

Rule Change Request

#BetterTogether – Better Protections for Life Support Customers

23 August 2024

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1. Name and Address of Rule Change Proponents

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2. Executive Summary

This Rule Change request reflects recognition that we need new ways of ensuring *Life Support Customers* are proactively looked after in a rapidly changing energy environment. The energy transition, climate change and the greater frequency of natural disasters is creating a new set of operational challenges in the energy network. At the same time, the ageing of the Australian population is accelerating. By 2031, there will be some six million Australians aged 65+, a doubling over 20 years, alongside the increased popularity in people choosing to stay in-home for medical treatment.

It is acknowledged that *Life Support Customers* require better identification, accurate and easy-to-access information as well as targeted support. This Rule Change request will better protect all *Life Support Customers*, especially those where planned and unplanned power outages can be life threatening or cause lifelong irreversible injuries.

This Rule Change request is the result of over two-years of collaboration by the Energy Charter, a unique coalition of like-minded energy organisations committed to better customer and community outcomes by working closely with customer and community representatives, a critical component throughout all the Energy Charter's #BetterTogether initiatives. The #BetterTogether Life Support Customers initiative was an outcome of the 2022 Australian Energy Foundation report (the AEF report) titled '*Clean reliable energy for people on life support at home*', which raised concerning findings around *Life Support Customers* based on the survey results of 4,000 *Life Support Customers*.

The initiative was directly informed by the Life Support Medical Advisory Group (LMAG), a group consisting of customer and consumer representatives, energy representatives and medical industry representatives who have endorsed this Rule Change request. Supported by the Consumers Health Forum of Australia (CHF), the national peak body for health consumer advocacy, we have also heard directly from people with lived experience of *Life Support Equipment* in the home in our 'Life Support in the Home: Lived Experience Panel' (the Lived Experience Panel).

This work over the last two years recognises that life support registers, the registers that energy retailers and networks use to identify people who require *Life Support Equipment*, include customers with a wide range of energy-dependent equipment. The use of *Life Support Equipment* ranges from life enhancing equipment (*Assistive Life Support Equipment*) to the more critical needs customers using life-sustaining equipment (*Critical Life Support Equipment*). Energy providers do not hold information about which of their customers on the life support register have critical needs for life-sustaining equipment that requires continuous power and therefore cannot target support to them during and in preparation of power outages.

It is important to note, the actual number of homes with registered *Life Support Customers* with critical needs is unknown. The AEF report identified 59 percent of *Life Support Customers* used their *Life Support Equipment* to sustain their life, while 41 percent use equipment to make their life more comfortable. Of great concern is that the research found many customers registered for life support were underprepared for outages: 54 percent did not have a plan in place if the power were to go out, 68 percent mistakenly expected priority power restoration within two hours and only 7 percent had access to back-up power. This suggests a need for better information, engagement and guidance for medical professionals and the *Life Support Customers* including the encouragement for all people who use *Life Support Equipment* to develop back-up plans.

This Rule Change request introduces a **Critical Life Support Customer** definition, where critical energy-based life support needs are determined by a *Registered Medical Professional*, non-critical *Life Support Customers* are then defined as an *Assistive Life Support Customer*. Importantly, energy retailers and distributors would then be able to identify the subset of registered *Critical Life Support Customer* premises for whom power is critical to sustaining their life or mitigating lifelong irreversible injury affecting their lives. Providing visibility of this subset of *Critical Life Support Customer* premises will allow energy providers to more effectively triage customers during unplanned power outages and appropriately target service enhancements. This opens the way to further targeted support for all *Life Support Customers* as shown below:

Summary of targeted support for all Life Support Customers

Under current Retail Rules, <i>Life Support Customers</i> are supported as per below	The proposed changes for <i>Life Support Customers</i> (those deemed non-critical aka assistive) will provide the following supports in addition to current Retail Rules	The proposed changes for <i>Life Support Customers</i> (deemed critical) will provide the following supports in addition to current Retail Rules
<ul style="list-style-type: none"> At least four days written notice of a planned interruption to the <i>Life Support Customer</i> only (the Account Holder) Customers cannot be disconnected for non-payment. Access to a 24-hour telephone number for their distributor in case of an emergency. Information to assist with the preparation of an action plan, in case of an unplanned interruption. 	<ul style="list-style-type: none"> A <i>Nominated Contact Person</i> (this can include the <i>Life Support User</i> if they are not the account holder) to be notified about planned outages. More regular and targeted information and engagement on medical registration and encouragement to develop a medically informed back-up plan. Annual check to see whether life support registration is still required lessening administration burden for <i>Life Support Customers</i>. If so, opportunity to encourage check on equipment and updated back-up planning. 	<ul style="list-style-type: none"> A <i>Nominated Contact Person</i> (this can include the <i>Life Support User</i> if they are not the account holder) to be notified about planned outages and can be notified after an unplanned outage affecting the premises. <i>Life Support Customer</i> and the <i>Nominated Contact Person</i> (this can include the <i>Life Support User</i> if they are not the account holder) can be contacted to check they received planned outage notification. Regular contact can be made to encourage a battery check or maintenance of their medical equipment. Ability to offer energy solution during outages e.g. portable batteries. More regular and targeted information on medical registration and a requirement to develop a medically informed back-up plan (or explain why this is not required). Medical registration can identify the <i>Life Support User</i> as having a permanent condition, not requiring the unnecessary burden of repeating medical registration.

At the same time, the Energy Charter and LMAG have developed a widely supported plan for further commitments to support *Life Support Customers* as part of this #BetterTogether Life Support Customers initiative. This includes:

- The co-development of a **National Medical Registration Process** to identify *Life Support Customers* who have critical needs for continuous power. This will ensure safety steps are taken, building capacity of health and wellbeing services to implement the Medical Registration Process for all *Life Support Customers*
- The co-development of a **Household Life Support Equipment Back-up Plan Template** to help all *Life Support Customers* put plans in place to support their safety during both planned and unplanned power outages
- A **National Life Support Information and Awareness Campaign** aimed at *Life Support Customers*, their medical professionals and carers, to support safety planning around power outages.

It is important to note, **this Rule Change request will not reduce service to *Life Support Customers* and has no impact on existing commitments to *Life Support Customers* under the Retail Rules.** The commitment not to withdraw power supply from non-critical, *Assistive Life Support Customers* for non-payment remains unchanged.

3. Introduction

Request for a Rule Change

In accordance with Part 10 Division 4 of the National Energy Retail Law (the Retail Law), Essential Energy and SA Power Networks request the Australian Energy Market Commission (AEMC) make changes to Rule 3 and Part 7 of the National Energy Retail Rules (Retail Rules). We also seek amendments to Schedule 1 of the *National Energy Retail Regulations* (Retail Regulations) (together, referred to as the Rule Change).

As required by section 246 of the Retail Law and section 11 of Retail Regulations, we have included in this Rule Change request:

- A description of the proposed changes to the Retail Rules
- An outline of the nature and scope of the existing issues with the current life support protection framework under the Retail Rules and an explanation of how the proposed Rule Change will address each of the issues identified
- An explanation of how the proposed Rule Change contributes to the achievement of the National Energy Retail Objective (NERO)
- An assessment of the expected benefits and costs of the proposed Rule Change and the potential impact on affected stakeholders.

NB. *Italicised text* has been used to indicate both existing and proposed Retail Rules definitions.

This proposed Rule Change requested by Essential Energy (Lead), SA Power Networks (Lead) proponents is based on the Energy Charter's Collaboration across the #BetterTogether Life Support Customer initiative which includes Australian Gas Infrastructure Group (AGIG), Aurora Energy, Ausgrid, AusNet Services, and TasNetworks. Discussions are also being finalised with Alinta Energy, Endeavour, Energy Queensland, and Jemena.

Overview of the Rule Change request

This Rule Change request aims to increase safeguards for persons reliant on *Life Support Equipment*, particularly those classified as having a critical need for medical equipment that requires the supply of energy to sustain their life. **The Rule Change request retains all the existing protections for registered life support premises offered in the current Retail Rules.**

The main changes proposed in this Rule Change are:

- A refinement of the definition for *Life Support Equipment* to better reflect the broad range of medical equipment that requires a supply of energy and assists people in their everyday lives
- The introduction of the concept of a *Life Support User* being the person who uses *Life Support Equipment* and new definitions to allow a *Registered Medical Practitioner* to differentiate *Critical Life Support Equipment* from *Assistive Life Support Equipment*. The proposed definitions have been tested with medical professionals from the LMAG and the Lived Experience Panel, such that the changes align with contemporary medical practices
- Allowing a *Registered Medical Practitioner* to indicate that a *Life Support User* who relies on *Critical Life Support Equipment* has a permanent condition, thereby avoiding the need for that *Life Support User* to provide medical evidence more than once
- Requiring updated *medical confirmation* every four years (except where a *Life Support User* who relies on *Critical Life Support Equipment* has been identified as having a permanent requirement for that equipment)
- A minor change to compel deregistration where *medical confirmation* is not provided and a tightening of the provisions to limit the number of times a *Life Support User* can be registered as requiring *Life*

Support Equipment without providing *medical confirmation* to help improve the accuracy of life support registers

- Allowing a *Life Support User* to nominate themselves or another contact person who will be notified of any planned outages affecting the registered life support premises, in addition to the customer (i.e. account holder)
- Requesting mobile phone numbers and email addresses for customers and the *Nominated Contact Person* for the purposes of notifying them and the *Nominated Contact Person* of planned outages by SMS and email
- Simplifying wording around deregistration where there is a change in the customer's circumstances to make it clear that a customer can contact either their retailer or distributor to request their premises be deregistered as requiring *Life Support Equipment*
- Suggesting the Australian Energy Regulator (AER) amend its "Life support registration guide¹" to make it clear that deregistration due to a change in customer circumstances can be undertaken by either the retailer or the distributor and not the registration process owner
- Reducing breaches of the planned interruption obligations for premises with *Assistive Life Support Equipment*, as well as failures to deregister premises as requiring *Life Support Equipment*, to a Tier 2 civil penalty. We note that this will require corresponding amendments of Schedule 1 of the Retail Regulations. We also suggest the AER move such breaches to half-yearly reporting.

To support the Rule Change and improve outcomes for persons who use *Life Support Equipment*:

- A "Medical Confirmation Form for Life Support Equipment" template to be created in conjunction with medical professionals from the LMAG and the Lived Experience Panel. It is recommended this template be made available as both an interactive web form and a Word template on the AER website for use by retailers, distributors, customers and their *Registered Medical Practitioner*. The template continues to be refined and will guide a *Registered Medical Practitioner* in their assessment of a person who uses *Life Support Equipment*, the discussion of jurisdictional concessions and the development of a back-up plan to be completed in conjunction with the *Life Support User*
- A "Household Life Support Equipment Back-up Plan" template will be co-developed with customers and energy sector stakeholders, to assist a *Registered Medical Practitioner* and the *Life Support User* to develop an appropriate back-up plan for unplanned power outages. This template should also be made available as both an interactive web form and a Word template on the AER website for use by retailers, distributors, customers and their *Registered Medical Practitioner*
- A "National Life Support Information and Awareness Campaign" will be undertaken, targeting *Life Support Users*, their care team (including their *Nominated Contact Person*), *Registered Medical Practitioners* and *Critical Life Support Equipment* device manufacturers.

Together, the proposed changes will meet the NERO and customer protections under the Retail Law by:

- Improving safeguards and the back-up planning for unplanned outages that is crucial to a *Life Support User*
- Ensuring the protections afforded to registered life support premises are explained to customers/*Life Support Users*
- Enabling retailers and distributors to identify the most vulnerable cohort of registered life support premises and provide additional protections and support beyond that currently outlined in the Retail Rules
- Improving the efficiency of the registration process and the accuracy of life support registers

¹ Life support registration guide, AER, 2021

- Improving the customer experience in relation to deregistering their premises
- Aligning civil penalties and breach reporting with the potential or actual harm caused.

Importantly, there is nothing in the proposed Rule Change that contradicts or undermines the existing protections as outlined under the Retail Law. In particular, the strict rules governing the disconnection of premises registered for life support protections for non-payment are maintained. These enhancements will bolster the efficacy of the framework and reinforce the Energy Charter's commitment to upholding the highest standards of customer care, particularly for those most in need.

4. Background to the Rule Change

The Retail Rules provide the following key protections, where a person residing at a premises is registered as requiring *Life Support Equipment*:

1. Written notice at least four business days before planned interruptions by their retailer or distributor to their energy supply
2. They cannot be disconnected for non-payment
3. They have access to a 24-hour telephone number for both their retailer and distributor in case of an emergency
4. They are provided with information to assist with the preparation of an action plan in case of an unplanned interruption.

Whilst these protections are important, retailers and distributors want to enhance the level of support they can provide, particularly to the most critical subset of *Life Support Users*. This uplift is especially important given the increasing risk and severity of unplanned outages and natural disasters resulting from climate change, and the potential negative consequences such outages could have on *Life Support Users*. This is not currently achievable given the breadth of medical equipment that falls under the singular definition of *Life Support Equipment*, the recent significant increases in – and expected ongoing growth of – life support registrations and the lack of compulsion to deregister a premise under the Retail Rules.

