



Frequently Asked Questions: Life support equipment in electricity on-selling arrangements

This document provides information on customer protections for residents in electricity on-selling arrangements who require life support equipment.

What are the changes?

From 23 October 2018, improved protections will be in place for people requiring life support equipment who live in electricity on-selling arrangements, such as in caravan parks, strata complexes and retirement villages. These protections will ensure that qualifying residents are notified in advance of any planned interruptions to their electricity supply, enabling them to have contingency plans in place.

To receive improved protections, residents are required to register with their on-seller. To register, the resident must provide contact details and confirmation from an *appropriately qualified medical practitioner* that life support equipment is required at that address.

To support this change, there are certain steps that on-sellers and residents must take. These steps are outlined in this document.

Who is affected by these changes?

The changes **affect**:

- managers of strata complexes, retirement villages, caravan parks and other businesses that on-sell electricity to residents who require life support equipment; and
- residents requiring life support equipment who live in such places.

The changes **do not affect** persons who require life support equipment and purchase electricity directly from an electricity retailer, such as Synergy.

What are the benefits of these changes?

The benefit of these changes is enhanced customer protection for people requiring life support equipment. In particular:

1. Registration enables Western Power or Horizon Power to register the property address as a life support address.
 - This will allow for priority to be given to restoring power at the property in the event of an unplanned power supply outage.
2. Registration ensures residents who require life support equipment are informed by their on-seller (with a minimum of 48 hours' notice) of an upcoming planned power supply outage.
3. Residents who require life support equipment will also be unable to have their power supply disconnected for failure to pay their on-seller for an electricity bill.

What is an on-seller?

An on-seller purchases electricity from a licensed retailer and on-sells the electricity under a licence exemption to consumers. Supply is usually through sub-meters in an embedded network controlled by the on-seller. This could be in an establishment such as a caravan park, retirement village or apartment building. In these situations, the consumer does not have a direct contractual or billing relationship with a licensed retailer (such as Synergy).

What does the resident have to provide to the on-seller?

Residents' obligations are detailed in Table 1.

Table 1: Resident obligations

	Resident obligations
1.	<p>Residents should notify their electricity on-seller that they require life support equipment. This can be done by completing the sample Registration Form (or similar form), including obtaining certification from an <i>appropriately qualified medical practitioner</i>.</p> <p>The Registration Form:</p> <ul style="list-style-type: none">• will provide an accurate record of the phone, email and address details and confirmation that the person requires life support equipment at the address; and• may be filled out by a person with legal authority to act on behalf of the person who requires life support equipment.
2.	<p>Residents should provide complete and accurate information regarding their requirement for life support equipment.</p> <p>Providing false, incomplete or misleading information may result in the address not being registered as a property where life support equipment is required and the resident not being subject to the protections for persons who require life support equipment.</p> <p>If a resident does not provide written confirmation that they require life support equipment at their address, the on-seller is not obliged to provide the customer protections to the resident specified under the exemption orders.</p>
3.	<p>Residents must respond to requests for written confirmation from the on-seller's retailer that they require or continue to require life support equipment. This includes:</p> <ul style="list-style-type: none">• written confirmation every 12 months; and• re-certification from an <i>appropriately qualified medical practitioner</i> every three years. <p>If a person does not respond to periodic requests for confirmation that they continue to require life support equipment, their property may be removed from the register of properties where life support equipment is required.</p>
4.	<p>Residents should ensure they have suitable contingency plans in place if there is a planned or unplanned electricity outage, such as a back-up electricity generator or battery. Further suggestions can be found here.</p>



Unplanned outages do occur and people who require life support equipment should ensure they have a suitable back-up plan. This may include access to a battery or generator. Further suggestions for [suitable back-up plans can be found here](#).

What are the on-seller's obligations?

An on-seller's obligations are detailed in Table 2.

Table 2: On-seller obligations

	On-seller obligations
1.	<p>Collect and maintain records of properties where a person requiring life support equipment resides. The record should include:</p> <ul style="list-style-type: none"> • a copy of the medical certification stating the person requires life support equipment; • the property's address, and • the phone number and email address of the property's occupier. <p>The occupier can be the same person as the person who requires life support equipment, or it can be a different person occupying the same property.</p>
2.	<p>Notify their electricity retailer that a person residing at their electricity supply address requires life support equipment and provide their retailer with a copy of the person's medical certification within 48 hours of receiving it.</p> <p>On-sellers must do this for each person who requires life support equipment, even if they live at the same property.</p>
3.	<p>Notify their electricity retailer within 48 hours of being informed that a person requiring life support equipment:</p> <ul style="list-style-type: none"> • vacates their property; or • advises they no longer require life support equipment. <p>The on-seller can also remove the property from the register.</p> <p>If more than one person at the property requires life support equipment, the on-seller should not remove the property from the register unless no-one at the property requires life support equipment.</p>
4.	<p>If the on-seller needs to interrupt the supply of electricity to a registered property (e.g. to do electrical work on site),¹ the on-seller must either:</p> <ul style="list-style-type: none"> • give at least 48 hours' notice to the occupier of the property of the planned interruption, or • get the consent of the occupier to interrupt the supply of electricity.
5.	<p>Not disconnect the registered property for a failure to pay an electricity bill.</p>
6.	<p>Pass on, within 48 hours, to the occupier of the registered property any planned outage notifications from the network service provider (Western Power or Horizon Power).</p>
7.	<p>Pass on to the occupier of the registered property requests from the electricity retailer for annual renewal of the registration and three-yearly re-certification to confirm that a person continues to require life support equipment.</p>
8.	<p>If a person replaces the responsible on-seller, that person must within 48 hours:</p> <ul style="list-style-type: none"> • notify each occupier of the supply address that they are now the on-seller; and • ask the occupiers whether any person at the address requires life support equipment.

