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Project Lead
Australian Energy Market Commission
Improving Life Support Processes Rule change proposal
Submitted via portal

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Dear Mr Zverina

Ausgrid response re Improving Life Support Processes Consultation Paper

Ausgrid welcomes the opportunity to respond to the Australian Energy Market Commission's (AEMC) Consultation Paper regarding improving processes for life support customers under the National Energy Retail Rules (NERR). Ausgrid operates a shared electricity network that powers the homes and businesses of more than 4 million Australians living and working in an area that covers over 22,000 square kilometres from the Sydney CBD to the Upper Hunter.

Ausgrid currently serves around 55,000 registered life support customers on our network. We are responsible for notifying these customers of planned outages on our network. We also provide them with a 24-hour telephone line for emergencies and information to prepare their own back-up plans during an unplanned outage.

We supported the development of this rule change request through being part of the Energy Charter's #BetterTogether Life Support Customers initiative (**Energy Charter initiative**). We commend the robust consultation that was undertaken across the energy sector, medical community and customers, including through the Initiative's Life Support Medical Advisory Group and the Lived Experience Panel.

Ausgrid is highly supportive of this proposed rule change because it will enhance protection for those customers who use life support equipment to sustain their lives or prevent significant injury, especially during large-scale unplanned outages. This will be achieved primarily by enabling distribution network service providers (DNSPs) to more easily identify customers with critical needs within the larger body of life support customers of their networks.

Our submission highlights the following key points:

- **The new and amended definitions that distinguish between critical and assistive life support customers are essential:** Updating the life support-related definitions in the NERR is key to enabling Ausgrid to identify and communicate directly with the subset of life support customers with life-critical needs. In our view, DNSPs should be able to have different operational procedures and strategies for assistive and critical life support customers that are commensurate with their needs.
- **Providing the proposed medical confirmation template to life support customers should be mandatory to improve customer assessment and data quality:** The medical confirmation template, developed by the Energy Charter initiative, would support medical practitioners to assess life support customers as using their equipment for either assistive or critical purposes. More broadly, the template would improve data quality through standardising the information being collected in line with the proposed rule change.
- **Mandatory deregistration would enhance the accuracy of the life support customer register:** All DNSPs and retailers should be required to deregister customers when requested or when medical confirmation is not provided or lapses. Without mandatory deregistration by the registered process owner (RPO), the register will continue to sustain inaccuracies that impact operational activities by DNSPs and the services provided to life support customers.

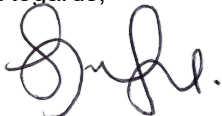
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- **The life support customer framework should accommodate those who can confirm their medical needs and deregister those who are unable to do so:** All customers should be required to update their medical confirmation at least every four years, except where critical life support customers have been assessed as having a 'permanent need'. To prevent misuse of the protections afforded by the framework through the 're-registration' cycle, limits should be imposed on seeking registration without medical confirmation.
- **Customers should be informed of their responsibility for back-up planning and supported through a mandatory back-up plan template:** Ausgrid is committed to working with our Emergency Services partners to ensure customer safety and restore supply during unplanned outages. However, customers are ultimately responsible for the operation of their life support equipment if electricity supply is interrupted without warning. We propose that providing the proposed standardised back-up plan template to life support customers should be a requirement, as with the medical confirmation template, to assist customers with their preparations.
- **The notification methods for planned outages should be modernised:** There should be at least two contacts for each life support customer and they should receive notifications of planned outages by their preferred method, including SMS or email.
- **The priority should be implementing the proposed rule change using B2B systems:** While we agree that using a centralised data base for housing medical confirmations (and other life support information) may represent an ideal situation and potentially reduce confusion, we consider that the priority should be implementing the proposed rule using B2B systems.

We have responded to AEMC's Consultation Paper in more detail in **Appendix A**.

Please contact Tom Clark, Senior Regulatory Advisor, at tom.clark@ausgrid.com.au should you wish to discuss this further.

Regards,

A handwritten signature in dark ink, appearing to read 'Shannan'.

Shannan Hargreaves

Head of Customer & Commercial

Appendix A: Ausgrid detailed response to Consultation Paper

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

Ausgrid position: The new and amended definitions are appropriate and enable identification and communication with the subset of life support customers with life-critical needs, especially during natural disaster situations.

The rule change request correctly identifies that the core issue for DNSPs, like Ausgrid, is that we currently cannot distinguish, within the life support customers that we serve (of which Ausgrid has 55,000), those who use their equipment to sustain their lives and those who use their equipment to improve the quality of their lives. All life support customers are currently treated the same. This means in the event of a large-scale unplanned outage that DNSPs, like Ausgrid, cannot identify and directly communicate with customers who have life-critical needs.

