

## Guideline 2 (2022): Life support customer details

The minimum information that must be kept in the register of life support customers and residents includes:

- details of the notification of a relevant customer being a life support customer, including date of notification, form of notification, and the location of any additional notifications
- the supply address
- the date from which the supply equipment is required at the premises.

### Purpose and application

The life support framework for retailers and exempt sellers is contained in Part 2, Division 5C of the Electricity Industry Act 2000 and Part 4, Division 4AA of the Gas Industry Act 2001.<sup>1</sup> The life support framework for distributors and exempt distributors is set out in Part 5A of the Electricity Distribution Code of Practice and Part 4A of the Gas System Distribution Code of Practice.

Retailers, distributors and exempt persons (whether they be sellers or distributors) are required to keep a register of life support customer and life support resident details for premises where a life support resident or customer resides or intends to reside.

### The meaning of life support customer details

The term 'life support customer details' is defined in section 40SA of the Electricity Industry Act 2000 and section 48DC of the Gas Industry Act 2001:

**Life support customer details**, in relation to a relevant customer, means:

- (a) the information that evidences that a relevant consumer is a life support customer;
- (b) the personal details of each life support resident residing or intending to reside at the premises of the life support customer; and

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<sup>1</sup> The Energy Retail Code of Practice imposes an obligation on deemed exempt persons to keep a register of life support customers and residents (see clause 173).

(c) the date from which life support equipment is required at the premises of the life support customer by each life support resident.<sup>2</sup>

There are three parts to the definition of 'life support customer details', and the commission provides guidance on each part's requirements.

## Guidance

Life support customer details	Explanation of what this requires
<ul style="list-style-type: none"><li>Information that evidences that the relevant customer is a life support customer.</li></ul>	<ul style="list-style-type: none"><li>This requires recording details of the notification (whether that be from the customer, or other person involved in the sale or supply of energy, such as distributor, retailer or exempt person) of the relevant customer being a life support customer. These details must include the date, form of notification and a reference to where any further records of that notification are located (for instance if the customer advised the retailer orally, a reference to the call notes).</li><li>This does not equate to a copy of the medical confirmation form, noting that a medical confirmation form may be provided after the initial notification. However, on receipt of the medical confirmation form, the register should reflect that such confirmation has been provided.</li></ul>
<ul style="list-style-type: none"><li>The personal details of each life support resident residing or intending to reside at the premises of the life support customer.</li></ul>	<ul style="list-style-type: none"><li>This requires recording, at a minimum, the customer's supply address.</li></ul> <p>The commission considers it is <b>better practice</b> to also include in the register:</p> <ul style="list-style-type: none"><li>a life support resident's contact details; and</li></ul>

<sup>2</sup> This language has been adopted for consistency in the Electricity Distribution Code of Practice (clause 19) and Gas Distribution System Code of Practice (clause 13.1).

- the type of life support equipment, as documented in the medical confirmation form.

This information will assist in responding to emergency events where there is a need to ascertain the welfare of life support residents, for instance following an unplanned outage. A retailer may adopt processes to address privacy requirements, for instance only including a life support resident's name where that person consents to the retention of this information on the register.

- The date from which life support equipment is required at the premises of the life support customer by each life support resident.
- The date from which the life support equipment is required at the premises, this may initially be the date the customer nominates,<sup>3</sup> and later be updated to reflect any revised date contained in the medical confirmation form.

### **The register must be updated within one business day**

There are ongoing obligations on retailers, distributors and exempt persons to update the register of life support customers and residents within one business day when advised of changes to life support requirements for the customer's premises or relevant contact details.<sup>4</sup> The register is not a stagnant document, but one that requires prompt updating to ensure that customers are provided with the protections to which they are entitled.

### **Deregistration of a life support customer**

Life support customer details may only be removed from the register of life support at the request of the registered life support customer or as provided for in an applicable code of practice. The codes of practice identify further circumstances in which life support customers details may be removed from the register; where medical confirmation is not provided, where there is a change in the customer's circumstances or where another person involved in the supply or sale of energy

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<sup>3</sup> Clauses 26 and 27 of the Energy Retail Code of Practice require a retailer or exempt person to ask a small customer whether anyone residing or intending to reside at the customer's premises requires life support equipment.

<sup>4</sup> See clauses 165 and 170 of the Energy Retail Code of Practice; sections 5A.5 and 5A.8.3 of the Electricity Distribution Code of Practice; and section 4A.7 of the Gas Distribution System Code of Practice.

advises that they have deregistered the customer (for instance where a distributor advises a retailer that they have deregistered the customer).<sup>5</sup>

Records of when the customer is deregistered, the reason for deregistration and relevant communications that led to the deregistration must be kept by the retailer, distributor and exempt person (be that seller or distributor) as applicable.<sup>6</sup>

Where the deregistration is required as a result of a life support customer's death, stress for family and friends may be caused by retailers and other persons involved in the sale or supply of energy not having in place appropriate processes to deal with the deregistration. In such circumstances, the retailer may accept a request from the life support customer's executor or administrator, after receipt of evidence of their appointment, to deregister the life support resident. Consideration should be given to addressing this particular circumstance in internal policies relating to deregistration to ensure the process can be managed with appropriate sensitivity.

This guideline has been approved for publication by the commission pursuant to section 13 of the Essential Services Commission Act 2001. This guideline does not provide or create legal obligations. Its purpose is to assist compliance by regulated entities. Where relevant, areas of better practice or case studies are detailed in breakout boxes.

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<sup>5</sup> See clauses 166 and 171 of the Energy Retail Code of Practice; sections 5A.6 and 5A.8.4 of the Electricity Distribution Code of Practice; and section 4A.8 of the Gas Distribution System Code of Practice.

<sup>6</sup> See clauses 167(1)(b) and 172(1)(b) of the Energy Retail Code of Practice; sections 5A.7.1(b) and 5A.8.5(b) and 5A.8.6(j) of the Electricity Distribution Code of Practice; and sections 4A.13(b) of the Gas Distribution System Code of Practice.