¹ This only applies in relation to interruptions planned or arranged by the on-seller. The on-seller is not required to get consent for unplanned and unexpected interruptions, such as from an electrical fault.

Who can register a property as requiring life support equipment?

The following can register a property:

- The user of the life support equipment.
- The legal representative of the resident requiring the life support equipment or someone else residing at that particular address can register on the resident's behalf.

A resident does not need to be the owner or renter of the apartment, caravan site or similar. The important thing is that their medical certificate confirms that they require life support equipment at that address.

What does the on-seller need to do to maintain the register?

An on-seller is required to record and maintain a register of residents requiring life support equipment. The information does not need to be in any particular form, as long as it contains the following:

1. The address or site number of the property where life support equipment is required.
2. The resident's contact details. If a resident does not have a phone number and/or an email address, then this should be noted in the register.
3. A copy of the medical certification by an *appropriately qualified medical practitioner* that a person residing at the property requires life support equipment.

The register could be in the form of a written list (e.g. in a notebook), an electronic register (e.g. an Excel spreadsheet), or a collection of completed Registration Forms.

An on-seller is required to ensure this register remains accurate. If a resident advises that their contact details have changed, the on-seller must amend the register.

It is recommended that the register and copies of medical certificates are kept in a secure location, such as a locked filing cabinet or a password-protected computer, to protect the privacy of residents.

How can a resident check that their address has been registered?

Residents who have submitted the life support registration form can (1) seek confirmation directly from their on-seller that their address has been registered or (2) seek confirmation from the on-seller's retailer.

What is the difference between a supply address, a life support address and a registered property?

A *supply address* means the property owned or managed by the on-seller.

A *life support address* means an address where a person requiring life support equipment resides. A life support address can include a caravan site.

A *registered property* means the address identified on the register kept by the on-seller as being a life support address. A registered property can include a caravan site.

What does an *appropriately qualified medical practitioner* mean?

An *appropriately qualified medical practitioner* means:

- (a) within the Perth Metropolitan Area, a specialist medical practitioner, a hospice doctor, or a practitioner working in a specialist department of a hospital; 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 a hospice doctor.

What legislative framework is applicable?

Residential electricity on-selling in retirement villages and strata title arrangements is governed by the *Electricity Industry Exemption Order 2005*. In caravan parks it is governed by the *Electricity Industry (Caravan Park Operators) Exemption Order 2005*.

What kinds of medical apparatus is classified as life support equipment?

The medical equipment listed below is classified as life support equipment for the purposes outlined in this Frequently Asked Questions document.

Specified Life Support Equipment
Ventilators - VPAP or BPAP
Ventilator - CPAP – only when required as life support equipment (Only CPAP machines that are clinically prescribed for very severe obstructive sleep apnoea critical for life support with use over four hours per night are eligible)
Oxygen Concentrator (Adult - standard capacity)
Oxygen Concentrator (Adult - high capacity “New Life Intensity”)
Oxygen Concentrator (Child - standard capacity)
Feeding Pump
Suction Pump
Apnoea Monitor (Child only)
Heart Pump
Nebuliser child - used every day for 1-2 hours per day adult - prescribed when a tracheostomy is expected to be in place for more than 6 months where nebulised therapy is required for life support purposes
Machine Assisted Peritoneal Dialysis Equipment (cyclor or heater)

What do I do if my contact details have changed?

If a resident changes their contact details, they should notify the on-seller who will record the new contact details in the register.

If a resident moves to another address where electricity is also on-sold, they should notify the new on-seller.

What happens if the on-seller changes?

If the on-seller for a property changes, for example if the business is sold, the new on-seller must undertake the following within 48 hours:

- notify the resident of each residential property that they have become the on-seller; and
- ask each resident to inform them whether anyone at the property requires life support equipment.

What happens if the on-seller does not comply?

On-sellers who do not comply with the conditions of their exemption order will no longer be exempt from the requirement to hold a retail licence. Without a licence or an exemption, they cannot legally on-sell electricity to residents.

Where can residents or on-sellers go if they have a dispute or complaint?

In the first instance, on-sellers and residents should attempt to resolve any dispute or complaint between themselves. If the dispute or complaint cannot be resolved, then someone else may be able to help you. Below are details of organisations that may be able to provide assistance.

Department of Treasury - Public Utilities Office

The Public Utilities Office administers licence exemptions. The Public Utilities Office can provide information on licence exemptions and compliance matters.

The Public Utilities Office can be contacted by phone on 6551 2777 or by email using PUO@treasury.wa.gov.au.

Department of Mines, Industry Regulation and Safety – Consumer Protection Division

The Consumer Protection Division of the Department of Mines, Industry Regulation and Safety provides advice and information for Western Australian consumers, businesses, landlords and tenants. It also provides a conciliation service to consumers with individual complaints about service suppliers.

Information on consumer rights, the complaint handling process and the conciliation service is available on the [Department of Mines, Industry Regulation and Safety website](#).

Personal information and privacy

Information contained in residents' life support equipment registrations can not to be used for any purpose other than to comply with the conditions of the on-seller's licence exemption.

The on-seller is required to provide this information to their retailer to comply with their obligations under the exemption order.

It is recommended that on-sellers obtain consent from residents to pass their information to an electricity retailer. The sample Registration Form can be used to obtain informed consent from residents to provide their medical information to an electricity retailer.

General queries

On-sellers or residents who have queries about the content of this document or a compliance matter should contact the Public Utilities Office by email using PUO@treasury.wa.gov.au.