

14 January 2021

Conrad Guimaraes
Adviser
Australian Energy Market Commission

Australian Gas Infrastructure Group

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Dear Mr Guimaraes,

RE: Maintaining life support customer registration when switching rule (RRC0038)

Australian Gas Infrastructure Group (AGIG)¹ welcomes the opportunity to provide feedback on the Australian Energy Market Commission's (the Commission) draft determination for a more preferable draft rule in response to the life support rule change request from the Energy and Water Ombudsman of New South Wales (EWON)².

In summary, the preferable draft rule includes:

- The requirement for the outgoing registration process owner (RPO) to return the medical confirmation form (MCF) to the customer within 10 business days of the customer's request, subject to applicable privacy laws.
- A requirement for RPOs to keep the MCF for the period of time that the person remains a customer and for 110 business days after the customer has ceased to be a customer.
- Amends the definition of "medical confirmation" to include "which may take the form of a medical certificate".
- A requirement for the incoming RPO to inform the customer that for the purpose of providing medical confirmation, the customer may submit the medical confirmation document that was submitted to their previous retailer or distributor, provided it is dated less than 4 years ago and is legible.

We currently have more than 1,039 customers registered for gas life support in our South Australian and Queensland gas networks (represents approximately 0.2% of residential gas customers in these networks). Of the 1,039 registered customers, we have only been advised by retailers that 155 gas customers (15% of registered life support customers) have provided MCF. Thus, with this preferable draft rule only 15% of our life support customers would be able to reuse the MCF when switching retailer or distribution networks.³

AGIG supports any amendments to the current life support requirements that provide targeted assistance to our most vulnerable customers. The preferable draft rule does respond to a number of concerns we raised in our submission on the consultation paper although we still have a number of concerns as detailed in this submission.

¹ AGIG is one of the Australian leading gas infrastructure company which consists of three gas businesses including two gas distribution companies Multinet Gas Networks and Australian Gas Networks (AGN) as well as a gas transmission company Dampier Bunbury Pipeline (DBP).

² AEMC, Maintaining life support customer registration when switching, Draft Rule Determination, 5 November 2020

³ Please note in SA and QLD there were no gas life support customers prior to the implementation of the Strengthening protections for customers requiring life support equipment rule change on 1 February 2018, thus all our customers MCF will be less than 4 years old.

Customer privacy and verification

While the preferable draft rule has reduced a number of privacy risks it still requires the provision of "Sensitive Information" under the *Privacy Act 1988* (Privacy Act)⁴ to another party. As highlighted in the Energy Networks Australia (ENA) submission, distributors will be required to verify the customer's personal information before returning the MCF under the Privacy Act. As distributors typically have limited customer information this may result in the limited return of MCF by distributors.

We do not support the amendment to the definition of "medical confirmation" to include medical certificates due to our concerns with privacy requirements. All medical confirmation form contents must meet the requirements of clause 124(6) of the National Energy Retail Rules (NERR). This information is used by distributors to verify a customer's identity as we have limited customer information. If customers provide medical certificates, they may not contain all the information we require to adequately register a customer or return the medical certificate when requested. A medical certificate could also contain more "Sensitive Information" that is not required by a distributor or retailer which increases the privacy risks for the customer.

Additional issues

We support the ENA's submission that the return of the MCF within 10 business days should be best or reasonable endeavours. Customers are able to register with the new retailer or distributors without providing MCF, thus they are protected under the NERR immediately. In addition, customers have 50 business days to provide the MCF and are able to request an extension of more than 25 business days if the returning of the MCF is delayed. We also support the ENA that the rule should clarify the 10-business day timeframe is considered a deemed delivery.

We request that the Commission considers the implementation date of the preferable draft rule to enable both retailers and distributors to establish systems to ensure a cost-efficient implementation of the rule change. While we agree with the Commission that this preferable draft rule is less costly, and complex compared to the EWON proposal any changes to established processes and systems are not cost free and need to be implemented in a controlled manner to reduce risks.

We thank the Commission for noting the number of life support issues raised by stakeholders that were out of the scope of this rule change. Given the nature and complexity of a number of these issues we support the ENA's view that a regulatory solution beyond industry-led initiatives will need to be considered. We would welcome the opportunity to participate in both industry and regulatory led initiatives.

Should you have any queries about the information provided please contact Vicky Knighton, Head of Compliance (0417 133 361, vicky.knighton@agig.com.au).

Yours sincerely,



Craig de Laine
General Manager People and Strategy

⁴ Section 6(1) *Privacy Act 1988*