

## Part 17 Preliminary

### 3 Definitions

**life support user** means the person who uses *life support equipment*. This may be the customer or another person who resides at a customer's premises;

**assistive life support equipment** means any *life support equipment* that a *registered medical practitioner* considers is necessary to assist a *life support user* and is not *critical life support equipment*;

**critical life support equipment** means any *life support equipment* that a *registered medical practitioner* considers is necessary to sustain life or prevent lifelong irreversible injury to a *life support user*;

**life support equipment** means any equipment requiring a supply of energy that is necessary to support a *life support user's* life, including:

- (a) apnoea monitor (for children only)<sup>1</sup>;
- (b) feeding pump;
- (c) machine assisted dialysis equipment (cyclor or heater) (e.g. haemodialysis, cyders/heaters for peritoneal dialysis);
- (d) nebuliser (for children only)<sup>1</sup> – used every day for 1-2 hours per day;
- (e) high flow device (HFD) and/or humidifier, when used with a tracheostomy;
- (f) oxygen concentrator;
- (g) suction pump;
- (h) crigler najjar syndrome phototherapy equipment;
- (i) non-invasive ventilation<sup>2</sup> e.g. a positive airways pressure respirator (PAP); and
- (j) any form of invasive ventilation, including via a tracheostomy.
- (k) Other medical equipment that a registered medical practitioner certifies is required for a Life Support Customer.

**Notes:**

1 A child is defined as any person under the age of 16 years.

2 Adult – only when ventilator dependent as determined by a registered medical practitioner. Such ventilators must include back-up power and mains fail alarms. Child – only when prescribed by or in conjunction with a treating Paediatrician.

**registered medical practitioner** means a person registered to practice as a Medical Practitioner under the *Health Practitioner Regulation National Law*;

**nominated contact person** in relation to premises that have been, or are to be, registered as requiring *life support equipment*, means an additional person nominated by a customer to be notified of *retailer planned interruptions* or *distributor planned interruptions* affecting that premises (this may be the *life support user* where different to the customer);

## 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~~ a *medical confirmation form*, completed by ~~from~~ a *registered medical practitioner*, which confirms ~~–~~that a *life support user person* requires *life support equipment*~~–~~, and is dated and signed by both the *registered medical practitioner* and the *life support user*(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 form which complies with the content requirements in subrule 124(10) ~~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-life support user~~ residing or intending to reside at the customer's premises requires *life support equipment*, a retailer must:

- (a) register that a ~~life support user person~~ residing or intending to reside at the customer's premises requires assistive life support equipment and the date from which the assistive life support equipment is required;
- (b) subject to subrules (2) to (4), 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~~ will be deregistered and, if so, the customer will cease to receive the protections under this Part;  
~~(A)~~
  - (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-life support user~~ 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 ~~a person~~life support user 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, unless the *medical confirmation* indicates that the *life support user* requires *critical life support equipment* on a *permanent basis*; 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 subrules (2) to (4), notify the distributor that a life support user person—residing or intending to reside at the customer's premises requires assistive life support equipment and the date from which the assistive life support equipment is required.
- (2) Subrules (1)(a), (1)(b)(ii)-(vii) and (1)(c) do not apply to a retailer if the customer's premises have been deregistered for failing to provide medical confirmation in accordance with subrule 125(4) on two previous occasions.
- (3) Where subrule (2) applies, a retailer is only required to comply with subrules (1)(a), (1)(b)(ii)-(vii) and (1)(c) from when the customer provides medical confirmation.
- (4) 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~~-life support user 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.

### **(53) Retailer obligations when advised by distributor**

When notified by a distributor:

- (a) under subrule (64)(c), a retailer must register that a life support user person—residing or intending to reside at the customer's premises requires assistive life support equipment and the date from which the assistive life support equipment is required; and
- (b) under subrule 124B(2)(b), a retailer must:
  - (i) register that a life support user person—residing or intending to reside at the customer's premises requires assistive life support equipment and the date from which the assistive 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.

### **(64) 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 assistive life support equipment, a distributor must:

- (a) register that a ~~life support user person~~ residing or intending to reside at the customer's premises requires assistive life support equipment and the date from which the assistive 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;
    - ~~(A)~~
  - (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 ~~life support user customer~~ to prepare a backup 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 ~~life support user 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, unless it indicates that the life support user requires critical life support equipment on a permanent basis; 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 assistive life support equipment and the date from which the assistive life support equipment is required.

