

RULE

## Consultation paper

# National Energy Retail Amendment (Improving life support processes) Rule 2025

### Proponents

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## About the AEMC

The AEMC reports to the energy ministers. We have two functions. We make and amend the national electricity, gas and energy retail rules and conduct independent reviews for the energy ministers.

## Acknowledgement of Country

The AEMC acknowledges and shows respect for the traditional custodians of the many different lands across Australia on which we all live and work. We pay respect to all Elders past and present and the continuing connection of Aboriginal and Torres Strait Islander peoples to Country. The AEMC office is located on the land traditionally owned by the Gadigal people of the Eora nation.

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## Summary

- 1 This consultation paper seeks stakeholder feedback on the rule change request submitted by Essential Energy and SA Power Networks (SAPN) (the proponents) on 23 August 2024. The request seeks to amend the National Energy Retail Rules (NERR) to improve the existing processes of retailers and distributors in registering and serving customers that require life support equipment at their premises.
- 2 The purpose of this consultation paper is to seek stakeholder feedback on the issues identified and solutions suggested by the proponents. These cover life support definitions, registration, communication processes, and related civil penalties. We are seeking your feedback on the issues and solutions identified in the rule change requests, including:
  - The scale of the problems identified by the proponent
  - The characterisation of the proposed issues and considerations we need to take into account for each proposed solution
  - Whether the proposed solutions best address the issues raised in the rule change requests
  - If the proposed changes will best promote the long-term interests of consumers
  - Implementation considerations, including the costs of any such changes.
- 3 The proposed rule change request stems from the Energy Charter's #BetterTogether Life Support Customer initiative and consultation. This consultation process was undertaken over a period of two years. The findings of this work have led the proponents to suggest that:
  - Retailers and DNSPs cannot readily identify life support customers using life-sustaining equipment (i.e. those with more critical needs) compared to those that rely on life support equipment to improve the quality of life.
  - Life support registers are inaccurate because of unclear processes and responsibilities
  - Communications with life support customers often do not happen according to customer preferences.

## The rule change request seeks to improve life support customers' outcomes by amending definitions and processes

- 4 The rules regarding life support are set out in Part 7 of the NERR, with guidance for retailers and distributors outlined in the AER's Life Support Registration Guideline<sup>1</sup>.
- 5 The rule change request identifies 10 issues and related solutions, which we have grouped into three themes:
  - Theme 1: Improving definitions to better target life support customers, and related civil penalties for breaches. This is to ensure resources are triaged to those most in need, and that civil penalties are aligned to potential harms.
  - Theme 2: Improving registration and deregistration processes by clarifying roles and directions. This is to ensure registers are accurate and up to date.
  - Theme 3: Improving communication methods to contact life support customers. This is to allow retailers and DNSPs to contact life support customers faster and via their preferred method.
- 6 This rule change request is focussed on process improvements and is not seeking to reduce

<sup>1</sup> [AER Life support registration guide 2021 | Australian Energy Regulator \(AER\)](#).

protections to life support customers under the NERR. An overview and detail of the issues and proposed solutions are provided in chapter 2.

- 7 The rule change request aligns with our vision for [a consumer-focused net zero energy system](#), which seeks to inform, empower and protect consumers individually and as a collective.
- 8 The proponents suggest the proposed solutions will achieve the NERO by:
  - enabling retailers and DNSPs (distribution network service providers) to identify the most vulnerable cohort of registered life support premises and provide additional protections and support beyond that currently outlined in the NERR
  - aligning civil penalties and breach reporting with the potential or actual harm caused
  - improving the efficiency of the registration process and the accuracy of life support registers
  - improving the customer experience in relation to deregistering their premises
  - improving safeguards and the back-up planning for unplanned outages
  - ensuring the protections afforded to registered life support premises are explained to customers/Life Support Users.

## We consider that there are four assessment criteria that are most relevant to this rule change request

- 9 Considering the NERO<sup>2</sup> and the issues raised in the rule change request, the Commission proposes to assess the rule change request against four assessment criteria:
  1. Outcomes for consumers. We will consider the impact of amending life support definitions, processes and communication arrangements on:
    - existing consumer protections, including any interactions
    - consumer insights/behaviour and preferences
    - impacts on different types of consumers, including from an equity and vulnerability perspective.
  2. Principles of market efficiency. We will consider the impact of changes to life support roles and responsibility, including the impact on the:
    - allocation of risks and costs between DNSPs, retailers and consumers, and other market participants
    - transparency of information and information-sharing around life support requirements
    - structural barriers to enabling all consumers to access benefits relating to energy.
  3. Implementation considerations. We will consider the:
    - interaction with existing processes
    - impact on market bodies or jurisdictions, other parties including medical practitioners, and across different groups of consumers, including with changing responsibilities.
  4. Principles of good regulatory practice. We will consider principles of good regulatory practice, including whether:
    - prescriptive or outcomes-based regulations/rules in the NERR are in the long-term interests of consumers
    - setting clear rules and responsibilities to reach the intended outcome would minimise costs to industry participants and support consumers.

<sup>2</sup> Section 13 of the NERL.

## Submissions are due by 4 September 2025 with other engagement opportunities to follow

- 10 There are multiple options to provide your feedback throughout the rule change process.
- 11 Written submissions responding to this consultation paper must be lodged with the Commission by 4 September 2025 via the Commission's website, [www.aemc.gov.au](http://www.aemc.gov.au).
- 12 There are other opportunities for you to engage with us, such as one-on-one discussions or industry briefing sessions. Please see the project web page to contact the team.

## Full list of consultation questions

### **Question 1: Theme 1. What is your view of the proposed definitions and whether they should be included in the NERR?**

- What do you see as the key issues for including the proposed definitions in the NERR, for example:
  - Would adding/amending these definitions improve outcomes for life support consumers?
  - Would they appropriately capture all needs of life support customers, including those that do not involve equipment, such as refrigeration for insulin pumps?
  - Is it appropriate to have the same list of equipment from which to draw the definitions of critical and assistive life support equipment? Are two different sets of lists needed, one for each type of equipment?
  - Are there any specific needs related to equipment that requires gas connection that we need to capture?

### **Question 2: Theme 1. What is your view of the proposed amendments to civil penalty provisions for breaches relating to notification and deregistration - based on proposed changes to definitions as outlined in section 2.1.1 above?**

- Are there unintended risks from the proposed changes as suggested in the rule change request?

### **Question 3: Theme 2: Is there confusion around who may deregister a premise when there is a change in the customer's circumstances?**

- Should deregistering a premises be mandated as suggested?
- Are there any unintended consequences of the proposed changes?
- Are updates required to the AER Life support registration guide to clarify deregistration roles?
- Are changes to B2B processes required due to the proposed changes?

**Question 4: Theme 2: Do you have any views on requesting an updated medical certificate every four years?**

- Is it appropriate to create a permanent medical confirmation for critical life support customers with ongoing needs?
  - Should this permanent confirmation also be extended to customers on assistive life support?
- Are the proposed roles for registered medical practitioners in the life support registration appropriate?
- Is it appropriate to compel deregistration for customers that do not provide a medical confirmation?

**Question 5: Theme 2: Do you have any views on introducing a cap on registration attempts without medical confirmation?**

- Are there any unintended consequences from introducing a limit on registering without medical confirmation?
- Are there other issues and approaches we should consider?

**Question 6: Theme 2: Is there currently an inconsistency in how life support is assessed between different retailers and DNSPs?**

- Is back-up planning lacking for life support customers?
- Who should hold the responsibility for backup planning?
- Do the proposed templates capture all relevant information to ensure accurate life support registration and effectively protect and prioritise customers during planned and unplanned outages? Is there any information that should be added or removed?
- Is it appropriate for the AER to develop the proposed Medical Confirmation and Back-up plan templates?
- Are there unintended consequences or risks mandating the use of the suggested templates in the rules?

