



## **National Energy Retail Amendment (Maintaining life support customer registration when switching) Rule 2021 No. 1**

under the National Energy Retail Law as applied by:

- (a) the National Energy Retail Law (South Australia) Act 2011 of South Australia;
- (b) the National Energy Retail Law (ACT) Act 2012 of the Australian Capital Territory;
- (c) the National Energy Retail Law (Adoption) Act 2012 of New South Wales;
- (d) the National Energy Retail Law (Queensland) Act 2014 of Queensland;
- (e) the National Energy Retail Law (Tasmania) Act 2012 of Tasmania; and
- (f) the Australian Energy Market Act 2004 of the Commonwealth.

The Australian Energy Market Commission makes the following Rule under the National Energy Retail Law.

Anna Collyer  
Chairperson  
Australian Energy Market Commission

## **National Energy Retail Amendment (Maintaining life support customer registration when switching) Rule 2021 No. 1**

### **1 Title of Rule**

This Rule is the *National Energy Retail Amendment (Maintaining life support customer registration when switching) Rule 2021 No. 1*.

### **2 Commencement**

Schedule 1 of this Rule commences operation on 1 August 2021.

Schedules 2 and 3 of this Rule commence operation on 4 March 2021.

### **3 Amendment to the National Energy Retail Rules**

The National Energy Retail Rules are amended as set out in Schedule 1.

### **4 Amendment to the National Energy Retail Rules**

The National Energy Retail Rules are amended as set out in Schedule 2.

### **5 Savings and Transitional Amendment to the National Energy Retail Rules**

The National Energy Retail Rules are amended as set out in Schedule 3.

## **Schedule 1      Amendment to the National Energy Retail Rules**

(Clause 3)

### **[1] Rule 123A      Definitions**

In rule 123A, omit the definition of "**medical confirmation**" and substitute:

**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;

### **[2] Rule 123A      Definitions**

In rule 123A, in the definition of "**medical confirmation form**", omit "when the retailer or distributor" and substitute "when a retailer or distributor".

### **[3] Rule 124      Registration of life support equipment**

In subrule 124(1)(b)(vi), omit "and" at the end of the subrule.

### **[4] Rule 124      Registration of life support equipment**

In subrule 124(1)(b)(vii), omit "and" at the end of the subrule.

### **[5] Rule 124      Registration of life support equipment**

After subrule 124(1)(b)(vii), insert:

(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

### **[6] Rule 124      Registration of life support equipment**

In subrule 124(4)(b)(vi), omit "and" at the end of the subrule.

### **[7] Rule 124      Registration of life support equipment**

In subrule 124(4)(b)(vii), omit "and" at the end of the subrule.

**[8] Rule 124 Registration of life support equipment**

After subrule 124(4)(b)(vii), insert:

- (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

**[9] Rule 124A Confirmation of premises as requiring life support equipment**

In subrule 124A(1), omit "rule 124" and substitute "subrules 124(1)(b)(i) or 124(4)(b)(i)".

**[10] Rule 124B Ongoing retailer and distributor obligations**

After subrule 124B(1), insert:

- (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.

**[11] Rule 124B Ongoing retailer and distributor obligations**

After subrule 124B(2), insert:

- (2A) Subject to subrule (1B) 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.

## **Schedule 2          Amendment to the National Energy Retail Rules**

(Clause 4)

### **[1] New rule 126A    Keeping medical confirmations**

After rule 126, insert:

#### **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.

**Schedule 3 Savings and Transitional Amendment to the  
National Energy Retail Rules**

(Clause 5)

**[1] New Part 15 Rules consequential on the making of the  
National Energy Retail Amendment  
(Maintaining life support customer  
registration when switching) Rule 2021**

In Schedule 3, after Part 14, insert:

**Part 15 Rules consequential on the making of the  
National Energy Retail Amendment  
(Maintaining life support customer  
registration when switching) Rule 2021**

**1 Definitions**

(1) In this Part:

**commencement date** means 4 March 2021.

**medical confirmation** has the same meaning as in rule 123A.

**New rule 126A** means Rule 126(A) of the Rules as in force immediately after the commencement date.

**2 Application of New rule 126A**

(1) New rule 126A does not apply with respect to any medical confirmation received prior to, but not held on, the commencement date by a retailer or distributor (as applicable).

[END OF RULE AS MADE]

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