(7) Subrules (6)(a), (6)(b)(ii)-(vii) and (6)(c) do not apply to a distributor if the customer's premises have been deregistered for failing to provide *medical confirmation* in accordance with subrule 125(5) on two previous occasions.

(8) Where subrule (7) applies, a distributor is only required to comply with subrules (6)(a), (6)(b)(ii)-(vii) and (6)(c) from when the customer provides *medical confirmation*.

**(95) Distributor obligations when advised by retailer**

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

**(106) Content of medical confirmation form**

(a) A *medical confirmation form* must:

- (i) be based on any template "Medical Confirmation Form for Life Support Equipment" published on the AER website from time to time;
- (ii) be dated;
- (iii) 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;
- (iv) request the following information from the customer:
  - (A) ~~*any nominated contact person*~~ ~~*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) ~~*if available, a mobile phone number and an email address for the customer and any nominated contact person*~~ *medical confirmation* for the purposes of receiving the written notice required under subrules 124B(1)(d)-(f) and 124B(2)(a)(iv)-(vi) by SMS and email.;
- (iv) request the *registered medical practitioner* to confirm whether the *life support user* requires *assistive life support equipment* or *critical life support equipment* (including details of the type of *life support equipment* required) ~~specify the types of equipment that fall within the definition of *life support equipment*;~~
- (vi) where a *life support user* requires *critical life support equipment*, request the *registered medical practitioner* to confirm whether or not the *life support user* will require this equipment on a permanent basis for more than four years;
- (vii) require confirmation that the *registered medical practitioner* has discussed and documented a back-up plan for *interruptions* with

the life support user, their nominated contact person and/or the customer;

(viii) require confirmation that the registered medical practitioner has discussed available jurisdictional rebates or concessions with the life support user, their nominated contact person or the customer and how to access them;

(ix) advise the customer and life support user of the protections offered to the premises registered as requiring life support under this Part;

(xv) advise the date by which the customer must return the medical confirmation form to the retailer or distributor (as the case may be); and

(xiv) advise the customer they can request an extension of time to complete and return the medical confirmation form.

**(711) Application of this rule to standard retail contracts**

This rule applies in relation to standard retail contracts.

**(128) 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(46)(b)(i)~~ or 124C(1)(a), 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 *critical life support equipment* and *assistive life support equipment*; and
- (d) advise the customer that:
  - (i) the customer must provide *medical confirmation*;
  - (ii) the premises is temporarily registered as requiring *assistive life support equipment* until the *medical confirmation* is received;
  - (iii) failure to provide *medical confirmation* may result in the premises being deregistered;
  - (iv) if the customer's premises has been deregistered for failure to provide *medical confirmation* two or more times, the retailer or the distributor (as the case may be) will not be required to reregister the customer's premises as requiring *life support equipment*, until the customer provides *medical confirmation* 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(~~53~~), the retailer has the following ongoing obligations:

- (a) give the distributor relevant information about the *life support equipment* requirements for the customer's premises, including whether the premise should be registered as having *assistive life support equipment* or *critical life support equipment*, whether the *life support user* requires *critical life support equipment* on a permanent basis, any *nominated contact person* and ~~and all~~ relevant contact details for the purposes of updating the distributor's registration under subrule 124(~~64~~)(a) or 124(~~95~~), including, where provided, the mobile phone number and email address for the customer and *nominated contact person*, –unless the relevant information was provided to the retailer by the distributor;



- (b) when advised by a customer or distributor of any updates ~~to~~ to the *life support equipment* requirements for the customer's premises, including whether the customer's premises should be registered as having assistive life support equipment or critical life support equipment, whether the life support user requires critical life support equipment on a permanent basis, any change in nominated contact person or ~~or~~ any change to relevant contact details, including the mobile phone number and email address for the customer and nominated contact person, 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 (f), from the date ~~the~~ critical *life support equipment* will be required at the premises, give the customer and the nominated contact person at least 4 business days written notice, which for the avoidance of doubt may be by SMS or email where the customer has given consent to such notification methods, 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);
- (e) in the case of a retailer planned interruption under rule 59C, other than in the circumstances described in paragraph (f), from the date assistive life support equipment will be required at the premises, give the customer and the nominated contact person at least 4 business days written notice, which for the avoidance of doubt may be by SMS or email where the customer has given consent to such notification methods, 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
- (f) 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 and nominated contact person, which for the avoidance of doubt may be by SMS or email where the customer has given consent to such notification methods, 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 except subrule 124B(1)(e) which is a tier 2 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

[Note to AEMC: we would seek / required amendments to the Retail Regulations to enable this].

