme and was approved by the *Minister* in 2012.
- 1.15 **Medical Practitioner** means: — medical specialist OR general practitioner who has:
- a. treated the *customer* for at least three months, and;
 - b. seen a document from the medical specialist who diagnosed or treated the *customer* for the primary condition.
- The medical specialist or general practitioner must have a Medicare Provider Number and be registered on with the Australian Health Regulation Agency or an approved registration body;
- 1.16 **Minister** means—the Minister for Human Services, a body corporate established under the *Administrative Arrangements Act 1994 (SA)*;
- 1.17 **natural person** means – an individual human being, as opposed to private or public entities which are recognised as legal persons under the law.
- 1.18 **on grid electricity** means—the electricity stored on a large scale within an electrical power grid;
off grid electricity means—the electricity provided to homes that does not rely on an electrical power grid;
- 1.19 **other qualifying condition** means—a condition that is not listed as a *qualifying medical condition* but is considered to meet the definition of *qualifying medical condition* based on the *medical practitioner* attesting to the severe impact of temperature change on the condition.
- 1.20 **principal place of residence** means – the property that is occupied by the *customer*, and
- (a) is occupied for the majority of the *customer's* time; and
 - (b) excludes properties used for holiday or investment purposes; and
 - (c) the address that *Centrelink* has recorded for the customer.

- 1.21 **qualifying medical condition** means—a primary medical condition, certified by a *Medical Practitioner*, with an evidence based associated deterioration of the condition in temperature extremes in conjunction with the secondary criteria that there has been *symptomatic deterioration* of the medical condition experienced with temperature change;
- 1.22 **eligible supply address** means— the *principal place of residence* for which a *customer* purchases or obtains gas or electricity from an *energy retailer* or *inset network* operator, which for the purposes of determining an *eligibility commencement date* may be an address for a residence occupied by the *customer* prior to the *customer* applying for a *concession*.
- 1.23 **symptomatic deterioration** means—the global deterioration of health status.
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2. DESCRIPTION OF SCHEME

- 2.1 The South Australian Medical Heating and Cooling Concession Scheme was established and approved by the South Australian Government to provide assistance to low or fixed income South Australians with increased energy costs incurred by frequent operation of an air-conditioning unit (including heaters) for medical heating and cooling purposes to ensure their medical condition is not severely exacerbated by temperature changes. The *MHCC* is provided to individuals with a *qualifying medical condition* and is not limited to one *concession* per household.
- 2.2 The *MHCC* is in addition to the South Australian Energy Concession.
- 2.3 The *MHCC* will be paid quarterly with the annual financial component of the *concession* being the same as the South Australian Energy Concession.
- 2.4 Energy concessions provided by the South Australian Government operate under the South Australian Government Customer Concession Scheme for Energy issued pursuant to Section 21(1)(h) of the *Electricity Act 1996* and are administered by the Minister for Human Services (pursuant to a delegation by the Minister for Energy and Mining – July 2004).
- 2.5 The *MHCC* payments will only be paid directly to *eligible customers*. *Concessions* will not be paid to persons acting on behalf of deceased *customers* or to deceased estates in circumstances where an otherwise *eligible customer* has since deceased prior to the *concession* being paid.
- 2.6 The *MHCC Scheme* comprises the provision of the *MHCC* and, where applicable, *backdated concession* to *eligible customers*.
- 2.7 The *MHCC Scheme* commenced on 1 July 2011 and became operational on 1 January 2012.
- 2.8 The *MHCC Scheme* prescribes the manner in which the *MHCC* is provided and comprises:
 - 2.8.1 *customers'* eligibility criteria for entitlement; and
 - 2.8.2 *customers'* requirements in submitting an application for the *MHCC*; and
 - 2.8.3 the *Department's* responsibilities in:
 - 2.8.3.1 receiving and managing applications for the *MHCC* to:
 - 2.8.3.1.1 maintain effective records management;
 - 2.8.3.1.2 ensure confidentiality to *customers' personal information*; and
 - 2.8.3.1.3 manage *explicit informed consent* provided by the *customer*.
 - 2.8.3.2 assessing the eligibility of *customers* for the *MHCC*;
 - 2.8.3.3 reviewing *customers'* ongoing eligibility for the *MHCC*;
 - 2.8.3.4 issuing the *MHCC* to *eligible customers* by direct payment to the *customers*.

