



Maintaining life support customer registration when switching

Final determination

The Australian Energy Market Commission (Commission) has made a final rule determination to amend the National Energy Retail Rules (NERR) to reduce barriers for life support customers who want to switch retailer or distribution network service provider (DNSP).

The more preferable final rule aims to reduce barriers for life support customers who switch retailer or premises by introducing an obligation on the outgoing registration process owner (RPO) to provide the customer with a copy of the medical confirmation previously used by the customer for life support registration, on the customer's request. The rule also allows customers to reuse a valid medical confirmation document for the purpose of providing medical confirmation to the incoming RPO. The amendments are expected to reduce costs and mobility challenges related to medical visits for the majority of life support customers while supporting the safety of these customers through an easier registration process and clearer obligations on RPOs.

The key components of the more preferable final rule are:

- Allowing customers to reuse medical confirmations that were submitted to the outgoing RPO for the purpose of providing medical confirmation to the incoming RPO, provided the forms are no more than 4 years old and are legible.
- A requirement on the incoming RPO to inform the customer that they may reuse medical confirmation provided to their previous retailer or DNSP for the purpose of registering their premises with the incoming RPO, provided the form is still valid.
- A requirement on the outgoing RPO to return the medical confirmation document to the customer within 15 business days of the customer's request, subject to applicable privacy laws. The obligation is only binding on the RPO if the request takes place within 110 business days of the person ceasing to be a customer for the registered premises.
- A requirement for RPOs to retain the medical confirmation document for the period of time the person remains a customer for the registered premises and for 110 business days after the person has ceased to be a customer for the registered premises.
- An update to the definition of 'medical confirmation' to clarify that a medical certificate may be used to provide medical confirmation.

Changes from draft to final rule

The more preferable final rule largely retains the content and form of the draft rule. However, a small number of changes have been made to enhance the operation of the rule and to clarify its intent. The key changes are:

- The commencement dates for provisions under the rule. New rule 126A commences on 4 March 2021, requiring retailers and distributors to keep all medical confirmations held by them on 4 March while the relevant customers remain customers for the registered premises and for 110 business days after they cease to be customers for the registered premises. The implementation date for the remainder of provisions under the rule is 1 August 2021, to enable RPOs to make any internal changes required to systems and processes.
- Extended the timeframe by which the RPO has an obligation to return the customer's medical confirmation from 10 to 15 business days to give RPOs additional time to action customer requests.
- Clarified that the outgoing RPO's obligation to return medical confirmation ceases 110

business days after the customer ceases to be customers for the registered premises.

Benefits of the final rule

The more preferable final rule will:

- improve access to retail market competition, including switching, by enabling an easy and low cost way for consumers to access their previously used medical confirmation document from their outgoing RPO.
- provide greater transparency and certainty by clarifying that RPOs must accept medical certificates as medical confirmation while also clarifying responsibilities for outgoing and incoming RPOs with respect to the retention and return of medical confirmation documents.
- maintain the balanced allocation of risk and responsibilities. Customer safety is supported by ensuring RPOs have updated information without overburdening customers with respect to the submission of medical confirmation and by clarifying that a medical certificate or the medical confirmation section of an existing medical confirmation form (MCF) may be used for the purpose of providing medical confirmation during the registration process.

Background and the rule change request

Life support requirements are designed to provide additional customer protections and require retailers and DNSPs to register premises that have a person using life support equipment (such as an oxygen concentrator) that relies on electricity or gas to operate. The requirements facilitate the provision of information to parties that need to be aware of life support equipment at a premise, and impose obligations on retailers and DNSPs to provide additional safeguards around de-energisation.

On 11 June 2020, the Energy and Water Ombudsman of New South Wales (EWON) submitted a rule change request that sought changes to the NERR to maintain life support registration when a life support customer changes premises or retailer. EWON identified that customers that were registered as life support customers may have been required to re-submit medical confirmation following a change of premises or retailer. EWON considered that the resubmission of medical confirmation created barriers for life support customers from fully participating in the retail energy market. The rule proposal sought to enable the transfer of medical information between the outgoing and incoming life support RPOs.

After consideration of EWON's proposed rule and stakeholder submissions, the Commission considered that the solution proposed in EWON's rule change request would be likely costly and complex to implement, and that it may have the potential to increase risk of inadvertent deregistration of life support customers.

Limited evidence was provided by stakeholders to determine the extent of the issue. However, the Commission considered that the health impacts in relation to life support customers can be serious, and that the solution proposed under the final rule should be pursued on the basis that it may improve the ease in which life support customers can access competition at lower costs without reducing customer safety.

For information contact:

Senior Adviser, **Alisa Toomey** 02 8296 0633

Adviser, **Conrad Guimaraes** 02 8296 0649

Media: Media and Content Manager, Kellie Bisset 0438 490 041

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