Attachment 3

AMENDMENTS TO THE ENERGY RETAIL CODE: STRENGTHENING PROTECTIONS FOR CUSTOMERS REQUIRING LIFE SUPPORT EQUIPMENT

DECEMBER 2019

Amendments made by the Essential Services Commission on 5 December 2019

1 Nature and commencement of this instrument
(1) This instrument amends the Energy Retail Code.
(2) This instrument comes into operation on 2 February 2020.

2 Table of amendments
(1) Insert the following definitions in clause 3 in the appropriate alphabetical positions:

confirmation reminder notice—see clause 126(1)(b);

deregister means the updating of:

(a) a retailer’s registration of a customer’s premises under clauses 125(1)(a) or 125(3) of this Code; or

(b) a distributor’s registration of a customer’s premises under 5A.3.1(a) or 5A.3.2 of the Electricity Distribution Code;

(c) a distributor’s registration of a customer’s premises under 4A.3(a)(i) or 4A.4 of the Gas Distribution System Code;

to remove, for that particular premises, registration of life support equipment.

deregistration notice means a written notice issued by a retailer or exempt person 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;
**distributor** means:

(a) a person who holds a distribution licence under the *Electricity Industry Act* or in respect of those obligations under the *Electricity Distribution Code* which are not excluded under clause 1.3.5 of that Code, a person who is exempt from holding a distribution licence under the *Electricity Industry Act*; or

(b) a person who holds a distribution licence under the *Gas Industry Act*;

*Electricity Distribution Code* means the Code of that name made by the Commission under the *Electricity Industry Act 2000* (Vic) and *Essential Services Commission Act 2001* (Vic), as amended from time to time;

**exempt distributor** means a person who is exempt from holding a licence under section 16 of the *Electricity Industry Act* to engage in certain activities as set out in clauses 6 and 7 of the *General Exemption Order* (deemed exemption of distributors and exemption of registered distributors);

*Gas Distribution System Code* means the Code of that name made by the Commission under the *Gas Industry Act 2001* (Vic) and *Essential Services Commission Act 2001* (Vic), as amended from time to time;

**life support equipment** means any of the following:

(a) an oxygen concentrator;

(b) an intermittent peritoneal dialysis machine;

(c) a kidney dialysis machine;

(d) a chronic positive airways pressure respirator;

(e) crigler najjar syndrome phototherapy equipment;

(f) a ventilator for life support; and

(g) in relation to a particular *customer* – any other equipment (whether fuelled by electricity or gas) that a registered medical practitioner certifies is required for a person residing at the *customer’s* premises for life support.

Note:

Schedule 10 contains information about life support equipment that may fall within sub-clause (g) of this definition.

**medical confirmation** means certification in a *medical confirmation form* from a registered medical practitioner that a person residing or intending to reside at a customer’s premises requires *life support equipment*;
medical confirmation form means a written form issued by a retailer or exempt person to enable the customer to provide medical confirmation to the retailer or exempt person respectively;

(2) At clause 3B(2) delete the text and insert:

(2) This Code applies to, and must be complied with by, all retailers in accordance with their retail licences, in respect of their activities in relation to small customers and exempt persons.

(3) At clause 3C(1)(c) delete the text and insert:

(c) the customer is competent to do so; and

(4) At clause 16(1) delete the text and insert:

(1) This clause applies where a retailer is contacted by, or contacts, a small customer who is seeking to purchase energy for premises.

(5) After clause 16(4) insert:

(5) By the time a customer enters into a new market retail contract or a new standard retail contract with a retailer, the retailer must ask the customer whether a person residing or intending to reside at the customer’s premises requires life support equipment.

(6) Application of this clause to standard retail contracts

This clause applies in relation to standard retail contracts.

(7) Application of this clause to market retail contracts

This clause applies in relation to market retail contracts.

