

Part 7 Life support equipment

123 Application of this Part

This Part applies in relation to a customer who is a party to a contract with a retailer for the sale of energy, and prevails to the extent of any inconsistency with Part 6 except in the case of an emergency warranting de-energisation of the premises of a customer referred to in rule 119.

123A Definitions

In this Part:

confirmation reminder notice – see subrule 124A(1)(b);

deregistration or **deregister** means the updating of a retailer's or distributor's registration of a customer's premises under subrules 124(1)(a), 124(3), 124(4)(a) or 124(5) to remove, for that particular premises, the requirement for *life support equipment*;

deregistration notice means a written notice issued by a retailer or distributor to inform a customer that their premises will cease to be registered as requiring *life support equipment* if the customer does not provide medical confirmation by the date specified in that deregistration notice;

Market Settlement and Transfer Solution Procedures has the same meaning as in the NER.

medical confirmation means signed and dated certification from a registered medical practitioner that a person requires *life support equipment* (including details of the type of equipment required), which may take the form of a medical certificate or section(s) completed by a registered medical practitioner within a medical confirmation form;

medical confirmation form means a written form issued by a retailer or distributor:

- (a) when a retailer or distributor receives advice from a customer that a person residing or intending to reside at the customer's premises requires *life support equipment*; and
- (b) to facilitate the provision of medical confirmation by the customer to the retailer or distributor.

124 Registration of life support equipment

(1) Retailer obligations when advised by customer

When advised by a customer that a person residing or intending to reside at the customer's premises requires *life support equipment*, a retailer must:

- (a) register that a person residing or intending to reside at the customer's premises requires *life support equipment* and the date from which the *life support equipment* is required;
- (b) subject to subrule (2), no later than 5 business days after receipt of advice from the customer, provide in writing to the customer:

- (i) a medical confirmation form;
 - (ii) information explaining that, if the customer fails to provide medical confirmation, the customer's premises may be deregistered and, if so, the customer will cease to receive the protections under this Part;
 - (iii) advice that there may be *retailer planned interruptions* under rule 59C to the supply at the address and that the retailer is required to notify them of these *interruptions* in accordance with rule 124B;
 - (iv) advice that there may be *distributor planned interruptions* or *unplanned interruptions* to the supply at the address and that the distributor is required to notify them of a *distributor planned interruption* in accordance with rule 124B;
 - (v) information to assist the customer to prepare a plan of action in the case of an *unplanned interruption*;
 - (vi) an emergency telephone contact number for the distributor and the retailer (the charge for which is no more than the cost of a local call);
 - (vii) advice that if the customer decides to change retailer at the premises and a person residing at the customer's premises continues to require *life support equipment*, the customer should advise their new retailer of the requirement for *life support equipment*;
 - (viii) a request for medical confirmation that:
 - (A) has been signed and dated no more than 4 years before the date of receipt of the advice from the customer; and
 - (B) is legible; and
 - (ix) information explaining that, for the purpose of providing medical confirmation, the customer may submit to the retailer a copy of any medical confirmation that was submitted to their previous retailer or distributor, provided it complies with paragraph (b)(viii); and
 - (c) subject to subrule (2), notify the distributor that a person residing or intending to reside at the customer's premises requires *life support equipment* and the date from which the *life support equipment* is required.
- (2) Subrules (1)(b) (other than subrules (1)(b)(iii) and (1)(b)(vi)) and (1)(c) do not apply to a retailer if:
- (a) a customer of that retailer has previously advised the distributor for the premises that a person residing or intending to reside at the customer's premises requires *life support equipment*;
 - (b) the customer advises that retailer that they have already provided medical confirmation to the distributor for the premises; and
 - (c) the retailer confirms with the distributor for the premises that the customer has already provided medical confirmation to the distributor.

(3) Retailer obligations when advised by distributor

When notified by a distributor:

- (a) under subrule (4)(c), a retailer must register that a person residing or intending to reside at the customer's premises requires *life support equipment* and the date from which the *life support equipment* is required; and
- (b) under subrule 124B(2)(b), a retailer must:
 - (i) register that a person residing or intending to reside at the customer's premises requires *life support equipment* and the date from which the *life support equipment* is required; and
 - (ii) no later than 5 business days after receipt of advice from the distributor, provide the customer with the information required by subrules (1)(b)(iii) and (1)(b)(vi), if not already provided by the retailer to the customer in respect of the customer's premises.