In addition, the 2022 Australian Energy Foundation report titled “Clean reliable energy for people on life support at home”² (the AEF Report), raised concerning findings around the misconception that life support registration affords priority restoration after power outages. The AEF Report identified a lack of contingency planning for power outages and the need for support in developing suitable back-up power options. The AEF Report was funded by Energy Consumers Australia and based on the survey results of 4,000 *Life Support Customers*.

This Rule Change proposes changes to address some of these challenges. Relevant background information for some of these points follows, while more detail about the specific issues with the current Retail Rules and the proposed changes can be found in section 5.

Unplanned power outages are expected to increase

Unplanned power outages or interruptions to supply on distribution networks occur for a multitude of reasons, often stemming from a complex interplay of factors. For example:

- Interference with the network: Instances of network disruption caused by both wildlife and human activity such as vehicle collisions
- Equipment failures: The malfunction or failure of essential distribution equipment such as transformers, circuit breakers, switches and fuses can lead to outages
- Grid instabilities: Fluctuations in voltage, frequency or power quality within the larger power grid can impact the distribution network, causing outages or voltage disruptions
- Operational issues amidst natural disasters: Operational vulnerabilities become even more pronounced during natural disasters and extreme weather events, when the distribution network confronts the dual challenge of maintaining regular operations while simultaneously mitigating and restoring the impacts from extreme or unexpected large-scale events.

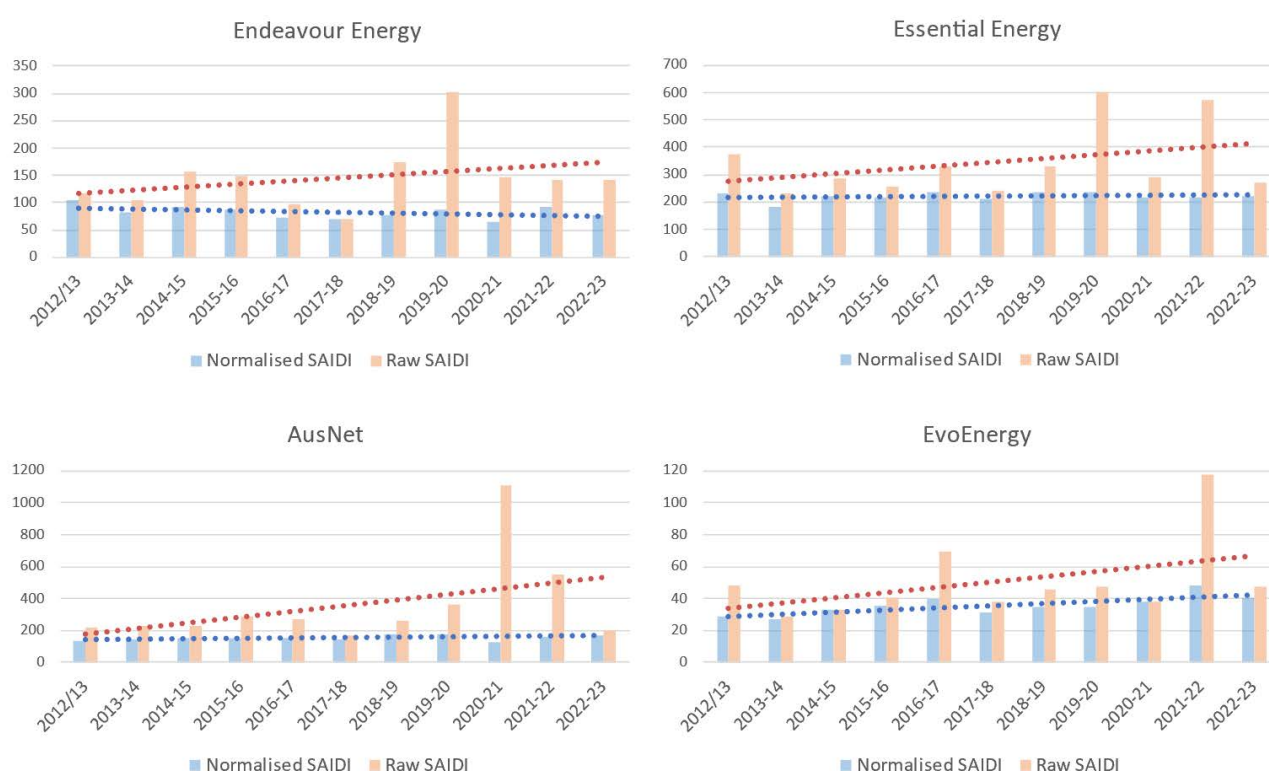
The escalating frequency and intensity of natural disasters and extreme weather events in Australia are poised to compound the occurrence of power outages in the future. The 2007 Intergovernmental Panel on Climate

² [Better outcomes for energy consumers using life support equipment at home](#), Australian Energy Foundation, August 2021 available at (accessed 1 August 2023).

Change 2007: Synthesis Report³ indicates a high level of confidence in the increased severity and frequency of flood damage, a rise in days characterised by extreme fire weather, and an intensification in the frequency and potency of droughts. Correspondingly, research conducted by the Commonwealth Scientific and Industrial Research Organisation (CSIRO)⁴ strongly supports the notion that climate change will inevitably magnify the occurrence and intensity of natural disasters.

The increasing frequency and severity of unplanned power outages due to major events and natural disasters is already visible in distributors outage data. By way of example, the charts below show the growing division between the normalised and raw System Average Interruption Duration Index (SAIDI) for several networks over the last decade. Normalised SAIDI is the average minutes off supply for a customer excluding major event days and natural disasters, whereas the raw SAIDI is the actual average minutes off supply experienced by a customer.

Figure 1: A selection of distributors raw versus normalised reliability performance over the last decade (average minutes per customer)⁵



Against this backdrop, the implications of a heightened occurrence of natural disaster-related power outages for *Life Support Users* are concerning. This impact is poised to magnify their overall vulnerability, particularly for persons who rely on medical equipment that requires a supply of energy to sustain their life. The risk is even greater for those who reside in rural and remote areas given distance and terrain naturally impacts power outage response times.

Life Support Equipment in the home is expected to grow

Allowing customers to nominate their premises as requiring *Life Support Equipment* to receive the associated protections is important in the context of Hospital in the Home (HITH).⁶ HITH involves both temporary and permanent acute, sub-acute and post-acute treatments by health care professionals at a patient's usual place

³ [Climate Change 2007: Synthesis Report](#), IPCC, 2007 (accessed 6 August 2023).

⁴ [Climate Change in Australia Information for Australia's Natural Resource Management Regions: Technical Report](#), CSIRO and Bureau of Meteorology, Australia 2015 available at (accessed 6 August 2023).

⁵ Rosetta RIN Portal, RIN – Economic (Power BI), 3.6 Reliability (accessed 26 June 2024)

⁶ [Economic analysis of Hospital in the Home \(HITH\)](#), Deloitte Access Economics, 2011 (accessed 6 August 2023)

of residence as a substitute for inpatient care received at a hospital. This model relies on the use of medical equipment in the home. HITH is applicable for a range of conditions including, for example, respiratory infection/inflammation, following a non-invasive coronary bypass and chemotherapy. Most states and territories in Australia have HITH programs under which admitted patients are provided with hospital care in the home.

Growing numbers of Australians are choosing to receive their hospital care at home and are supported by medical professionals, according to the Medical Journal of Australia.⁷ In 2017-18, more than half a million days of publicly funded hospital care were delivered at patients' homes rather than in hospital. The research found it is also associated with a lower likelihood of re-admission to hospital within 28 days (2.3 percent vs 3.6 percent) and lower rates of patient deaths (0.3 percent vs 1.4 percent), compared with being an inpatient.

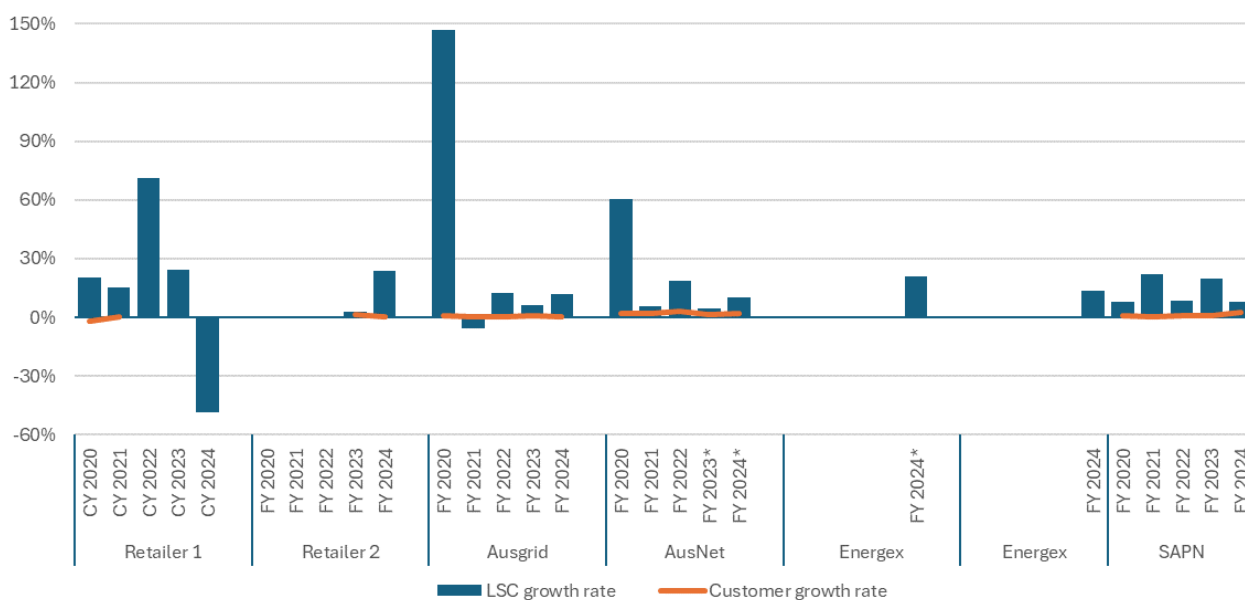
In addition, many older Australians desire to 'age in place',⁸ that is, to remain in their current accommodation, compared with moving into specialised care, as it has greater benefits for their holistic wellbeing including connections to community and access to health services. This means medical equipment used in specialist care settings will instead be used in the home. Aging in place is set to increase as the Australian population ages. In 2011, there were approximately three million Australians aged 65 or older. By 2031, it is estimated this will nearly double and that there will be almost six million.

Known benefits associated with HITH and aging in place will greatly depend on the use of medical equipment in the home, including equipment that customers will depend upon to sustain their life. With many moving to these models of care, it is critical to ensure life support protections are fit for purpose, and life support registers are accurate and comprehensive, so that retailers and distributors can provide better support to such customers.

Growth in life support registrations is limiting the ability of distributor and retailers to provide enhanced services

The growth in registered life support premises has far exceeded rates of customer growth, as shown below.

Figure 2: Life support registrations over recent years compared to customer growth rates

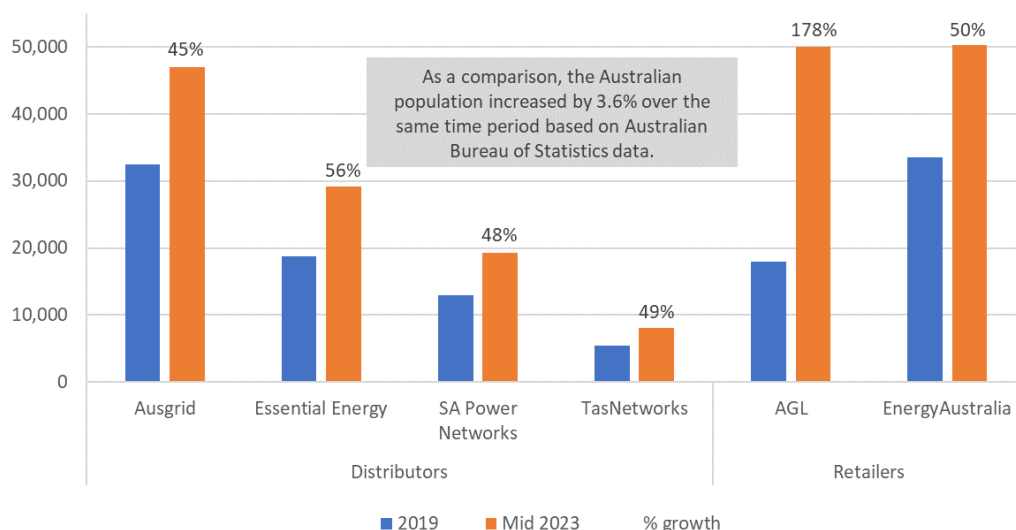


⁷ [A meta-analysis of "hospital in the home"](#), Medical Journal of Australia, 5 November 2012 (accessed 6 August 2023)

⁸ [The desire to age in place among older Australians](#), Australian Institute of Health and Welfare, Bulletin 114, April 2013 (accessed 6 August 2023).

This rate of growth is replicated across the National Electricity Market (NEM), as shown for a selection of retailers and distributors in the chart below for the period 2019 to mid-2023. Registrations grew by about 50 percent, compared to a population growth rate of 3.6 percent.

