

Draft Decision

Proposed amendments to the *Code of Conduct for the Supply of Electricity to Small Use Customers* – Life support provisions

5 November 2012

Economic Regulation Authority

WESTERN AUSTRALIA

Important Notice

This document has been compiled in good faith by the Economic Regulation Authority (**Authority**). The document contains information supplied to the Authority from third parties. The Authority makes no representation or warranty, express or implied, as to the accuracy, completeness, reasonableness or reliability of the information supplied by those third parties.

This document is not a substitute for legal or technical advice. No person or organisation should act on the basis of any matter contained in this document without obtaining appropriate professional advice. The Authority and its staff members make no representation or warranty, expressed or implied, as to the accuracy, completeness, reasonableness or reliability of the information contained in this document, and accept no liability, jointly or severally, for any loss or expense of any nature whatsoever (including consequential loss) arising directly or indirectly from any making available of this document, or the inclusion in it or omission from it of any material, or anything done or not done in reliance on it, including in all cases, without limitation, loss due in whole or part to the negligence of the Authority and its employees.

This notice has effect subject to the *Competition & Consumer Act 2010 (Cwlth)*, the *Fair Trading Act 1987 (WA)* and the *Fair Trading Act 2010 (WA)*, if applicable, and to the fullest extent permitted by law.

Any summaries of the legislation, regulations or licence provisions in this document do not contain all material terms of those laws or obligations. No attempt has been made in the summaries, definitions or other material to exhaustively identify and describe the rights, obligations and liabilities of any person under those laws or licence provisions.

A full copy of this document is available from the Economic Regulation Authority website at www.erawa.com.au.

For further information, contact:

Economic Regulation Authority
Perth, Western Australia
Phone: (08) 6557 7900

© Economic Regulation Authority 2012

The copying of this document in whole or part for non-commercial purposes is permitted provided that appropriate acknowledgment is made of the Economic Regulation Authority and the State of Western Australia. Any other copying of this document is not permitted without the express written consent of the Authority.

Contents

| | |
|--|----------|
| DRAFT DECISION | 1 |
| INTRODUCTION AND OVERVIEW | 1 |
| RESPONSE TO ECCC RECOMMENDATION | 2 |
| ADDITIONAL AMENDMENTS | 2 |
| PROPOSED AMENDMENTS TO THE CODE | 4 |
| APPENDICES | 5 |

DRAFT DECISION

Following its consideration of the Electricity Code Consultative Committee's (**ECCC**) recommendations in regard to life support provisions, the Authority has decided to exercise its power under the *Electricity Industry Act 2004 (Act)* to propose further amendments to the life support provisions in the new *Code of Conduct for the Supply of Electricity to Small Use Customers (Code)*, to be gazetted to take effect from 1 January 2013.¹ Under the Act, the Authority is required to refer the proposed amendments to the ECCC for its advice.

Copies of the proposed further amended life support provisions (clause 7.7 of the Code) and additional definition are attached, with the first showing tracked changes (**Appendix 2**) and the second a clean version (**Appendix 3**).

This Draft Decision addresses the proposed amendments on which the Authority requires advice from the ECCC. The Authority will consider the ECCC's advice in making its final decision regarding the amendments.

INTRODUCTION AND OVERVIEW

Under section 81 of the Act, the Authority is required to establish a committee to advise it on matters relating to the Code. The committee is known as the Electricity Code Consultative Committee or ECCC.

Under section 79 of the Act, the Authority may, in consultation with the ECCC, approve a code of conduct to:

...regulate and control the conduct of electricity retail, distribution and integrated regional licensees and electricity marketing agents, with the object of defining standards of conduct in the supply and marketing of electricity to customers and providing for compensation payments to be made to customers when standards of conduct are not met; and protecting customers from undesirable marketing conduct.

Under section 88 of the Act, the ECCC must carry out a review of the Code as soon as practicable after the first anniversary of its commencement and after the expiry of each 2 yearly interval after that anniversary. The object of a review is to re-assess the suitability of the provisions of the Code for the purposes of section 79(2).