(4) Distributor obligations when advised by customer

When advised by a customer that a person residing or intending to reside at the customer's premises requires *life support equipment*, a distributor must:

- (a) register that a person residing or intending to reside at the customer's premises requires *life support equipment* and the date from which the *life support equipment* is required;
- (b) no later than 5 business days after receipt of advice from the customer, provide in writing to the customer:
 - (i) a medical confirmation form;
 - (ii) information explaining that, if the customer fails to provide medical confirmation, the customer's premises may be deregistered and, if so, the customer will cease to receive the protections under this Part;
 - (iii) advice that there may be *retailer planned interruptions* under rule 59C to the supply at the address and that the retailer is required to notify them of these *interruptions* in accordance with rule 124B;
 - (iv) advice that there may be *distributor planned interruptions* or *unplanned interruptions* to the supply at the address and that the distributor is required to notify them of a *distributor planned interruption* in accordance with rule 124B;
 - (v) information to assist the customer to prepare a plan of action in the case of an *unplanned interruption*;
 - (vi) an emergency telephone contact number for the distributor and the retailer (the charge for which is no more than the cost of a local call);
 - (vii) advice that if the customer decides to change retailer at the premises and a person residing at the customer's premises continues to require *life support equipment*, the customer should advise their new retailer of the requirement for *life support equipment*;
 - (viii) a request for medical confirmation that:
 - (A) has been signed and dated no more than 4 years before the date of receipt of the advice from the customer; and

- (B) is legible; and
- (ix) information explaining that, for the purpose of providing medical confirmation, the customer may submit to the distributor a copy of any medical confirmation that was submitted to their previous retailer or distributor, provided it complies with paragraph (b)(viii); and
- (c) notify the retailer that a person residing or intending to reside at the customer's premises requires *life support equipment* and the date from which the *life support equipment* is required.

(5) Distributor obligations when advised by retailer

When notified by a retailer under subrule (1)(c), a distributor must register that a person residing or intending to reside at the customer's premises requires *life support equipment* and the date from which the *life support equipment* is required.

(6) Content of medical confirmation form

- (a) A medical confirmation form must:
 - (i) be dated;
 - (ii) state that completion and return of the form to the retailer or distributor (as the case may be) will satisfy the requirement to provide medical confirmation under the Rules;
 - (iii) request the following information from the customer:
 - (A) property address;
 - (B) the date from which the customer requires supply of energy at the premises for the purposes of the *life support equipment*; and
 - (C) medical confirmation;
 - (iv) specify the types of equipment that fall within the definition of *life support equipment*;
 - (v) advise the date by which the customer must return the medical confirmation form to the retailer or distributor (as the case may be); and
 - (vi) advise the customer they can request an extension of time to complete and return the medical confirmation form.

(7) Application of this rule to standard retail contracts

This rule applies in relation to standard retail contracts.

(8) Application of this rule to market retail contracts

This rule applies in relation to market retail contracts.

Note

This rule is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

124A Confirmation of premises as requiring life support equipment

- (1) Where a medical confirmation form is provided under subrules 124(1)(b)(i) or 124(4)(b)(i), the retailer or distributor (as the case may be) must:
 - (a) from the date of the medical confirmation form, give the customer a minimum of 50 business days to provide medical confirmation;
 - (b) provide the customer at least two written notices to remind the customer that the customer must provide medical confirmation (each a **confirmation reminder notice**);
 - (c) ensure the first confirmation reminder notice is provided no less than 15 business days from the date of issue of the medical confirmation form;
 - (d) ensure the second confirmation reminder notice is provided no less than 15 business days from the date of issue of the first confirmation reminder notice; and
 - (e) on request from a customer, give the customer at least one extension of time to provide medical confirmation. The extension must be a minimum of 25 business days.
- (2) A confirmation reminder notice must:
 - (a) be dated;
 - (b) state the date by which the medical confirmation is required;
 - (c) specify the types of equipment that fall within the definition of *life support equipment*; and
 - (d) advise the customer that:
 - (i) the customer must provide medical confirmation;
 - (ii) the premises is temporarily registered as requiring *life support equipment* until the medical confirmation is received;
 - (iii) failure to provide medical confirmation may result in the premises being deregistered; and
 - (iv) the customer can request an extension of time to provide medical confirmation.
- (3) **Application of this rule to standard retail contracts**

This rule applies in relation to standard retail contracts.
- (4) **Application of this rule to market retail contracts**

This rule applies in relation to market retail contracts.