Figure 3: Registered Life Support Customer growth from 2019 to mid-2023



Given unplanned power outages are forecast to increase in risk and severity, and the use of *Life Support Equipment* in the home is expected to grow, distributors and retailers want to improve the safeguards around back-up planning for power outages for all *Life Support Users* and enhance their service offering. This improvement in their service offering is especially important to the critical subset of persons who rely on medical equipment that requires a supply of energy to sustain their life.

Some of the additional services that distributors and retailers could proactively offer *Life Support Users*, and particularly the critical subset of this group, above the requirements in the current, or amended, Retail Rules are shown in the table included in the Executive Summary. Stronger protections for premises registered for *Critical Life Support Equipment* cannot currently be achieved given the broad definition of *Life Support Equipment* in the Retail Rules and the fact that distributors and retailers have no way of identifying this critical subset of *Life Support Users*.

Australian Energy Foundation (AEF) Report key findings

Noting the AEF Report is based on responses from 4,000 customers registered with distributors in 2022 as having *Life Support Equipment* at their premises.

Medical practitioners play a key role in life support registrations

48 percent of premises found out about registering through their doctor. This highlights the important role the medical profession can play in educating customers about the benefits of registering for life support.

Life Support Customers incorrectly believe they get priority power restoration

A key concern in the AEF Report is the misconception that 68 percent of registered premises believe their life support registration ensures they get priority restoration after a power outage. This was considered the most important benefit of registering, despite this not being one of the protections under the Retail Rules.

Many Life Support Customers do not have a back-up plan for unplanned power outages

Back-up plans are a crucial tool for *Life Support Users*, particularly in the case of an unplanned power outage, yet the AEF Report found that 54 percent of registered premises do not have a back-up plan as they either

don't believe they need one, they are not sure what they can do for back-up, or they do not believe it is their responsibility to have one.

The AEF Report found that *Life Support Users* and their care teams would appreciate access to information around the back-up options available to them for both short and long duration power outages and how to make a back-up plan, as well as the ability to develop their plan with a support person or family member.

Disconnection protections are an important feature of the life support obligations

The AEF report also indicated there may be a small subset of customers who seek financial relief under the disconnection protections offered to premises registered for life support. Although not cited as the main benefit of registration, these existing protections do serve as an additional level of comfort for approximately nine to 10 percent of existing life support registrations who may face challenges in managing their bills. The report further suggests that as many as 30 percent of these consumers already experience some difficulty in managing their bills, putting them at the cusp of a financial 'red zone.'

While the primary function of life support registration is not to provide disconnection protections, increases in the cost of living since 2022 likely means the size of this financially vulnerable group will have increased since the report was published. These additional protections are supplementary to the general hardship provisions already in place under the National Energy Customer Framework (NECF), which offer broad protections against disconnection for non-payment if a customer is experiencing financial difficulty.

As of May 2024, the AER's review of payment difficulty protections in the NECF will consider the consumer energy debt threshold for disconnection and opportunities to improve engagement at the point of disconnection. As part of the review, the AER have been informed of the knock-on effects to life support registrations where the registers are used for disconnection protection to support customers who experience solely financial vulnerability. This misuse of life support registers fails to support customers experiencing medical vulnerability, as per its intention. The findings and recommendations of the review are expected to be released in late 2024.

Energy Charter #BetterTogether Life Support Customer initiative

In response to retailer and distributor concerns around rising life support registrations, their inability to cost-effectively offer more targeted support and the findings of the AEF Report, the Energy Charter #BetterTogether Life Support Customer initiative⁹ was formed in 2022. Through the platform of the Energy Charter,¹⁰ Energy Charter Signatories have engaged with customer representatives, industry stakeholders and medical practitioners to determine the key issues and opportunities for better supporting *Life Support Users*.

Energy Charter Signatories and Collaborators actively involved in the #BetterTogether initiative in the 2022 establishment included:

- | | |
|---|-------------------------|
| 1. SA Power Networks (SA) (Rule Change Proponent) | 7. TasNetworks (TAS) |
| 2. Essential Energy (NSW) (Rule Change Proponent) | 8. 1st Energy |
| 3. Australian Gas Infrastructure Group (AGIG) | 9. AGL |
| 4. Ausgrid (NSW) | 10. Aurora Energy (TAS) |
| 5. Endeavour Energy (NSW) | 11. EnergyAustralia |
| 6. Jemena (NSW/VVIC) | 12. Powershop |

As we progress further commitments under the #BetterTogether Life Support Customer initiative as identified on page five in the Executive Summary, we can confirm commitments by:

⁹ See <https://www.theenergycharter.com.au/life-support/> (accessed 1 August 2023).

¹⁰ See <https://www.theenergycharter.com.au/bettertogether/> (accessed 1 August 2023).

- | | |
|---|----------------------------------|
| 1. Australian Gas Infrastructure Group (AGIG) | 5. Essential Energy (NSW) (Lead) |
| 2. Aurora Energy (TAS) | 6. SA Power Networks (SA) (Lead) |
| 3. Ausgrid (NSW) | 7. TasNetworks (TAS) |
| 4. AusNet Services | |

As of 23 August, at time of submission of this Rule Change, discussions are also being finalised with:

- | | |
|---------------------------|----------------------------|
| 1. Alinta Energy | 3. Energy Queensland (QLD) |
| 2. Endeavour Energy (NSW) | 4. Jemena (NSW/VIC) |

The Energy Charter formed and led discussions with two major stakeholder groups to inform the key changes in this Rule Change – the LMAG and the Lived Experience Panel. An overview of these groups and the relevant outcomes follow. It is important to note that the term “*Life Support Customer*”, “*Critical Life Support Customer*” and “*Assistive Life Support Customer*” were used to humanise these stakeholder discussions, rather than the term *Life Support Equipment* used in the Retail Rules. The group outcomes then directly informed the revised definition of *Life Support Equipment* and the new definitions for *Critical Life Support Equipment* and *Assistive Life Support Equipment*.

Collaboration and Consultation process for the #BetterTogether Life Support Customer initiative

The Energy Charter has established #BetterTogether initiatives as a collaboration opportunity that focus on delivering tangible customer and community outcomes. The #BetterTogether Life Support Customer initiative has worked collaboratively across the energy industry and health sector since its establishment in 2022.

The process for collaboration and consultation has included:

- Since 2022 and continued, ongoing #BetterTogether Life Support Customer meetings involving over 70 industry representatives
- 2022 to 2023, established the LMAG consisting of customer and consumer representatives, medical professionals and energy businesses working together to better understand the needs of *Life Support Customers*, further information below
- October 2023, hosted 2-3 Life Support Customer Stakeholder Forums attended by over 85 attendees providing an overview of the #BetterTogether Life Support Customer initiative and the proposed Rule Change
- November to December 2023, coordinated a *Have your Say* process on both the #BetterTogether Life Support Customer initiative and the proposed Rule Change
- February 2024, in response to concerns raised from the *Have your Say* process, worked in collaboration with the Justice and Equity Centre (formerly Public Interest Advocacy Centre) embedding a stronger person-centred approach into the drafting of this Rule Change
- April to December 2024, established the Lived Experience Panel in partnership with CHF, peak body for health advocacy in Australia, further information below
- July 2024, socialised Rule Change draft with several government jurisdictions, Australian Energy Regulator and relevant Ombudsman offices.

Beyond this Rule Change we will continue our collaboration and consultation including (but not limited to) key touch points below:

- Continued work with the Lived Experience Panel in partnership with CHF and other medical associations affiliated with Panel members
- Establishment of a Community Outcomes Group (COG) including consumer and community representatives working alongside industry Collaborators (funders of the following) and medical professionals

- Co-development with the COG on the back-up plan for *Life Support Customers* noted in this Rule Change
- Co-development with the COG on the National Information and Awareness Campaign for *Life Support Customers* noted in this Rule Change
- Medical sector education and engagement in partnership with the CHF and their wide-reaching membership of medical affiliates and associations.

Key collaboration and consultation outputs for this Rule Change as a result include:

- A *Life Support Equipment list* informed by lived experience and co-developed with medical professionals and energy industry representatives
- Identification of Better Protections for *Life Support Customers* four key commitments;
 - Commitment 1: Re-define *Life Support Customers* + Proposed Rule Change
 - Commitment 2: Co-development of a National Medical Registration Process
 - Commitment 3: Co-development of a Household Life Support Equipment Back-up Plan Template
 - Commitment 4: Co-development of a National Life Support Information and Awareness Campaign
- Agreed problem definition (aka opportunity statement); ‘*Energy network businesses can’t identify and therefore support people who have critical continuous energy supply needs on the current Life Support Customer registers*’ led by the Justice and Equity Centre embedding a stronger person-centred approach into the drafting of this Rule Change. This includes the introduction of two types of *Life Support Customers* so that those currently registered as *Life Support Customer* are not less supported as a result of this Rule Change
- Life Support Customer Definitions for Assistive and Critical Life Support Customers developed, and scenario tested by people with lived experience as *Life Support Customers* / their carers and endorsed by medical professionals from the LMAG
- Iterative drafting of this Rule Change alongside industry representatives and consumer advocates with over 15 responses received and integrated into this Rule Change since October 2023. This includes over 25 data sets received from Energy Charter Collaborators informing our approach and included in this Rule Change since 2022.

The Life Support Medical Advisory Group

As part of the project, the LMAG was formed to provide a forum where customer and consumer representatives, medical professionals and energy businesses could collectively articulate and define the needs of *Life Support Customers* and put forward ideas as to how the energy and medical sectors could improve decision making, processes and support.

The LMAG was chaired by the Energy Charter and made up of representatives from:

- Customer and consumer groups
- Adam Johnston, consumer representative
- Royal Australian College of General Practitioners
- Australian Medical Association
- Electricity and gas distributors
- Electricity and gas retailers
- Australian Energy Market Commission AEMC (observer status).

Adam Johnston, was engaged in the LMAG in his individual capacity as a consumer representative, and as a Member of the Ethics Committee of the Royal Australasian College of Physicians.

Since 2022, the opportunities identified by the LMAG to improve support for *Life Support Customers* included the need to:

1. Provide a more targeted definition of equipment that a *Critical Life Support Customer* relies upon that aligns with contemporary medical practice
2. Ensure that customers dependent on their energy supply to operate *Life Support Equipment* critical to sustaining their life can be identified and better prioritised and supported by the energy sector
3. Introduce a consistent national medical registration form (*medical confirmation form*) across the NEM and the Wholesale Electricity Market (WEM) to more easily allow a *Life Support Customer* and their *Registered Medical Practitioner* to provide evidence of their life support status – the “Medical Confirmation Form for Life Support Equipment” template
4. Allow a *Life Support Customer* to provide the details of a *Nominated Contact Person*, who can be contacted by a retailer or distributor in relation to planned power outages affecting the registered life support premise
5. Provide access to a template to assist a *Life Support Customer* and their *Registered Medical Practitioner* to develop an appropriate and medically informed back-up plan for power outages
6. Increase awareness and undertake appropriate engagement sessions to highlight the benefits of being a registered *Life Support Customer*.

The LMAG outcomes have helped update the existing *Life Support Equipment* list to define the list of *Critical Life Support Equipment*. They were also consulted to draft the “Medical Confirmation Form for Life Support Equipment” template and “Household Life Support Equipment Back-up Plan” template.

Life Support in the Home: Lived Experience Panel

In April 2024, the Lived Experience Panel, a lived experience panel of *Life Support Customers* and their carers were specifically recruited in partnership with the national peak body for consumer advocacy, CHF, to help refine and shape the definitions pertaining to a *Life Support Customer*, and the criteria that determine whether such a customer is a *Critical Life Support Customer* or an *Assistive Life Support Customer*.

As agreed in their Terms of Reference, the Lived Experience Panel will convene from April to December 2024 to ensure the critical needs of *Life Support Customers* are better understood and met throughout the development of this Rule Change and the supporting initiatives.

The key objectives of the Lived Experience Panel are to:

1. Review and inform definitions of *Life Support Customers* to ensure those with critical life support needs can be prioritised
2. Review and inform *Life Support Customer* protections as part of the #BetterTogether Life Support Customer initiative
3. Review and inform the national medical registration form and associated processes to ensure it is part of a patients’ healthcare journey
4. Participate in the co-development of the Medically Informed Back-up Plan Template
5. Participate in the co-development of the National Life Support Information and Awareness Campaign to help embed all of the above
6. To advise and help work through potential change management issues and opportunities that may result from the above.

To date, the Lived Experience Panel outcomes have helped define the terms *Critical Life Support Equipment* and *Assistive Life Support Equipment*. They have also helped shape the “Medical Confirmation Form for Life Support Equipment” template and “Household Life Support Equipment Back-up Plan” template.

5. Overview of the current Retail Rules and proposed changes

Objective of the life support obligations

The objectives of the current life support obligations in the Retail Rules are two-fold. The first objective is to confirm certain protections for premises registered as requiring *Life Support Equipment*, namely they:

1. Are given appropriate notice of a planned interruption
2. Are not disconnected for non-payment
3. Are provided with a 24-hour emergency telephone number for their retailer and distributor in case of an emergency
4. Are provided with information to assist the customer to prepare an action plan in case of an unplanned interruption.¹¹

The second objective is to apply those protections to premises registered as requiring *Life Support Equipment*.