- (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, including whether the premise should be registered as having assistive life support equipment or critical life support equipment, whether the life support user requires critical life support equipment on a permanent basis, any nominated contact person and ~~and any~~ relevant contact details for the purposes of updating the retailer's registration under subrule 124(1)(a) or 124(3), including, where provided, the mobile phone number and email address for the customer and nominated contact person, 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 including whether the premise should be registered as having assistive life support equipment or critical life support equipment, whether the life support user requires critical life support equipment on a permanent basis, any change in nominated contact person or ~~or~~ any change to relevant contact details, including the mobile phone number and email address for the customer and nominated contact person, 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 *critical* life support equipment will be required at the premises, give the customer and the nominated contact person at least 4 business days written notice, which for the avoidance of doubt may be by SMS

- or email where the customer has given consent to such notification methods, 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);
- (v) in the case of an *interruption* that is a *distributor planned interruption* other than in the circumstances described in subparagraph (vi), from the date *assistive life support equipment* will be required at the premises, give the customer and the *nominated contact person* at least 4 business days written notice, which for the avoidance of doubt may be by SMS or email where the customer has given consent to such notification methods, 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
- (vi) 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 and *nominated contact person*, which for the avoidance of doubt may be by SMS or email where the customer has given consent to such notification methods, 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(~~64~~)(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 except subrule 124B(2)(a)(v) which is a tier 2 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

[Note to AEMC: we would seek / required amendments to the Retail Regulations to enable this].

- (2A) Subject to subrule (2B) and any applicable privacy laws, where:
- (a) a distributor has registered a customer's premises under subrules 124(~~64~~)(a) or 124(~~95~~); 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.

**124C Periodic reviews**

(1) Where a customer's premises is registered for *life support equipment*, the retailer or distributor that initially registered the premises, must notify the customer that for the customer's premises to remain registered as requiring *life support equipment*, new *medical confirmation* must be provided to the retailer or distributor, as relevant.

(2) The notice under subrule 124C(1) must:

(a) be given to the customer no earlier than 90 business days and no later than 30 business days before the date that is four years from the date of the existing *medical confirmation form*;

(b) include a new *medical confirmation form*; and

(c) provide information explaining that, if the customer fails to provide new *medical confirmation*, the customer's premises will be deregistered and, if so, the customer will cease to receive the protections under this Part;

(3) The process set out in Rule 124A must be followed by the retailer or distributor for a new *medical confirmation form* provided under subrule 124C(2)(b).

~~(1)~~(4) Subrule 124C(1) does not apply where the existing *medical confirmation* stated that the *life support user* has a permanent need for *critical life support equipment*.

**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(~~43~~), 124(~~64~~)(a) and 124(~~95~~) 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), or who has been notified they must provide new medical confirmation under subrule 124C(1), fails to provide *medical confirmation*, the retailer ~~must~~*stay* 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(~~46~~)(a), or who has been notified they must provide new medical confirmation under subrule 124C(1), fails to provide *medical confirmation*, the distributor ~~must~~*stay* 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 must deregister a customer's premises registered under subrule 124(95) after being notified by the retailer that the retailer has deregistered the customer's premises pursuant to subrule (4).
- (8) A retailer must deregister a customer's premises registered under subrule 124(43) 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 as requiring life support equipment by a retailer under subrule 124(1)(a) or 124(3) advises the retailer that the life support user person for whom the *life support equipment* is required has vacated the premises or no longer requires the *life support equipment*, the retailer must 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 life support user 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 life support user 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 life support user 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 as requiring life support equipment 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 must 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 life support user 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 life support user 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 life support user person for whom the *life support equipment* is required has not vacated the premises or requires the *life support equipment*.
- (11) A retailer must 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 must 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 life support user 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(~~95~~) 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 must 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 life support user 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 life support user person—residing at the customer's premises requires life support equipment.
- (15) Nothing in subrule (14) affects the operation of subrules 124(~~64~~)(a) and 124(~~95~~) 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 ~~24~~ civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

[Note to AEMC: we would seek / required amendments to the Retail Regulations to enable this].

## **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, 124C, 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) whether the *life support equipment* is *assistive life support equipment* or *critical life support equipment* and whether or not any *critical life support equipment* is required permanently; and
  - (iv) any *nominated contact person*;
  - (v) all relevant contact details for the customer and *nominated contact person*;
  - (vi) the date when the premises is deregistered and the reason for deregistration; and
  - (vii) 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), or maintained registration under 124C (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.

**Note**

This rule is classified as a tier 2 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Retail Regulations).