**Question 7: Theme 3: Would adding a nominated contact person improve the safety and experience of life support users?**

- Are there any privacy, safety, consent or implementation risks associated with this proposal?
- Should notifying the nominated contact person be mandated for both planned and unplanned outages?
- Are there any other issues we should consider in relation to this proposal?

**Question 8: Should customers' electronic contact details be captured in the medical registration form?**

- Are there any unintended consequences of such a change?

**Question 9: Should the rules be updated to explicitly clarify that SMS/email notification of planned outages to life support customers is permitted?**

- Would this improve outcomes for these customers?
- How can the rules ensure communications are conducted according to the customers' preferences?
- Are there any unintended outcomes from the proposed change?

**Question 10: Theme 3: Noting a central database for storing medical confirmations is outside the scope of this rule change process, are there recommendations that could be made to progress the issue?**

- Are there any immediate concerns with this proposal?

**Question 11: Assessment framework**

Do you agree with the proposed assessment criteria? Are there additional criteria that the Commission should consider or criteria included here that are not relevant?

## How to make a submission

### We encourage you to make a submission

Stakeholders can help shape the solutions by participating in the rule change process. Engaging with stakeholders helps us understand the potential impacts of our decisions and, in so doing, contributes to well-informed, high quality rule changes.

We have included questions in each chapter to guide feedback, and the full list of questions is above. However, you are welcome to provide feedback on any additional matters that may assist the Commission in making its decision.

### How to make a written submission

**Due date:** Written submissions responding to this consultation paper must be lodged with Commission by 4 September 2025.

**How to make a submission:** Go to the Commission's website, [www.aemc.gov.au](http://www.aemc.gov.au), find the "lodge a submission" function under the "Contact Us" tab, and select the project reference code RRC0064.<sup>3</sup>

You may, but are not required to, use the stakeholder submission form published with this consultation paper.

Tips for making submissions are available on our website.<sup>4</sup>

**Publication:** The Commission publishes submissions on its website. However, we will not publish parts of a submission that we agree are confidential, or that we consider inappropriate (for example offensive or defamatory content, or content that is likely to infringe intellectual property rights).<sup>5</sup>

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<sup>3</sup> If you are not able to lodge a submission online, please contact us and we will provide instructions for alternative methods to lodge the submission.

<sup>4</sup> See: <https://www.aemc.gov.au/our-work/changing-energy-rules-unique-process/making-rule-change-request/submission-tips>

<sup>5</sup> Further information is available here: <https://www.aemc.gov.au/contact-us/lodge-submission>



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# 1 The context for this rule change request

This consultation paper seeks stakeholder feedback on the rule change request submitted by Essential Energy and SA Power Networks (SAPN) (the proponents) on 23 August 2024. The rule change seeks to amend the National Energy Retail Rules (NERR) to improve the existing processes of retailers and distributors in registering and serving customers who require life support equipment at their premises. It is part of the Energy Charter's #BetterTogether initiatives.

This chapter provides an overview of the:

- existing life support provisions in the NERL and NERR
- broader context of the rule change request
- rule change process and timeline we will follow to assess this rule change request.

## 1.1 Existing life support provisions and obligations

Life support protections are requirements designed to ensure that customers who rely on life support equipment are protected from disconnection or harm due to electricity supply issues.

Part 7 of the NERR establishes the definitions, roles and responsibilities for retailers and DNSPs in serving life support customers. This includes:<sup>6</sup>

- definitions relating to life support (Rules 3 and 123A)
- registration of life support equipment (Rule 124)
  - provision of information to assist with the preparation of an action plan in case of an unplanned interruption
- confirmation of premises as requiring life support equipment (Rule 124A)
- ongoing obligations for retailers and DNSPs (Rule 124B), which include:
  - advance notice - Retailers and distributors must provide customers requiring life support equipment (ie, life support customers) with written notice at least four business days before planned interruptions to their energy supply
  - no disconnection for non-payment
  - access to an emergency telephone number for both their retailer and distributor in case of an emergency
- deregistration of premises (Rule 125)
- keeping registration and deregistration details, and medical confirmations (Rule 126 & 126A).

The AER also publishes the Life support registration guide. This is to assist retailers and DNSPs understand their responsibilities to customers relying on life support equipment and comply with the rules.<sup>7</sup>

Further detail on existing protections and obligations are outlined in appendix A.1.

### **Box 1: The Commission has previously made two rule changes on life support protections**

***Strengthening protections for customers requiring life support equipment*** rule change<sup>1</sup>

On 19 December 2017, the AEMC published a final rule determination to strengthen protections for

<sup>6</sup> AEMC, National energy retail rules, Part 7.

<sup>7</sup> AER, Life support registration guide 2021.

customers who have a person requiring life support equipment residing at their premises.

The final rule amended the life support provisions in the NERR so that customers will be entitled to life support protections from the time they first inform either their retailer or distributor that they need life support. It modified the minimum requirements for retailers and distributors to register and deregister customers for life support protections. It also clarified the role of retailers and distributors with regard to the registration, medical confirmation and deregistration processes.

***Maintaining life support customer registration when switching*** rule change<sup>2</sup>

On 25 February 2021, the AEMC made a final determination and rule that aimed to reduce barriers for life support customers who switch retailers or move premises by enabling customers to reuse a previously submitted medical confirmation document. The rule sought to reduce costs and mobility challenges related to medical visits for life support customers while maintaining customer safety.

1. AEMC, Strengthening protections for customers requiring life support equipment, Final determination, 19 December, 2017.2. AEMC, Maintaining life support customer registration when switching, Final determination, 25 February, 2021.

## 1.2 Essential Energy and SA Power Networks propose changing the rules to improve definitions and processes around life support.

The rule change request identifies key drivers of change in the energy environment that the proponents consider necessitate updates to life support definitions and processes. These include Australia's ageing population, changing climate, and more people choosing to stay in-home for medical treatment.<sup>8</sup>

The rule change request aims to improve the existing definitions of life support equipment and processes of retailers and DNSPs in registering and serving life support customers. It suggests several changes, which we have grouped into three broad themes:<sup>9</sup>

1. Improving definitions to better target life support customers, and related civil penalties for breaches
2. Improving registration and deregistration processes
3. Improving communication methods to contact life support customers

While changes are proposed, the rule change request seeks to retain all the existing protections for registered life support premises offered in the NERR.<sup>10</sup>

The proponents suggest that if made, the suggested changes will:<sup>11</sup>

- increase safeguards for people reliant on Life Support Equipment
- improve operational efficiency and reduce administrative burden on retailers and DNSPs.

Details on the issues and proposed solutions are outlined in chapter 2.

### 1.2.1 The rule change request is a result of the Energy Charter's BetterTogether initiative

This rule change was developed as part of the Energy Charter's #BetterTogether initiatives.<sup>12</sup> This specific work, the #BetterTogether Life Support Customers initiative, resulted from findings of

8 SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 4.

9 Ibid., p. 6-8.

10 Ibid., p.6.

11 Ibid., p. 31.

12 Ibid., p.6.

survey results of around 4,000 life support customers in the 2022 Australian Energy Foundation report *Clean reliable energy for people on life support at home*.<sup>13</sup> In developing this rule change request, The Energy Charter also developed, and was informed by, two specialist stakeholder groups, including:<sup>14</sup>

- Life Support Medical Advisory Group (LMAG), a forum where customer and consumer representatives, medical professionals and energy businesses collectively articulated and defined the needs of Life Support Customers.
- A lived experience panel comprising people with lived experience as Life Support Customers and/or as their carers.