3. SCHEME DETAIL

3.1 General

- 3.1.1 Issuing of a *MHCC* is subject to approval by the *Department* of a:
- 3.1.1.1 fully completed application submitted by the *customer* to the *Department* in the manner described in Section 4; and
 - 3.1.1.2 *customer's* eligibility for a *MHCC* based on the criteria described in *Schedule 1*.
- 3.1.2 The *MHCC* is issued to *eligible customers* as described in paragraph 3.1.4 from the *eligibility commencement date*, which is determined as described in paragraph 3.1.3 until:
- 3.1.2.1 changes to the *customer's* circumstances deem the *customer* no longer meets the eligibility criteria as described in *Schedule 1*; or
 - 3.1.2.2 at the discretion of the *Minister*, changes to the eligibility criteria described in *Schedule 1* deem the customer no longer meets the eligibility criteria for a *MHCC*.
- 3.1.3 The *eligibility commencement date* for *eligible customers* is determined as whichever of the following dates is the most recent:
- 3.1.3.1 the date certified by the authorising *medical practitioner* that the *customer's* medical condition met the criteria described in *Schedule 1*; or
 - 3.1.3.2 1 January of the previous calendar year of the date on which the *Department* received the application for a *MHCC*; or
 - 3.1.3.3 the date of grant identified by Centrelink for the *eligible customer* in holding a prescribed card or receiving a prescribed payment from the Commonwealth Government as described in *Schedule 1*; or
 - 3.1.3.4 the date on which the *eligible customer* commenced residing at their *supply address*.
- 3.1.4 A *MHCC* is issued to an *eligible customer* from their *eligibility commencement date* for a *MHCC* and for each *financial quarter* and for the amount calculated in respect of the *financial quarter(s)* for which an *eligible customer* is eligible.
- 3.1.5 The amount of the *MHCC* is calculated by multiplying the number of days in the *financial quarter* by the daily *MHCC amount* described in Schedule 2 determined in respect of the *eligible customer* where the:
- 3.1.5.1 *MHCC* is issued once to an *eligible customer* per financial quarter; and
 - 3.1.5.2 amount of the *MHCC* does not exceed pro rata the annual *MHCC* amount per annum described in Schedule 2.
- 3.1.6 If the *eligibility commencement date* for a *MHCC* is before the first day of a *financial quarter*, the *MHCC* amount for the period before the first day of the *financial quarter* will be paid as a proportion of the rate paid for that *financial quarter*, depending on the number of days.

3.2 Application requirements

- 3.2.1 A *customer* who seeks a *MHCC* as a new *eligible customer* must:
 - 3.2.1.1 make application directly to the *Department*; and
 - 3.2.1.2 provide to the *Department* the information required by the *Department*.
- 3.2.2 A *customer* who seeks a *backdated concession* as a new *eligible customer* must:
 - 3.2.2.1 make application directly to the *Department*; and
 - 3.2.2.2 provide to the *Department* the information required by the *Department*.

3.3 Children with medical conditions

- 3.3.1 Where the person with a *qualifying medical condition* described in *Schedule 1* is a *dependant*, the income eligibility for a *MHCC* will be based on the parent or legal guardian holding an eligible prescribed card or prescribed payment described in *Schedule 1*.
- 3.3.2 Where a *dependant* with a *qualifying medical condition* described in *Schedule 1* is in a foster care arrangement, the carer's income will be exempt from the eligibility criteria described in *Schedule 1* in assessing the eligibility for a *MHCC* for that *dependant*. Verification of the foster care arrangements will form part of the assessment process.
- 3.3.3 Where shared care arrangements are in place for a *dependant* with a *qualifying medical condition* described in *Schedule 1*, each parent/guardian party to the shared care arrangements for that *dependant* may qualify for a *MHCC* proportionate to the time the parent/guardian party cares for the *dependant*.

3.4 Energy costs

- 3.4.1 The *customer*, or immediate family (husband, wife, de facto partner, domestic partner, parent/guardian), must be financially responsible for the full or part payment of the household energy costs associated with running an air conditioner or heater.
- 3.4.2 *Customers* need not be the energy account holder for the premises but they will need to:
 - 3.4.2.1 financially contribute to the energy account in line with their consumption;
 - 3.4.2.2 reside in eligible accommodation as described in section 3.5.
- 3.4.3 In cases where the *customer* does not receive a bill for their energy use from a retailer or operator of a complex, they must indicate how they pay for their energy costs.
- 3.4.4 Eligible energy types include energy provided by an:
 - a. *on grid electricity* or *off grid electricity* source under an electricity bill; or
 - b. *alternative energy source*, on a pay as use basis and charged directly to the *customer* via a tax invoice; or
 - c. *inset network*, where the *customer* is charged directly by the *inset network operator* issuing a tax invoice.

