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Australian Energy Market Commission  
GPO Box 2603  
**SYDNEY NSW 2001**

Submitted via consultation hub.

### Rule change: Better life support processes

AGL Energy (**AGL**) welcomes the opportunity to provide feedback on the Australian Energy Market Commission's (**AEMC**) consultation: *Rule changes under the National Energy Retail Rules 2025 (the **NERR**) for Improving life support processes*.

AGL affirms its commitment to improving processes for life support customers and recognises the importance of dependable and consistent protections for individuals reliant on critical and assistive life support equipment. We have actively contributed to initiatives, such as Better Together, over the years to enhance services for this vulnerable customer group and remain committed to furthering improvements, where possible.

As the AEMC is aware, the Essential Services Commission is also undertaking a review of rules pertaining to life support protections under the Energy Retail Code in Victoria. We strongly recommend alignment between the two frameworks to ensure consistent and improved outcomes for both life support customers and industry.

AGL supports the policy intent behind the AEMC's proposed amendments to *Part 7* of the NERR, which seek to deliver improved outcomes for life support customers across Australia. However, we also take this opportunity to highlight several concerns regarding the proposed changes, including the potential for unintended consequences arising from this reform.

Our primary concern relates to the proposed reallocation of responsibilities for processes from energy retailers to Distribution Network Service Provider (DNSP). AGL has observed sector-wide inconsistencies in the management of life support customer registration, deregistration, and associated data handling.

Transferring responsibility for deregistration and communications with customers to DNSPs could result in several unintended consequences, including:

- Safety and privacy risks for customers;
- Significant compliance costs to develop new systems for managing customer data;
- Duplication of existing processes;
- Broader implications for the B2B framework, especially in relation to data exchange between relevant parties.

Retailers across Australia already have established systems and safeguards in place to effectively manage registration and deregistration processes. Therefore, AGL encourages the AEMC to designate this responsibility to retailers to avoid unnecessary costs, ambiguity, duplication, and delays in implementation, ultimately ensuring life support customers receive the intended protections and benefits of the new framework as early and effectively as possible.



Secondary to concerns above, we support a cap to the number of life support registrations a customer can make without medical certification to prevent misuse of processes, but also propose a cap be applied to the number of extensions a customer may apply for, except in exceptional circumstances. This will help prevent the process from being unnecessarily drawn out in certain circumstances. AGL provides more information about this issue below.

On a final note, AGL considers the introduction of new changes to responsibility will require substantial system and process updates, particularly to the B2B framework. It is essential that the requirements, obligations and protections are clearly defined. Given the scale of the proposed changes, we recommend a period of two years for the sector to comprehensively implement to ensure the transition is effective.

### **About AGL**

At AGL, we believe energy makes life better and are passionate about powering the way Australians live, move, and work. Proudly Australian for more than 185 years, AGL supplies around 4.5<sup>1</sup> million energy, telecommunications, and Netflix customer services. AGL is committed to providing our customers simple, fair, and accessible essential services as they decarbonise and electrify the way they live, work, and move.

AGL operates Australia's largest private electricity generation portfolio within the National Electricity Market, comprising coal and gas-fired generation, renewable energy sources such as wind, hydro and solar, batteries and other firming technology, and storage assets. We are building on our history as one of Australia's leading private investors in renewable energy to now lead the business of transition to a lower emissions, affordable and smart energy future in line with the goals of our Climate Transition Action Plan. We'll continue to innovate in energy and other essential services to enhance the way Australians live, and to help preserve the world around us for future generations.

If you would like to discuss any aspect of AGL's submission, please contact Emma Holloway, at [eholloway@agl.com.au](mailto:eholloway@agl.com.au).

Yours sincerely,

A handwritten signature in black ink that reads 'Liam Jones'.

Liam Jones  
Senior Manager Policy and Market Regulation  
AGL Energy

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<sup>1</sup> Services to customers number as at 31 December 2024.

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**Theme one: Improving definitions to better target life support customers and related civil penalties for breaches****Definitions**

What is your view of the proposed definitions and whether they should be included in the NERR?

AGL supports the AEMC's proposed list of definitions for inclusion in the NERR, including the continued recognition of gas connections. While only around 5% of AGL's life support customers rely on gas, this group includes individuals with critical conditions, such as cystic fibrosis, who depend on gas-powered equipment to produce heat or humidity. These examples underscore the ongoing need to retain gas under *Rule 123A: Definitions*.