### 1.3 The Essential Services Commission is reviewing the life support framework in Victoria

Victoria has its own life support framework under the Energy Retail Code of Practice, the Electricity Distribution Code of Practice and the Gas Distribution Code of Practice.<sup>15</sup>

The Essential Services Commission of Victoria (ESC Vic) is considering the same or similar reforms as described in the rule change request, and is expected to publish a consultation paper on the same rule change proposal on 31 July 2025. We are working closely with the ESC Vic to ensure Life Support processes are as closely aligned as possible.

### 1.4 We have started the rule change process

This paper is the first stage of our consultation process.

We intend to consider this rule change request with two rounds of consultation. The expected formal stages are outlined in the Table 1.1 below.

**Table 1.1: Expected timeline of the rule change process**

Formal stage	Date
Consultation paper is published and the rule change process is initiated	31 July 2025
Stakeholder submissions to the consultation paper due	4 September 2025
Publish draft determination and draft rule (if made)	13 November 2025
Submissions to draft determination due	December 2025
Publish final determination and final rule (if made)	January 2026

<sup>13</sup> Australian Energy Foundation, *Clean reliable energy for people on life support at home*, 2022.

<sup>14</sup> SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 4.

<sup>15</sup> Essential Services Commission of Victoria: Energy Retail Code of Practice, Version 31, October 2024; Electricity Distribution Code of Practice, Version 21, May 2023; Gas Distribution Code of Practice, Version 11, October 2024.

## 2 The proponents consider there are issues with existing arrangements

As outlined, the rule change request identifies 10 issues relating to the definitions and processes associated with life support rules in the NERR and AER Life support registration guide. We have grouped these issues into three key themes:

- Theme 1: Improving definitions to better target life support customers, and related civil penalties for breaches
- Theme 2: Improving registration and deregistration processes for retailers and DNSPs
- Theme 3: Improving communication methods to contact life support customers by retailers and DNSPs.

This Chapter outlines the specific issues raised under each theme and describes the existing arrangements and provisions in the NERR that are relevant to each issue. The issues covered in this chapter are as follows:

**Table 2.1: Themes and issues covered in this chapter**

Theme	Issue
Theme 1: Improving definitions to better target life support customers and related civil penalties for breaches	Retailers and DNSPs cannot distinguish between, or effectively triage, customers with critical needs (Issue 1)
	Civil penalty provisions are not aligned to the potential harm caused (Issue 2)
Theme 2: Improving registration and deregistration processes	There is confusion around who may deregister a premise when there is a change in the customer's circumstances (Issue 3)
	The NERR does not require up-to-date medical confirmation for all registered premises and permanent medical conditions cannot be identified (Issue 4)
	Life support registration can be misused to avoid disconnection (Issue 5)
	There is an inconsistency in how life support is assessed, and back-up planning is lacking (Issue 6)
Theme 3: Improving communication methods to contact life support customers	A second person can not be contacted about planned outages (Issue 7)
	Electronic contact details are not always captured for life support customers (Issue 8)
	There is confusion around permitted written communication methods (Issue 9)
	There is no central database for storing medical confirmations (Issue 10)

## 2.1 Theme 1: Improving definitions to better target life support customers and related civil penalties for breaches

Currently, the NERR does not distinguish between life support users with differing levels of need.<sup>16</sup> The proponents suggest retailers and DNSPs require visibility of the subset of customers whose life support equipment is essential for sustaining life, and those who rely on life support equipment to improve the quality of life.<sup>17</sup> They suggest achieving this by adding definitions, which they suggest would remove ambiguity and allow retailers and DNSPs to triage risk and allocate resources effectively.<sup>18</sup>

They propose that if the definitions are updated, the civil penalties associated with breaches should also be updated to align with the potential level of harm caused.<sup>19</sup> It is important to note that the Commission does not have the power to prescribe clauses of the NERR as civil penalty provisions. However, the AEMC may recommend (jointly with the AER) to the Energy and Climate Change Ministerial Council (ECMC) that new or existing provisions of the NERR be classified as civil penalty provisions.

### 2.1.1 Retailers and distributors cannot distinguish between, or effectively triage, customers with critical needs (Issue 1)

The proponents propose to update and add definitions in the NERR to distinguish between two types of life support equipment, and several supporting definitions to clarify processes.<sup>20</sup> They suggest this will help target support to the life support users who need it the most.<sup>21</sup> The key changes are:

- adding the following new definitions:
  - life support user
  - assistive life support equipment and critical life support equipment
  - registered medical practitioner
- amending the existing list of life support equipment.

A summary of the proposed definitions is provided in Table 2.2 below, with further detail provided below.

**Table 2.2: Proposed new and amended definitions relating to life support**

Proposed definition	Proposed meaning
Life Support User	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	Any equipment requiring a supply of energy that is necessary to support a Life Support User's life, further detail below.
Critical Life Support Equipment	Any Life Support Equipment that a Registered

<sup>16</sup> NERR, Part 7, Rule 123A.

<sup>17</sup> SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 21.

<sup>18</sup> Ibid., p. 21.

<sup>19</sup> Ibid., p. 28.

<sup>20</sup> Ibid., p. 21-22.

<sup>21</sup> Ibid., p. 21.

Proposed definition	Proposed meaning
	Medical Practitioner considers is necessary to sustain life or prevent lifelong irreversible injury to a Life Support User.
Assistive Life Support Equipment	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
Registered Medical Practitioner	A person registered to practice as a Medical Practitioner under the Health Practitioner Regulation National Law.

### Adding the definition of life support user

The proponents aim to differentiate between the person who needs life support equipment (life support user) and the account holder (customer).<sup>22</sup> Under the proposed change, the two could be the same, but in many cases, the account holder requests life support protections for someone else in the household.

The rule change proponents propose that a 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. This definition would be included in NERR.<sup>23</sup>

### New definitions of critical life support equipment and assistive life support equipment

The proponents suggest that to ensure appropriate prioritisation of customers with critical power needs, definitions should be added to the NERR to differentiate between critical life support equipment and assistive life support equipment. They suggested that this differentiation would ensure that customers with critical life support needs can be identified and appropriately prioritised and supported by retailers and DNSPs.<sup>24</sup>

The rule change states that "Retailers and distributors want to provide additional support to Life Support Customers, especially those with critical needs" and that "providing visibility of this critical subset...will allow [retailers and distributors] to more effectively triage premises during large-scale unplanned power outages and appropriately target service enhancements."<sup>25</sup> The rule change request does not propose any new Rules imposing any additional requirements to mandate that retailers or DNSPs prioritise the critical subset.

The proposed definitions to be included in the NERR would be:<sup>26</sup>

- Assistive Life Support Equipment: any Life Support Equipment that a Registered Medical Practitioner considers necessary to assist a Life Support User and is not Critical Life Support Equipment.
- Critical Life Support Equipment: any Life Support Equipment that a Registered Medical Practitioner considers necessary to sustain life or prevent lifelong irreversible injury to a Life Support User.

<sup>22</sup> Ibid., p. 21.

<sup>23</sup> Ibid., p. 21.

<sup>24</sup> Ibid., p. 4.

<sup>25</sup> Ibid., p. 21.

<sup>26</sup> Ibid., p. 22.

The proponents consider that the need for critical or assistive life support equipment would be assessed by a medical practitioner.<sup>27</sup>

### **New definition of registered medical practitioner**

The proponents suggest inserting a new definition to the NERR for registered medical practitioners, to provide clarity around who can provide valid medical confirmation of life support conditions to streamline registration in the life support register. Details on the proposed roles of medical practitioners are provided in section 2.2.2 below.