Note

This rule is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

124B Ongoing retailer and distributor obligations

- (1) **Retailer obligations**

Where a retailer is required to register a customer's premises under subrule 124(1)(a) or 124(3), the retailer has the following ongoing obligations:

- (a) give the distributor relevant information about the *life support equipment* requirements for the customer's premises and any relevant contact details for the purposes of updating the distributor's registration under subrule 124(4)(a) or 124(5), unless the relevant information was provided to the retailer by the distributor;
- (b) when advised by a customer or distributor of any updates to the *life support equipment* requirements for the customer's premises or any relevant contact details, update the retailer's registration;
- (c) except in the case of a *retailer planned interruption* under rule 59C, not arrange for the de-energisation of the premises from the date the *life support equipment* will be required at the premises; and
- (d) in the case of a *retailer planned interruption* under rule 59C, other than in the circumstances described in paragraph (e), from the date the *life support equipment* will be required at the premises, give the customer at least 4 business days written notice of the *retailer planned interruption* to supply at the premises (the 4 business days to be counted from, but not including the date of receipt of the notice); and
- (e) in the case of a *retailer planned interruption* where the customer has provided consent to the retailer under subrule 59C(1)(c), give written notice to the customer of the expected time and duration of the *retailer planned interruption*, and specify a 24 hour telephone number for enquiries (the charge for which is no more than the cost of a local call).

Note

This subrule is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

(1A) Subject to subrule (1B) and any applicable privacy laws, where:

- (a) a retailer has registered a customer's premises under subrules 124(1)(a) or 124(3); and
- (b) the customer has provided medical confirmation to the retailer in respect of that registration,

on request of the customer, the retailer must provide a copy of that medical confirmation to the customer within 15 business days of that request.

(1B) Subrule (1A) does not apply where a customer has ceased to be a customer of the retailer, for the registered premises, for more than 110 business days.

(2) Distributor obligations

- (a) Where a distributor is required to register a customer's premises under subrule 124(4)(a) or 124(5), the distributor has the following ongoing obligations:
 - (i) give the retailer relevant information about the *life support equipment* requirements for the customer's premises and any relevant contact details for the purposes of updating the retailer's registration under

- subrule 124(1)(a) or 124(3), unless the relevant information was provided to the distributor by the retailer;
- (ii) when advised by a customer or retailer of any updates to the *life support equipment* requirements for the customer's premises or any relevant contact details, update the distributor's registration;
 - (iii) except in the case of an *interruption*, not arrange for the de-energisation of the premises from the date the *life support equipment* will be required at the premises;
 - (iv) in the case of an *interruption* that is a *distributor planned interruption* other than in the circumstances described in subparagraph (v), from the date the *life support equipment* will be required at the premises, give the customer at least 4 business days written notice of the *interruption* to supply at the premises (the 4 business days to be counted from, but not including the date of receipt of the notice); and
 - (v) in the case of a *distributor planned interruption* where the customer has provided consent to the distributor under subrule 90(1)(c), give written notice to the customer of the expected time and duration of the *distributor planned interruption*, and specify a 24 hour telephone number for enquiries (the charge for which is no more than the cost of a local call);
- (b) In addition to the obligations specified in subrule (2)(a), where a distributor is required to register a customer's premises under subrule 124(4)(a), if the distributor becomes aware (including by way of notification in accordance with the Market Settlement and Transfer Solution Procedures) that the customer has subsequently transferred to another retailer (a **new retailer**) at that premises, the distributor must notify the new retailer that a person residing at the customer's premises requires *life support equipment*.

Note

This subrule is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

(2A) Subject to subrule (2B) and any applicable privacy laws, where:

- (a) a distributor has registered a customer's premises under subrules 124(4)(a) or 124(5); and
- (b) the customer has provided medical confirmation to the distributor in respect of that registration,

on request of the customer, the distributor must provide a copy of that medical confirmation to the customer within 15 business days of that request.

(2B) Subrule (2A) does not apply where a customer has ceased to be a customer of the distributor, for the registered premises, for more than 110 business days.