Given the low number of gas customers, AGL considers assistive gas life support equipment could be distinguished under the broader term 'energy' *Part 7* of the NERR. Clarifying this distinction under the *Definitions* section would help identify which customers require assistive gas life support under medical registration forms, potentially reducing the number of temporary registrations the sector must process.

AGL also encourages the alignment of AEMC's and ESC's amendments for life support equipment *Definitions* under the NERR and the Energy Retail Code of Practice. While some discretion in interpretation is inevitable (and required) under these Rules, consistency across jurisdictions will support retailers in making assessments and promote best practice for the benefit of customers.

Finally, as households continue to electrify through the energy transition, it may be necessary to revisit this requirement in the future and consider flexibility to phase out assistive gas life support appliances at the appropriate time.

**Civil penalties for breaches**

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 in the consultation paper?

AGL supports the AEMC's proposed changes for Tier 2 penalties for breaches of life support rules for assistive support customers under *Part 7* of the NERR.

**Theme 2: Improving registration and deregistration processes**



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?

#### *Deregistration of a premise*

AGL currently deregisters a premise in accordance with Part 7 of the NERR when a customer fails to provide medical confirmation within the required timeframe; however, we are aware that not all retailers follow this approach, which we believe has contributed to the high number of registered life support sites across the market.

AGL has encountered several inconsistencies in the deregistration process, particularly across life support processes with DNSPs. These inconsistencies often originate from differing interpretations as what constitutes as life support equipment between parties. For example, AGL has observed cases where DNSPs do not recognise fall alarms as eligible life support equipment, leading to disagreements over whether deregistration is appropriate. This misalignment creates ambiguity for retailers, resulting in delays in the process as retailers are obligated to investigate the customer's eligibility for life support protections.

It has also been observed that DNSPs frequently fail to provide sufficient information to identify the customers involved in deregistration. Retailers are often left uncertain about whether the DNSP has spoken with the current customers, a tenant or a previous occupier. In such cases, AGL continues to provide life support services to a customer in accordance with Last Resort Provisions under the NERR, which due to the circumstances is not only inefficient and costly for the sector, but inconvenient for customers.

Beyond procedural issues, AGL has also observed data mismatches between DNSPs and retailers. This typically occurs when a site changes retailer and the new retailer does not register the site, as the new customer has refused life support under the new registration. Consequently, when a retailer, such as AGL, sends a Customer Site and Details Notification (**CDN**) to a DNSP, the information may not match the data in the DNSP's records provided by the customer's previous retailer. As a result, the DNSP issues a Life Support Notification (**LSN**) with redacted customers details due to privacy concerns, further complicating the process.

AGL considers these inefficiencies to be a result of shared responsibility for deregistration. With both parties using separate systems to maintain life support customer records, it is often unclear which party holds the most accurate data or whether a life support customer still resides at the premise.

To avoid future ambiguity and inefficiency within this process, AGL supports mandating deregistration where a customer fails to return valid medical confirmation. AGL also recommends AEMC amend the NERR to assign *retailers* with sole responsibility for managing life support from registration to deregistration of a premise, including the maintenance of customer data. Retailers are best placed to manage this process, given our direct relationship with customers, comprehensive records, and established safeguards. Accordingly, AGL advocates for retailers to be responsible for deregistration under *Rules 125 and 126* of the NERR. We support DNSPs maintaining the right to register a customer for life support as well as inform a retailer of a site's requirements.

#### *Back-up templates*

AGL agrees with the AEMC's proposal to establish back-up templates to assist life support customers in cases of planned and unplanned outages. However, it is important to note that the rules should specify that medical practitioners should inform life support customers of what is practically possible in these scenarios.