The proposed definition is registered Medical Practitioner means a person registered to practice as a Medical Practitioner under the Health Practitioner Regulation National Law.

### **Amended the existing list of life support equipment**

The proponents also suggest updating the list of life support equipment to better target critical life support customers.<sup>28</sup> Existing definition of Life support equipment is in Box 2 below.

#### **Box 2: Existing definitions of life support equipment in the NERR**

The NERR define life support equipment to mean any of the following:

- an oxygen concentrator
- an intermittent peritoneal dialysis machine
- a kidney dialysis machine
- a chronic positive airways pressure respirator
- crigler najjar syndrome phototherapy equipment
- a ventilator for life support
- 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.

Source: NERR, Part 1, Rule 3, Definition of life support

The proponents suggest a change to the NERR so that Life Support Equipment means any equipment requiring a supply of energy that is necessary to support a Life Support User's life, including:<sup>29</sup>

- apnoea monitor (for children only)<sup>30</sup>
- feeding pump
- machine assisted dialysis equipment (cyclor or heater) (e.g. haemodialysis, cyders/heaters for peritoneal dialysis)
- nebuliser (for children only – used every day for 1-2 hours per day)<sup>31</sup>
- high flow device (HFD) and/or humidifier, when used with a tracheostomy
- oxygen concentrator
- suction pump
- crigler najjar syndrome phototherapy equipment

27 Ibid., p. 22.

28 Ibid., p. 21.

29 Ibid., p. 21.

30 A child would be defined as any person under the age of 16 years.

31 A child would be defined as any person under the age of 16 years.



- non-invasive ventilation<sup>32</sup> e.g. positive airways pressure respirator (PAP)
- any form of invasive ventilation, including via a tracheostomy.
- other medical equipment that a Registered Medical Practitioner certifies is required for a Life Support Customer.

**Question 1: Theme 1. What is your view of the proposed definitions and whether they should be included in the NERR?**

- What do you see as the key issues for including the proposed definitions in the NERR, for example:
  - Would adding/amending these definitions improve outcomes for life support consumers?
  - Would they appropriately capture all needs of life support customers, including those that do not involve equipment, such as refrigeration for insulin pumps?
  - Is it appropriate to have the same list of equipment from which to draw the definitions of critical and assistive life support equipment? Are two different sets of lists needed, one for each type of equipment?
  - Are there any specific needs related to equipment that requires gas connection that we need to capture?

### 2.1.2 Civil penalty provisions are not aligned to the potential harm caused (Issue 2)

Currently, breaches of life support obligations for notification of planned outages and deregistration are Tier 1 civil penalties.<sup>33</sup> The proponents suggest this may not reflect the potential harm caused, particularly if the definitions suggested in section 2.1.1 above are adopted. The AEMC can recommend changes to penalty provisions to the ECMC, and we are seeking input to inform these recommendations.

#### Notification of outages

The proponents suggest that if definitions are amended in the NERR as suggested in section 2.1.1, the importance of breaches around notification of planned outages should be differentiated in the associated civil penalty provisions and breach reporting.<sup>34</sup>

The rule change request recommends:<sup>35</sup>

- Reducing the penalty for breaches of the planned outage notifications for customers who rely on Assistive Life Support Equipment to a Tier 2 civil penalty provision. It is also proposed to include them in half-yearly reporting to the AER.
- Retaining a Tier 1 civil penalty provision for reportable breaches of planned outage notifications for customers that rely on Critical Life Support Equipment.

#### Deregistration

As noted, failure by a retailer or DNSP to comply with the obligations about deregistering a premises is a Tier 1 civil penalty.<sup>36</sup> The proponents suggest that, in the event that mandatory

32 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.

33 AEMC, NERR, Rule 124B; Rule 125.

34 SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 28.

35 Ibid., p. 28.

36 AEMC, NERR, Rule 125.

deregistration is introduced, failure to deregister premises will not directly or seriously impact the protections provided to Life Support Users. As such, they propose that the associated civil penalty provisions and breach reporting for such breaches should be reduced.<sup>37</sup>

The rule change request proposes to:<sup>38</sup>

- introduce mandatory deregistration (as discussed in section 2.2 below)
- reduce the civil penalty for breaches of the requirement to deregister premises following a request by the Life Support Customer, or where medical confirmation is not provided. It is proposed that this be reduced to a Tier 2 civil penalty and to include these breaches in half-yearly reporting to the AER.

The proponents note the proposed change will require corresponding amendments to relevant sections of the NERR and the AER Compliance Procedures and Guidelines, which establish a self-reporting framework that applies to all retailers and distributors in jurisdictions that have adopted the Retail Law.<sup>39</sup>

**Question 2: Theme 1. What is your view of the proposed amendments to civil penalty provisions for breaches relating to notification and deregistration - based on proposed changes to definitions as outlined in section 2.1.1 above?**

- Are there unintended risks from the proposed changes as suggested in the rule change request?

## 2.2 Theme 2: Improving registration and deregistration processes

Both the NERR and the AER's Life support registration guide provide requirements and guidance for retailers and DNSPs to register and deregister life support customers. The proponents suggest the existing processes around registering and deregistering life support customers are unclear and add confusion and costs for distributors and retailers, which have led to inaccuracies in the register.<sup>40</sup>

While the precise scale of this problem is unknown, the proponents suggest it may:<sup>41</sup>

- undermine the purpose of the register, as it minimises the ability to identify, triage and provide support to customers with critical needs during emergencies
- causes distress and problems for life support customers and their families. For example, customers have reported being contacted about life support users who are no longer at the premises, often because the life support user has passed away
- increased maintenance costs for retailers and DNSPs, leading to higher energy costs for all consumers.

We discuss the following issues below:

- confusion around who may deregister a premise when there is a change in the customer's circumstances<sup>42</sup>

37 SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 28.

38 Ibid., p. 28.

39 Ibid., p. 28.

40 Ibid., p. 22.

41 Ibid., p. 22, 23, and 28.

42 Ibid., p. 22, 24.

- the NERR does not require up-to-date medical confirmation for all registered premises and permanent medical conditions cannot be identified<sup>43</sup>
- life support registration can be misused to avoid disconnection<sup>44</sup>
- there is an inconsistency in how life support is assessed, and back-up planning is lacking.<sup>45</sup>

### 2.2.1 There is confusion around who may deregister a premise when there is a change in the customer's circumstances (Issue 3)

As outlined, the NERR and AER life support guidelines set out the responsibilities for retailers and distributors around deregistering a life support premises when requested by a customer. The proponents suggest wording and interpretation issues have led to confusion between retailers and distributors as to who may deregister a premise.<sup>46</sup>

The proponents suggest this confusion has arisen from two sources:<sup>47</sup>

1. Retailers are not obligated to deregister a premise when requested by a customer or distributor, creating confusion between retailers and distributors as it seems to allow either party to override a deregistration request. This is expanded in Box 3 below.
2. The use of the term “registration process owner” in the AER’s Life Support Registration Guide is problematic. The term is often used to identify who must undertake and oversee the medical confirmation process. The proponents argue the term is used incorrectly in the AER guide, extending it to include deregistration.<sup>48</sup>

#### **Box 3: Deregistration of life support premise is at the discretion of the requested party.**

The NERR does not mandate that a premise be removed from the life support register when requested by a customer or other market participant, or when a medical confirmation is not provided, instead suggesting this “may” be done. Rule 125 states:

- 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 or distributor may deregister the customer’s premises.<sup>1</sup>
- A retailer or distributor may deregister a customer’s premises after being notified by the distributor or retailer that the distributor or retailer has deregistered the customer’s premises.<sup>2</sup>

Source: <sup>1</sup>National Energy Retail Rules, Part 7, Rule 125(9) and (10).