This proposed Rule Change does not alter these objectives or obligations. Rather it is about better facilitating safeguards for *Life Support Users* and allowing distributors and retailers to elevate the level of support they offer, especially to those who are reliant on medical equipment that requires a supply of energy to sustain their life.

A key aspect of these safeguards is elevating the role of a *Life Support User's Registered Medical Practitioner* in clarifying the benefits of registration, sharing knowledge of available jurisdictional concessions and helping to develop crucial back-up safety procedures. This will be aided through the creation and provision of a *medical confirmation form* template ("Medical Confirmation Form for Life Support Equipment") and a "Household Life Support Equipment Back-up Plan" template for use across the NEM and, in time, the WEM.

The following table summarises the current approach and the proposed enhancements and changes of this Rule Change.

¹¹ Rules124(1)(b) and 124(4)(b) of the Retail Rules.

Summary of the current approach and proposed changes

Table 1: Proposed changes to the Retail Rules

	Current approach	Proposed approach		Benefit to <i>Life Support Users</i> / customers	Benefit to retailers and distributors
Life support registration on the basis the premise has registered...	<i>Life Support Equipment</i>	<i>Assistive Life Support Equipment</i>	<i>Critical Life Support Equipment</i>	<ul style="list-style-type: none"> • Protections in the Retail Rules are unchanged • Critical subset can be identified for priority actions by retailers and distributors 	<ul style="list-style-type: none"> • Able to identify the critical subset of <i>Life Support Users</i> and offer more targeted assistance and service uplifts as outlined in Table 4 noted under 'More personalised safeguards'
Where all the requirements under the relevant rule are met and either: <ul style="list-style-type: none"> • medical confirmation is not provided OR • the affected person's circumstances have changed 	Deregistration <i>may</i> occur	Deregistration <i>must</i> occur	Deregistration <i>must</i> occur	<ul style="list-style-type: none"> • Maintains the accuracy of life support registers which helps reduce costs for all customers 	
Ability to nominate a <i>Nominated Contact Person</i> in addition to the customer (i.e. the account holder) who will be notified of any planned power outage that affects the registered life support premises (and may be contacted in the event of an unplanned outage)	✗	✓	✓	<ul style="list-style-type: none"> • Second person able to be made aware of planned power outages and able to assist the <i>Life Support User</i>/customer • Second person that can check on welfare should the retailer or distributor be unable to contact the <i>Life Support User</i>/customer 	<ul style="list-style-type: none"> • Reassurance that a second person has been notified of planned outages • Second person that can be contacted for a welfare check in the event the <i>Life Support User</i>/customer cannot be reached
Ability to limit the number of times a <i>Life Support User</i> can be registered as requiring <i>Life Support Equipment</i> without ever providing <i>medical confirmation</i> to two times	✗	✓	✓	<ul style="list-style-type: none"> • Maintains the accuracy of life support registers which helps reduce costs for all customers 	
<i>Medical confirmation</i> can be based on a template <i>medical confirmation form</i> ("Medical Confirmation Form for Life Support Equipment"), where published on the AER website	✗	✓	✓	<ul style="list-style-type: none"> • The form is valid in all states and territories allowing the customer to re-use their <i>medical confirmation form</i> when they move house (so long as it is less than 4 years old) 	<ul style="list-style-type: none"> • Consistent capture of information for <i>Life Support Equipment</i>, <i>contact details</i> and a <i>Nominated Contact Person</i> • Comfort in knowing that protections, information about concessions and the importance of back-up planning have been explained and discussed
Customer to reconfirm life support status (<i>medical confirmation</i>) every four years	✗	✓	✓ unless identified as a permanent need (see following line)	<ul style="list-style-type: none"> • Maintains the accuracy of life support registers which helps reduce costs for all customers 	

Rule Change Request — #BetterTogether – Better Protections for Life Support Customers

	Current approach	Proposed approach		Benefit to <i>Life Support Users</i> / customers	Benefit to retailers and distributors
Life support registration on the basis the premise has registered...	<i>Life Support Equipment</i>	<i>Assistive Life Support Equipment</i>	<i>Critical Life Support Equipment</i>	<ul style="list-style-type: none"> • Protections in the Retail Rules are unchanged • Critical subset can be identified for priority actions by retailers and distributors 	<ul style="list-style-type: none"> • Able to identify the critical subset of <i>Life Support Users</i> and offer more targeted assistance and service uplifts as outlined in Table 4 noted under 'More personalised safeguards'
Ability to indicate a permanent need for <i>Critical Life Support Equipment</i> and avoid the need for four yearly reconfirmation	✗	✗	✓	<ul style="list-style-type: none"> • <i>Life Support Users</i> who are permanently reliant on <i>Critical Life Support Equipment</i> don't need to provide updated <i>medical confirmation</i> every 4 years 	<ul style="list-style-type: none"> • N/A
Ability to capture mobile phone numbers and email addresses for the customer (where not already held) and any <i>Nominated Contact Person</i> for the purposes of notifying the customer and <i>Nominated Contact Person</i> of planned outages by SMS and email	✗	✓	✓	<ul style="list-style-type: none"> • Improved chance of successful and timely notification from the retailer and distributor, which will provide the <i>Life Support User</i>/customer more time to plan for an outage 	<ul style="list-style-type: none"> • Improved chance of successful communication with the <i>Life Support User</i>/customer and <i>Nominated Contact Person</i>
Align terminology around planned outage notifications with other parts of the Retail Rules to clarify that electronic communication channels can be used	? currently unclear	✓	✓	<ul style="list-style-type: none"> • Electronic communication channels maximise the delivery speed of planned power outage notifications and the associated time to plan for the outage • Reduced costs for all customers where letters are no longer sent 	<ul style="list-style-type: none"> • Alignment with other sections of the Retail Rules related to planned power outage notifications • Clarity that electronic communication channels are appropriate • Reduced costs where letters are no longer sent
Civil penalty provision for breaches of the planned interruption notification period (noting this also affects, and will require amendments to, the Retail Regulations)	Tier 1	Tier 2	Tier 1	<ul style="list-style-type: none"> • Tier of civil penalties better aligned with the relative harm caused to the customer/<i>Life Support User</i> by such breaches. 	
Civil penalty provision for failures around deregistering premises as requiring <i>Life Support Equipment</i> (noting this also affects, and will require amendments to, the Retail Regulations)	Tier 1	Tier 2	Tier 2	<ul style="list-style-type: none"> • Given that retailers and distributors will have a positive obligation to deregister customers' premises in certain circumstances, there is greater risk of breaches occurring. Reduction in the tier of civil penalties is more aligned with the relative harm caused to the <i>Life Support User</i>/customer by such breaches. 	

Rule Change Request — #BetterTogether – Better Protections for Life Support Customers

Table 2: Proposed enhancements outside the Retail Rules

	Current approach	Proposed approach		Benefit to <i>Life Support Users</i> / customers	Benefit to retailers and distributors
Life support registration on the basis the premise has registered...	<i>Life Support Equipment</i>	<i>Assistive Life Support Equipment</i>	<i>Critical Life Support Equipment</i>	<ul style="list-style-type: none"> • Protections in the Retail Rules are unchanged • Critical subset can be identified for priority actions by retailers and distributors 	<ul style="list-style-type: none"> • Able to identify the critical subset of <i>Life Support Users</i> and offer more targeted assistance and service uplifts as outlined in Table 4 noted under 'More personalised safeguards'
Update the AER's "Life support registration guide 2021" to align with proposed adjustments to the civil penalty provisions and clarify the role of the registration process owner	✗	✓	✓	<ul style="list-style-type: none"> • Reduce instances (and potential distress) where a request for deregistration is mistakenly overridden and the customer is re-registered • Breach reporting better aligned with the relative harm caused 	<ul style="list-style-type: none"> • Reduce administrative costs associated with re-submitting deregistration requests and incorrectly initiating registrations
Reporting of breaches of the planned interruption notification period to the AER	Immediately reportable	Reportable every six months	Immediately reportable	<ul style="list-style-type: none"> • Breach reporting better aligned with the relative harm caused 	
The "Medical Confirmation Form for Life Support Equipment" template: <ul style="list-style-type: none"> • identifies whether a <i>Life Support User</i> uses <i>Critical Life Support Equipment</i> or <i>Assistive Life Support Equipment</i> • clarifies the protections offered • outlines the concessions available • involves the <i>Registered Medical Practitioner</i> in developing a back-up plan 	✗	✓	✓	<ul style="list-style-type: none"> • Explanation of the protections afforded to a registered premise • Information on available rebates from jurisdictional schemes and how to access them • Help with developing a back-up plan 	<ul style="list-style-type: none"> • Consistent capture of information for <i>Life Support Equipment</i>, <i>contact details</i> and a <i>Nominated Contact Person</i> • Comfort in knowing that protections, information about concessions and the importance of back-up planning have been explained and discussed
Standardised back-up plan template ("Household Life Support Equipment Back-up Plan" template) to help the <i>Life Support User</i> /customer and their care team to develop a back-up plan for unplanned power outages	✗	✓	✓	<ul style="list-style-type: none"> • A template with useful information to assist the <i>Life Support User</i>/customer and their care team with appropriate back-up planning • Recognition that their life support needs may need change over time and that back-up planning for such changes has been considered 	<ul style="list-style-type: none"> • Comfort in knowing a template with useful information has helped inform back-up planning
National Life Support Information and Awareness Campaign targeting <i>Life Support User</i> , their care team and the medical profession.	✗	✓	✓	<ul style="list-style-type: none"> • Information and education of the changes and how these will benefit the <i>Life Support User</i>/customer 	<ul style="list-style-type: none"> • Appropriately manage the change and bring stakeholders along on the journey

Issues with the current Retail Rules and the proposed changes

The existing Retail Rules create challenges for *Life Support Users* as well as retailers and distributors. A summary of the current issues and how the proposed solutions will address these concerns follows.

Retailers and distributors want to provide additional support to Life Support Customers, especially those with critical power needs

As outlined in the Background to the Rule Change section, the use of *Life Support Equipment* in the home is expected to increase as people age in place. In addition, unplanned power outages are expected to increase in frequency and severity. Retailers and distributors want to be able to identify the subset of registered life support premises for whom energy supply is critical to sustaining their life, compared to being important to support their life, but this is not possible under the current Retail Rules. Providing visibility of this critical subset of *Life Support Users* to retailers and distributors will allow them to more effectively triage premises during large-scale unplanned power outages and appropriately target service enhancements.

The actual number of registered life support premises with critical needs is unknown, however the AEF Report provides a likely indicator – 59 percent of the 4,000 customers surveyed self-assessed their *Life Support Equipment* as necessary to sustain their life compared to 41 percent who use *Life Support Equipment* to make their life more comfortable.

In assessing *Life Support Users* and this critical subset of such users, discussions with the LMAG highlighted that medical professionals and their patients need more information and guidance. It was agreed that a more targeted definition with limited ambiguity was required.¹²

Proposed change:

Refine the existing definition of *Life Support Equipment* to capture the broad range of equipment that requires a supply of energy and supports a person's life, add a new definition *Life Support User* to denote the person who uses *Life Support Equipment* and add two new definitions to clarify that *Life Support Equipment* can be either *Critical Life Support Equipment* or *Assistive Life Support Equipment*. Add a further definition for a *Registered Medical Practitioner*.

The proposed wording (as it differs from the current form) for these definitions appears below:

Life Support User means the person who uses ***Life Support Equipment***. This may be the customer or another person who resides at a customer's premises.

Life Support Equipment means any equipment requiring a supply of energy that is necessary to support a ***Life Support User's*** life, including:

- (a) apnoea monitor (for children only¹)
- (b) feeding pump
- (c) Machine assisted dialysis equipment (cycler or heater) (e.g. haemodialysis, cyclers/heaters for peritoneal dialysis)
- (d) nebuliser (for children only¹ – used every day for 1-2 hours per day)
- (e) high flow device (HFD) and/or humidifier, when used with a tracheostomy
- (f) oxygen concentrator
- (g) suction pump
- (h) crigler najjar syndrome phototherapy equipment
- (i) non-invasive ventilation² e.g. positive airways pressure respirator (PAP)
- (j) any form of invasive ventilation, including via a tracheostomy.

¹² Particularly the ambiguity in the Retail Rules "in relation to a particular customer—any other equipment that a registered medical practitioner certifies is required for a person residing at the customer's premises for life support."

- (k) Other medical equipment that a *Registered Medical Practitioner* certifies is required for a *Life Support Customer*.

Notes:

1. A child is defined as any person under the age of 16 years.
2. Adult – only when ventilator dependent as determined by a registered medical practitioner. Such ventilators must include back-up power and mains fail alarms.
Child – only when prescribed by or in conjunction with a treating Paediatrician.

Assistive Life Support Equipment means any **Life Support Equipment** that a **Registered Medical Practitioner** considers is necessary to assist a **Life Support User** and is not **Critical Life Support Equipment**.

Critical Life Support Equipment means any **Life Support Equipment** that a **Registered Medical Practitioner** considers is necessary to sustain life or prevent lifelong irreversible injury to a **Life Support User**

Registered Medical Practitioner means a person registered to practice as a Medical Practitioner under the *Health Practitioner Regulation National Law*.