The recent storm event of January 2025 in NSW serves as an example, where around 210,000 customers across the Ausgrid network faced unplanned power outages. In the Port Stephens local government area (LGA) alone, we recorded 293 life support customers without electricity supply for more than 48 hours. This places a significant resource burden on our Emergency Services partners who were presented with a list of almost 300 customers for welfare checks (that is, phone calls or 'door knocks') in an area without reliable telecommunications. Identifying and prioritising communication with the most medically vulnerable customers within a community is not currently possible during incident response and restoration, given the volume and diversity of life support customers on our register.

Ausgrid therefore recognises the advantages of the proposed new and amended definitions relating to life support and we strongly support their adoption into the NERR, especially the new categories of *assistive life support equipment* and *critical life support equipment*. We agree that modernising the definitions to include *life support user* to refer to the customer making use of *life support equipment* is appropriate and humanising.

If the definitions are adopted, Ausgrid considers that this distinction will provide greater visibility of the subset of life support customers for whom electricity supply is critical to sustaining their life, which will enable us to more effectively triage these customers during large-scale unplanned outages.

The decision as to whether the equipment of a *life support user* is critical or assistive is a matter for the *registered medical practitioner*. We do not have a view on the list of life support equipment itself, though our principle-based view is that it should be targeted to equipment that is critical to sustaining the customer's life only and should limit the potential that the register may be used by customers for reasons that may not be in the spirit of framework.

Question 2: What is your view of the proposed amendments to civil penalty provisions for breaches relating to notification and deregistration?

Ausgrid position: The civil penalties and reporting requirements should be revised so that they reflect the new and amended definitions related to life support and are commensurate with potential harm.

Civil penalties for failure to notify customs of planned outages should be commensurate with potential harm

Ausgrid supports introducing the new and amended definitions, as identified in response to Question 1 above. Given this change, we also support distinguishing the civil penalties for failing to notify the customer

of planned outages between life support customer categories. As proposed in the rule change request, we consider that it is appropriate for breaches for critical life support customers to continue attract a Tier 1 civil penalty, while breaches for assistive life support customers should be assigned a Tier 2 civil penalty.

In addition, we propose that the AEMC consider amending notification requirements on DNSPs for life support customers who move into an area which is already scheduled to experience a planned outage. It is a relatively common operational scenario that a life support customer is newly-flagged within the minimum notification period (4 days) and Ausgrid will manually and urgently seek consent before proceeding with planned outages. Delaying the planned outage would have an impact on all other customers who have planned for the event, including life support customers who may have enacted their back-up plan, as well as risking cancellation of the schedule work.

We propose that DNSPs are required to notify the newly-flagged life support customer (and confirm that the notification is received) where there is a pre-existing planned outage scheduled to occur within the minimum notification period but are not required to obtain explicit consent to proceed (as currently required under NERR Rule 90(1)(c)). This change could apply to circumstances where the DNSP knows it is an assistive life support customer.

Civil penalties for failure to deregister should reflect that this failure does not impact customer protections

Ausgrid supports changing the deregistration process to be mandatory (as discussed further in response to Question 3 below). We also consider that failing to deregister a life support customer should attract a penalty to support enforcement of this provision. We acknowledge that failure to deregister may impact life support customers and their families in terms of inconvenience, or potentially distress. However, we note that failure to deregister does not impact the protections of a life support customer (as the assignment is being maintained). Consequently, we consider the level of the civil penalty should be commensurate with this level of potential harm and be changed from Tier 1 to Tier 2, as proposed in the rule change request.

Ausgrid is comfortable with the proposal that the matters related to Tier 2 civil penalties should have six-monthly reporting requirements, while Tier 1 civil penalties should have immediate reporting requirements (no later than 2 business days after the breach has been identified), reflecting the relative impact of these actions. This would result in immediate reporting requirements only applying for failing to notify critical life support customers of planned outages.

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

Ausgrid position: The deregistration process should be mandatory and should be completed when initiated by the customer, irrespective of whether the DNSP or the retailer is the registration holder or the registered process owner.

Ausgrid supports changing the deregistration process to be mandatory, as noted above. We support implementing this through the proposed Option 1 in the Consultation Paper: The NERR should require that deregistration occurs when requested by the customer, whether that request is made to the DNSP or retailer, and irrespective of which party holds the registration or is RPO for medical confirmation (noting that the registration holder and RPO are typically the same party). This means, for instance, that if a customer (or their representative) contacted Ausgrid and requested to be deregistered as a life support customer, but the retailer held the registration, then Ausgrid would inform the retailer, who would then be required to deregister the customer. All retailers would therefore need to have deregistration processes in place. The AER Life support registration guide (2021) should be updated to this effect.