The ECCC recently completed its third review of the Code. The approved Code is to be gazetted to take effect from 1 January 2013. Further information regarding the ECCC's review can be found on the Authority's website.

During the course of the ECCC review, the life support provisions in the Code were discussed at length. Whilst the ECCC agreed to make some recommendations relating to life support, other issues were debated by the ECCC but resulted in no recommendation.

¹ References to the Code throughout this Draft Decision are to the new Code to take effect from 1 January 2013.

The ECCC decided to arrange a separate forum in which to continue ECCC discussions surrounding the life support provisions in the Code.

Following the ECCC's life support forum, held in October 2012, the ECCC wrote to the Authority to make further recommendations in relation to the life support provisions in the Code.

RESPONSE TO ECCC RECOMMENDATION

The Authority considered the ECCC's letter and has accepted the ECCC's recommendation that the Authority include in the Code provisions setting out the following:

1. Annual renewal of a customer's life support equipment status (from date of registration);
2. Tri-annual medical recertification of a customer's life support equipment status;
3. The retailer must make three attempts to contact the customer when requesting life support renewal or recertification; and
4. The contact attempts by the retailer must include a letter by registered mail and any other two attempts.

The Authority requested that the ECCC provide its advice on the ECCC's proposed amended drafting of clause 7.7 of the Code, along with two additional amendments proposed by the Authority.

ADDITIONAL AMENDMENTS

The Authority's two additional amendments in regard to the life support provisions in the Code are as follows:

1. Definition of "appropriately qualified medical practitioner"

Additional Amendment A – That the Code be amended to include a definition of "appropriately qualified medical practitioner."

Clause 7.7 of the Code states the following:

If a customer provides a retailer with confirmation from an *appropriately qualified medical practitioner* that a person residing at the customer's supply address requires life support equipment, the retailer must... *[Our emphasis]*

Currently, the Code does not define an "appropriately qualified medical practitioner". Therefore, a customer is able to obtain medical certification from any medical practitioner that is "appropriately qualified" without any specified restrictions.

The Authority is concerned by the certification by some medical practitioners of equipment used by customers that may not necessarily be required to support life, but rather assists the customer in dealing with their medical condition. Examples of such equipment include electric wheelchairs, beds, medi-alert bracelets (which require charging) and fridges for insulin or other medication.

The definition of life support equipment in the Code provides as follows:

“life support equipment” means the equipment designated under the Life Support Equipment Electricity Subsidy Scheme.

The Life Support Equipment Electricity Subsidy Scheme (**Life Support Scheme**) referred to in the definition is administered by the Office of State Revenue. Information regarding the scheme is attached at **Appendix 1**.

The Life Support Scheme provides a subsidy towards the electricity costs of operating life support equipment at home. The subsidy is available to financially disadvantaged persons (holders of concession cards whom are means tested) and aims to provide recipients of life support equipment with assistance in meeting the energy costs associated with operating that equipment at home.

Under the Life Support Scheme, medical authorisation must be completed by either:

- A specialist medical practitioner or a medical practitioner working in a specialist department of a hospital; or
- A hospice doctor; or
- In an area outside of the Perth Metropolitan Area, a doctor or General Practitioner *if* he/she also works on an occasional basis from a local hospital or rural health service.

The Authority proposes to include a definition for an “appropriately qualified medical practitioner” that is similar to the requirements for medical certification under the Life Support Scheme.

The Authority considers that defining “appropriately qualified medical practitioner” in order to require certification by specialists or hospice doctors in the metropolitan area is likely to assist in ensuring that only genuine life support equipment receives certification.

2. Time limit for retailer to notify the distributor of termination of life support obligations

Additional Amendment B – That the Code be amended to include a time limit in which the retailer is required to notify the distributor of the termination of life support obligations to a customer.