The LMAG and the Lived Experience Panel contributed to the development of both *Life Support Equipment* definitions.

Life Support Registers are inaccurate as deregistration is currently optional

The list of registered life support premises is inaccurate and likely overstated due to the lack of compulsion around *deregistration* in the current wording of the Retail Rules. *Deregistration* can be undertaken in two circumstances:

1. When a customer requests the premise to be deregistered (emphasis added)

*“Where a customer ... advises ... 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...”¹³*

The AEF Report found that three percent of the *Life Support Customers* surveyed had requested that they be removed from a Life Support Register, yet they had remained registered.

2. When medical confirmation is not provided (emphasis added)

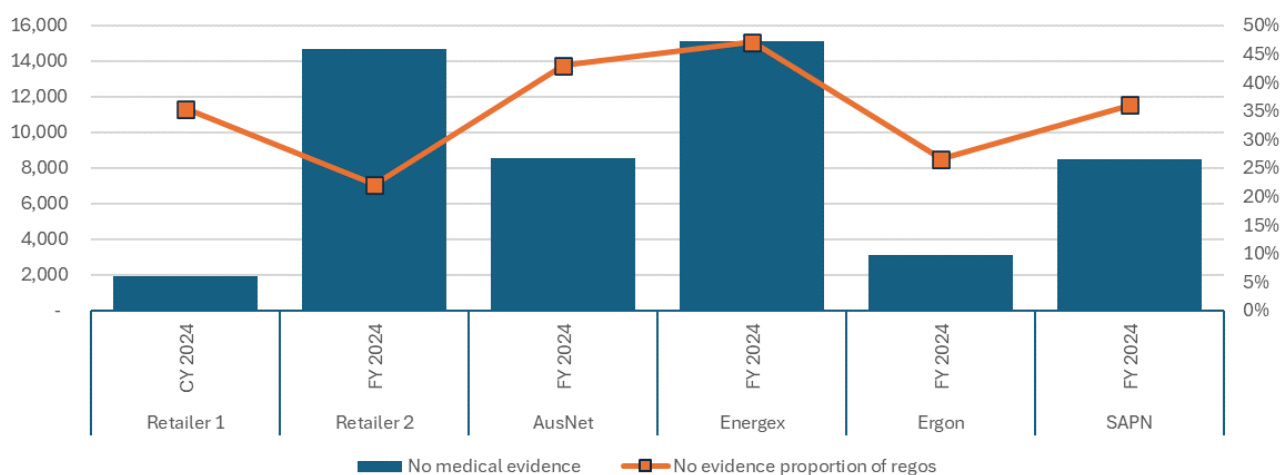
*“Where a customer ... fails to provide medical confirmation, the retailer **may** deregister the customer's premises ...”¹⁴*

The use of the word ‘may’ in the current Retail Rules does not compel *deregistration* and is a likely factor in the growth of Life Support Registers. The volume of unactioned customer requested deregistrations is unknown, however the chart below provides an indication of the volume of registrations for which medical evidence has not been provided.

¹³ National Energy Retail Rules, Part 7, Rule 125(9) and (10) – emphasis added

¹⁴ National Energy Retail Rules, Part 7, Rule 125(4) and (5) – emphasis added

Figure 4: Life support registrations as of 30 June 2024 for which no medical confirmation has been provided



For example, at the time of this Rule Change Ausnet have close to 19,000 households registered for Life Support, of which over 8,500 (43 percent) are awaiting medical confirmation 61 percent of these identified as 'aged' registrations (some from as far back as 2019). Of this group over 700 of those currently on their Life Support Register have registered and been de-registered five times with the highest number of registrations by any one customer at 21 times (including 20 de-registrations). Across the board however, it is understood that in approximately one in five premises registered for life support, no medical confirmation has been provided.¹⁵

Beyond the registration process, the life support obligations do disproportionately impact distributors in their day-to-day operations compared to retailers. Distributors undertake numerous planned power outages every day, whereas retailer initiated planned power outages and disconnections for non-payment are both relatively infrequent occurrences. However, given their direct relationship with customers, most life support registrations are made through retailers – for example, approximately 95 percent of life support registrations in the Energex network area and 89 percent in the Ergon Energy network area are through retailers.

This means the current Retail Rules place the majority of responsibility for maintaining accurate¹⁶ Life Support Registers with retailers, whilst the day-to-day implications of inaccurate registers is largely felt by distributors.

The extraordinary rate of growth in Life Support Registers, along with the growing inaccuracy of the associated registers, was identified as an issue by the Australian Energy Regulator (AER) in its 2017 Rule Change Request in relation to [Strengthening protections for customers requiring life support equipment](#).¹⁷ To ensure the life support obligations are appropriately targeted and Life Support Registers remain accurate, *deregistration* should be undertaken when either medical evidence has not been provided or when requested by the customer.

Proposed change:

Two options are proposed to address this issue:

1. Strengthen the wording in the Retail Rules by adjusting the wording in Rule 125 to force *deregistration* to occur when requested by the customer or if *medical confirmation* is not provided after two registration attempts.
2. This would appear to be the easier option, but will entail costs for some retailers as, anecdotally, not all retailers have developed deregistration procedures. The proposed mark-ups to the Retail Rules included in this Rule Change request assume this option.
3. Allow customers to register or deregister their premises as requiring life support through either their retailer or distributor but modify the Retail Rules to make distributors responsible for the *medical confirmation* and *deregistration* processes. That is, a retailer could initiate a request for life support

¹⁵ Based on numbers provided from Energy Charter Signatory and supporter life support registers as at June 2023.

¹⁶ Supported by medical evidence and requested by the customer

¹⁷ Request for rule change – strengthening protections for customers requiring life support equipment, Australian Energy Regulator, 28 February 2017, pg. 8

registration or *deregistration* through the Market Settlement and Transfer Solution (MSATS) procedures, but the medical confirmation and deregistration processes would be run by distributors.

4. An additional improvement to the customer experience under this option is that the distributor would inform any new retailer of the premises *Life Support Equipment* requirement, limiting the need for a customer to request a copy of their *medical confirmation*.
5. This option would, however, entail additional process costs for distributors, given the majority of registrations and deregistrations are currently undertaken by retailers. This option has not been included in the proposed mark-ups to the Retail Rules that accompany this Rule Change request, as it is expected to be more expensive to implement, it may unwind the intent of the Retail Rules and could undermine the customer-retailer relationship.

There is confusion around who can deregister a premise when there is a change in the customer's circumstances

The number of changes to the life support provisions of the Retail Rules overtime, as well as various iterations of the AER's "Life support registration guide", have led to confusion between retailers and distributors as to who can deregister a premise when there is a change in the customer's circumstances.

There have been numerous instances where a distributor initiates deregistration at a customer's request, only for the retailer to reregister the premises given they are the registration process owner and there is a medical confirmation for the premise. Most distributors have automated systems in place to send a welcome pack to a customer when they receive a life support notification from a retailer, so reregistration by the retailer results in a new pack being sent out. This can cause significant distress to customers who have requested removal from the register (often following the death of the *Life Support User*) and they have to then call and request deregistration a second time. It also increases costs for distributors with the sending of additional correspondence and the time and effort of contacting the retailer to ensure reregistration does not occur again. Even then, automatic reregistration by the registration process owner has been known to recur.

Once again, the use of the word "may" rather than "must" also creates vagary in relation to deregistration notifications between retailers and distributors and seems to allow either party to override a deregistration request, for example:

*"A retailer **may** deregister a customer's premises after being notified by the distributor that the distributor has deregistered the customer's premises..."¹⁸*

The use of the term "registration process owner" in the "Life support registration guide" has likely added to this confusion. Whilst it helpfully identifies who must undertake and oversee the medical confirmation process, its use should be limited to this section of the Retail Rules to avoid creating any contradiction. An example of misuse in the "Life support registration guide" can be found in the "Life support registration process table" shown on page 6. The Deregistration box mistakenly implies that only the registration process owner may initiate deregistration when there is a change in circumstances:

- At any time, the customer can advise of a change in circumstances (e.g. where the person for whom the life support equipment is required has vacated the premises). The registration process owner may then initiate deregistration as per the timeframes specified in the Retail Rules

Proposed changes:

Strengthen the wording in the Retail Rules by adjusting the wording in Rule 125 to force *deregistration* to occur when requested by the customer.

Direct the AER to review and update the "Life support registration guide" to:

- Make it clear that the term "registration process owner" applies only to the ownership of the medical confirmation process

¹⁸ National Energy Retail Rules, Part 7, Rule 125(11) – emphasis added

- Remove instances where the term “registration process owner” has mistakenly been used elsewhere in the guide
- Make it clear that either a retailer or a distributor can initiate deregistration and that deregistration must then occur, regardless of who is the registration process owner and whether there is *medical confirmation* for the premise.

The Retail Rules do not require up-to-date medical confirmation for all registered premises and permanent medical conditions cannot be identified

When a customer first requests their premises be registered as having *Life Support Equipment*, they must provide *medical confirmation*. If a customer then moves between distributors or changes retailer, they must reapply to be registered and, whilst they can reuse their existing *medical confirmation* to re-register their *Life Support Equipment*, the *medical confirmation* must be valid, legible and no more than four years old. If it does not meet these criteria, the customer must provide a new *medical confirmation*.

However, this requirement to provide updated *medical confirmation* every four years does not apply to all life support registered premises (i.e. accepted *medical confirmation*, where the customer does not change distributors or retailers, remains valid). So, the current Retail Rules effectively penalise customers who must (or choose to) move house.

The intent of this requirement was to improve the accuracy of life Support Registers by recognising that, for many *Life Support Users*, the need for *Life Support Equipment*, particularly *Assistive Life Support Equipment*, may be short-term. Conversely, it is also recognised that some customers will likely have a permanent need for *Critical Life Support Equipment*. The Retail Rules should encourage accurate Life Support Registers by:

- Allowing a permanent need for *Critical Life Support Equipment* to be identified
- Requiring all other registered life support premises to provide updated *medical confirmation* every four years.

Proposed change:

Amend the Retail Rules to:

- Allow the premises of *Life Support Users* with a permanent need for *Critical Life Support Equipment* to be designated as such – this requirement would be indicated by the *Registered Medical Practitioner* on the *medical confirmation form*
- Require retailers and distributors to prompt a customer to provide updated *medical confirmation* for the *Life Support User* every four years. This requirement would not apply to premises with a *Life Support User* who is permanently reliant on *Critical Life Support Equipment*.

If a customer does not respond to a request to provide an updated *medical confirmation form*, **Rule 124A Confirmation of premises requiring Life Support Equipment** applies – that is, up to two *confirmation reminder notices* will be sent and the customer is able to request an extension to provide *medical confirmation*.

A nominated person to contact about planned outages cannot be captured

There is currently no ability for a customer to nominate a second person, who could be contacted by a retailer or distributor in relation to planned power outages impacting the premises registered as having *Life Support Equipment*. This is an important safeguard for *Life Support Users* and should be implemented, though it will require some investment to modify the MSATS fields and systems for both retailers and distributors.

Proposed change:

Define a *Nominated Contact Person* in the Retail Rules and adjust the Retail Rules to allow a customer to nominate a *Nominated Contact Person* on the *medical confirmation form*. The *Nominated Contact Person* will be contacted by the retailer or distributor in relation to planned power outages affecting the registered life support premise. They may also be contacted in relation to unplanned power outages.

The proposed definition for a *Nominated Contact Person* is:

Nominated Contact Person in relation to premises that have been, or are to be, registered as requiring ***Life Support Equipment***, means an additional person nominated by a customer to be notified of ***retailer planned interruptions*** or ***distributor planned interruptions*** affecting that premises (this may be the ***Life Support User*** where different to the customer).

There is inconsistency in how life support is assessed, back-up planning is lacking and there is no one source of truth for Life Support Customers

As outlined in the [Background to the Rule Change](#) section, the AEF Report found that:

- 48 percent of life support premises found out about registering through their doctor
- 68 percent of premises registered as having *Life Support Equipment* believed their status meant they would receive priority restoration after a power outage
- 54 percent of premises registered as having *Life Support Equipment* do not have a back-up plan as they either don't believe they need one, they are not sure what they can do for back-up, or they do not believe it is their responsibility to have one.

It is critically important for customers to receive accurate information outlining the advantages of registering their premises for life support and the associated protections this provides. This should be coupled with the essential steps that a *Life Support User* needs to independently undertake to secure their own well-being during a power outage.

Given the important and trusted role a *Life Support User's Registered Medical Practitioner* already plays in the *medical confirmation* process, and following discussions with the LMAG, then supported by the Lived Experience Panel, there is an opportunity to utilise this relationship to improve the registration process and the accuracy of information provided to *Life Support Users* about the life support protections.

Discussions with the LMAG highlighted that medical professionals and their patients would like more information and guidance through the medical registration and assessment process. The Retail Rules only loosely specify the contents of a *medical confirmation form*, so every retailer and distributor has created their own form. This has led to inconsistency in how *Registered Medical Practitioners* assess *Life Support Customers*. In addition, what constitutes *medical confirmation* is very broad as it may take the form of a medical certificate or completed section(s) of the *medical confirmation form*.