While we recognise that there is natural caution regarding deregistering customers so as to mitigate potential harm, we consider that without mandatory deregistration the register will continue to contain inaccuracies,

including customers remaining on the register when they do not need (or want) the protections afforded by the framework. In particular, we acknowledge that failing to deregister customers where they have passed away may cause distress to their family, where they receive unwanted notifications and communication from Ausgrid.

Importantly, unnecessarily retaining customers on the register can lead to inefficiencies and risks on-the-ground during large-scale unplanned outages. As highlighted in response to Question 2, during an emergency situation, there is currently a risk that Ausgrid may present information to Emergency Services to action welfare checks on life support customers that wastes time and resources, because the customer has a non-critical need, has moved premises, or passed away.

Ausgrid does not support Option 2 in the Consultation Paper whereby DNSPs would effectively become the RPO for all life support customers and also assume responsibility for the deregistration process in all cases. Retailers hold the registration for around 99% life support customers on Ausgrid's network. We consider that the existing deregistration process will operate effectively once it is mandatory and all retailers establish deregistration procedures, where they have not done so already.

We note that the rule change request suggests that 'annual status checks' could be made with customers regarding whether registration is still required.¹ If annual status checks are required, then the responsibility for undertaking this action with customers would need to be defined and we consider this would naturally sit with the RPO. This annual status check may also serve to keep medical confirmation and contact information up-to-date.

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

Ausgrid position: There should be a 'permanent need' category available to *life support users* who use *critical life support equipment* where determined by a *registered medical practitioner*. All other *life support users* should be required to update their medical confirmation every four years.

Ausgrid considers it appropriate from both welfare and administrative perspectives to enable *registered medical practitioners* to determine that *life support users* who use *critical life support equipment* have a 'permanent need' and thereby do not need to update their medical confirmation in the future. For all other *life support users*, both those who use critical and assistive equipment, should be required to update their medical confirmation every four years, irrespective of whether they move premises or not. We consider that the existing RPO should be responsible for seeking the updated medical confirmation every four years.

We note that the rule change request does not advise *when* the RPO should seek the updated medical confirmation, beyond proposing that the standard reminder and deregistration process would take effect if not updated every four years. We propose the AEMC consider if the RPO needs to be required to start the update request process before the four-year end date, so that the re-registration may occur when the previous medical confirmation lapses, rather than after. For instance, this process could be initiated three months before the lapse date.

Ausgrid does not support providing a similar 'permanent need' category for *life support users* who use *assistive life support equipment*, as suggested in the Consultation Paper. The four-yearly update cycle provides sufficient time between medical confirmations for other customers.

The existing process for lapsing medical confirmations remains appropriate. This includes deregistration without medical confirmation taking place after two reminders have been sent requesting updated

¹ SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 5, summary table.

information and a further extension for the customer of at least 25 days, if requested. We note that longer extensions can be provided and Ausgrid does provide additional time for customers to secure medical confirmation where the circumstances credibly require it.

We note that for *life support users* who are using *critical life support equipment* on a permanent basis, the four-yearly trigger identified above would not exist, instead the customer or their family would need to initiate the deregistration. We propose the AEMC consider how customers with permanent needs would be deregistered in the event that the customer has passed away. This may form part of any 'annual status check' that is undertaken.

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

Ausgrid position: Registration as a life support customer without medical confirmation should be limited to two attempts and thereafter the customer seeking to register should be required to provide medical confirmation upfront.

The 're-registration cycle' without medical confirmation has occurred on Ausgrid's network. This occurs because customers can flag their need to be included on the life support customer register without completing the medical confirmation form, and then subsequently do not provide the evidence. This leads to additional administration costs, as the individual will be taken through the registration, reminder and deregistration processes, over a period of a few months. For this period, they will not be disconnected for non-payment. Together, these costs are born by all customers. The life support customer framework should only be used by those who can evidence their need for the additional services.

Ausgrid supports the proposal to implement a limit of two requests to register without medical confirmation and thereafter requiring that medical confirmation is sought upfront from the customer seeking to register.

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

Ausgrid position: Customers should remain responsible for back-up planning, be made aware of this responsibility and provided with information to support their planning. It should be a requirement to provide customers with the standardised templates for medical confirmation and back-up planning.