(3) Application of this rule to standard retail contracts

This rule applies in relation to standard retail contracts.

(4) Application of this rule to market retail contracts

This rule applies in relation to market retail contracts.

125 Deregistration of premises

- (1) A retailer or distributor may only deregister a customer's premises in the circumstances permitted under this rule 125.
- (2) If a customer's premises is deregistered:
 - (a) by a retailer, the retailer must, within 5 business days of the date of deregistration, notify the distributor of the date of deregistration and reason for deregistration;
 - (b) by a distributor, the distributor must, within 5 business days of the date of deregistration, notify the retailer of the date of deregistration and reason for deregistration; and
 - (c) the retailer and the distributor must update their registrations under subrules 124(1)(a), 124(3), 124(4)(a) and 124(5) as required by rule 126.

Cessation of retailer and distributor obligations after deregistration

- (3) The retailer and distributor obligations under rule 124B cease to apply in respect of a customer's premises once that customer's premises is validly deregistered.

Deregistration where medical confirmation not provided

- (4) Where a customer, whose premises have been registered by a retailer under subrule 124(1)(a) (and subrule 124(2) does not apply), fails to provide medical confirmation, the retailer may deregister the customer's premises only when:
 - (a) the retailer has complied with the requirements under rule 124A;
 - (b) the retailer has taken reasonable steps to contact the customer in connection with the customer's failure to provide medical confirmation in one of the following ways:
 - (i) in person;
 - (ii) by telephone; or
 - (iii) by electronic means;
 - (c) the retailer has provided the customer with a deregistration notice no less than 15 business days from the date of issue of the second confirmation reminder notice issued under subrule 124A(1)(d); and
 - (d) the customer has not provided medical confirmation before the date for deregistration specified in the deregistration notice.
- (5) Where a customer, whose premises have been registered by a distributor under subrule 124(4)(a), fails to provide medical confirmation, the distributor may deregister the customer's premises only when:
 - (a) the distributor has complied with the requirements under rule 124A;

- (b) the distributor has taken reasonable steps to contact the customer in connection with the customer's failure to provide medical confirmation in one of the following ways:
 - (i) in person;
 - (ii) by telephone; or
 - (iii) by electronic means;
 - (c) the distributor has provided the customer with a deregistration notice no less than 15 business days from the date of issue of the second confirmation reminder notice issued under subrule 124A(1)(d); and
 - (d) the customer has not provided medical confirmation before the date for deregistration specified in the deregistration notice.
- (6) A deregistration notice must:
 - (a) be dated;
 - (b) specify the date on which the customer's premises will be deregistered, which must be at least 15 business days from the date of the deregistration notice;
 - (c) advise the customer the premises will cease to be registered as requiring *life support equipment* unless medical confirmation is provided before the date for deregistration; and
 - (d) advise the customer that the customer will no longer receive the protections under this Part when the premises is deregistered.
- (7) A distributor may deregister a customer's premises registered under subrule 124(5) after being notified by the retailer that the retailer has deregistered the customer's premises pursuant to subrule (4).
- (8) A retailer may deregister a customer's premises registered under subrule 124(3) after being notified by the distributor that the distributor has deregistered the customer's premises pursuant to subrule (5).

Deregistration where there is a change in the customer's circumstances

- (9) Where a customer whose premises have been registered by a retailer under subrule 124(1)(a) or 124(3) advises the retailer that the person for whom the *life support equipment* is required has vacated the premises or no longer requires the *life support equipment*, the retailer may deregister the customer's premises on the date specified in accordance with subrule (9)(a)(ii) if:
 - (a) the retailer has provided written notification to the customer advising:
 - (i) that the customer's premises will be deregistered on the basis that the customer has advised the retailer that the person for whom the *life support equipment* is required has vacated the premises or no longer requires the *life support equipment*;
 - (ii) the date on which the customer's premises will be deregistered, which must be at least 15 business days from the date of that written notification;