The ECCC has proposed amended clause 7.7(6)(c) of the Code as follows:

“Where the distributor’s obligations under subclauses (1), (3), (4) and (5) terminate as a result of the operation of sub-clause (6)(a)(iii), the retailer must notify the distributor of this fact as soon as reasonably practicable.”

The Authority is concerned that the words “as soon as reasonably practicable” may not emphasise the urgency of relaying this information to the distributor, and may leave the distributor with little certainty that it has up-to-date information from the retailer with respect to life support registrations. The inclusion of customers on the life support register whom are no longer certified as requiring life support has the potential to adversely impact genuine life support customers in the event of an emergency. In this regard, the Authority considers that a requirement to notify the

distributor within 3 business days would be a reasonable timeframe to impose on retailers.

Accordingly, the Authority proposes the following alternative drafting to clause 7.7(6)(c):

“Where the distributor’s obligations under subclauses (1), (3), (4) and (5) terminate as a result of the operation of sub-clause (6)(a)(iii), the retailer must notify the distributor of this fact as soon as reasonably practicable but in any event, within 3 business days.”

The Authority’s proposed amendments to the Code, incorporating both the ECCC’s recommended amendments and Additional Amendments A and B, is set out at **Appendix 2** (in track changes) and **Appendix 3** (with track changes accepted) to this Draft Decision.

PROPOSED AMENDMENTS TO THE CODE

The Act clearly outlines the process that the Authority must follow if it seeks to amend the Code.

The Authority is required, under section 87 of the Act, to refer the proposed amendments to the ECCC for advice. The Authority has sent a letter to the ECCC requesting its advice on both the ECCC’s recommended amendments to clause 7.7 of the Code, and Additional Amendments A and B.

The Act also requires that the ECCC provide interested parties with an opportunity to comment before providing its advice to the Authority.

Following receipt of the ECCC’s advice, the Authority will consider the advice and make a final decision regarding the proposed amendments.

LYNDON ROWE
CHAIRMAN

APPENDICES

Appendix 1: Life Support Scheme – Information





Life Support Equipment Energy Subsidy Scheme

As at 1 July 2012

Introduction

From 1 January 2005 the Western Australian Government introduced the Life Support Equipment Energy Subsidy (LSEES) to help financially disadvantaged persons, or their dependants, meet the energy costs associated with operating life support equipment at home.

The subsidy is aimed at persons who hold means tested concession cards, (or dependants of people who hold means tested concession cards), who use specified life support equipment in their home under specialist medical advice.

General Information

The payment is made by Electronic Funds Transfer (EFT) directly into the bank account nominated by the applicant (Note: this must be a cheque or savings account).

The Office of State Revenue will need your authorisation to confirm the status of your means tested concession card with Centrelink and the Department of Veteran's Affairs.

Eligibility for the LSEES

The applicant for the subsidy must be the holder of one of the following means tested concession cards:

- **Pensioner Concession Card** (*issued by either Centrelink or the Department of Veterans' Affairs*); or
- **Health Care Card** (*does not include Commonwealth Seniors Health Card*); or
- **Health Care Interim Voucher.**

The applicant may be either:

- **The patient**, who requires the specified life support equipment for their own use; or
- **The guardian or primary caregiver** of a person, who utilises the energy for life support equipment in their own home.

Where an applicant is a child or an adult who holds one of the above-mentioned concession cards but is unable to sign the application form due to age or disability, the guardian or primary caregiver may sign the form on their behalf, provided they explain their reasons for doing so.

To be eligible under this scheme, both of the following criteria must be met:

- The specified home-based life support equipment was prescribed by an appropriate specialist medical practitioner or a medical practitioner working in a specialist department of a hospital (see "Medical authorisation", below); and
- The prescribed life support equipment operates at the specified home address.

Medical authorisation

The medical authorisation (section 6 of the application form) may only be completed by one of the following:

- A specialist medical practitioner or a medical practitioner working in a specialist department of a hospital; or
- A hospice doctor; or
- In an area outside of the Perth Metropolitan Area, a doctor or General Practitioner *if* he/she also works on an occasional basis from a local hospital or rural health service.

