

Annex F: Proposed amendments to the Gas Distribution System Code of Practice

Below we set out proposed amendments to the Gas Distribution System Code of Practice to reflect:

- changes to the life support framework that arise as a consequence of the Energy Legislation Amendment (Energy Fairness) Act 2021, and
- the Gas Distribution System Code becoming a code of practice under Part 6 of the Essential Services Commission Act 2001.

A. Amendments to Part 1 (Introduction)

(1) Delete clause 1.1 and insert:

1.1 To whom does the Distribution System Code of Practice apply?

This is a code of practice under Part 6 of the ESC Act 2001 and applies to **distributors**.

(2) At clause 1.1, insert the words “of Practice” after code.

(3) At clause 1.2, insert the words “of Practice” after code.

(4) Delete clause 1.3(a) and insert “The Gas Distribution System Code of Practice commences on [date]”

(5) Delete clause 1.3(b).

(6) Delete clause 1.4 and insert “[not used]”

(7) At clause 1.5, insert the words “of Practice” after code.

(8) Delete clause 1.6 and insert

1.6 Civil Penalty Requirements

The following provisions of this Gas Distribution System Code of Practice are specified as civil penalty requirements for the purpose of the Essential Services Commission Act 2001: 2.2(b), 4A.3(a), 4A.3(b), 4A.3(c), 4A.3(d), 4A.4, 4A.6(a), 4A.7(a), 4A.7(b), 4A.8(a), 4A.8(b), 4A.8(c), 4A.13(a), 4A.13(b).

B. Amendments to Part 2 (Operation of distribution system)

- (9) At clauses 2.1(b), (c), (d) and (f)(i) insert the words “of Practice” after code.
- (10) At clause 2.4(a), insert the words “of Practice” after code.

C. Amendments to Part 3 (Connections and augmentation)

- (11) At clause 3.1(f)(ii)C, insert the words “of Practice” after code.
- (12) At the note to clause 3.1(f), insert the words “of Practice” after code.

D. Amendments to Part 4 (Disconnection and reconnection)

- (13) At clause 4.1(a)(iv), insert the words “of Practice” after code.
- (14) At clause 4.1(b), delete “Energy Retail Code” and insert “Gas Industry Act”.
- (15) At clause 4.2(b), insert the words “of Practice” after the word Code.

E. Amendments to Part 4A Life Support Equipment

- (16) Delete Part 4A and insert:

Part 4A Life Support Customers

4A.1 Requirement

- 4A.1.1 A **distributor** is required to perform its obligations under this clause 4A in a way that promotes the objective of this clause.

4A.2 Objective

The objective of this clause 4A is to ensure that persons who require **life support equipment** receive the full protections of the **life support protections** from when they first advise their **retailer** or **distributor** that the premises require **life support equipment**. These **life support protections** apply until the premises are validly **deregistered**.

4A.3 Registration of life support equipment

Distributor obligations when advised by customer

- (a) Within one **business day** after being advised by a **small customer** that a **life support resident** resides, or is intending to reside, at the **small customer’s** premises, a **distributor** must record in a **register of life support customers and residents** the **life support customer details**.
- (b) A **distributor** who is advised by a **small customer** that a **life support resident** resides, or is intending to reside, at the **small customer’s** premises, must determine whether the **life support equipment** is fueled by both electricity and gas and, if it is, inform the **customer** that the **customer** should inform the electricity retailer or distributor who supply electricity at the **small customer’s** premises that a **life support resident** resides, or is intending to reside, at the **small customer’s** premises.

- (c) Within 5 **business days** after being advised by a **small customer** that a **life support resident** resides, or is intending to reside, at the **small customer's** premises, a **distributor** must give to the **customer**, in plain English:
- (i) a **medical confirmation form** in accordance with clause 4A.5;
 - (ii) information explaining that, if the **customer** fails to provide **medical confirmation**, the **customer** may be **deregistered** and, if so, the **customer** will cease to receive the **life support protections**⁴;
 - (iii) advice that there may be **distributor planned interruptions** or **unplanned interruptions** to the supply at the supply address and that the **distributor** is required to notify them of a **distributor planned interruption** in accordance with clause 9.6;
 - (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 **distributor** (the charge for which is no more than the cost of a local call);
 - (vi) 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**;
 - (vii) information about the types of equipment that fall within the definition of **life support equipment**, and the additional information provided in Schedule 7 of the **Energy Retail Code of Practice**;
 - (viii) 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
 - (ix) information in community languages about the availability of interpreter services for the languages concerned and telephone numbers for the services.
- (d) Within one **business day** after being advised by a **small customer** that a **life support resident** resides, or is intending to reside, at the **small customer's** premises, a **distributor** must notify the **retailer** 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.