(6) After clause 16 insert:

16A Pre-contractual duty of exempt persons

(1) By the time a customer enters into a new exempt person arrangement with an exempt person, the exempt person must ask the customer whether a person residing or intending to reside at the customer’s premises requires life support equipment.

(2) This clause applies to exempt persons in the following categories: VD2, VR2, VR3 and VR4.
Division 1 – Retailer obligations

123 Requirement

(1) A retailer is required to perform its obligations under this Part 7 in a way that promotes the objective of this Part.

Objective

(1) The objective of Part 7 is to ensure that persons who require life support equipment receive the full protections of the life support provisions from when they first advise their financially responsible retailer or distributor that the premises require life support equipment. These protections apply until the premises is validly deregistered.

Note:

In addition to this Division, this Code contains life support provisions for retailers in clauses 3B, 16(5), and Division 4 of Schedule 3.

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) within one business day from the latter of being advised by the customer or becoming the financially responsible retailer for the customer’s premises, 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) determine whether the life support equipment is fuelled by both electricity and gas; and whether the customer has different retailers for electricity and gas. If so, the retailer must inform the customer that the customer should inform their other retailer that a person residing or intending to reside at the customer’s premises requires life support equipment;
Note:

Where life support equipment is fuelled by both electricity and gas provided by the one retailer, the retailer has obligations under clause 125(1)(e).

From the commencement date to the gas full commencement date, the obligations of a gas retailer are set out in Schedule 3, Part 4, clauses 4 and 5.

|c| subject to subclause (2), no later than 5 business days after the latter of receipt of advice from the customer or becoming the financially responsible retailer for the customer’s premises, provide in writing to the customer, in plain English:

(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) if the retailer provides electricity to the customer, advice that there may be distributor planned interruptions under the Electricity Distribution Code or unplanned interruptions to the supply at the address and that the distributor is required to notify them of a distributor planned interruption under the Electricity Distribution Code;

(iv) if the retailer provides gas to the customer, advice that there may be distributor planned interruptions under the Gas Distribution System Code or unplanned interruptions to the supply at the address and that the distributor is required to notify them of a distributor planned interruption under the Gas Distribution System Code;

(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); and

(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) information about the types of equipment that fall within the definition of life support equipment, and the additional information provided in Schedule 10 of this Code;
(ix) advice that the customer may be eligible for concessions and rebates offered by the State or Federal governments, including information about how to access them; and

(x) information in community languages about the availability of interpreter services for the languages concerned and telephone numbers for the services; and

(d) subject to subclause (2), notify the distributor (within one business day from the latter of being advised by the customer or becoming the financially responsible retailer for the customer’s premises) 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

(e) where the life support equipment is fuelled by both electricity and gas provided by the one retailer, the retailer is required under clause 125(1)(d) to notify (within one business day from the latter of being advised by the customer or becoming the financially responsible retailer for the customer’s premises) the distributor for both electricity and gas.

(2) Subclauses (1)(c) (other than subclause (1)(c)(vi)) and (1)(d) 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 clause 5A.3.1(d) of the Electricity Distribution Code, a retailer must (within one business day from being notified by the distributor) 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 clause 5A.5.2 of the Electricity Distribution Code, a retailer must:

(i) within one business day from being notified by the distributor, 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 subclause 125(1)(c), if not already provided by the retailer to the customer in respect of the customer’s premises.

(c) under clause 4A.3(a)(iv) of the Gas Distribution System Code, a retailer must (within one business day from being notified by the distributor) 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.

(4) **Retailer obligations when advised by exempt person**

When notified by an exempt person under clause 132(1)(d), the retailer must:

(a) within one business day from being advised by the exempt person, register that a person residing or intending to reside within the exempt person’s premises requires life support equipment and the date from which the life support equipment is required; and

(b) within one business day from being notified by the exempt person, notify the licensed distributor that a person residing or intending to reside within the exempt person’s premises requires life support equipment and the date from which the life support equipment is required.