Specified life support equipment

The following table lists the specified life support equipment and the amount of the annual subsidy that is applicable per item of equipment. Equipment not listed in this table is not covered under this scheme.

| Specified Life Support Equipment | Annual Subsidy |
|---|----------------|
| Ventilators (VPAP or BPAP only) | \$348 |
| Oxygen Concentrator (standard capacity – Adult) | \$664 |
| Oxygen Concentrator (high capacity “New Life Intensity” – Adult) ¹ | \$958 |
| Oxygen Concentrator (standard capacity – Child) | \$995 |
| Feeding Pump | \$118 |
| Suction Pump | \$158 |
| Apnoea Monitor (Child only) | \$199 |
| Heart Pump ² | \$313 |
| Nebuliser (Child only – used every day for 1-2 hours per day) | \$38 |
| Machine Assisted Peritoneal Dialysis Equipment | \$73 |

¹ Payable retrospectively from 1 March 2006

² Payable retrospectively from 1 January 2005

Note: Retrospective payments are accepted for these two items of equipment only

How to apply

An application for the LSEES can be made where the above eligibility criteria are met.

Application forms can be obtained from www.finance.wa.gov.au or by phoning the Energy Subsidies enquiry line on (08) 9262 1373.

The application form must be completed in full and the authorisation and declaration signed by the applicant and patient as applicable (see section 5 of the application form).

The medical authorisation must be completed in full by an authorised medical practitioner (see “Medical authorisation” above and section 6 of the application form).

To ensure payment is made in a timely manner, please provide the relevant bank account details **as they appear on your bank statement**. This includes the name of the bank, the branch location, the BSB number, the account number and the name of the account holder. If you are unsure about any of these details please contact your bank for assistance.

There may be instances where the patient lives in a form of supported accommodation (e.g. nursing home, permanent caravan park or similar). In these cases, a copy of an invoice or similar document showing the applicant is individually billed and pays for measured energy usage must be included with the application form.

The Office of State Revenue has the right to decline an application (or demand repayment of any subsidy already paid) in situations where, in the Office's reasonable opinion, false or misleading information has been provided or the eligibility criteria have not been met. Recipients may seek review of such a decision, at which time they may put forward their case for payment.

Renewing your application

Each year a renewal letter will be mailed to you on the anniversary date of your application. This letter will require you to renew your subsidy payment and to advise us of any changes to your circumstances or application details. It is important that if you change your postal and/or residential address you notify the Office of State Revenue as soon as possible to ensure that the renewal letter reaches you.

Every three years you will be required to have your specified life support equipment recertified by your authorised medical specialist to ensure that the subsidy remains payable.

Energy supply outages – Special needs customers

The Office of State Revenue recommends that customers contact their energy provider (e.g. Synergy or Horizon) to enable the provider to take into account, wherever possible, the applicants' special circumstances in the event that there is a planned service outage.

Concession cards

Information regarding Pensioner Concession Cards and Health Care Cards is available from the Department of Veterans' Affairs or your local Centrelink Office.

Further information

Further information regarding the LSEES may be found at www.finance.wa.gov.au or obtained by phoning the Energy Subsidies enquiry line on (08) 9262 1373.

Contact the Office of State Revenue

| | | | |
|---------------------|---|------------------|--|
| Office | Office of State Revenue Plaza Level 200 St Georges Terrace PERTH WA 6000 | Telephone | (08) 9262 1373 |
| Office hours | 8:00 am – 5:00 pm Monday to Friday | Facsimile | (08) 9262 1597 |
| Postal | Office of State Revenue GPO Box T1600 PERTH WA 6845 | Website | www.finance.wa.gov.au |

Note: The information contained in this ENERGY SUBSIDY FACT SHEET is issued for guidance purposes only. It is not an exhaustive explanation of the Life Support Equipment Energy Subsidy Scheme. Further information may be obtained by contacting the Office of State Revenue.