4A.4 Distributor obligations when advised by retailer

Within one **business day** after being advised by a **retailer**, under section 48DI(4) of the **Act**, that a **life support resident** resides, or is intending to reside, at the **small customer's** premises, a **distributor** must record in a **register of life support customers and residents** the **life support customer details**.

4A.5 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 **distributor** will satisfy the requirement to provide **medical confirmation** under this Code of Practice;
 - (iii) request the following information from the **customer**:
 - (A) the supply address of the **customer's** premises;
 - (B) the date from which the **customer** requires supply of gas 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 distributor; and
- (vi) advise the customer they can request an extension of time to complete and return the **medical confirmation form.**

4A.6 Confirmation of supply address as requiring life support equipment

- (a) Where a **medical confirmation form** is provided to a **customer**, the **distributor** must:
 - (i) from the date of the **medical confirmation form**, give the **customer** a minimum of 50 **business days** to provide **medical confirmation;**
 - (ii) provide the **customer** at least two written notices to remind the **customer** that the **customer** must provide **medical confirmation** (each a **confirmation reminder notice**);
 - (iii) ensure the first **confirmation reminder notice** is provided no less than 15 **business days** from the date of issue of the **medical confirmation form;**
 - (iv) 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
 - (v) 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.**
- (b) A **confirmation reminder notice** must:
 - (i) be dated;
 - (ii) state the date by which the **medical confirmation** is required;
 - (iii) specify the types of equipment that can fall within the definition of **life support equipment;** and
 - (iv) advise the **customer** that:
 - (A) the **customer** must provide **medical confirmation;**
 - (B) the **customer** is temporarily registered as a **life support customer** until the **medical confirmation** is received;
 - (C) failure to provide **medical confirmation** may result in the **customer** being **deregistered;** and
 - (D) the **customer** can request an extension of time to provide **medical confirmation.**

4A.7 Ongoing distributor obligations

- (a) Where a **distributor** is required to record **life support customer details** in a **register of life support customers and residents**, the **distributor** has the following ongoing obligations:
 - (i) within one **business day** after receiving relevant information about the **life support equipment** requirements for the **customer's** premises (including **medical confirmation**) or any relevant contact details, give such information to the **retailer** for the purposes of updating the **retailer's register of life support**

customers and residents, unless the relevant information was provided to the **distributor** by the **retailer**;

- (ii) within one **business day** after being advised by a **customer** or **retailer** of any update to the **life support equipment** requirements for the **customer's** premises or any relevant contact details, update the **register of life support customers and residents**;
 - (iii) except in the case of an **interruption**, not **disconnect** the supply address after the date the **life support equipment** will be required at the **supply address**; and
 - (iv) in the case of an **interruption** that is a **distributor planned interruption**, comply with clause 9.6.
- (b) In addition to the obligations specified in clause 4A.7(a), after a **distributor** is required to record a **customer's life support customer details** in a **register of life support customers and residents** under clause 4A.3.(a)(i), if the **distributor** becomes aware that the **customer** has subsequently transferred to another **retailer** (a **new retailer**) at that supply address, the **distributor** must notify the new retailer (within one **business day** after becoming aware) that a person residing at the **customer's supply address** is a **life support resident**.

4A.8 Deregistration of life support customer

- (a) A **distributor** must not **deregister** a **customer** except in the circumstances permitted under this clause 4A.8-4A.12.
- (b) If a **customer** is **deregistered** by a **distributor**, the **distributor** must:
 - (i) within 5 **business days** of the date of **deregistration**, notify the **retailer** of the date of **deregistration** and reason for **deregistration**; and
 - (ii) (within one business day from **deregistration**) update its **register of life support customers and residents** as required by clause 4A.13.
- (c) If a **distributor** is notified by a **retailer** that the **retailer** or an **exempt person** has **deregistered** a **customer's supply address**, the **distributor** must (within one **business day** from notification) update ~~4A.4~~ the **life support customer details** entered in its **register of life support customers and residents** as required by clause 4A.13.

4A.9 Cessation of distributor obligations after deregistration

The **distributor** obligations under clause 4A.7 cease to apply in respect of a **customer** once that **customer** is validly **deregistered**.