The LMAG agreed there was scope to improve the *medical confirmation* process for *Registered Medical Practitioners* by creating a standardised template *medical confirmation form* that aligns with the proposed definition changes and information enhancements in this Rule Change request. It was also agreed there is value in distributors creating a "Household Life Support Equipment Back-up Plan" template to support customers and *Life Support Users* in their back-up planning. The template will guide customers, *Life Support Users*, their *Registered Medical Practitioner*, care team or *Nominated Contact Person* to prepare a back-up plan for unplanned power outages that is aligned with their physical and health capabilities.

Proposed change:

Following discussions with LMAG and the Lived Experience Panel, a "Medical Confirmation Form for Life Support Equipment" template and a "Household Life Support Equipment Back-up Plan" template have been derived for use in the NEM (and in future the WEM). To allow for minor tweaks and changes in the future, it is not considered desirable to embed these templates within the Retail Rules. Instead, it is desired that the AER publish these templates on their website for use by both retailers and distributors. Ideally, a webform that can be completed on screen will also be made available. To the extent that the AER does choose to publish any "Medical Confirmation Form for Life Support Equipment" template, amendments to the content requirements for medical confirmation forms under rule 124(10) are proposed to make clear that such a template is required to be used by retailers and distributors.

The "Household Life Support Equipment Back-up Plan" template has been formed using the "AER Energy and Essential Medical Equipment: Be ready and have a plan",¹⁹ considerations such as:

¹⁹ [Energy and Essential Medical Equipment: Be ready and have a plan](#), AER, 2019 (accessed 8 August 2023). Note updated resource [Energy and essential medical equipment](#), AER (been accessed 23 August 2024)

- What steps will you take? Will you go to a friend's house?
- How will you get there? Do you have transport and will you be able to transport your equipment?
- Have a way of contacting people if the power goes out – remember, some phones don't work without power.
- Who will you call? Keep a contact list handy with the names, addresses and telephone numbers of your doctor, the nearest hospital, and someone nearby who can assist you.
- Keep back-up medical equipment fully charged at all times so it is ready to go whenever you might need to use it.

The contents of the “Medical Confirmation Form for Life Support Equipment” template align with the proposed definition changes in this Rule Change request and will ensure consistency in information collected about *Life Support Users*, *Life Support Equipment* and *Critical Life Support Equipment* across the NEM (and in future the WEM). State and Territory Governments can decide whether to link the “Medical Confirmation Form for Life Support Equipment” template with concessions applications (as is currently the case in the Australian Capital Territory and Tasmania), noting that this Rule Change request does not seek to impact the eligibility of customers to access those concessions or rebates.²⁰

The “Medical Confirmation Form for Life Support Equipment” template will provide guidance and consistency in how *Registered Medical Practitioners*:

- Assess a *Life Support User's Life Support Equipment* needs, whether they meet the definition of requiring *Critical Life Support Equipment* and, if so, whether the *Life Support User* has a permanent need for that *Critical Life Support Equipment*
- Explain the protections that registered life support premises receive
- Alert the *Life Support User/customer* of any jurisdictional concessions available and how to claim them
- Work with the *Life Support User/customer* to identify and note the name and contact details for a *Nominated Contact Person* who can be contacted in relation to outages affecting the registered premises
- Work with the *Life Support User/customer* to discuss and document an appropriate back-up plan using the “Household Life Support Equipment Back-up Plan” template. The *Life Support User/customer* would then be expected to put the back-up plan in place with the help of their *Nominated Contact Person* and care team.

A draft of the “Medical Confirmation Form for Life Support Equipment” is attached at Appendix A. The “Household Life Support Equipment Back-up Plan” is in development with the Lived Experience Panel. This template will be shared with industry and stakeholders ahead of the AEMC final decision.

Electronic contact details for the customer and any nominated contact person must be provided

It is essential that customers and *Nominated Contact Persons* can be notified efficiently about planned power outages affecting premises registered as requiring *Life Support Equipment*. A mobile phone number and email address, where available, should be requested from the customer and any *Nominated Contact Person* for the purposes of notifying them about planned outages. It is not uncommon for these details to be missing and this makes contacting the customer (and will make contacting the *Nominated Contact Person*) difficult.

Proposed change:

Update the content requirements for the *medical confirmation form* to include a request for, where available, a mobile phone number and an email address for the customer and any *Nominated Contact Person* for the purposes of receiving notices of planned power outages.

Also require retailers and distributors to update their *life support registers* where any changes in respect of these electronic contact details are communicated to them by the customer.

²⁰ In most States and Territories, concessions eligibility for life support is broader than the definition of life support equipment in the Retail Rules

Breach reporting and civil penalties should align with the potential harm caused

Knowledge of planned power outages is essential to customers who rely on *Life Support Equipment*. This Rule Change does not propose alterations to any of these obligations. However, the importance of the supply of energy in sustaining the lives of persons who rely on *Critical Life Support Equipment* should be appropriately differentiated in the associated civil penalty provisions and breach reporting.

Similarly, while retailers and distributors should be required to ensure *deregistration* occurs when requested by the customer or if *medical confirmation* is not provided, per the proposed amendments to Rule 125, this could result in increased breaches of amended Rule 125. Failures by retailers and distributors to deregister premises in these circumstances, while affecting the accuracy of their life support registers, will not directly or seriously impact the protections provided to *Life Support Users*. As such the associated civil penalty provisions and breach reporting should be reduced.

Proposed change:

It is proposed to:

- Limit immediately reportable breaches of planned outage notifications to the AER to *Life Support Users* who rely on *Critical Life Support Equipment* and retain such breaches as a tier 1 civil penalty provision. This appropriately elevates breaches for this critical subset of *Life Support Users*
- Reduce breaches of the planned outage notifications for customers who rely only on *Assistive Life Support Equipment* to a tier 2 civil penalty provision and include them in half yearly reporting to the AER
- Reduce breaches of the requirement to deregister premises as require *Life Support Equipment* were requested to do so by the *Life Support Customer* or if *medical confirmation* is not provided to a tier 2 civil penalty provision and include them in half yearly reporting to the AER.

This proposed change will impact the Retail Rules, as well as require corresponding amendments to relevant sections of the Retail Regulations and the AER Compliance Procedures and Guidelines²¹.

Minimising misuse of life support registration

The Retail Rules allow customers to request an extension to provide *medical confirmation*. This must be a minimum of 25 business days, but an upper limit is not prescribed. This allows customers with extenuating circumstances, particularly those in remote areas who may visit a doctor less frequently, time to complete their *medical confirmation*.

However, there are occasions where a customer requests life support registration, fails to provide *medical confirmation* and is deregistered, only for them to reapply as requiring life support. This cycle can occur several times and there is no way for retailers and distributors to prevent customers who repeatedly misuse life support registration, most likely as a means to prevent being disconnected for non-payment. The registration to deregistration process takes a minimum of 80 business days and is not a costless process.

Most retailers and distributors do not formally capture cyclical re-registration data, however, by way of example, about 700 of AusNet Service's current life support registrations have been registered and deregistered five times and the highest number of registrations and deregistrations for any one customer is 20 – the customer is currently on their 21st cycle.

Proposed change:

Alter the Retail Rules to limit the number of consecutive life support registrations a customer can request without providing *medical confirmation* to two requests. This will help reduce retailer and distributor costs, which all customers are ultimately paying for. Should a customer who has already failed to provide *medical confirmation* for a *Life Support User* on two occasions wish to register their premises for life support protections, they will need to provide *medical confirmation* up-front to be registered.

²¹ AER Compliance Procedures and Guidelines National Energy Retail Law, Retail Rules and Regulations DRAFT Guidelines for Consultation, AER, March 2024 Version 7.

Communication via SMS and email for a planned power outage are optimal

Under Part 7 of the Retail Rules, retailers and distributors are required to give customers whose premises are registered for life support protections at least four business days “written notice” of planned interruptions.²² Most distributors have interpreted “written notice” to mean a letter sent by post.

For many households, a letter may not be their preferred communication channel and, given the reduction in Australia Post letter delivery services (now every second business day rather than every business day), the timeliness by which planned power outage notifications are received by customers (and will be received by *Nominated Contact Persons*) is diminished.

Proposed change:

Include drafting to make clear that retailers and distributors can collect and use electronic communication channels to provide notification to *Life Support Customers* and *Nominated Contact Persons* of planned power outages where a mobile number and/or email is provided. It will also maximise the speed of notification delivery to the *Life Support Customer* and *Nominated Contact Person* and their associated time to plan for the power outage.

There is no central database for storing medical confirmations

Medical confirmations are stored with either the customer’s retailer or distributor, depending on who they registered with. Whilst the Retail Rules envisage a customer moving house or changing retailers and allows them to request a copy of their *medical confirmation* from their retailer or distributor, a smoother customer experience would be delivered if *medical confirmations* were instead stored centrally.

Proposed longer term change outside this Rule Change:

Consideration should be given to centrally storing *medical confirmations* for *Life Support Users* in the MSATS or a new repository data base managed by a third party. Such a third party would become an integral part of the process, sharing information with retailers and distributors as required. Under an expansion of this idea, the central repository owner could even manage the end-to-end life support process, overseeing registrations, deregistrations and the four yearly re-registration.

Notwithstanding privacy considerations, the case for a central repository of customer related data that can be accessed by customers, retailers and distributors ‘free of charge’ is increasing as customer data and its value grows. The benefits of such a repository from the perspective of a customer, distributor and retailer is shown below.

Table 3: Benefits of a central repository for customer data

For customers	For distributors	For retailers
<ul style="list-style-type: none"> Streamline life support registration when moving between residences and even interstate Access their smart meter data Improve the ability to compare retail offers if their smart meter data directly informed the outputs shown on the AER’s “Energy Made Easy” website 	<ul style="list-style-type: none"> Smart meter data assists with understanding what is happening behind-the-meter and can be used to identify potential safety issues. 	<ul style="list-style-type: none"> A customer’s historical meter data would be available regardless of whether they have even been a customer of the retailer before. This will allow a retailer to make an informed decision as to the most appropriate retail plan to put a customer on.

²² National Energy Retail Rules, Part 7, Rule 124B(1)(d) and (2)(a)(iv)

6. National Life Support Information and Awareness Campaign to facilitate the Rule Change

A key aspect underpinning the success of this Rule Change is the associated education and change management piece for customers, *Life Support Users*, *Registered Medical Practitioners*, *Critical Life Support Equipment* manufacturers, patient representative bodies and other advocates. The Energy Charter has committed to develop and undertake a National Life Support Information and Awareness Campaign (the Campaign) to share these changes and explain how they will deliver better outcomes for customers.²³

The main changes to share are:

- The transition to the “Medical Confirmation Form for Life Support Equipment” template as evidence of *medical confirmation* for all *Life Support Users*
- The on-going four yearly requirement to provide updated *medical confirmation* to remain on a *life support register* – unless a *Life Support User* has been identified by their *Registered Medical Practitioner* as requiring *Critical Life Support Equipment* on a permanent basis
- The importance of having a back-up plan
- The need for a source of back-up power for *Critical Life Support Equipment*.

The Campaign objectives will broadly be to:

- Educate *Life Support Users* and their support networks about the benefits of having their premises registered as requiring life support and the processes involved
- Enable *Registered Medical Practitioners* to understand how to accurately assess whether a person uses *Assistive Life Support Equipment* and/or *Critical Life Support Equipment*
- Minimise irreversible harm or death of *Life Support Users* in the event of an unplanned power outage by encouraging them to work with their *Registered Medical Practitioner* to undertake appropriate back-up planning.

The Campaign methodology will support awareness of the challenges faced by customers who use *Life Support Equipment* at a population-level by:

- Raising national awareness on the critical benefits and supports that are in place for *Life Support Users* and the need for a back-up plan in the event of a power outage
- Dispelling common misperceptions that may lead to a *Life Support User* putting themselves at risk – for example, the expectation of prioritised power restoration or the belief that they or their *Nominated Contact Person* will receive an immediate SMS message for any power outage (planned or unplanned)
- Managing customer expectations by making clear what steps are required by the *Life Support User* to ensure they can survive a power outage
- Highlighting the responsibility of *Registered Medical Practitioners* across Australia to accurately assess the *Life Support User's* needs under the new definitions of *Assistive Life Support Equipment* or *Critical Life Support Equipment*
- Using diverse, inclusive and wide-reaching communication strategies to ensure that all *Life Support Users* are aware of what is expected and offered under the new Retail Rules
- The Energy Charter will also be coordinating a parallel Campaign under the [#BetterTogether Community Energy Resilience initiative](#) which aims to create greater energy resilience among communities to assist with preparing for and recovering from extended power outages. This initiative will target the wider Australian population with a call-to-action for ‘black-out planning’ that will point to *Life Support Customer* back-up planning, medical registration and other supports.

²³ This Campaign will be supported through the Energy Charter like the “**Keep the Money. It’s yours**” **Concessions National Awareness and Engagement Campaign** launched in July 2023 available at <https://www.theenergycharter.com.au/concessions-awareness-and-engagement-campaign/> (accessed 7 August 2023).