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|  | <p>For example, there is often an assumption that DNSPs will connect customers on assisted life support back to the network immediately after an outage. In reality, energy providers must triage reconnections based on urgency i.e., critical life support customers are reconnected first. Similarly, some customers assume they will continue to receive power during planned outages.</p> <p>AGL recommends further clarification in the NERR for back-up templates regarding the limitations of support during outages in AEMC's final Decision. This could include a clause stating: <i>back-up life support services do not include the ongoing connection of power during an outage. Back-up support services are an alternative plan for your life support equipment, such as a battery or small generator that may provide power during an outage.</i> Clarification will help manage customer expectations and ensure consistent understanding for customers and medical practitioners.</p>   |
| Are there any unintended consequences of the proposed changes? | <p>Yes. AGL holds concerns regarding the assignment of responsibility for deregistration processes for life support customers.</p> <p>As outlined above, AGL considers there will be a number of ongoing unintended consequences if the proposals for change proceed. Chief among these is the continued misinterpretation between retailers and DNSPs regarding the eligibility of life support equipment, partnered with the misalignment of data held on file for parties. These issues have already led to substantial inefficiencies in the deregistration process.</p> <p>While AGL understands life support concessions are out of scope for this review, it is worth highlighting that if this change is implemented, it will likely increase ambiguity and inconsistency in ceasing concessions for life support customers flagged for deregistration by DNSPs. For instance, in these cases a retailer will receive medical certification for a life support concession for a customer, but the DNSP has already deregistered the customer due to a lack of documentation for their equipment. Ultimately, this leads to the retailer continuing to provide a concession despite no services being delivered, until an investigation resolves the discrepancy. This is not only a resource intensive task for retailers but a cause of frustration for customers.</p> <p>Energy retailers have well established data systems that capture and store comprehensive customer data, including flags for specific customer needs or certain privacy protections e.g., flags for family violence and domestic violence protections. If <i>Rule 125</i> is amended to assign DNSPs primary responsibility for deregistration, it would require DNSPs to develop entirely new systems, processes, and procedures to manage customer data, such as their details, nominated persons, medical confirmation, documented customer consent (in accordance with the <i>Privacy Act 1988</i>) and communications records. This would be a significant undertaking, requiring time and investment to ensure consistency across processes and customer protection throughout the sector.</p> <p>Beyond operational considerations, if <i>Rule 125</i> is amended to shift responsibility for deregistration to distributors, it would necessitate significant overhaul of current practice to ensure accurate customer data capture and streamlined processes. This transition would be time-consuming and costly for industry with little benefit. In the short-term it may even increase the risk of misalignment of life support information until new processes are fully implemented.</p> <p>Accordingly, AGL recommends the AEMC assign responsibility for life support registration and deregistration to retailers to streamline processes and reduce ambiguity for parties and avoid unnecessary compliance costs for DNSPs.</p> |



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| <p>Do you have any views on requesting an updated medical certificate every four years?</p>              | <p>AGL supports the proposal for medical certification to be updated every four years.</p> <p>While only a small percentage of our customers are registered for life support services (1.55%), AGL has observed a significant increase in the volume of customers requiring support, rising from 52,162 to 66,461 between the years 2021-2024. Notably, nearly a quarter of these customers are registered <i>without</i> medical confirmation, with a proportion of this group presently undergoing consideration for deregistration.</p> <p>While we acknowledge that most customers have genuine reasons for not supplying medical certification, we are also aware of a small number of cases where customers have repeatedly evaded supplying medical confirmation and have extended their application expiry date to avoid payment obligations (currently, medically confirmed customers retain that status indefinitely unless they advise otherwise). This behaviour not only results in escalating debt for these customers, places further financial burden on retailers, who are required to continue providing support to customers who may not be eligible, but devalues life support processes for customers who genuinely require the services.</p> <p>Requiring updated medical certification at registration every four years strikes an appropriate balance of allowing customers sufficient time to confirm their ongoing needs, while also helping to safeguard against misuse of this critical service.</p>   |
| <p>Do you have any views on introducing a cap on registration attempts without medical confirmation?</p> | <p>AGL supports introducing a cap on life support registration attempts without medical confirmation under the NERR. As noted above, the current framework offers a loophole for those that seek to misuse the process.</p> <p>As previously noted, AGL is aware of some customers benefitting from misusing process. AGL is aware of some customers utilising the life support registration window, (where a customer has 50 days to provide medical confirmation), to then apply for a number of extensions, which can extend their registration timeframe to at least 75 days prior to their application expiring and requiring registration.</p> <p>Although examples of this conduct are uncommon, it does delay the deregistration process, where a customer can avoid paying their energy bills and disconnection from energy services when they are not genuinely in need of life support. AGL, therefore, also recommends a cap on the number of times a customer may apply for an extension under <i>Rule 124</i> to: <i>one extension per registration, with an exemption for exceptional circumstances</i>. Currently, a customer is entitled to at least one extension and may be eligible for more.</p> <p>We believe this issue has contributed to a significant increase in volume of life support customers, which is making it increasingly unsustainable for the sector to provide support to. Therefore, AGL supports the proposal for a cap on life support registration and recommends a cap for the number of extensions a customer may apply for under the NERR.</p> |



Is there currently an inconsistency in how life support is assessed between different retailers and DNSPs?

AGL is aware of cases where DNSPs or retailers have deregistered life support customers at the customer's own request and failing to confirm whether the decision had been medically verified. These cases are particularly concerning when such decisions are made without medical advice, as they may expose customers to significant risk if they do, in fact, require these services.