3.5 Accommodation

- 3.5.1 Accommodation deemed as eligible accommodation for the purposes of the *MHCC Scheme* include:
- 3.5.1.1 shared housing arrangements;
 - 3.5.1.2 residential parks;
 - 3.5.1.3 retirement villages; or
 - 3.5.1.4 long term caravan parks where separate accounts are issued for energy consumption by the operator of the complex.
- 3.5.2 Australian Government funded housing such as nursing homes and hostels or other similar accommodation where energy accounts are not issued separately are not eligible.

4. PERSONAL INFORMATION AND CONSENT

4.1 Personal Information

- 4.1.1 In order to receive a *MHCC*, a *customer* must provide the *Department* access to personal and related information, necessary to assess their eligibility for a *MHCC*, including the release of medical information pertinent to the application, at the time of submitting an application for a *MHCC*.
- 4.1.2 In obtaining any personal information or in dealing with personal information from *customers* for the purposes of this Scheme, compliance with the *Privacy Act 1988 (Cwlth)* must be adhered to; and
- 4.1.3 In dealing with any personal information under this Scheme the *Department* will comply with the South Australian Government '*Information Privacy Principles Instruction*'.

4.2 Consent

- 4.2.1 In obtaining personal information from a *customer* for the purposes of the *MHCC Scheme* the *Department* must obtain *explicit informed consent* from the *customer* in order to use the personal information on behalf of the *customer* to:
- 4.2.1.1 Match details on the *customer* electronically or directly with Centrelink or the Department for Veterans' Affairs.
 - 4.2.1.2 Exchange information on the *customer* electronically or directly with other relevant services.
- 4.2.2 *Explicit informed consent* may be provided in writing signed by the *customer* or via electronic communication by the *customer*.
- 4.2.3 A *customer* has the right to give, refuse or revoke consent.

- 4.2.4 The *Department* must retain records of any *explicit informed consent* obtained under the *MHCC Scheme* and, where applicable, the subsequent revoking by the *customer* of the *explicit informed consent* for a period of at least seven (7) years following the ceasing of the relationship between the *customer* and the *Department* for the purposes of the *MHCC Scheme*.
- 4.2.5 The *Department* must retain records of any *explicit informed consent* obtained under the *MHCC Scheme* for the period described in paragraph 4.2.4 in a format that would permit an entity permitted by law to access the records to understand readily the details of *explicit informed consent* in respect of particular *customers*.

5. REVIEW PROCESS

- 5.1 Where an application has been declined the *customer* may request a review of the decision.
- 5.2 Exceptions to the requirements noted in this *Scheme* may be made in cases where extenuating circumstances exist.
- 5.3 Applications will be reviewed if the *Department* identifies a change in circumstances resulting in the loss of eligibility.
- 5.4 Applications will be reviewed as directed by the *Minister*.

6. SCHEME HISTORY

Notes

- References in the *MHCC Scheme* to legislation or instruments or to titles of bodies or offices are not automatically updated and therefore may be obsolete.
- Earlier versions of the *MHCC Scheme* (historical versions) are listed at the end of the *MHCC Scheme* history.

Historical Versions

The varied Medical Heating and Cooling Concession Scheme – 1 June 2021

The varied Medical Heating and Cooling Concession Scheme- 1 July 2017

The varied Medical Heating and Cooling Concession Scheme - 1 July 2014

The Medical Heating and Cooling Concession Scheme commenced 1 January 2012

Schedule 1

Medical and Income Eligibility Criteria

To be entitled to a *MHCC* a *customer* must:

1. meet all of the following criteria:
 - 1.1 be a South Australian resident; and
 - 1.2 be applying for their *principal place of residence*
 - 1.3 be listed as an account holder or be financially responsible for the payment or part payment of the energy bill at the *supply address*; and
 - 1.4 have, or be the parent or legal guardian of a *dependant* with, a *qualifying medical condition*, as follows;
 - 1.4.1 the primary medical condition and associated secondary criteria must require the use of an air conditioner or heating for medical purposes to ensure the impact of hot or cold weather does not severely exacerbate the condition.
 - 1.4.2 Qualifying conditions include; Multiple Sclerosis, Parkinson's Disease, Lymphoedema (>Grade 1), Fibromyalgia, Tetraplegia, Post-Polio Syndrome / Poliomyelitis, Motor Neurone Disease, Systemic Lupus Erythematosus (SLE), Muscular Dystrophy, Mitochondrial Disease or specify 'Other qualifying condition', which may include spinal cord injury, some neurodegenerative disorders, and severe inflammatory skin conditions.
 - 1.4.2.1 Other qualifying conditions are specified in the Medical Criteria Guide.
 - 1.4.2.2 Where a condition is not specified in the Medical Criteria Guide, further supporting information will be obtained to assess whether the condition satisfies paragraph 1.4.1.
 - 1.4.3 In addition to the primary condition the patient must also meet one of the secondary criteria from the following list, as certified by a *Medical Practitioner*: either:
 - 1.4.3.1 in this patient this condition is known to be associated with symptomatic deterioration in hot or cold weather;
 - OR
 - 1.4.3.2 the primary condition, in conjunction with the following secondary condition, results in a symptomatic deterioration of this patient's medical condition in hot or cold weather:
 - 1.4.3.2.1 Loss of proper autonomic regulation of sweating, heart rate or blood pressure (associated with hot or cold weather).
 - 1.4.3.2.2 Loss of skin integrity or sweating capacity (including significant burns [or pressure skin garment] to greater than 20% surface area, severe inflammatory skin conditions and some rare forms of disordered sweating).

- 1.4.3.2.3 Hypersensitivity to extremes of environmental temperature leading to an unacceptable increase in pain/discomfort or an increased risk of complications.
- 1.4.3.2.4 Verified (or known) loss of physiological function or significant aggravation of clinical condition at extremes of environmental temperature.
- 1.4.3.2.5 Clinically verified thermoregulatory dysfunction (the nature of this must be recorded in the patient's case record).
- 1.4.3.2.6 Provide certification from a medical specialist or general practitioner that the medical condition is severely exacerbated by hot or cold weather.

AND:

2. hold a prescribed card or be in receipt of a prescribed payment where:

2.1 a **prescribed card** means-

- 2.1.1 a Pensioner Concession Card issued by the Commonwealth Government; or
- 2.1.2 Veteran Gold Card (TPI) issued by the Commonwealth Government; or
- 2.1.3 Veteran Gold Card issued by the Commonwealth Government to a person with 80 or more overall impairment points under the *Military Rehabilitation and Compensation Act 2004* (Cth); or
- 2.1.4 Veteran Gold Card (War Widows) issued by the Commonwealth Government; or
- 2.1.5 Veteran Gold Card (EDA) issued by the Commonwealth Government; or
- 2.1.6 Commonwealth Seniors Health Card issued by the Commonwealth Government; or
- 2.1.8 Low Income Health Care Card issued by the Commonwealth Government; or

2.2 a **prescribed payment** means-

- 2.2.1 any of the following payments under the *Social Security Act 1991 (Cwlth)*:
 - 2.2.1.1 Austudy;
 - 2.2.1.2 JobSeeker Payment;
 - 2.2.1.3 Parenting Payment;
 - 2.2.1.4 Partner Allowance;
 - 2.2.1.5 Special Benefit;
 - 2.2.1.6 Widow Allowance;
 - 2.2.1.7 Youth Allowance; or
- 2.2.2 an ABSTUDY payment from the Commonwealth Government; or
- 2.2.3 payments under the Community Development Employment Project established by the Commonwealth Government; or

2.2.4 payments under the New Enterprise Incentive Scheme established by the Commonwealth Government; or

2.2.5 a pension as a war widow under legislation of the United Kingdom or New Zealand; or

2.2.6 Farm Household Allowance, under the *Farm Household Support Act 2014* of the Commonwealth.

Schedule 2

Medical Heating and Cooling Concession Amount

1. For the period commencing 1 July 2020 – the daily MHCC concession amount is \$0.634, to a maximum of \$231.41 (indexed) per annum.
 2. Where a monetary amount is to be indexed by the Consumer Price Index (CPI) annually on 1 July, it will be rounded up to the nearest cent.
 3. The MHCC amount may be updated by the *Minister* from time to time. The *Department* will communicate any updates to *eligible customers*.
 4. Current indexed amounts are accessible at www.sa.gov.au/concessions
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