Customers should remain responsible for back-up planning

In our experience, customers may harbour a misunderstanding regarding their protections under the life support framework. This may be because they have not received adequate information about the framework. Customers may have the expectation that registration means that Ausgrid will prevent interruptions of supply to their premises, or prioritise restoring their power over other customers, or provide back-up supply during unplanned outages. While Ausgrid is committed to working with our Emergency Services partners to ensure customer safety and restore supply during unplanned outages, these are not obligations placed on DNSPs.

Life support customers need to be in a position where they can independently act to support their safety during an unplanned outage. Ausgrid prioritises communication with life support customers during an unplanned outage. We expect this will be greatly facilitated by the new and amended definitions and rationalising the life support customer register. Nevertheless, customers must have processes in place (and hardware, such as on-site batteries, if necessary) to support continued operation of their life support equipment during an outage.

We are aware that many customers do not have adequate back-up plans and there can be confusion during emergency situations. For instance, during the recent storm event of January 2025, we understand that many life support customers, with both assistive and critical needs, travelled to local hospitals because they did not have back-up plans in place, impacting the operation of the health system. There was a cohort of these life support customers for whom their needs may not have required a medical facility and instead could have been served at any safe location with a reliable electricity supply. Developing back-up plans may have led to preparing for this alternative solution, limiting impact on the hospital.

We agree that an appropriate time to discuss and document back-up planning is when the *registered medical practitioner* and the *life support user* are completing the medical confirmation form. There is a trusted relationship between those parties that can serve to facilitate back-up planning and ensure customers are aware of the advantages of being a life support customer, as well as their responsibilities.

Ausgrid considers that the implementation phase of this rule change will be an important opportunity to educate customers at a wide-scale on their responsibility for back-up planning. We note that currently when a customer in the Ausgrid network is flagged for life support protections, they are sent a 'welcome pack' that includes information ('life support action check list') on how to best implement a back-up plan.

The use of standardised medical confirmation and back-up planning templates should be a requirement

Ausgrid notes that different approaches have been applied for medical confirmation across customers. This has led to medical confirmation being variable in terms of availability and quality. We are aware that around 26% of the 55,000 life support customers on our network do *not* have medical confirmation.

Alongside introducing the new and amended definitions, discussed in Question 1, we support introducing a requirement on the RPO to provide customers with the standardised 'Medical Confirmation Form for Life Support Equipment' template² (**medical confirmation template**) to improve data quality and support effective assessment of life support customers. We wish to have continued input into the implementation of this template into B2B systems, for instance we would prefer the NMI field to be mandatory, as this allows our system to process the forms without manual intervention as well as ensuring accurate recording of the customer's details. A process should be put in place to allow for periodic updates to these templates, if needed.

Ausgrid also supports in-principle the use of the standardised 'Household Life Support Equipment Back-up Plan' template (**back-up plan template**), noting that it has not been finalised. We look forward to reviewing the document proposed by the Energy Charter initiative, when it becomes available.

We propose the AEMC also consider making it a requirement for the RPO to provide customers with the back-up plan template. Even if the customer completes the template by identifying that they do not require a back-up plan, this encourages them to think through their circumstances and understand that the back-up planning responsibility lies with them. We note that a requirement to provide this template is not currently identified within the proposed amendments to the NERR as part of the rule change request, as it is for the medical confirmation template.

We consider that it is appropriate for the Energy Charter initiative to finalise the development of the medical confirmation and back-up plan templates. Going forward, we do not have a preference for the body that is responsible for publishing, housing and maintaining these templates, though we consider that this should be the responsibility of one body. The natural body for this responsibility would be the AER.

² SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 39.

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

Ausgrid position: The option for a *nominated contact person*, alongside the *account holder*, should be permitted under the NERR. This should include available fields within B2B systems.

Ausgrid supports defining a *nominated contact person* in the NERR who can be notified during a planned outage in addition to the *account holder*. We consider this a straightforward improvement that will benefit customers. Ausgrid already uses secondary contacts for our registered life support customers, where this is provided. This information should be captured on the medical confirmation form and should be included through fields within B2B systems. We note that there may be value in having an option for a third contact person in some circumstances, though we do not consider this needs to be defined in the NERR.

We propose that the AEMC consider the circumstances of embedded networks and communication protocols for life support customers. We note that for embedded networks, Ausgrid only has visibility of the parent NMI, not child NMIs. There are over 1,100 embedded network NMIs on our network, which have multiples of customers in arrangements such as retirement homes, apartments and caravan parks. The *account owner* for embedded networks is not typically the life support customer and the physical address provided may be a letter box, management office or similar, rather than the customer's home. If Ausgrid sends a planned outage notification to contact information for the embedded network (which may be all the information we have), then the embedded network operator should be responsible for informing the customer (and this is typically operationalised as such in practice). If there is an unplanned outage, then this situation presents a further challenge, as Ausgrid may not be able to communicate to Emergency Services the customer's unit number if a welfare check needs to be performed. While the addition of the *nominated contact person* may in part remedy this situation, we propose these circumstances need to be considered and clarified further.