Source: <sup>2</sup>National Energy Retail Rules, Part 7, Rule 125(11) and (12)

The proponents suggest addressing these concerns will provide operational clarity, address duplication, and reduce administrative burden for retailers and DNSPs. They also state it will avoid unnecessary and distressing re-registrations, including instances of mistaken re-registration of premises of customers who have passed away, causing distress to families.<sup>49</sup>

The proponents suggest that inaccuracies in the register disproportionately impact DNSPs in their day-to-day operations compared to retailers. They suggest this is because most life support

43 Ibid., p. 25.

44 Ibid., p. 28.

45 Ibid., p. 26.

46 Ibid., p. 24.

47 Ibid., p. 22, 24.

48 AER, Life support registration guide, 2021, p.6.

49 SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 24.

registration and deregistration requests are made through retailers, while most planned outages are DNSP-initiated.<sup>50</sup>

To address the confusion around deregistration roles in the NERR, the proponents suggest two potential solutions. They do not suggest which option they prefer:<sup>51</sup>

1. Strengthen the wording in the NERR to require deregistration to occur when requested by the customer or DNSP/retailer, or when a medical confirmation is not provided (discussed further in section 2.2.2). The proponents suggest this may entail costs for some retailers, as not all retailers have developed deregistration procedures.
2. Modify the NERR to make distributors responsible for the medical confirmation and deregistration processes. That is, a retailer could initiate a request for life support registration or deregistration, but the medical confirmation and deregistration processes would be run by distributors.

- The proponents note that:<sup>52</sup>

- 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 provide a copy of their medical confirmation

We note that in the rule change request, the proponents suggest this information could be shared between retailers and DNSPs by MSATS, an IT system operated by AEMO for information related to the flow of electricity and payments.<sup>53</sup> However, life support information is currently shared between relevant parties via AEMO's Business to Business (B2B) process. The Commission does not intend to alter this arrangement. Further detail on B2B and MSATS, including the proposed additional B2B fields, is provided in the appendix A.2

- this option would entail additional process costs for distributors, given the majority of registrations and deregistrations are currently undertaken by retailers. They also note this option is expected to be more expensive to implement; that it may unwind the intent of the NERR; and could undermine the customer-retailer relationship.

They also propose to direct the AER to update their Life support registration guide to:

- Clarify the registration process owner refers only to the party responsible for managing the medical confirmation process, removing inconsistent or mistaken uses of the term elsewhere in the guide.
- Clarify that either a retailer or a distributor can initiate deregistration and that deregistration must then occur, regardless of who the registration process owner is and whether there is medical confirmation for the premise.

**Question 3: Theme 2: Is there confusion around who may deregister a premise when there is a change in the customer's circumstances?**

- Should deregistering a premises be mandated as suggested?

50 Ibid., p. 22.

51 Ibid., p. 22-23.

52 Ibid., p. 24.

53 SAPN and Essential Energy, #BetterTogether - Better Protections for Life Support Customers, rule change request, p. 24; AEMO, What MSATS is for, 31 July 2025

- Are there any unintended consequences of the proposed changes?
- Are updates required to the AER Life support registration guide to clarify deregistration roles?
- Are changes to B2B processes required due to the proposed changes?

### 2.2.2 The NERR does not require up-to-date medical confirmation for all registered premises and permanent medical conditions cannot be identified (Issue 4)

Currently, a customer must provide medical confirmation to register a premise as having Life Support Equipment. While an existing medical confirmation can be used, it must be valid, legible and no more than four years old.<sup>54</sup> However, there is no requirement to provide an updated certificate if the customer does not move house or retailer.

The proponents suggest this arrangement can lead to inaccuracies in the register, and impose higher costs to customers that move house or retailer regularly, compared to those that do not.<sup>55</sup>

To remedy this, the proponents suggest:<sup>56</sup>

- Allowing a permanent need for Critical Life Support Equipment to be identified, meaning customers with ongoing needs will not need to provide an updated medical confirmation.
- Requiring all other registered life support premises to provide updated medical confirmation every four years to help ensure registers remain accurate.
- Compelling deregistration for customers that do not provide a medical confirmation.<sup>57</sup>

The rule change request also suggests requiring the registered medical practitioner to complete several roles as part of life support registration. These include requiring medical practitioners to:<sup>58</sup>

- confirm whether the life support user requires assistive life support equipment or critical life support equipment (including details of the type of life support equipment required), and if the equipment is critical, whether the life support user will require this equipment on a permanent basis for more than four years
- advise the customer and life support user of the protections offered to the premises registered as requiring life support
- discuss and document a back-up plan for power interruptions with the life support user, their nominated contact person and/or the customer (discussed further in section 2.2.4 below)
- discuss available jurisdictional rebates or concessions with the life support user, their nominated contact person or the customer and how to access them.

#### Question 4: Theme 2: Do you have any views on requesting an updated medical certificate every four years?

- Is it appropriate to create a permanent medical confirmation for critical life support customers with ongoing needs?

<sup>54</sup> AER, Life support registration guide, 2021, p.8.

<sup>55</sup> SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 25.

<sup>56</sup> Ibid., p. 25.

<sup>57</sup> Ibid., p. 23.

<sup>58</sup> SAPN and Essential Energy, #BetterTogether—Better Protections for Life Support Customers, Proposed changes to the NERR, Rule 124(10)(a)(v)-(ix), pp. 102-103.

- Should this permanent confirmation also be extended to customers on assistive life support?
- Are the proposed roles for registered medical practitioners in the life support registration appropriate?
- Is it appropriate to compel deregistration for customers that do not provide a medical confirmation?

### 2.2.3 Life support registration can be misused to avoid disconnection (Issue 5)

The NERR allows customers that are registering for life support protections to request an extension to allow time to provide medical confirmation, with the minimum allowable extension set at 25 business days.<sup>59</sup>

The proponents argue customers are able to misuse the register by repeatedly registering without providing medical confirmation, and so avoiding disconnection for non-payment, while also adding administrative burden and costs to retailers and distributors.<sup>60</sup>

The proponents suggest that to limit the number of consecutive life support registrations a customer can request without providing medical confirmation to two requests.<sup>61</sup> They propose that if a customer has previously failed to provide medical confirmation on two occasions, they would need to provide a medical confirmation up-front to be registered.<sup>62</sup>

#### Question 5: Theme 2: Do you have any views on introducing a cap on registration attempts without medical confirmation?

- Are there any unintended consequences from introducing a limit on registering without medical confirmation?
- Are there other issues and approaches we should consider?