It has also been observed that some medical practitioners fail to verify certain equipment or requirements, whereas others err on the side of caution and verify a wide scope of equipment that may not traditionally be viewed as supportive for life support e.g., a Smart Watch.

To mitigate the risks associated with inconsistent life support assessment practices, AGL advocates for amending the NERR to assign retailers sole responsibility for deregistering of life support customers where customers have failed to return valid medical confirmation forms within the regulated timeframe. This approach would ensure that a consistently safe and medically informed process is followed, with clear alignment amongst parties about their respective roles and obligations.

AGL notes ESC may launch an educational campaign for customer care teams once new rules are implemented. We encourage AMEC to launch a similar campaign following amendment to the NERR to educate care teams on compliance obligations along with key examples of where medical certification for certain equipment has been a cause of concern for industry by way of guidance to assist industry and prevent misuse of the life support framework.

### Theme three: Improving communication methods to contact life support customers

Would adding a nominated contact person improve the safety and experience of the life support users?

AGL supports mandating the provision of a nominated contact person to improve the safety and experience of life support users. Providing an additional contact will create greater opportunity for retailers to communicate with customers to ensure greater preparation for their life support equipment during outages, whereby offering greater mitigation from risk. We encourage clarification for the definition of nominated contact person under the NERR to avoid the registration of an organisational representative e.g., a nurse, rather than 24/7 contactable person who has been granted customer consent to provide information.

For this change to be effective, however, AGL considers issues pertaining to privacy and consent must be addressed in accordance with the *Privacy Act 1988* and Part 3A of the NERR. For example, if a life support customer is simultaneously at risk of family violence or domestic violence, extra precautions must be taken to ensure the nominated person has been appointed by the customer with their consent and contact details for the nominated person are also safeguarded in systems to prevent the unintended release of the information to an unnominated person. Releasing such information would place the life support customer at extreme risk.

AGL also holds concerns that if this obligation is assigned to DNSPs, it may risk inaccuracies during the exchange of information with retailers. For example, a DNSP may share a relative's information with a retailer believing it be a nominated person, however, they may not necessarily be an 'authorised' nominated contact in the retailer's system. This would create a compliance and privacy barrier for retailers, who would be required to contact and discuss the life support service with an 'unauthorised' person on the account.

AGL encourages the AEMC to designate the responsibility for collecting and maintaining data for nominated persons to retailers for reasons outlined above.



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| <p>Should customers' electronic details be captured in the medical registration form?</p>  | <p>Currently, retailers notify customers of planned outages via their preferred methods of communication. Customers also have the option to request a life support notification be sent via an alternative method e.g., post.</p> <p>Capturing additional customer contact information in a medical form may therefore be problematic for retailers and DNSPs as they will be required to maintain multiple customer contact records for different purposes, which may lead to a number of inconsistencies if details change, and subsequently inaccurate details on file that may expose a customer to risk during outages.</p> <p>AGL therefore does not support capturing customers' electronic details in the medical registration form. All customer contact details should continue to be captured in retailers' customer databases to avoid ambiguity.</p>   |
| <p>Should the rules be updated to explicitly clarify that SMS/email notification of planned outages to life support customers is permitted?</p>  | <p>Yes. If <i>Part 7</i> of the NERR is not amended to reflect the expanded definition of communications, including email and SMS, it may lead to ambiguity and further inconsistency across the sector.</p> <p>Currently, customer contact details are collected primarily for postal and phone communications. However, the collection of email addresses varies depending on customer preference. Explicitly clarifying the requirement to capture electronic contact details will help standardise communication practices across the industry and reduce uncertainty. AGL is aware of examples where some DNSPs only accept post as a primary method to notify customers of planned outages, whereas other prefer SMS.</p> <p>In addition, enabling electronic communications will accelerate the delivery of notifications to customers during outages, due to the immediacy of email and SMS. This will enhance both the reliability and timeliness of life support notifications.</p> |
| <p>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?</p> | <p>While AGL is aware that this issue out of scope for the AEMC consultation, AGL does not support the establishment of a central database for life support customers. The intention behind this suggestion is appreciated but we do not consider that it will benefit customers or industry for the reasons outlined under Theme two. Equally, we consider a central database will not only create issues relating to the appropriate capturing of data but will also require significant investment and overhaul of well-established B2B processes.</p> <p>As retailers have well-established systems and relationships with customers, AGL considers this approach would not only be inefficient regarding the duplication of B2B processes but also risks ambiguity and some customers falling through the cracks if data is not appropriately supplied by parties to the institution which manages the database.</p>   |