7. Rule Change contribution to the NERO

This Rule Change will meet the NERO by:

- Maintaining the existing protections in the Retail Rules for premises registered as having *Life Support Equipment* such that energy services continue to operate, and be used, in a way that is aligned with protecting the long-term interests of those most reliant on the services
- Providing retailers and distributors with the visibility needed to triage and engage with *Life Support Users* more efficiently. This will ensure that issues around the safety, reliability and security of energy supply for the more critical subset of *Life Support Users* can be more sensibly notified to, and planned for by, customers and *Nominated Contact Persons* (alongside *Life Support Users* and their *Registered Medical Practitioners*)
- Improving efficiencies for, and reducing the administrative burden on, retailers and distributors by:
 - Preparation of a “Medical Confirmation Form for Life Support Equipment” template that, where published by the AER, can be relied on by distributors and retailers
 - Improving the accuracy of life support registers by requiring updated medical confirmation every four years (except where there is a permanent need for *Critical Life Support Equipment*) and making deregistration compulsory where a customer requests or n medical confirmation is not provided. This will reduce the occurrence of retailers / distributors unnecessary applying life support protections to premises
 - Making clear that planned power outage notification can be sent via SMS and email (rather than retailers and distributors having to organise a letter to be sent by post).

These improved efficiencies and reduced administrative burden can be expected to reduce friction amongst all stakeholders. They will also reduce the costs of retailers and distributors around complying with life support protections, which flow through to the energy prices of all customers.

8. Expected benefits and costs associated with the proposed rule

Table 4: Benefits of the Rule Change to different stakeholders

Life Support Users who rely on Assistive Life Support Equipment	Life Support Users who rely on Critical Life Support Equipment	Nominated Contact Persons	Registered Medical Practitioners	Retailers and distributors	The AER
<ul style="list-style-type: none">Explanation of the protections afforded to a premises registered as requiring <i>Life Support Equipment</i>Their <i>Registered Medical Practitioner</i> will share information on available rebates from jurisdictional schemes and how to access them and help with developing a back-up planRecognition that their life support needs may need change over time and that back-up planning for such changes has been considered		<ul style="list-style-type: none">Visibility of planned outages affecting the premises where the <i>Life Support User</i> resides	<ul style="list-style-type: none">Improved efficiency and accuracy in completing <i>medical confirmation</i> via the “Medical Confirmation Form for Life Support Equipment” template, where published by the AER i.e. <i>Life Support User</i> classification, rebate discussion, back-up planning etc.	<ul style="list-style-type: none">Able to identify the critical subset of registered life support premises to provide more targeted assistance and service	<ul style="list-style-type: none">Reduction in administrative / regulatory burden with the change to six-monthly reporting of breaches of the planned power outage notification for premises registered as requiring <i>Assistive Life Support Equipment</i>
<ul style="list-style-type: none">Able to supply contact details for a <i>Nominated Contact Person</i> who will be contacted about planned power outagesEnforced deregistration when <i>medical confirmation</i> is not provided or there is a change in circumstances, improving the accuracy of life support registers and reducing administrative costs that customers currently fund		<ul style="list-style-type: none">May be contacted about an unplanned power outage affecting premises where the <i>Life Support User</i> resides (only after the retailer or distributor is made aware of them) via their preferred means of electronic communication		<ul style="list-style-type: none">Improved accuracy of Life Support Registers will reduce administrative costs	
<ul style="list-style-type: none">Protections in the Retail Rules are unchanged			<ul style="list-style-type: none">Access to a “Household Life Support Equipment Back-up Plan” template, where published by the AER, to assist with back-up planning for the <i>Life Support User</i>	<ul style="list-style-type: none">Able to improve communication about power outages as have access to more mobile phone numbers and email addresses and a <i>Nominated Contact Person</i>	
<ul style="list-style-type: none">Information and education on the changes and the benefits to them					
<ul style="list-style-type: none">Where a mobile number and/or email is provided, electronic communication channels will maximise the delivery speed of planned power outage notifications and the associated time to plan for the power outage			<ul style="list-style-type: none">Information and education on the changes and how they will benefit themselves and their patients	<ul style="list-style-type: none">Assurance in knowing that <i>Life Support Users</i> have developed back-up plans using a template and in conjunction with their <i>Registered Medical Practitioner</i>	
	<ul style="list-style-type: none">Need for <i>Critical Life Support Equipment</i> can be marked as permanent, avoiding the need to provide updated <i>medical confirmation</i> every four years			<ul style="list-style-type: none">Reduction in administrative burden with the change to a tier 2 civil penalty and six-monthly reporting of breaches of the planned power outage notification for premises registered as requiring <i>Assistive Life Support Equipment</i>, and for failures to deregister	
	<ul style="list-style-type: none">More personalised safeguards from their retailer or distributor (service level will vary by provider but examples include:<ul style="list-style-type: none">Calling to encourage a battery check or maintenance on				

<i>Life Support Users who rely on Assistive Life Support Equipment</i>	<i>Life Support Users who rely on Critical Life Support Equipment</i>	<i>Nominated Contact Persons</i>	<i>Registered Medical Practitioners</i>	<i>Retailers and distributors</i>	<i>The AER</i>
	<p>their medical equipment on a regular basis.</p> <ul style="list-style-type: none"> ○ Providing an energy solution during planned and unplanned outages, such as portable batteries. ○ Prioritising power restoration following a natural disaster or providing a suitable longer-term back-up solution to those who need it most. ○ Contacting the secondary support person should the retailer or distributor be unable to contact the customer after they have been made aware of an unplanned outage affecting the premises. ○ Contacting the customer to check that a planned outage notification was received 			premises in certain circumstances	

Costs of the Rule Change to different stakeholders

- Adding additional fields into the MSATS for:
 - *Nominated Contact Person* name
 - *Nominated Contact Person* contact details (mobile phone number and email where available)
 - Whether the *Life Support User* has *Assistive Life Support Equipment*, *Critical Life Support Equipment* or both
 - Whether the *Life Support User* requires *Critical Life Support Equipment* on a permanent basis (for more than four years).
- AER will need to:
 - If it agrees to, publish the:
 - “Medical Confirmation Form for Life Support Equipment” and provide access to a webform that a *Registered Medical Practitioner* can use; and

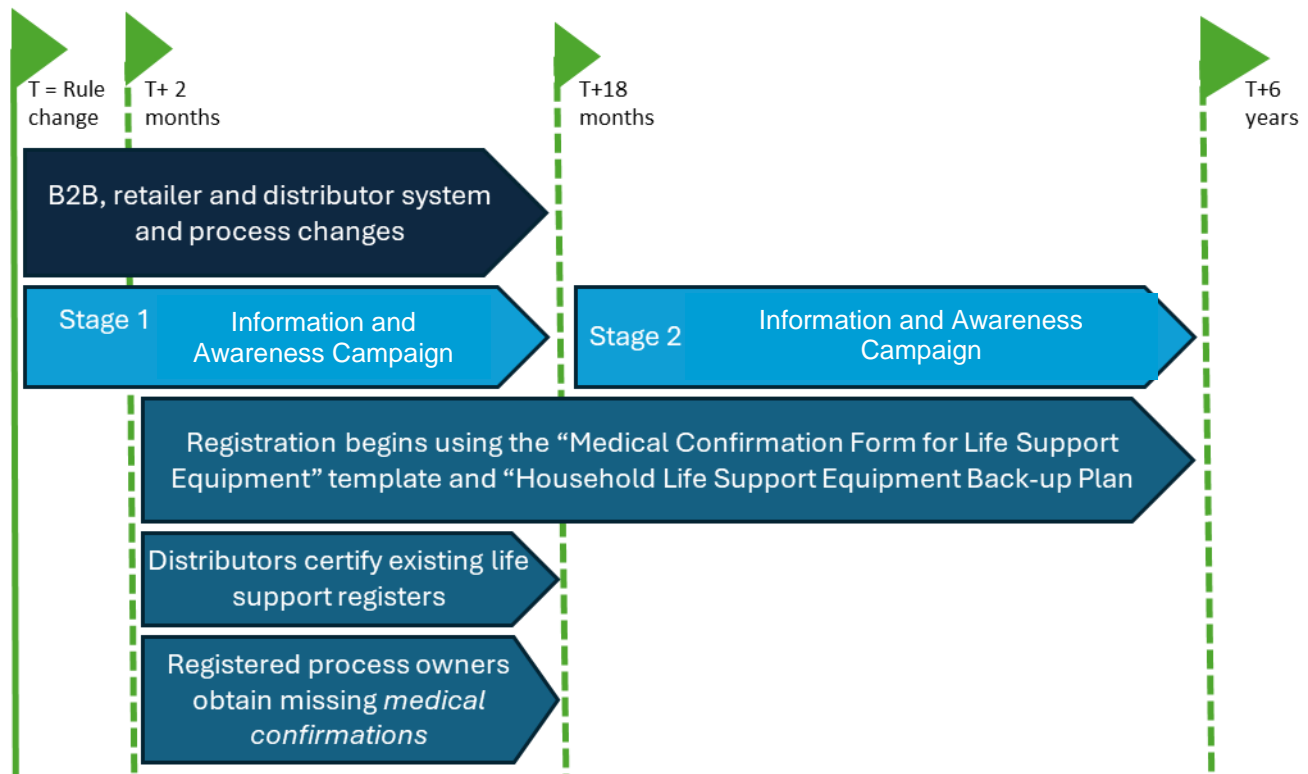
- “Household Life Support Equipment Back-up Plan” template on its website
- Undertake periodic reviews of both templates in collaboration with industry and other relevant stakeholders
- Revise the “Life support registration guideline” to remove incorrect references to the “registration process owner”
- Revise the “Draft Compliance Guidelines” to identify planned outage notification breaches for *Assistive Life Support Equipment* and failures to deregister premises as requiring 6 monthly reporting
- For retailers who have not already developed deregistration processes OR additional costs for distributors to take on the registration and deregistration processes on behalf of retailers
- Potential uplift in costs for retailers or distributors who have an existing deregistration process, but do not always deregister premises when *medical confirmation* is not provided or there is a change in customer circumstances.
- For retailers and distributors to:
 - Verify the validity of their current *life support registers* and request outstanding *medical confirmations*, including by being encouraged to contact all customer’s whose premises appear on the register
 - Introduce processes to obtain updated *medical confirmation* every four years (except where a *Life Support User* has been identified by their *Registered Medical Practitioner* as having a permanent need for *Critical Life Support Equipment*) and the associated costs of running those processes
 - Update their systems to include the mobile number and email address for customers and any *Nominated Contact Person*, where provided, for the purposes of planned outage notifications
 - Add *Nominated Contact Person* to the notification process for planned outages.
- For the South Australian Government to adjust Schedule 1 in the Retail Regulations to
 - Identify planned outage notification breaches for *Critical Life Support Equipment* as Tier 1 civil penalty provisions
 - Identify planned outage notification breaches for *Assistive Life Support Equipment* as Tier 2 civil penalty provisions
 - Identify failures to deregister premises as requiring *Life Support Equipment* were requested by the customer or *medical confirmation* is not provided as Tier 2 civil penalty provisions.
- State and Territory Government’s concessional and rebate schemes
 - The impact of the proposed changes and their interrelationship with the application of jurisdictional concessions and rebates has not been considered. Given the term *Life Support Equipment* is retained in the Retail Rules, there is expected to be no (or minimal) impact i.e. rebates/concessions will continue to be offered to customers who use *Life Support Equipment*.
- For customers:
 - In seeing their *Registered Medical Practitioner* to complete the *national medical confirmation form*, noting that whilst customers face the cost of a medical appointment under the current Retail Rules, the additional discussions around rebates, and back-up planning required under new *medical confirmation forms* will likely entail the cost of an extended medical consultation when the form is first completed
 - In obtaining subsequent medical reconfirmations (where required) every four years from their *Registered Medical Practitioner*
 - Any costs associated with preparing for their back-up plan, noting customers should have faced these costs under the current Retail Rules. The costs will vary depending on the level of back-up

planning each customer currently in place and the associated criticality of their *Life Support Equipment*.

9. Implementation

To facilitate a seamless transition, a comprehensive implementation plan will be required.

Visual of the proposed implementation steps and timeline



Stage 1

The first step is for the MSATS to be altered to capture extra fields related to *Critical Life Support Equipment*, *Assistive Life Support Equipment*, *Nominated Contact Person* and their *contact details* and the customer and *Nominated Contact Person's* preferences in relation to communications. The same changes will also be required in retailers and distributors systems along with the associated changes to processes. This is envisaged to take up to 18 months of time.

At the same time, the Energy Charter will initiate stage 1 of the national Information and Awareness Campaign for *Life Support Customers* (the Campaign). This will entail the introduction of the new templates (the "Medical Confirmation Form for Life Support Equipment" and the "Household Life Support Equipment Back-up Plan") with retailers, distributors and health care professionals.

Given the business-to-business (B2B) system changes will not yet be implemented, stage 1 of the Campaign will focus on the development of back-up plans primarily for newly registered premises, as well as capturing more fulsome and accurate data for these new life support registrations. Back up planning will be encouraged for all *Life Support Customers* in preparation of heat and fire seasons ahead.

It will be imperative to manage customer expectations during this stage, as the systems will not yet be in place to capture the details of *Life Support Equipment*, a *Nominated Contact Person* and customer preferences in relation to communications with retailers or distributors, or formally share such details between retailers and distributors.