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

A medical confirmation form must:

(a) be dated;

(b) state that completion and return of the form to the retailer will satisfy the requirement to provide medical confirmation under this Code;

(c) request the following information from the customer:

   (i) property address;

   (ii) the date from which the customer requires supply of energy at the premises for the purposes of the life support equipment; and

   (iii) medical confirmation;

(d) specify the types of equipment that fall within the definition of life support equipment;
(e) advise the date by which the customer must return the medical confirmation form to the retailer; and

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

(6) Application of this rule to standard retail contracts

This rule applies in relation to standard retail contracts.

(7) Application of this rule to market retail contracts

This rule applies in relation to market retail contracts.

(9) In clause 126 delete the heading and text, and insert:

126 Reminders for confirmation of premises as requiring life support equipment

(1) Where a medical confirmation form is provided under clause 125, the retailer 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.

(10) In clause 127 delete the heading and text, and insert:

127 Ongoing retailer obligations

(1) Where a retailer is required to register a customer's premises under subclause 125(1)(a) or 125(3), the retailer has the following ongoing obligations:

(a) within one business day from receipt, give the distributor relevant information about the life support equipment requirements for the customer's premises (including when the customer provides medical confirmation to the retailer) and any relevant contact details for the purposes of updating the distributor’s registration under subclause 5A.3.1(a)(i) or 5A.3.2 of the Electricity Distribution Code, or clause 4A.3(a)(i) of the Gas Distribution System Code, 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, within one business day from receipt of the advice;

(c) not arrange for the de-energisation of the premises from the date the life support equipment will be required at the premises.

(2) Where a retailer is required to register a customer's premises under subclause 125(4)(a), the retailer has the following ongoing obligations:
(a) within one business day from receipt, 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 subclause 5A.3.2(b) of the Electricity Distribution Code;

(b) when advised by the exempt person of any updates to the life support equipment requirements for the customer’s premises or any relevant contact details, update the retailer’s registration, within one business day from receipt of the advice;

(c) not arrange for the de-energisation of the premises from the date the life support equipment will be required at the premises.

(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.

(11) In clause 128 delete the heading and text, and insert:

128 Deregistration of premises

(1) A retailer must not deregister a customer’s premises except in the circumstances permitted under this clause 128.

(2) If a customer’s premises is deregistered by a retailer, the retailer must:

(a) within 5 business days of the date of deregistration, notify the distributor of the date of deregistration and reason for deregistration; and

(b) within one business day from deregistration, update its registrations under subclauses 125(1)(a) as required by clause 129.

(3) If a retailer is notified by a distributor that the distributor has deregistered a customer’s premises:

(a) under the Electricity Distribution Code, the retailer must (within one business day from notification) update its registrations under clause 125(3) as required by clause 129; or
(b) under the *Gas Distribution System Code*, the *retailer* must (within one *business day* from notification) update its registrations under clause 125(3) as required by clause 129.

(4) If a *retailer* is notified by an *exempt person* that the *exempt person* has *deregistered* a customer’s premises under clause 135, the *retailer* must:

(a) within 5 *business days* of receipt of notification of deregistration, notify the *distributor* of the date of deregistration and reason for deregistration; and

(b) within one business day from deregistration, update its registrations under clause 125(4)(a) as required by clause 129.

(5) **Cessation of retailer obligations after deregistration**

The *retailer* obligations under clause 127 cease to apply in respect of a customer’s premises once that customer’s premises is validly deregistered.

(6) **Deregistration where medical confirmation not provided**

(a) Where a *customer*, whose premises have been registered by a *retailer* under subclause 125(1)(a) (and for whom subclause 125(2) does not apply), fails to provide *medical confirmation*, the *retailer* may *deregister* the customer’s premises only when:

(i) the *retailer* has complied with the requirements under clause 126;

(ii) 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:

(A) in person;

(B) by telephone; or

(C) by electronic means;

(iii) 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 subclause 126(1)(d); and

(iv) the customer has not provided medical confirmation before the date for deregistration specified in the deregistration notice.
(b) A deregistration notice must:

(i) be dated;

(ii) 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;

(iii) 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

(iv) advise the customer that the customer will no longer receive the protections under this Part when the premises is deregistered.