Appendix 2: Proposed new clauses of the Code (in track changes)

Proposed amended clause 7.7 of the Code of Conduct for the Supply of Electricity to Small Use Customers (tracked changes)

NB: Includes amendments to come into force on 1 January 2013 pursuant to the Authority's Final Decision on the new Code of Conduct for the Supply of Electricity to Small Use Customers published 20 July 2012.

New Definitions (insert into clause 1.5 "Definitions"):

"appropriately qualified medical practitioner" means:

- (a) within the Perth Metropolitan Area, a specialist medical practitioner or practitioner working in a specialist department of a hospital or hospice doctor; or
- (b) outside of the Perth Metropolitan Area, a doctor or general practitioner if he/she also works on an occasional basis from a local hospital or rural health service, or hospice doctor.

"Re-certification" means confirmation from an appropriately qualified medical practitioner that a person residing at the customer's supply address continues to require life support equipment.

Proposed Further Amended Clause 7.7

7.7 Life Support

- (1) If a **customer** provides a **retailer** with confirmation from an appropriately qualified medical practitioner that a person residing at the **customer's supply address** requires **life support equipment**, the **retailer** must –
 - (a) register the **customer's supply address** and contact details as a **life support equipment** address;
 - (b) register the **life support equipment** required by the **customer**;
 - (c) notify the **customer's distributor** that the **customer's supply address** is a **life support equipment** address, and of the contact details and the **life support equipment** required by the **customer** –
 - (i) that same day, if the confirmation is received before 3pm on a **business day**; or
 - (ii) the next **business day**, if the confirmation is received after 3pm or on a Saturday, Sunday or **public holiday**; and
 - (d) not arrange for **disconnection** of that **customer's supply address** for failure to pay a bill while the person continues to reside at that address and requires the use of **life support equipment**.
- (2) If a **customer** registered with a **retailer** under subclause (1) notifies the **retailer** of a change of the **customer's supply address**, contact details, **life support equipment** or that the **customer's supply address** no longer requires registration as a **life support equipment** address, the **retailer** must –
 - (a) register the change of details;
 - (b) notify the **customer's distributor** of the change of details –

- (i) that same day, if the notification is received before 3pm on a **business day**; or
 - (ii) the next **business day**, if the notification is received after 3pm or on a Saturday, Sunday or **public holiday**; and
 - (c) continue to comply with subclause (1)(d) with respect to that **customer's supply address**.
- (3) Where a **distributor** has been informed by a **retailer** under subclause (1)(c) or by a relevant government agency that a person residing at a **customer's supply address** requires **life support equipment**, or of a change of details notified to the **retailer** under subclause (2), the **distributor** must –
 - (a) register the **customer's supply address** as a **life support equipment** address –
 - (i) the next **business day**, if the notification is received before 3pm on a **business day**; or
 - (ii) within 2 **business days**, if the notification is received after 3pm or on a Saturday, Sunday or **public holiday**;
 - (b) where informed by a relevant government agency, notify the **retailer** in accordance with the timeframes specified in subclause (3)(a);
 - (c) not **disconnect** that **customer's supply address** for failure to pay a bill while the person continues to reside at that address and require the use of **life support equipment**; and
 - (d) prior to any planned **interruption**, provide at least 3 **business days** written notice to the **customer's supply address** (the 3 days to be counted from the **date of receipt** of the notice), and use best endeavours to obtain verbal or written acknowledgement from the **customer** that the notice has been received.
- (4) Where the **distributor** has –
 - (a) already provided notice of a planned **interruption** under the **Electricity Industry Code** that will affect a **supply address**; and
 - (b) has been informed by a **retailer** under subclause 7.7(1)(c) or by a relevant government agency that a person residing at a **customer's supply address** requires **life support equipment**,

the **distributor** must use best endeavours to **contact** that **customer** prior to the planned **interruption**.