### 2.2.4 There is an inconsistency in how life support is assessed, and back-up planning is lacking (Issue 6)

Currently, retailers and DNSPs must issue a medical confirmation form when requested by a customer.<sup>63</sup> However, there is no uniform medical confirmation template that businesses and medical practitioners use, which the proponents suggest leads to confusion, and medical confirmation being provided with different levels of detail.<sup>64</sup> In addition, the proponents suggest that many life support customers lack a back-up plan for when they are affected by a power outage.<sup>65</sup> They suggest guidance around back-up planning is lacking. This has led to many life support customers either not believing they need a back-up plan, or being unsure about what they can do for back-up, or not believing it is their responsibility to have one.<sup>66</sup>

59 NERR, Part 7, Rule 124A(1)(e).

60 SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 28.

61 Ibid., p. 28.

62 Ibid., p. 28.

63 NERR, Part 7, 124(1)(b)(i).

64 SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p.26.

65 Ibid., p. 26.

66 Ibid. p. 26.

It is important for customers to receive accurate information regarding life support processes, and to understand and be provided with the essential steps that they need to independently undertake to secure their own well-being during a power outage. The proponents suggest closing these gaps will improve clarity and consistency of the medical confirmation process and provide a structured back-up planning process.<sup>67</sup>

To address this, the proponents suggest the AER develop and publish two standardised templates for assessing life support customers.<sup>68</sup> The templates are intended for use by retailers, distributors, and medical practitioners. The proponents also suggest including a webform version that can be completed on screen.<sup>69</sup>

The proponents do not propose to include the templates in the rules as they suggest they will require regular updating. However, they suggest adding a requirement in the rules for retailers and distributors to provide these templates to customers ensure they are used.<sup>70</sup> The proponents suggest requiring confirmation that the registered medical practitioner discuss and document a back-up plan for power interruptions with the life support user, their nominated contact person and/or the customer.<sup>71</sup>

The proposed templates are:<sup>72</sup>

1. "Medical Confirmation Form for Life Support Equipment" template to be used when a registered medical practitioner is assessing a life support customer. The proposed template is provided in the [rule change request](#).<sup>73</sup> Further detail is provided in appendix A.3.
2. "Household life support equipment back-up plan" template to standardise how customers prepare for outages and have a plan in place. Further detail on this template is being developed by the Energy Charter, they state they intend to release a draft template during this rule change process. Proposed content is provided in appendix A.3.

**Question 6: Theme 2: Is there currently an inconsistency in how life support is assessed between different retailers and DNSPs?**

- Is back-up planning lacking for life support customers?
- Who should hold the responsibility for backup planning?
- Do the proposed templates capture all relevant information to ensure accurate life support registration and effectively protect and prioritise customers during planned and unplanned outages? Is there any information that should be added or removed?
- Is it appropriate for the AER to develop the proposed Medical Confirmation and Back-up plan templates?
- Are there unintended consequences or risks mandating the use of the suggested templates in the rules?

67 Ibid., p. 26.

68 Ibid., p. 26.

69 Ibid., p. 26.

70 Ibid., p. 26.

71 SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, Proposed changes to the NERR, Rule 124(10)(a)(vii), p.102.

72 SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 27.

73 Ibid., p. 39.

## 2.3 Theme 3: Improving communication methods to contact life support customers

It is critical that life support customers can be contacted and provided with key information in the case of planned and unplanned outages.

Currently, the medical confirmation for life support users is stored by either the retailer or distributor with whom the customer is registered. The proponents suggest that there are gaps in capturing customers' electronic contact information through the medical confirmation process, as well as confusion around which methods of written notification are allowable in the NERR.

Together, this means customers are not always contacted by their preferred channel, reducing time for preparation for planned outages. Further, the proponents suggest nominating a secondary contact person could improve protections, particularly for vulnerable customers.

The proponents also suggested a central database for registrations could reduce frictions in customers moving premises or retailers in maintaining information. The proponents note this is a long term change and is outside the scope of this rule change process. As such, we are not consulting on this element in this rule change beyond considering if the recommendation should be progressed by another party or process.

The proponents also raised the need for a National Life Support Information and Awareness Campaign to facilitate the Rule Change. This is likely out of scope, however, the Commission will consider this as the rule change progresses.<sup>74</sup>

### 2.3.1 A second person can not be contacted about planned outages (Issue 7)

Currently, under the NERR, a life support registration only requires contact details to be captured for customers with life support equipment at their premises. The proponents suggest this is a gap in the process because the life support customer may not always be in the best position to contact or respond to outage communications.<sup>75</sup>

To address this, the proponents suggests:<sup>76</sup>

- defining a Nominated Contact Person in the NERR as:
  - the 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).
- adjusting the NERR to allow a customer to nominate a Nominated Contact Person on the medical confirmation form.
- requiring that 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 also suggest they may be contacted for some unplanned outages).

Again, we note that in the rule change request, the proponents suggest this information could be shared between retailers and DNSPs by MSATS.<sup>77</sup> However, life support information is currently shared between relevant parties via AEMO's Business to Business (B2B) process. The

<sup>74</sup> Ibid., p. 30.

<sup>75</sup> Ibid., p. 25.

<sup>76</sup> Ibid., p. 25.

<sup>77</sup> Ibid., p. 25



Commission does not intend to alter this arrangement. Further detail on B2B and MSATS is provided in the appendix A.2

**Question 7: Theme 3: Would adding a nominated contact person improve the safety and experience of life support users?**

- Are there any privacy, safety, consent or implementation risks associated with this proposal?
- Should notifying the nominated contact person be mandated for both planned and unplanned outages?
- Are there any other issues we should consider in relation to this proposal?

**2.3.2 Electronic contact details are not always captured for life support customers (Issue 8)**

Currently, it is not strictly required for life support customers' electronic details to be captured during registration. As a result, the proponents suggest mobile phone numbers and email addresses for the customer are often missing from the medical confirmation form, which makes contacting the customer in the case of outages difficult.<sup>78</sup> Definitions of medical confirmation and medical confirmation form are provided in Box 4 below. It is important that customers can be notified efficiently about planned power outages affecting premises registered as requiring Life Support Equipment, and that this notification occurs according to customer preferences.

**Box 4: Medical confirmation and medical confirmation form as defined in the NERR**

NERR Rule 123A sets out the definitions of both medical confirmation and the medical confirmation form:

- Medical confirmation means signed and dated certification from a registered medical practitioner that a person requires [life support equipment](#) (including details of the type of equipment required), which may take the form of a medical certificate or section(s) completed by a registered medical practitioner within a [medical confirmation form](#);
- Medical confirmation form means a written form issued by a retailer or distributor:
  - when a retailer or distributor receives advice from a customer that a person residing or intending to reside at the customer's premises requires life support equipment; and
  - to facilitate the provision of medical confirmation by the customer to the retailer or distributor.
  - NERR Rule 124(6) stipulates the required content of the medical confirmation form. Key customer information requested includes:
    - property address
    - the date from which the customer requires supply of energy at the premises for the purposes of the life support equipment
    - medical confirmation.

To remedy this, the proponents suggest updating the content requirements for the medical confirmation form to include a request for a mobile phone number and an email address for both

<sup>78</sup> Ibid., p. 27.

the customer and any Nominated Contact Person for the purposes of receiving notices of planned power outages.<sup>79</sup>

They also suggest requiring 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.<sup>80</sup>

**Question 8: Should customers' electronic contact details be captured in the medical registration form?**

- Are there any unintended consequences of such a change?

### 2.3.3 There is confusion around permitted written communication methods (Issue 9)

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.<sup>81</sup> The proponents contend most distributors have interpreted "written notice" to mean a letter sent by post.<sup>82</sup> They suggest that for many households, a letter may not be their preferred communication channel and that notification by letter can impact the timeliness with which planned power outage notifications are received by customers.<sup>83</sup>

To address this, the proponents suggest:

- clarifying that retailers and distributors can collect and use electronic communication channels to provide written notification to Life Support Customers (and Nominated Contact Persons) of planned power outages where a mobile number and/or email is available.<sup>84</sup>
- requiring retailers and DNSPs to update their life support registers where any changes in respect of these electronic contact details are communicated to them by the customer.<sup>85</sup>

**Question 9: Should the rules be updated to explicitly clarify that SMS/email notification of planned outages to life support customers is permitted?**

- Would this improve outcomes for these customers?
- How can the rules ensure communications are conducted according to the customers' preferences?
- Are there any unintended outcomes from the proposed change?