We note the AER's recent Final Decision on the Review of the AER exemptions framework for embedded networks. Under the new condition 1.10 of Network Exemptions Guideline (version 7), there is an improved information flow between embedded networks and retailers regarding life support customers. It is unclear, however, if this resolves the issue flagged above for DNSPs.

We propose that the AEMC consider allowing for a 'relationship' identifier to be included for the *account holder* and *nominated contact person* to assist operational teams when they need to engage with customers, especially during an unplanned outage. Under the new arrangements, the *account holder* and/or *nominated contact person* could feasibly be the life support customer, their spouse, guardian, carer, neighbour, etc. This would be valuable information to understand in an emergency scenario.

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

Ausgrid position: Electronic contact details should be captured within the medical confirmation form and DNSPs and retailers should be required to update this information when informed of a change by the customer.

Ausgrid considers that the lack of electronic contact information is a significant barrier to effective, modern communication with our life support customers. We agree that the medical confirmation form should include fields for a mobile number and an email address for the *account holder* and the *nominated contact person* and that these should be available on B2B systems. We also agree that there should be a requirement placed on DNSPs and retailers to update electronic contact details when informed by the customers of any change.

During unplanned outages, telecommunication networks may be interrupted, while landline phones may still be active. We propose that customers should be permitted the option to provide landline phone numbers as part of their contact information for use in these circumstances. Ausgrid is not proposing to use landline phone numbers to notify life support customers of planned outages.

To ensure that Ausgrid can undertake its responsibilities under the life support customer framework, it is important that customer contact details are up-to-date (both physical and electronic). Given the new proposed requirement on customers to update their medical confirmation every four years, this information should be automatically be updated, if needed, on that cycle.

As noted in Question 3, for *life support users* who are using *critical life support equipment* on a permanent basis, the four-yearly trigger identified above would not exist. Therefore, we propose there is merit in the AEMC considering more frequent reminders to update contact information by the RPO as part of the framework, whether in the NERR or the AER Guideline. The 'annual status check' identified in the rule change request could serve as a way for this information to be kept current, as well as for medical confirmation.

We note that DNSPs can trigger a contact information update for life support customers from retailers, which we may trigger where, for instance, our operational teams become aware that the customer is not contactable. We note we that retailers are not required to respond if DNSPs trigger a similar request for non-life support customers and Ausgrid considers that there would be benefit if DNSPs could do so.

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

Ausgrid position: The NERR should be clarified so that the *account holder* and *nominated contact person* can be provided with notification of planned outages via any provided contact method, including SMS/email, with the ability to require the use of a preferred method of contact.

Ausgrid supports clarifying the rules to allow for electronic notifications of planned outages as written notice. We understand that for some customers written letters may be preferred, but for many life support customers the most reliable and efficient way to receive notifications is through SMS/email (especially SMS). We propose that the customers should be able to select a preferred communication method. This preference could be updated at any time by the life support customer by contacting either their DNSP or retailer. If a preferred communications method is not selected, then any form of communication, like SMS/email, should be considered written notice.

Ausgrid currently has automated processes for sending SMS notifications to customers, though would incur additional costs to provide a similar service via email. We will also incur costs related to establishing systems and processes to record and enact each customers preferred contact methods.

Question 10: 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?

Ausgrid position: While a centralised data base for medical confirmation is preferable in the long term, the priority in the near-term should be implementing the rule change request using B2B systems.

Introducing a centralised database for storing medical confirmation represents the ideal situation and in the long term this would be preferable, whether that is through MSATS or another third-party system. Ausgrid considers that the priority is effective implementation of the proposed rule change in the near term, which could be achieve by using B2B systems. Once the range of proposed changes are implemented, we expect

that the medical confirmation held by retailers or DNSPs will become a higher quality and more trusted document.

The benefits of introducing a centralised database would need to be considered in this context against the costs, as well as determining a body to fund and maintain the database. Ausgrid understands that the implementation of a centralised system may be developed in parallel in the medical sector for the benefit of customers, which would be outside the NERR.

Question 11: 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?

Ausgrid is comfortable with the proposed assessment criteria. We look forward to continuing to collaborate with the Energy Charter initiative on this important rationalisation of processes that will improve protections and services for life support customers, especially those with critical needs. We encourage the AEMC to recognise the body of work undertaken to date to reach this rule change request.