- (iii) that the customer will no longer receive the protections under this Part when the premises is deregistered; and
 - (iv) that the customer must contact the retailer prior to the date specified in accordance with subrule (9)(a)(ii) if the person for whom the *life support equipment* is required has not vacated the premises or requires the *life support equipment*; and
 - (b) the customer has not contacted the retailer prior to the date specified in accordance with subrule (9)(a)(ii) to advise that the person for whom the *life support equipment* is required has not vacated the premises or requires the *life support equipment*.
- (10) Where a customer whose premises have been registered by a distributor under subrule 124(4)(a) or 124(5) advises the distributor that the person for whom the *life support equipment* is required has vacated the premises or no longer requires the *life support equipment*, the distributor may deregister the customer's premises on the date specified in accordance with subrule (10)(a)(ii) if:
 - (a) the distributor has provided written notification to the customer advising:
 - (i) that the customer's premises will be deregistered on the basis that the customer has advised the distributor that the person for whom the *life support equipment* is required has vacated the premises or no longer requires the *life support equipment*;
 - (ii) the date on which the customer's premises will be deregistered, which must be at least 15 business days from the date of that written notification;
 - (iii) that the customer will no longer receive the protections under this Part when the premises is deregistered; and
 - (iv) that the customer must contact the distributor prior to the date specified in accordance with subrule (10)(a)(ii) if the person for whom the *life support equipment* is required has not vacated the premises or requires the *life support equipment*; and
 - (b) the customer has not contacted the distributor prior to the date specified in accordance with subrule (10)(a)(ii) to advise that the person for whom the *life support equipment* is required has not vacated the premises or requires the *life support equipment*.
- (11) A retailer may deregister a customer's premises after being notified by the distributor that the distributor has deregistered the customer's premises pursuant to subrule (10).
- (12) A distributor may deregister a customer's premises after being notified by the retailer that the retailer has deregistered the customer's premises pursuant to subrule (9).
- (13) A retailer or distributor may, at any time, request a customer whose premises have been registered under rule 124 to confirm whether the person for whom *life support equipment* is required still resides at the premises or still requires *life support equipment*.

Deregistration where there is a change in the customer's retailer

- (14) Where a distributor has registered a customer's premises pursuant to subrule 124(5) and the distributor becomes aware (including by way of notification in accordance with the Market Settlement and Transfer Solution Procedures) that the customer has subsequently transferred to another retailer at that premises, the distributor may deregister the customer's premises on the date specified in accordance with subrule (14)(a)(ii) if:
- (a) the distributor has provided written notification to the customer advising:
 - (i) that the customer's premises will be deregistered;
 - (ii) the date on which the customer's premises will be deregistered, which must be at least 15 business days from the date of that written notification;
 - (iii) that the customer will no longer receive the protections under this Part when the premises is deregistered; and
 - (iv) that the customer must contact the distributor prior to the date specified in accordance with subrule (14)(a)(ii) if a person residing at the customer's premises requires *life support equipment*; and
 - (b) the customer has not contacted the distributor prior to the date specified in accordance with subrule (14)(a)(ii) to advise that a person residing at the customer's premises requires *life support equipment*.
- (15) Nothing in subrule (14) affects the operation of subrules 124(4)(a) and 124(5) following a customer's transfer to the other retailer.

(16) Application of this rule to standard retail contracts

This rule applies in relation to standard retail contracts.

(17) Application of this rule to market retail contracts

This rule applies in relation to market retail contracts.

Note

This rule is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

126 Registration and deregistration details must be kept by retailers and distributors

Retailers and distributors must:

- (a) Establish policies, systems and procedures for registering and deregistering a premises as requiring *life support equipment* to facilitate compliance with the requirements in this Part.
- (b) Ensure that *life support equipment* registration and deregistration details maintained in accordance with rules 124, 124A, 124B and 125 are kept up to date, including:
 - (i) the date when the customer requires supply of energy at the premises for the purposes of the *life support equipment*;

- (ii) when medical confirmation was received from the customer in respect of the premises;
- (iii) the date when the premises is deregistered and the reason for deregistration; and
- (iv) a record of communications with the customer required by rules 124A and 125.

Note

This rule is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

126A Keeping medical confirmations

Where a retailer or distributor has:

- (a) registered a customer's premises under subrules 124(1)(a), 124(3), 124(4)(a) or 124(5) (as applicable); and
- (b) the customer has provided medical confirmation in respect of that registration,

the retailer or distributor (as applicable) must keep a copy of the medical confirmation for:

- (c) the period of time the person remains a customer of that retailer or distributor (as applicable) for the registered premises; and
- (d) 110 business days from the date the person ceases to be a customer of that retailer or distributor (as applicable) for the registered premises.