(5)

- (a) No earlier than 3 months prior to the 12 month anniversary of the confirmation from the **appropriately qualified medical practitioner** referred to in sub-clause (1), the **retailer** must **contact** the **customer** to:
 - (i) ascertain whether a person residing at the **customer's supply address** continues to require **life support equipment**; and
 - (ii) if the **customer** has not provided **re-certification** from an appropriately qualified medical practitioner within the last 3 years, request that the **customer** provide that **re-certification**.

(b) The **retailer** must provide a minimum period of 3 months for the **customer** to provide the information requested by the **retailer** in sub-clause (5)(a).

~~(5)~~(6)

(a) When ~~a person~~—

(i) a **person** who requires **life support equipment**, vacates the **supply address**; or

(ii) a **person** who required **life support equipment**, no longer requires the **life support equipment**; or

(iii) subject to sub-clause 6(b), a **customer** fails to provide the information requested by the **retailer** for the purposes of sub-clause (5)(a)(i) or the **re-certification** referred to in sub-clause (5)(a)(ii), within the time period referred to in sub-clause 5(b), or greater period if allowed by the **retailer**.

the **retailer's** and **distributor's** obligations under subclauses (1),(3), ~~and~~ (4) and (5) terminate.

(b) A **customer** will have failed to provide the information requested by the **retailer** for the purposes of sub-clause (5)(a)(i) or the **re-certification** referred to in sub-clause (5)(a)(ii) where the **contact** by the **retailer** consisted of at least the following, each a minimum of 10 **business days** from the date of the last **contact**:

(i) written correspondence sent by registered post to the **customer's supply address** and any other address nominated by the **customer**; and

(ii) a minimum of 2 other attempts to **contact** the **customer** by any of the following means:

A. **electronic means**;

B. **telephone**;

C. in person;

D. facsimile; or

E. by post sent to the **customer's supply address** and any other address nominated by the **customer**.

(c) Where the **distributor's** obligations under subclauses (1),(3),(4) and (5) terminate as a result of the operation of sub-clause (6)(a)(iii), the **retailer** must notify the **distributor** of this fact as soon as reasonably practicable, but in any event, within 3 **business days**.

Appendix 3: Proposed new clauses of the Code (clean copy)

Proposed amended clause 7.7 of the Code of Conduct for the Supply of Electricity to Small Use Customers (clean)

NB: Includes amendments to come into force on 1 January 2013 pursuant to the Authority's Final Decision on the new Code of Conduct for the Supply of Electricity to Small Use Customers published 20 July 2012.

New Definition (insert into clause 1.5 "Definitions"):

"appropriately qualified medical practitioner" means:

- (a) within the Perth Metropolitan Area, a specialist medical practitioner or practitioner working in a specialist department of a hospital or hospice doctor; or
- (b) outside of the Perth Metropolitan Area, a doctor or general practitioner if he/she also works on an occasional basis from a local hospital or rural health service, or hospice doctor.

"Re-certification" means confirmation from an appropriately qualified medical practitioner that a person residing at the customer's supply address continues to require life support equipment.

Proposed Further Amended Clause 7.7

7.7 Life Support

- (1) If a **customer** provides a **retailer** with confirmation from an appropriately qualified medical practitioner that a person residing at the **customer's supply address** requires **life support equipment**, the **retailer** must –
 - (a) register the **customer's supply address** and contact details as a **life support equipment** address;
 - (b) register the **life support equipment** required by the **customer**;
 - (c) notify the **customer's distributor** that the **customer's supply address** is a **life support equipment** address, and of the contact details and the **life support equipment** required by the **customer** –
 - (i) that same day, if the confirmation is received before 3pm on a **business day**; or
 - (ii) the next **business day**, if the confirmation is received after 3pm or on a Saturday, Sunday or **public holiday**; and
 - (d) not arrange for **disconnection** of that **customer's supply address** for failure to pay a bill while the person continues to reside at that address and requires the use of **life support equipment**.
- (2) If a **customer** registered with a **retailer** under subclause (1) notifies the **retailer** of a change of the **customer's supply address**, contact details, **life support equipment** or that the **customer's supply address** no longer requires registration as a **life support equipment** address, the **retailer** must –
 - (a) register the change of details;
 - (b) notify the **customer's distributor** of the change of details –