(c) A retailer may deregister a customer’s premises registered under subclause 125(3) after being notified by the distributor that the distributor has deregistered the customer’s premises pursuant to:

(i) clause 5A.6.5 of the Electricity Distribution Code; or

(ii) clause 4A.10 of the Gas Distribution System Code.

(7) Derogation where there is a change in the customer’s circumstances

Where a customer whose premises have been registered by a retailer under subclause 125(1)(a) or 125(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:

(a) on the date specified in accordance with subclause 128(7)(a)(i)(B) if:

(i) the retailer has provided written notification to the customer advising:

(A) 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;

(B) 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;

(C) that the customer will no longer receive the protections under this Part when the premises is deregistered; and
(D) that the customer must contact the retailer prior to the date specified in accordance with subclause 128(7)(a)(i)(B) if the person for whom the life support equipment is required has not vacated the premises or requires the life support equipment; and

(E) the customer has not contacted the retailer prior to the date specified in accordance with subclause 128(7)(a)(i)(B) to advise that the person for whom the life support equipment is required has not vacated the premises or requires the life support equipment; or

(ii) on a date that is less than 15 business days from the date of written notification, if the customer or their authorised representative gives explicit informed consent to the premises being deregistered on that date.

(b) Explicit informed consent is consent given by a customer to a retailer in accordance with the requirements of clause 3C(1)-(2).

(c) A retailer must create a record of each explicit informed consent provided by a customer, and retain the record for at least 2 years.

(8) 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:

(a) clause 5A.6.6 of the Electricity Distribution Code; or

(b) clause 4A.11 of the Gas Distribution System Code.

(9) A retailer may, at any time, request a customer whose premises have been registered under clause 125 to confirm whether the person for whom life support equipment is required still resides at the premises or still requires life support equipment.

(10) Application of this rule to standard retail contracts

This rule applies in relation to standard retail contracts.

(11) Application of this rule to market retail contracts

This rule applies in relation to market retail contracts.
(12) In clause 129 delete the heading and text, and insert:

129 Registration and deregistration details must be kept by retailers

A retailer 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 clauses 125, 126, 127 and 128 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 clause 126 and 128.

(13) In clause 130 delete the heading and text, and insert:

Division 2 Exempt person additional requirements (EPA)

130 Requirement

An exempt person is required to perform its obligations under this Division 2 of Part 7 in a way that promotes the objective of this Division.

(14) In clause 131 delete the heading and text, and insert:

131 Objective

The objective of Division 2 of Part 7 is to ensure that persons who require life support equipment receive the full protections of the life support provisions from when they first advise their exempt person or exempt distributor that the premises requires life support equipment. These protections apply until the premises is validly deregistered.
Note:

In addition to this Division, this Code contains life support provisions for exempt persons in clauses 3B, 16A(1), and Division 4 of Schedule 3.

(15) In clause 132 delete the heading and text, and insert:

132 Registration of life support equipment

(1) Exempt person 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, an exempt person must:

(a) within one business day from being advised by the customer, 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) determine whether the life support equipment is fuelled by both electricity and gas and whether the customer has a different gas retailer. If so, the exempt person must inform the customer that the customer should inform their gas retailer that a person residing or intending to reside at the customer’s premises requires life support equipment;

(c) no later than 5 business days after receipt of advice from the customer, provide in writing to the customer, in plain English:

(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 distributor (including exempt distributor) planned interruptions under the Electricity Distribution Code or unplanned interruptions to the supply at the address and that the distributor (including exempt distributor) and exempt person is required to notify them of a distributor planned interruption under the Electricity Distribution Code;

(iv) information to assist the customer to prepare a plan of action in the case of an unplanned interruption;