4A.10 Deregistration where medical confirmation not provided

- (a) Where a **customer** who has been registered by a **distributor** under clause 4A.3(a)(i)(a) fails to provide **medical confirmation**, the **distributor** may **deregister** the **customer** only when:
 - (i) the **distributor** has complied with the requirements under clause 4A.6;
 - (ii) the **distributor** has taken reasonable steps to contact the **customer** in connection with the **customer's** failure to provide **medical confirmation** in one of the following ways:
 1. in person;
 2. by telephone; or
 3. by electronic means;

- (iii) the **distributor** has provided the **customer** with a **deregistration notice** no less than 15 **business days** from the date of issue of the second **confirmation reminder notice** issued under clause 4a.6(a)(iv); 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** will be **deregistered**, which must be at least 15 **business days** from the date of the **deregistration notice**;
 - (iii) advise the **customer** they will cease to be a **registered life support customer** unless **medical confirmation** is provided before the date for **deregistration**; and
 - (iv) advise the **customer** that the **customer** will no longer receive the **life support protections** when the **customer** is **deregistered**.
- (c) Where a **customer** has been registered by a **distributor** under clause 4A.4, a **distributor** may **deregister** the **customer** after being notified by the **retailer** that the **retailer** has **deregistered** the **customer's supply address** pursuant to clause 163 of the **Energy Retail Code of Practice**.

4A.11 Deregistration where there is a change in the customer's circumstances

Where a **customer** who has been registered by a **distributor** under clause 4A.3(a)(i) or 4A.4 advises the **distributor** that the person for whom the **life support equipment** is required has vacated the premises or no longer requires the **life support equipment**, the **distributor** may **deregister** the **customer**:

- (a) on the date specified in accordance with subclause (a)(i)(B) if:
 - (i) the **distributor** has provided written notification to the **customer** advising:
 - (A) that the **customer** will be **deregistered** on the basis that the **customer** has advised the **distributor** that the person for whom the **life support equipment** is required has vacated the premises or no longer requires the **life support equipment**;
 - (B) the date on which the **customer** 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 **life support protections** when the **supply address** is **deregistered**; and
 - (D) that the **customer** must contact the **distributor** prior to the date specified in accordance with subclause (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
 - (ii) the **customer** has not contacted the **distributor** prior to the date specified in accordance with subclause (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) 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 **customer** being **deregistered** on that date.
- (c) **Explicit informed consent** is consent given by a **customer** to a **distributor** where:

- (i) the **distributor**, or a person acting on behalf of the **distributor**, has clearly, fully and adequately disclosed in plain English all matters relevant to the consent of the **customer**, including each specific purpose or use of the consent; and
 - (ii) the **customer** gives the consent in accordance with subclause (d); and
 - (iii) the **customer** is competent to do so.
- (d) **Explicit informed consent** requires the consent to be given by the **customer**:
- (i) in writing signed by the **customer**; or
 - (ii) verbally, so long as the verbal consent is evidenced in such a way that it can be verified and made the subject of a record; or
 - (iii) by electronic communication generated by the **customer**.
- (e) A **distributor** must create a record of each **explicit informed consent** required by clause 4A.11 and provided by a **customer**, and retain the record for at least 2 years.
- (f) A **distributor** may **deregister** a **customer** after being notified by the **retailer** that the **retailer** has **deregistered** the **customer** pursuant to clause 163 of the **Energy Retail Code of Practice**.
- (g) A **distributor** may, at any time, request a **customer** whose supply address has been registered under clause 4A.3 to confirm whether the person for whom **life support equipment** is required still resides at the premises or still requires **life support equipment**.

4A.12 Deregistration where there is a change in the customer's retailer

- (a) Where a **distributor** has registered a **customer** pursuant to clause 4A.4 and the **distributor** becomes aware that the **customer** has subsequently transferred its supply address to another **retailer**, the **distributor** may **deregister** the **customer** on the date specified in accordance with subclause (a)(i)(B) if:
- (i) the **distributor** has provided written notification to the **customer** advising:
 - (A) that the **customer** will be **deregistered**;
 - (B) the date on which the **customer** 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 Clause 4A when the **customer** is **deregistered**; and
 - (D) that the **customer** must contact the **distributor** prior to the date specified in accordance with subclause (a)(i)(B) if a person residing at the **customer's** premises requires **life support equipment**; and
 - (ii) the **customer** has not contacted the **distributor** prior to the date specified in accordance with subclause (a)(i)(B) to advise that a person residing at the **customer's supply address** requires **life support equipment**.
- (b) Nothing in subclause (a) affects the operation of clause 4A.3(a) and 4A.4 following a **customer's** transfer to the other **retailer**.

4A.13 Registration and deregistration details must be kept by distributors

A **distributor** must:

- (a) establish policies, systems and procedures for registering and **deregistering life support customers**, to facilitate compliance with the requirements in this clause 4A; and
- (b) ensure that the **register of life support customers and residents** is maintained and 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 **customer** is **deregistered** and the reason for **deregistration**; and
- (iv) a record of communications with the **customer** required by clauses 4A.11 and 4A.12.