### 2.3.4 There is no central database for storing medical confirmations (Issue 10)

Currently, the medical confirmation life support users are stored by either the retailer or distributor with whom the customer is registered. The proponents suggest that while the rules allow the

79 Ibid., p. 27.

80 Ibid., p. 25.

81 NERR, Part 7, Rule 124B(1)(d) and (2)(a)(iv).

82 SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 29.

83 Ibid., p. 29.

84 Ibid., p. 29.

85 Ibid., p. 29.

customer to request a copy of their medical confirmation when they move house or change retailer, this can result in complication, duplication, and delay.<sup>86</sup>

Noting this is a longer term proposal outside the remit of this rule change, the proponents suggest consideration should be given to a centrally managed database for storing medical confirmations.<sup>87</sup> They do not suggest the governance structure of the proposed database, but suggest it could perform several roles, including:

- sharing information with retailers and distributors as required.
- managing the end-to-end life support process, overseeing registrations, deregistrations and the four yearly re-registration.

Again, we note the in the rule change request, the proponents suggest this information could be shared between retailers and DNSPs by MSATS.<sup>88</sup> However, life support information is currently shared between relevant parties via AEMO's Business to Business (B2B) process. The Commission does not intend to alter this arrangement. Further detail on B2B and MSATS is provided in the appendix A.2

**Question 10: Theme 3: Noting a central database for storing medical confirmations is outside the scope of this rule change process, are there recommendations that could be made to progress the issue?**

- Are there any immediate concerns with this proposal?

<sup>86</sup> Ibid., p. 30.

<sup>87</sup> Ibid., p. 30.

<sup>88</sup> Ibid., p. 25

## 3 Making our decision

When considering a rule change proposal, the Commission considers a range of factors.

This chapter outlines:

- issues the Commission must take into account
- the proposed assessment framework
- decisions the Commission can make

We would like your feedback on the proposed assessment framework.

### 3.1 The Commission must act in the long-term interests of consumers

The Commission is bound by the National Energy Retail Law (NERL) to only make a rule if it is satisfied that the rule will, or is likely to, contribute to the achievement of the national energy retail objective.<sup>89</sup>

The NERO is:<sup>90</sup>

to promote efficient investment in, and efficient operation and use of, energy services for the long term interests of consumers of energy with respect to—

- (a) price, safety, reliability and security of supply of energy; and
- (b) the achievement of targets set by a participating jurisdiction—
  - (i) for reducing Australia’s greenhouse gas emissions; or
  - (ii) that are likely to contribute to reducing Australia’s greenhouse gas emissions.

The targets statement, available on the AEMC website, lists the emissions reduction targets to be considered, as a minimum, in having regard to the NERO.<sup>91</sup>

The Commission must also, where relevant, satisfy itself that the rule is “compatible with the development and application of consumer protections for small customers, including (but not limited to) protections relating to hardship customers” (the consumer protections test).<sup>92</sup> Where the consumer protections test is relevant in the making of a rule, the Commission must be satisfied that both the NERO test and the consumer protections test have been met.<sup>93</sup> If the Commission is satisfied that one test, but not the other, has been met, the rule cannot be made (noting that there may be some overlap in the application of the two tests).

### 3.2 We propose to assess the rule change using these four criteria

#### 3.2.1 Our regulatory impact analysis methodology

Considering the NERO and the issues raised in the rule change request, the Commission proposes to assess this rule change request against the set of criteria outlined below. These assessment criteria reflect the key potential impacts – costs and benefits – of the rule change request. We consider these impacts within the framework of the NERO.

<sup>89</sup> Section 236 of the NERL.

<sup>90</sup> Section 13 of the NERL.

<sup>91</sup> Section 224A(5) of the NERL.

<sup>92</sup> Section 236(2)(b) of the NERL.

<sup>93</sup> That is, the legal tests set out in sections 236(1) and (2)(b) of the NERL.

The Commission's regulatory impact analysis may use qualitative and/or quantitative methodologies. The depth of analysis will be commensurate with the potential impacts of the proposed rule change. We may refine the regulatory impact analysis methodology as this rule change progresses, including in response to stakeholder submissions.

Consistent with good regulatory practice, we also assess other viable policy options - including not making the proposed rule (a business-as-usual scenario) and making a more preferable rule - using the same set of assessment criteria and impact analysis methodology where feasible.

### 3.2.2 Assessment criteria and rationale

The proposed assessment criteria for the rule change request being considered are as follows:

1. Outcomes for consumers. We will consider the impact of amending life support definitions, processes and communication arrangements on:
  - existing consumer protections, including any interactions
  - consumer insights/behaviour and preferences
  - impacts on different types of consumers, including from an equity and vulnerability perspective.
2. Principles of market efficiency. We will consider the impact of changes to life support roles and responsibility, including the impact on the:
  - allocation of risks and costs between DNSPs, retailers and consumers, and other market participants
  - transparency of information and information-sharing around life support requirements
  - structural barriers to enabling all consumers to access benefits relating to energy.
3. Implementation considerations. We will consider the:
  - interaction with existing processes
  - impact on market bodies or jurisdictions, other parties including medical practitioners, and across different groups of consumers, including with changing responsibilities.
4. Principles of good regulatory practice. We will consider principles of good regulatory practice, including whether:
  - prescriptive or outcomes-based regulations/rules in the NERR are in the long-term interests of consumers
  - setting clear rules and responsibilities to reach the intended outcome would minimise costs to industry participants and support consumers.

#### Question 11: Assessment framework

Do you agree with the proposed assessment criteria? Are there additional criteria that the Commission should consider or criteria included here that are not relevant?

## 3.3 We have three options when making our decision

After using the assessment framework to consider the rule change request, the Commission may decide:

- to make the rule as proposed by the proponent<sup>94</sup>
- to make a rule that is different to the proposed rule (a more preferable rule), as discussed below, or
- not to make a rule.

The Commission may make a more preferable rule (which may be materially different to the proposed rule) if it is satisfied that, having regard to the issue or issues raised in the rule change request, the more preferable rule is likely to better contribute to the achievement of the NERO.<sup>95</sup>

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<sup>94</sup> The proponents set out their preferred rules on pages 21-29 of the rule change request.

<sup>95</sup> Section 244 of the NERL.

## A Appendix

### Appendix Body

#### A.1 Background - Existing rules and processes

A suite of legal and regulatory instruments under the National Energy Customer Framework (NECF) aim to protect life support customers. These include:

- Advance notice on planned interruptions to the energy supply
- No disconnection for non-payment
- Access to a 24-hour telephone number for both their retailer and distributor in case of an emergency
- Provision of information to assist with the preparation of an action plan in case of unplanned interruptions.

##### Obligations

Part 7 of the NERR sets out rules for energy businesses and customers with respect to life support protections. In summary, Part 7 of the NERR contains four major types of obligations that are relevant for this rule change request, including:

- customer obligations
- retailer and DNSP obligations
- requirements for medical confirmation
- requirements when switching retailers or moving premises.

##### Customer obligations

Life support customers have certain expectations set out in the NERR. These expectations primarily relate to keeping the businesses that provide them with energy services aware of the need for additional life support protections in line with changing circumstances they may face. Under the NERR, customers are expected to:

- notify their retailer or DNSP of the need for someone residing at the premises for life support protections<sup>96</sup>
- provide their retailer or DNSP with medical confirmation within 50 days of an initial request by the DNSP or retailer, although extensions can be requested by the customer<sup>97</sup>
- inform their retailer or DNSP of any changes to their circumstances, including when they switch retailers or move premises.<sup>98</sup>

##### Retailer and DNSP obligations

Despite differing practical roles, retailer and DNSP obligations under Part 7 of the NERR are largely the same due to the need for customer protections to be identical regardless of whether a customer first contacts, and is registered with, a retailer or a DNSP. Retailers and DNSPs also need to be aware of a customer's life support equipment requirements for a number of reasons.<sup>99</sup>

<sup>96</sup> Rule 124(1) and 124(3), NERR.