(v) an emergency telephone contact number for the exempt person, any exempt distributor, and the distributor (the charge for which is no more than the cost of a local call);
(vi) information about the types of equipment that fall within the definition of *life support equipment*, and the additional information provided in Schedule 10 of this Code;

(vii) advice that the *customer* may be eligible for concessions and rebates offered by the State or Federal governments, including information about how to access them; and

(viii) information in community languages about the availability of interpreter services for the languages concerned and telephone numbers for the services; and

(d) if the *exempt person* purchases electricity to sell to the *customer* from a licensed *retailer*, notify the licensed *retailer* (within one *business day* from being advised by the *customer*) 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

(e) if the *exempt person* purchases electricity to sell to the *customer* and that electricity is distributed by an *exempt distributor*, notify the *exempt distributor* (within one *business day* from being advised by the customer) 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, unless the *exempt distributor* has already notified the *exempt person* under clause 5A.8.2(a)(ii) of the *Electricity Distribution Code*.

(2) **Exempt person obligations when advised by exempt distributor**

When notified by an *exempt distributor* under clause 5A.8.2(a)(ii) of the *Electricity Distribution Code* that a person residing or intending to reside at the *customer’s* premises requires *life support equipment*, an *exempt person* must:

(a) within one *business day* from being notified, 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) no later than 5 *business days* after receipt of advice from the *exempt distributor*, provide the *customer* with the information required by subclause 132(1)(c); and

(c) if the *exempt person* purchases electricity to sell to the *customer* from a licensed *retailer*, notify the licensed *retailer* (within one *business day* from being advised by *exempt 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.
(3) **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 *exempt person* will satisfy the requirement to provide *medical confirmation* under this Code;

(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 *exempt person*; and

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

(16) In clause 133 delete the heading and text, and insert:

133 **Reminders for confirmation of premises as requiring life support equipment**

(1) Where a *medical confirmation form* is provided under clause 132, the *exempt person* 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
(c) 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.

(17) In clause 134 delete the heading and text, and insert:

134 Ongoing exempt person obligations

(1) Where an exempt person is required to register a customer's premises under subclause 132(1)(a) or 132(2)(a), the exempt person has the following ongoing obligations:

(a) if the exempt person was required to give notice to a licensed retailer under clause 132(1)(d), the exempt person must, within one business day from receipt, give the licensed retailer:

(i) relevant information about the life support equipment requirements for the customer’s premises and any relevant contact details for the purposes of updating the licensed retailer’s registration under subclause 127(2)(b), unless the relevant information was provided to the exempt person by the licensed retailer; and

(ii) a copy of the customer’s medical confirmation; and

(b) if the exempt person was required to give notice to an exempt distributor under clause 132(1)(e), the exempt person must give the exempt distributor (within
one business day from receipt) relevant information about the life support equipment requirements for the customer’s premises (including when the customer provides medical confirmation to the exempt person) and any relevant contact details for the purposes of updating the distributor’s registration under subclause 5A.8.2(b) of the Electricity Distribution Code, unless the relevant information was provided to the exempt person by the exempt distributor;

(c) when advised by a customer, licensed retailer, or exempt distributor of any updates to the life support equipment requirements for the customer's premises or any relevant contact details, update the exempt person’s registration, within one business day from receipt of the advice;

(d) not arrange for the de-energisation of the premises from the date the life support equipment will be required at the premises;

(e) when notified by a distributor about a planned interruption under clause 5.5.1(b) of the Electricity Distribution Code, provide the affected customer (within one business day from receipt of notification) with written notice.

(2) The notice given under clause 134(1)(e) must:

(a) specify the expected date, time and duration of the interruption; and

(b) include a 24-hour telephone number for fault enquiries and emergencies, the charge for which is no more than the cost of a local call.

(18) In clause 135 delete the heading and text, and insert:

135 Deregistration of premises

(1) An exempt person must not deregister a customer's premises except in the circumstances permitted under this clause 135.