F. Amendments to clause 5.1 (Metering provisions – Scope)

- (17) At clauses 5.1(a), (b) and (c), insert the words “*of Practice*” after the word code.

G. Amendments to clause 6.5 (Metering Installation Standards)

- (18) At clause 6.5(a)(iii), insert the words “*of Practice*” after the word code.

H. Amendments to Part 7 (Metering Installation Testing)

- (19) At clause 7.2.1(c), insert the words “*of Practice*” after the word code.
- (20) At clause 7.2.2(b), insert the words “*of Practice*” after the word code.
- (21) At clause 7.2.3(b)(iii), insert the words “*of Practice*” after the word code.
- (22) At clause 7.3, insert the words “*of Practice*” after the word code.
- (23) At clause 7.4(a)(i), insert the words “*of Practice*” after the word code.

I. Amendments to clause 8.1 (Collection of metering data)

- (24) At clause 8.1(a), insert the words “*of Practice*” after the word code.
- (25) At clause 8.1(d), insert the words “*of Practice*” after the word code.

J. Amendments to Part 11 (Deemed distribution contract requirements)

- (26) At clauses 11.1(a) and (b), insert the words “*of Practice*” after the word code.
- (27) At clause 11.2(a), insert the words “*d*” after the word code.

K. Amendments to Part 12 (Other Matters)

- (28) At clause 12.2, insert the words “*of Practice*” after the word code.
- (29) At clause 12.3(a), insert the words “*of Practice*” after the word code

L. Amendments to Glossary (clause 13.1)

(30) In the definition of **Australian Standards** insert the words “*of Practice*” after code.

(31) Amend the definition of **deregister** as per below:

deregister means the removal of **life support customer details** from:

- (a) a **retailer’s register of life support customers and residents** under clause 163(6) or 163(7) of the **Energy Retail Code of Practice**; or
- (b) a **distributor’s register of life support customers and residents** under clause 4A.3 or 4A.4 of this Code of Practice.

(32) Delete the definition of **deregistration notice** and insert:

deregistration notice means a written notice issued by a **distributor** to inform a customer that their **life support customer details** will be removed from the **register of life support customers and residents** if the customer does not provide **medical confirmation** by the date specified in that deregistration notice.

(33) In the definition of **dispute** insert the words “*of Practice*” after code.

(34) Delete the definition of **Distribution System Code** and insert:

Distribution System Code of Practice means the code of that name made by the Commission under Part 6 of the *Essential Services Commission Act 2001*.

(35) Delete the definition of **Energy Retail Code** and insert:

Energy Retail Code of Practice means the code of that name made by the Commission under Part 6 of the *Essential Services Commission Act 2001*.

(36) In the definition of **Extensions/Expansions Policy** insert the words “*of Practice*” after code.

(37) In the definition of **Guaranteed Service Levels or GSLs**, insert the words “*of Practice*” after code.

(38) In the definition of **Guaranteed Service Level payments**, insert the words “*of Practice*” after code.

(39) In the definition of **installation database**, insert the words “*of Practice*” after code.

(40) After the definition of **large customer** insert

life support customer means a *customer* who is a *life support resident* or a *customer* at whose premises a *life support resident* (who is not the *customer*) resides or intends to reside;

life support customer details in relation to a *customer* means

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

- (iii) the date from which *life support equipment* is required at the premises of the *life support customer* by each *life support resident*;

(41) Delete the definition of **life support equipment** and insert:

life support equipment has the meaning given by section 48DC of the *Gas Industry Act*;

(42) After the definition of **life support equipment** insert:

life support protections means the protections against *disconnection* of a *life support customer* under Part 2, Division 4AA of the *Gas Industry Act* and clause 4A.7 of this Code of Practice;

life support resident means a person who requires *life support equipment*;

(43) In the definition of **Reconciliation Amount**, insert the words “*of Practice*” after code.

(44) After the definition of **Reconciliation Amount** insert.

register of life support customers and residents means a register established and maintained under section 48DX of the *Gas Industry Act*

(45) After the definition of **register of life support customers and residents** insert

registered life support customer means, in relation to a gas retailer, a life support customer who is registered in the *register of life support customers and residents* established and maintained by that gas retailer;

(46) In the definition of **regulatory instrument**, insert the words “*of Practice*” after “*Distribution System Code*”.

(47) In the definition of **small customer** insert the words “*of Practice*” after code.

(48) In the definition of **unaccounted for gas benchmark** insert the words “*of Practice*” after code.

(49) In the definition of **unplanned interruption** insert the words “*of Practice*” after code.

(50) Delete clause 13.2 and insert “[not used]”.

M. Amendments to Schedule 4 (Gas Distribution System Code Change Procedures)

(51) Delete Schedule 4.