- (i) that same day, if the notification is received before 3pm on a **business day**; or
 - (ii) the next **business day**, if the notification is received after 3pm or on a Saturday, Sunday or **public holiday**; and
 - (c) continue to comply with subclause (1)(d) with respect to that **customer's supply address**.
- (3) Where a **distributor** has been informed by a **retailer** under subclause (1)(c) or by a relevant government agency that a person residing at a **customer's supply address** requires **life support equipment**, or of a change of details notified to the **retailer** under subclause (2), the **distributor** must –
 - (a) register the **customer's supply address** as a **life support equipment** address –
 - (i) the next **business day**, if the notification is received before 3pm on a **business day**; or
 - (ii) within 2 **business days**, if the notification is received after 3pm or on a Saturday, Sunday or **public holiday**;
 - (b) where informed by a relevant government agency, notify the **retailer** in accordance with the timeframes specified in subclause (3)(a);
 - (c) not **disconnect** that **customer's supply address** for failure to pay a bill while the person continues to reside at that address and require the use of **life support equipment**; and
 - (d) prior to any planned **interruption**, provide at least 3 **business days** written notice to the **customer's supply address** (the 3 days to be counted from the **date of receipt** of the notice), and use best endeavours to obtain verbal or written acknowledgement from the **customer** that the notice has been received.
- (4) Where the **distributor** has –
 - (a) already provided notice of a planned **interruption** under the **Electricity Industry Code** that will affect a **supply address**; and
 - (b) has been informed by a **retailer** under subclause 7.7(1)(c) or by a relevant government agency that a person residing at a **customer's supply address** requires **life support equipment**,the **distributor** must use best endeavours to **contact** that **customer** prior to the planned **interruption**.
- (5)
 - (a) No earlier than 3 months prior to the 12 month anniversary of the confirmation from the **appropriately qualified medical practitioner** referred to in sub-clause (1), the **retailer** must **contact** the **customer** to:
 - (i) ascertain whether a person residing at the **customer's supply address** continues to require **life support equipment**; and
 - (ii) if the **customer** has not provided **re-certification** from an appropriately qualified medical practitioner within the last 3 years, request that the **customer** provide that **re-certification**.
 - (b) The **retailer** must provide a minimum period of 3 months for the **customer** to provide the information requested by the **retailer** in sub-clause (5)(a).

(6)

(a) When—

- (i) a person who requires **life support equipment**, vacates the **supply address**; or
- (ii) a person who required **life support equipment**, no longer requires the **life support equipment**; or
- (iii) subject to sub-clause 6(b), a **customer** fails to provide the information requested by the **retailer** for the purposes of sub-clause (5)(a)(i) or the **re-certification** referred to in sub-clause (5)(a)(ii), within the time period referred to in sub-clause 5(b), or greater period if allowed by the **retailer**,

the **retailer's** and **distributor's** obligations under subclauses (1),(3), (4) and (5) terminate.

(b) A **customer** will have failed to provide the information requested by the **retailer** for the purposes of sub-clause (5)(a)(i) or the **re-certification** referred to in sub-clause (5)(a)(ii) where the **contact** by the **retailer** consisted of at least the following, each a minimum of 10 **business days** from the date of the last **contact**:

- (i) written correspondence sent by registered post to the **customer's supply address** and any other address nominated by the **customer**; and
- (ii) a minimum of 2 other attempts to **contact** the **customer** by any of the following means:
 - A. **electronic means**;
 - B. **telephone**;
 - C. in person;
 - D. facsimile; or
 - E. by post sent to the **customer's supply address** and any other address nominated by the **customer**.

(c) Where the **distributor's** obligations under subclauses (1),(3),(4) and (5) terminate as a result of the operation of sub-clause (6)(a)(iii), the **retailer** must notify the **distributor** of this fact as soon as reasonably practicable, but in any event, within 3 **business days**.