(2) If a customer’s premises is deregistered by an exempt person, the exempt person must within 5 business days update its registration under subclauses 132(1)(a) and 132(2)(a) as required by clause 136.

(3) If no customer remains registered with an exempt person under this Part, the exempt person must within 5 business days notify:

(a) the licensed retailer; and

(b) any exempt distributor of the date of de-registration and the reason for de-registration.
Cessation of exempt person obligations after deregistration

(4) The exempt person obligations under clause 134 cease to apply in respect of a customer’s premises once that customer’s premises is validly deregistered.

(5) **Deregistration where medical confirmation not provided**

(a) Where a customer whose premises have been registered by an exempt person under subclause 132(1)(a) or 132(2)(a) fails to provide medical confirmation, the exempt person may deregister the customer’s premises only when:

(i) the exempt person has complied with the requirements under clause 133;

(ii) the exempt person 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:

(A) in person;

(B) by telephone; or

(C) by electronic means;

(iii) the exempt person 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 subclause 133(1)(d); and

(iv) the customer has not provided medical confirmation before the date for deregistration specified in the deregistration notice.

(b) A deregistration notice must:

(i) be dated;

(ii) 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;

(iii) 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

(iv) advise the customer that the customer will no longer receive the protections under this Part when the premises is deregistered.
(6) **Deregistration where there is a change in the customer's circumstances**

Where a customer whose premises have been registered by an exempt person under subclause 132(1)(a) or 132(2)(a) advises the exempt person that the person for whom the life support equipment is required has vacated the premises or no longer requires the life support equipment, the exempt person may deregister the customer’s premises on:

(a) the date specified in accordance with subclause 136(5)(a)(i)(B) if:

(i) the exempt person has provided written notification to the customer advising:

(A) that the customer’s premises will be deregistered on the basis that the customer has advised the exempt person that the person for whom the life support equipment is required has vacated the premises or no longer requires the life support equipment;

(B) 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;

(C) that the customer will no longer receive the protections under this Part when the premises is deregistered; and

(D) that the customer must contact the exempt person prior to the date specified in accordance with subclause 136(5)(a)(i)(B) if the person for whom the life support equipment is required has not vacated the premises or requires the life support equipment; and

(E) the customer has not contacted the exempt person prior to the date specified in accordance with subclause 136(5)(a)(i)(B) to advise that the person for whom the life support equipment is required has not vacated the premises or requires the life support equipment; or

(b) a date that is less than 15 business days from the date of written notification if the customer or their authorised representative gives explicit informed consent to the premises being deregistered on that date.

(c) *Explicit informed consent* is consent given by a customer to a retailer in accordance with the requirements of clause 3C(1)-(2)

(d) A retailer must create a record of each explicit informed consent provided by a customer, and retain the record for at least 2 years.

(7) An exempt person may, at any time, request a customer whose premises have been registered under clause 132 to confirm whether the person for whom life support
equipment is required still resides at the premises or still requires life support equipment.

(19) In clause 136 delete the heading and text, and insert:

136 Registration and deregistration details must be kept by exempt persons

An exempt person 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; and

(b) ensure that life support equipment registration and deregistration details maintained in accordance with clauses 132, 133, 134 and 135 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 clause 133 and 135.

(20) In clause 137 delete the heading and text, and insert:

137 Application of this Division to exempt persons

(1) This Division applies to exempt persons in the following categories:

VD2, VR2, VR3 and VR4.

(21) In Schedule 1, clause 6.3 delete the text, and insert:

(a) Before this contract starts, we were required to ask you whether a person residing or intending to reside at your premises requires life support equipment.

(b) If a person living or intending to live at your premises requires life support equipment, you must:

(i) advise us that the person requires life support equipment;
(ii) register the premises with us or your distributor; and

(iii) upon receipt of a medical confirmation form, provide medical confirmation for the premises.