Educating medical professionals, *Critical Life Support Equipment* manufacturers and representative bodies of the classifications of *Life Support Equipment* and the importance of requiring back-up plans for *Critical Life Support Equipment* will also be a focus in this stage. The default position for all *Life Support Customers* during the implementation will be made clear that they will be deemed *Assistive Life Support Customers* therefore the additional protections afforded to *Critical Life Support Customers* will require *medical confirmation*.

Over this period, retailers and distributors will be encouraged to certify the validity of existing life support registers by contacting all registered customers and asking whether they still require *Life Support Equipment*.

Registration process owners will also follow-up any premises registered for which *medical confirmation* has yet to be provided and request completion of the new “Medical Confirmation Form for Life Support Equipment”. Where *medical confirmation* is not provided, premises will be deregistered in accordance with Rule 125 subrules (4) to (8) and the proposed updated wording to enforce deregistration put forward in this Rule Change.

Stage 2

Once the necessary system changes for the new MSATS fields have been completed across all retailers and distributors, stage 2 of the Campaign will begin. The primary objective at this stage is to ensure that all stakeholders are fully informed and well-prepared for the upcoming changes.

As noted in Stage 1, the default position for all *Life Support Customers* will be identified as *Assistive Life Support Customers* therefore the additional protections afforded to *Critical Life Support Customers* will require *medical confirmation*.

A multi-faceted communications strategy will be adopted and encompass educational materials, information sessions and direct engagement aimed at addressing questions and concerns, providing clarification and offering support to navigate the evolving landscape related to life support, including how a *Critical Life Support Customer* can be registered through *medical registration*.

In selling the benefits at this stage, the Campaign will encourage existing *Life Support Customers* currently registered to contact their retailer or distributor to obtain an updated *medical confirmation* if they want to gain access to the new safeguards, for example, adding a *Nominated Contact Person* on to their account. In this respect, it is hoped that some re-registrations will be brought forward. Again, these updates would be undertaken by the registration process owner. Alternatively, jurisdictional bodies may wish to collaboratively devise their own unique approach for handling re-registration.

It will take up to four further years to achieve full life support registration in line with the Rule Change. This transition timeline ensures that customer groups, industry participants and regulators are provided ample time and support to acclimate to the evolving regulatory requirements.

10. Glossary

Term	Definition
#BetterTogether initiative	#BetterTogether initiatives are collaborative initiatives that focus on delivering tangible customer and community outcomes, run through the Energy Charter
Assistive Life Support Customer	person who is assisted by power supplied to their equipment operating in their home for medical purposes.
Critical Life Support Customer	person who requires continuous power supply to their Life Support Equipment operating in their home to ensure there is no loss of life or lifelong irreversible injury
Community Outcomes Group (COG)	Each #BetterTogether initiative at the Energy Charter has a Customer or Community Outcomes Group which is instrumental in guiding each initiative
Life Support Customers	both Assistive Life Support Customers and Critical Life Support Customers
Life Support Customers' premises	premises that have been, or are to be, registered as requiring Life Support Equipment
Life Support Equipment	means any equipment requiring a supply of energy that is necessary to support a Life Support User's life, as listed on page 20 under section, <i>Issues with the current Retail Rules and the proposed changes</i>
Life Support in the Home: Lived Experience Panel (the Lived Experience Panel)	panel of people with lived experience as Life Support Customers and/or as their carers, established in April 2024 under Terms of Reference pertaining to the #BetterTogether initiative Better Protections for Life Support Customers
Life Support Medical Advisory Group (LMAG)	forum where customer and consumer representatives, medical professionals and energy businesses collectively articulated and defined the needs of Life Support Customers, established in March 2022 under Terms of Reference pertaining to the #BetterTogether initiative for Life Support Customers
Life Support Registers	premises registered as requiring Life Support Equipment across Queensland, New South Wales, the Australian Capital Territory, South Australia and Tasmania
Life Support User	means the person who uses Life Support Equipment. This may be the Life Support Customer or another person who resides at a customer's premises
Medical Confirmation	means a medical confirmation form, completed by a registered medical practitioner, which confirms that a Life Support User requires Life Support Equipment, and is dated and signed by both the registered medical practitioner and the Life Support User
National Life Support Information and Awareness Campaign (the Campaign)	Stage 1 - the introduction of the new templates (Medical Confirmation Form for Life Support Equipment and the Household Life Support Equipment Back-up Plan) with retailers, distributors and health care professionals. Stage 2 - encourage existing Life Support Customers to contact their retailer or distributor to obtain an updated medical confirmation if they want to gain access to the new safeguards, for example, adding a Nominated Contact Person on to their account
National Medical Registration Process	is in relation to the medical confirmation, it is the process of completing the form between medical practitioner and the Life Support User for submission
Nominated Contact Person	is in relation to premises that have been, or are to be, registered as requiring Life Support Equipment, means an additional person nominated by a customer to be notified of retailer planned interruptions or distributor planned interruptions affecting that premises (this may be the Life Support User where different to the customer)
Registered Medical Practitioner	means a person registered to practice as a Medical Practitioner under the <i>Health Practitioner Regulation National Law</i> .
The Energy Charter	The Energy Charter is a unique coalition of like-minded energy organisations with a shared purpose and passion for customers and communities

Appendix A - Medical Confirmation Form for Life Support Equipment

NMI:		MIRN:	
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Medical Confirmation Form for Life Support Equipment in the home

Your energy retailer or distributor will provide the following:	
This form must be completed and returned to your energy retailer or distributor by:	<i>(insert due date and contact email and postal address)</i>
You can request an extension of time to complete and return the form, please contact:	<i>(insert contact email, postal address and phone number)</i>

PART A. Registered Medical Practitioner Declaration

This section must be completed by a specialist registered medical practitioner²⁴ as per the [Medical Board of Australia - Specialist Registration](#)

PART 1. IDENTIFICATION OF LIFE SUPPORT EQUIPMENT

I _____ (Full name of Registered Medical Practitioner), confirm that _____ (full name of patient) is a patient of mine and I have prescribed the following life sustaining medical equipment and/or other medically prescribed equipment for use at the address specified below.

TYPE OF LIFE SUPPORT EQUIPMENT		
Identify if the patient is EITHER A1, or A2. They cannot be identified as both.		
A1. ASSISTIVE LIFE SUPPORT EQUIPMENT		
Powered equipment that assists the person's medical condition in their life but is NOT critical to sustaining the life of the person or preventing lifelong irreversible injury (please provide details below)	Required? (tick if Yes)	
A2. CRITICAL LIFE SUPPORT EQUIPMENT		
Powered medical equipment that <u>sustains the life</u> of the person and whose life is at risk or is at risk of incurring a lifelong irreversible injury in the event of a power outage	Required? (tick if Yes)	Permanently requirement? (tick if Yes)
A3. IDENTIFY LIFE SUPPORT EQUIPMENT		
Please indicate if more than one equipment is required for use at the address specified.	Required? (tick if Yes)	
Apnoea Monitor (for children ²⁵ only)		
Feeding Pump		
Machine Assisted Dialysis Equipment (cycler or heater) (e.g. haemodialysis, cyders/heaters for peritoneal dialysis)		
Nebuliser (for children ²⁵ only – used every day for 1-2 hours per day)		
High Flow Device (HFD) and/or Humidifier, when used with a tracheostomy		
Oxygen Concentrator		
Suction Pump		

²⁴ For more information visit [Medical Board of Australia - Specialist Registration](https://www.medicalboard.gov.au/registration/types/specialist-registration.aspx)
(<https://www.medicalboard.gov.au/registration/types/specialist-registration.aspx>)

²⁵ A child is defined as any person under the age of 16 years.

Crigler Najjar Syndrome phototherapy equipment	
Non-invasive ventilation ²⁶ (e.g. positive airways pressure respirator (PAP))	
Any form of invasive ventilation, including via a tracheostomy	
Other medical equipment (provide details)	

PART 2. THE PROTECTIONS LIFE SUPPORT REGISTRATION PROVIDES

Having your premises registered as having life support equipment entitles you to some additional protections. These are:

1. At least four-days notice of a planned interruption.
2. Your premises cannot be disconnected for non-payment.
3. You have access to a 24-hour telephone number for their distributor in case of an emergency.
4. You are provided with information to assist with the preparation of an action plan in case of an unplanned interruption.

Your obligations

- If you move house and require your new premises to be registered as requiring life support equipment, you should advise your new retailer of this requirement.
- If you change retailer and still require your premises to be registered as requiring life support equipment, you should advise your new retailer of this requirement.
- You are required to provide a signed and dated medical declaration from a registered medical practitioner every 4 years, unless you have been identified as requiring critical life support equipment on a permanent basis.
- If you are having difficulty obtaining a medical declaration, please request an extension of time from your retailer or distributor.
- If you register your premises as requiring life support equipment but fail to provide a signed and dated medical declaration from a registered medical practitioner, you will be sent confirmation reminder notices before your premises will be deregistered.
- If you register your premises for life support but fail to provide a signed and dated medical declaration from a registered medical practitioner, your premises will be deregistered and you will lose the associated protections after reminders have been issued. Following this, if you still need to register your premises, you will need to provide a signed and dated medical declaration from a registered medical practitioner up-front with your request for registration.

These protections and obligations have been discussed with the person and are understood?

☐ Yes ☐ No

PART 3. LIFE SUPPORT CONCESSIONS

Life Support Concessions provided by your State or Territory Government have been discussed with the person and they have been advised on how to apply for these concessions? *(To be confirmed - Insert link)*

☐ Yes ☐ No

²⁶ Adult – only when ventilator dependent as determined by a specialist registered medical practitioner. Such ventilators must include back-up power and mains fail alarms. Child – only when prescribed by or in conjunction with a treating Paediatrician.

PART 4. LIFE SUPPORT EQUIPMENT BACK-UP PLAN

Has the patient completed a Life Support Equipment Back-up Plan?

(Insert link to the Household Life Support Equipment Back-up Plan template to be added when available.)

☐ Yes ☐ No *If No please state why:*

Reason why a Life Support Equipment Back-up Plan is not required	
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PART 5. DECLARATION

Specialist Registered Medical Practitioner signature	
Specialist Registered Medical Practitioner name	
Registration Number	
Position title	
Date	
Stamp (if available)	

Part B. Life Support Customer Declaration

SECTION 1: PERSON WHO USES LIFE SUPPORT EQUIPMENT AT THE PROPERTY

First name		Last name	
Date of birth		Phone number	
Email			

SECTION 2: ADDRESS WHERE LIFE SUPPORT EQUIPMENT IS REQUIRED

Unit/Site number	
Complex Name	
Suburb	
Building/House number	
Street name	
Postcode	
State	

SECTION 3: THE PERSON ON THE BILL OF THE ADDRESS WHERE LIFE SUPPORT EQUIPMENT IS USED

Is the person on the electricity / gas bill (the Account Holder) of the address the person who should be contacted regarding outages?

☐ Yes ☐ No *If No please complete the following:*

Account Holder's first name		Account Holder's last name	
Relationship to person requiring Life Support Equipment (if it is not this person)		Account Holder's landline phone number	
		Account Holder's mobile phone number	
Account Holder's email			

If you require registration of another address where life support equipment is required, please fill out another form related to that address.

SECTION 4: NOMINATED CONTACT PERSON

Is there a nominated contact person (in addition to the electricity / gas account holder of the property) who should be contacted regarding energy outages? *This can be the person using Life Support Equipment if they are not the Account Holder or a family, friend, carer, neighbour or trusted person that can be contacted in the case of a planned power outage and may be notified in the event of an unplanned outage.*

☐ Yes ☐ No

If Yes please complete the following:

Nominated Contact Person's first name		Nominated Contact Person's last name	
Relationship to person using Life Support		Nominated Contact Person's emergency phone number	

Equipment (if it is not this person)			
Nominated Contact Person's email			
Chosen means of communicating with the Nominated Contact Person about a planned outage notification affecting the life support premises	Written notice by post	Email	SMS
Choice 1			
Choice 2			
Choice 3			

Have you informed the Nominated Contact Person that you have nominated them as a contact for power outages affecting your premises?

☐ Yes ☐ No

SECTION 5: YOUR CHOSEN MEANS OF COMMUNICATION

What is your chosen means of communication for being alerted to **planned outages** affecting your premises?

	Written notice by post	Email	SMS
First Choice (please tick)			

Do you consent to your energy retailer or distributor communicating with you and your Nominated Contact Person via SMS (when possible) in relation to planned power outages, restoration of power supply and other support information?

☐ Yes ☐ No

SECTION 6: DECLARATION

(To be filled in by the person using Life Support Equipment or their authorised person)

I hereby declare that:

1. I am the person named in Section 1 above, or if not, I am authorised to act on that person's behalf for the purpose of this application.
2. All information provided in this Medical Confirmation Form for Life Support Equipment is, to the best of my knowledge and belief, true, accurate and not misleading.
3. I will notify my energy retailer or distributor if life support equipment is no longer required at the property identified in Section 2.
4. I will notify my energy retailer or distributor the of any changes to the contact details specified in Sections 1, 3 and 4.
5. I acknowledge and agree that I will be required to renew this Medical Confirmation Form for Life Support Equipment and obtain a signed and dated medical declaration from a registered medical practitioner every four years, unless critical life support equipment has been identified permanently in section A2.

Signature		Date	
Name (please print)			