<sup>97</sup> Rule 124A(1), NERR.

<sup>98</sup> Rule 125(9), NERR.

<sup>99</sup> For example, retailers must be aware of a customer's status in order to avoid retailer-planned interruption or premises for non-payment. DNSPs play a critical role with respect to the de-energisation of a customer's premises when network repairs occur. Despite differing practical roles, both retailers and DNSPs have significant and nearly identical legal obligations as RPOs.

Retailer and DNSP obligations relate to:

1. Registration of a premises that have a person using life support equipment.
  - The retailer or DNSP that first registers the customer is known as the ‘registration process owner’ (RPO) and must<sup>100</sup>:
    - register a customer as a life support customer when notified by them of a person residing or intending to reside at the premises with the need for life support equipment
    - obtain medical confirmation from customers within a prescribed time frame (in practice many businesses require a customer to complete a Medical Confirmation Form (MCF), failure to provide the MCF could result in deregistration of the customer)
    - update the customer registration in line with changes in the customer’s circumstances.
  - These responsibilities are in line with retailer and DNSP obligations where they must:
    - obtain medical confirmation from customers within a prescribed time frame (in practice many businesses require a customer to complete a Medical Confirmation Form (MCF), failure to provide the MCF could result in deregistration of the customer.<sup>101</sup>
    - notify their counterpart business (i.e. the relevant retailer or DNSP which is not the RPO) about the newly registered customer’s life support requirements and the date from which the life support equipment is required.<sup>102</sup>
    - take reasonable steps to contact the life support customer prior to deregistration of the customer as requiring life support protections.<sup>103</sup>
    - establish policies, systems and procedures for registration of life support customers (for example, maintain a register of life support customers).<sup>104</sup>
2. Advance notice on planned interruptions to the energy supply.
  - Retailers or DNSPs must provide life support customers with information on planned interruptions.<sup>105</sup> They must also not de-energise a premises at which life support equipment is required, except in the case of a retailer-planned interruption under rule 59C or distributor-planned interruption under Division 6 of Part 4, respectively.<sup>106</sup>
3. No disconnection for non-payment.
  - Premises at which life support equipment is required cannot be disconnected for non-payment.<sup>107</sup>
4. Provision of information to assist with the preparation of an action plan in case of an unplanned interruption.
  - a. Retailers or DNSPs must provide life support customers with information on how to develop a plan for when there are outages.<sup>108</sup>

## AER obligations

<sup>100</sup> This term is not defined in the NERR but is widely used, for instance see, AER, Life support registration guide, 2019. In this paper, the Commission will utilise the term RPO to refer to the energy business that holds the customer’s medical confirmation. Rule 124(1)(a), and 124(4)(a), NERR.

<sup>101</sup> Rule 124(1)(b)(i), 124(4)(b)(i), 125(4), NERR.

<sup>102</sup> Rule 124(1)(c), and 124(4)(c), NERR.

<sup>103</sup> Rule 125(4), (5), (9), (10) and (14), NERR.

<sup>104</sup> Rule 126(a), NERR.

<sup>105</sup> Rule 124B(1)(d) and 124B(2)(v), NERR.

<sup>106</sup> Rule 124B(1)(c), NERR.

<sup>107</sup> Rule 116(1)(a) and 120(1)(a), NERR.

<sup>108</sup> Rule 124(1)(b)(v), NERR.



The AER maintains the [Life support registration guide](#), which aims to assist retailers and distributors to understand their responsibilities to customers relying on life support equipment under the new rules. The Guide covers the following topics:

- the customer registration process
- the deregistration of life support customers
- the obligation to share information
- the obligation to keep and maintain a register and record of life support requirements.

The AER is also responsible for compliance and enforcement of life support rules.

## A.2 B2B and MSATS

At several points the rule change request proposes transferring life support customer information via AEMO's Market Settlement and Transfer Solutions (MSATS) process.<sup>109</sup> However, the Commission notes that communicating a customer's Life Support registration and requirements between participants is primarily done through the B2B or Business-to-Business (B2B) communications system. We do not propose to alter this arrangement.

The proponents suggest adding additional fields into the MSATS for:<sup>110</sup>

- 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).

Should the rule be made, these fields would likely need to be updated in the B2B process.

### MSATS

MSATS is an IT system operated by AEMO for information related to the flow of electricity and payments.<sup>111</sup> It is designed to support the financial and operational workings of the electricity market. Its main purpose is to track which electricity retailer is responsible for each property at any given time, so that energy use can be accurately billed and settlements between market participants can occur. It holds information about energy meters and premises connection points associated with NMIs - not about individual customers. The Commission considers that MSATS is not an appropriate tool to capture customer data such as life support registration and requirements.

### B2B

B2B systems are facilitated by AEMO and used by energy businesses to exchange information "relating to end-users or supply to end-users."<sup>112</sup> This information is typically technical in nature.

B2B is the channel through which life support information is shared between retailers, DNSPs and metering coordinators. This is primarily to ensure customers are notified about planned interruptions to supply and that anyone working at the site is aware of life support requirements. In these cases, the life support status is linked to the property's NMI within the retailer and DNSP's

<sup>109</sup> SAPN and Essential Energy, #BetterTogether - Better Protections for Life Support Customers, rule change request, p. 24, 25, 29, 33, 36.

<sup>110</sup> Ibid., p. 33.

<sup>111</sup> AEMO, What MSATS is for, 31 July 2025.

<sup>112</sup> NER Rule 7.17.

systems. We note the proposed changes in this rule change request may impact both electricity and gas B2B information.

### A.3 Proposed medical confirmation form, and backup planning form

As discussed in section 2.2.4 above, the rule change request proposes establishing templates for both a:<sup>113</sup>

- “Medical Confirmation Form for Life Support Equipment” template and
- “Household Life Support Equipment Back-up Plan”.

It is suggested the AER publish these templates on their website for use by both retailers and distributors, with a requirement in the rules that they are required to be used by retailers and distributors.

#### Medical Confirmation Form for Life Support Equipment

The proponents suggest the “Medical Confirmation Form for Life Support Equipment” template will provide guidance and consistency in how Registered Medical Practitioners. The contents of the proposed “Medical Confirmation Form for Life Support Equipment” template align with the proposed definition changes in section 2.2.4 and will ensure consistency in information collected about Life Support Users, Life Support Equipment and Critical Life Support Equipment:<sup>114</sup>

- 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.

The proposed Medical confirmation form is provided below.

#### Household Life Support Equipment Back-up Plan

The proponents state 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”, considerations such as:<sup>115</sup>

- 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.

<sup>113</sup> SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p.26.

<sup>114</sup> Ibid., p. 26.

<sup>115</sup> Ibid., p. 26.

- 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 proponents state the “Household Life Support Equipment Back-up Plan” is in development with the Lived Experience Panel. The proponents suggest this template will be shared with industry and stakeholders through the rule change process.

## A.4 Abbreviations and defined terms

AEMC	Australian Energy Market Commission
AEMO	Australian Energy Market Operator
AER	Australian Energy Regulator
B2B	Business to Business
Commission	See AEMC
DNSP	Distribution Network Service Provider
ECMC	Energy and Climate Change Ministerial Council
MSATS	Market Settlement and Transfer Solutions
NEL	National Electricity Law
NEM	National Electricity Market
NEO	National Electricity Objective
NER	National Electricity Rules
NERL	National Energy Retail Law
NERO	National Energy Retail Objective
NERR	National Energy Retail Rules
NGL	National Gas Law
NGO	National Gas Objective
NGR	National Gas Rules
Proponent	The proponent of the rule change request