(c) Subject to satisfying the requirements in this Code, the Electricity Distribution Code or the Gas Distribution System Code, your premises may cease to be registered as having life support equipment if medical confirmation is not provided to us or your distributor.

(d) You must tell us or your distributor if the life support equipment is no longer required at the premises.

(e) If you tell us that a person living or intending to live at your premises requires life support equipment, we must give you:

(i) at least 50 business days to provide medical confirmation for the premises;

(ii) general advice that there may be a distributor planned interruption or unplanned interruption to the supply of energy to the premises;

(iii) information to assist you to prepare a plan of action in case of an unplanned interruption; and

(iv) emergency telephone contact numbers.

(22) In Schedule 1, insert in the ‘Simplified explanation of terms’ in alphabetical order:

**distributor planned interruption** means an interruption of supply planned in advance by a distributor, including for planned maintenance, repair or augmentation of the distribution system; or for installation of a new supply to another customer;

**gas full commencement date** means 1 July 2020.

**gas retailer** means a person who holds a retail licence under the Gas Industry Act;

**medical confirmation** means certification in a medical confirmation form from a registered medical practitioner of the requirement for life support equipment at your premises; (including certification in a document other than the medical confirmation form);

**medical confirmation form** means a written form issued by a retailer to enable the customer to provide medical confirmation to the retailer;
In Schedule 3, Part 4, after clause 2(2) insert

(3) An existing life support customer registered by a retailer under clause 2(1)(c) of Part 4 of Schedule 3 of this Code is taken from the commencement date to be registered under new clause 125(1)(a) of the Amending Rule.

(4) From the commencement date, a retailer is required to comply with obligations under the Code that apply in respect of a customer registered under new clause 125(1)(a) of the Amending Rule in respect of an existing life support customer, except that:

(a) the application of clause 125(1)(c) of the Amending Rule is modified so that, by the Notice Date, the retailer must:

(i) if notified by the distributor that existing medical confirmation has been provided for the existing life support customer, provide in writing to the existing life support customer the information in clause 125(1)(c)(iii), and (v)-(x) of the Amending Rule;

(ii) if notified by the distributor that existing medical confirmation has not been provided for the existing life support customer, provide in writing to the existing life support customer the information in clause 125(1)(c) of the Amending Rule;

(b) sub-clause 125(1)(d)-(e), (3) and (4) of the Amending Rule do not apply;

(5) Retailers must make the required alterations to their standard retail contracts by the commencement date.

(6) Alterations made under subclause (5) must take effect on and from the commencement date.

In Schedule 3, Part 4, after clause 3(1) insert

(2) An existing life support customer registered by an exempt person under clause 3(1)(c) of Part 4 of Schedule 3 of this Code is taken from the commencement date to be registered under new clause 132(2)(a) of the Amending Rule.

(3) From the commencement date, an exempt person is required to comply with obligations under the Code that apply in respect of a customer registered under new clause 132(2)(a) of the Amending Rule in respect of an existing life support customer, except that:

(a) the application of clause 132(2)(b) of the Amending Rule is modified so that, by the Notice Date, the exempt person must:
(i) if notified by the _exempt distributor_ that _existing medical confirmation_ has been provided for the _existing life support customer_, provide in writing to the _existing life support customer_ the information in clause 132(1)(c)(iii)-(vi) of the _Amending Rule_;

(ii) if notified by the _distributor_ that _existing medical confirmation_ has not been provided for the _existing life support customer_, provide in writing to the _existing life support customer_ the information in clause 132(1)(c) of the _Amending Rule_;

(b) the application of clauses 132(2)(c) of the _Amending Rule_ is modified so that notification to a licensed _retailer_ is to be given by the _Notice Date._

(25) **In Schedule 3, Part 4, after clause 3 insert:**

4 **Gas retailer obligations during preliminary stage for existing customers**

(1) An _existing life support customer_ who has been registered by a _gas retailer_ is taken from the _commencement date_ to be registered under new clause 125(1)(a) of the _Amending Rule_.

(2) From the _commencement date_ until the _gas full commencement date_, a _gas retailer_ is required to comply with obligations under the _Code_ that apply in respect of a _customer_ registered under new clause 125(1)(a) of the _Amending Rule_ in respect of an _existing life support customer_, except that:

(a) the application of clause 125(1)(c) of the _Amending Rule_ is modified so that the _retailer_ must:

(i) if _existing medical confirmation_ has been provided for the _existing life support customer_, use best endeavours to provide in writing to the _existing life support customer_ in a timely manner the information in clause 125(1)(c)(iii)-(x) of the _Amending Rule_;

(ii) if _existing medical confirmation_ has not been provided for the _existing life support customer_, use best endeavours to provide in writing to the _existing life support customer_ the information in clause 125(1)(c) of the _Amending Rule_;

(b) clause 125(1)(d) of the _Amending Rule_ is modified so that the _gas retailer_ must use best endeavours to notify the _distributor_ in a timely manner;

(c) clause 125(1)(e) of the _Amending Rule_ is modified so that the _gas retailer_ must use best endeavours to notify the _distributors_ in a timely manner;

(3) _Retailers_ must make the required alterations to their _standard retail contracts_ by the _commencement date._
(4) Alterations made under subclause (5) must take effect on and from the commencement date.

(26) In Schedule 3, Part 4, after clause 4 insert:

5 Other gas retailer obligations during preliminary stage

From the commencement date to the gas full commencement date, a gas retailer is required to comply with obligations under the Code that apply in respect of a customer registered under new clause 125(1)(a) of the Amending Rule, except that:

(a) clause 125(1)(a) of the Amending Rule is modified so that the gas retailer must use best endeavours to register the customer in a timely manner;

(b) clause 125(1)(c) of the Amending Rule is modified so that the gas retailer must use best endeavours to provide the information to the customer in a timely manner;

(c) clause 125(1)(d) of the Amending Rule is modified so that the gas retailer must use best endeavours to notify the distributor in a timely manner;

(d) clause 125(1)(e) of the Amending Rule is modified so that the gas retailer must use best endeavours to notify the distributor in a timely manner;

(e) clause 125(3)(c) of the Amending Rule is modified so that the gas retailer must use best endeavours to register the customer in a timely manner.

(f) clause 127(1)(a) of the Amending Rule is modified so that the gas retailer must use best endeavours to notify the distributor in a timely manner

(g) clause 127(1)(b) of the Amending Rule is modified so that the gas retailer must use best endeavours to update its register in a timely manner

(h) clause 128(2)(b) of the Amending Rule is modified so that the gas retailer must use best endeavours to update its register in a timely manner

(i) clause 128(3)(b) of the Amending Rule is modified so that the gas retailer must use best endeavours to update its register in a timely manner.

(27) After Schedule 9 insert:

Schedule 10

Life Support Equipment means any of the following:

(a) an oxygen concentrator

(b) an intermittent peritoneal dialysis machine
(c) a kidney dialysis machine
(d) a chronic positive airways pressure respirator
(e) crigler najjar syndrome phototherapy equipment
(f) a ventilator for life support
(g) in relation to a particular customer – any other equipment (whether fuelled by electricity or gas) that a registered medical practitioner certifies is required for a person residing at the customer’s premises for life support.

‘Other’ life support equipment may include, but is not limited to, the following:

(i) external heart pumps
(ii) respirators (iron lung)
(iii) suction pumps (respiratory or gastric)
(iv) feeding pumps (kangaroo pump, or total parenteral nutrition)
(v) insulin pumps
(vi) airbed vibrator
(vii) hot water
(viii) nebulizer, humidifiers or vaporizers
(ix) apnoea monitors
(x) medically required heating and air conditioning
(xi) medically required refrigeration
(xii) powered wheelchair.