



Ms Anna Collyer  
Chair  
Australian Energy Market Commission  
GPO Box 2603  
Sydney NSW 2001

3 September 2025

To Ms Collyer,

### **Improving life support processes – Consultation paper**

ENGIE Australia & New Zealand (ENGIE) appreciates the opportunity to respond to the Australian Energy Market Commission's (the Commission) consultation paper on a rule change to improve life support processes.

The ENGIE Group is a global energy operator in the businesses of electricity, natural gas and energy services. In Australia, ENGIE operates an asset fleet which includes renewables, gas-powered generation, and battery energy storage systems. ENGIE also provides electricity and gas to retail customers across Victoria, South Australia, New South Wales, Queensland, and Western Australia.

ENGIE acknowledges that the current life support processes could be improved to better target those customers who depend on life support. Most retailers take a relatively conservative approach to life support registration and deregistration, which aims to minimise the risks that a consumer depending on life support equipment is de-energised.

While ENGIE is broadly supportive of reforms that improve the accuracy of life support registers, ENGIE provides feedback in this submission that emphasises the importance of retaining flexibility in the life support registration and deregistration framework to ensure consumers that legitimately require life support equipment do not lose their protections.

### **Improving definitions to better target life support customers and related civil penalties for breaches**

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

Definitions that enable retailers to distinguish between critical and assistive life support users is useful to the extent there will be different regulatory obligations and protections for the two types of life support users. If the Commission proceeds with a rule change that introduces these new concepts into the National

Energy Retail Rules (NERR), ENGIE supports these being accompanied by clear definitions that allow stakeholders to properly understand their meaning.

While there may be benefits in distinguishing between critical and assistive life support users to enable improved triaging of support, retailers would be required to undertake significant system and operational updates to support this change and the distinct customer journeys for the two customer cohorts.

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

ENGIE agrees with the rule change proponents that civil penalties should be proportionate to the potential consumer harm arising from breaches of the relevant provisions.<sup>1</sup> In that context, ENGIE does not support the application of civil penalty provisions for breaches relating to deregistration. The failure of a retailer or distributor to deregister a premises does not directly or significantly affect consumers or result in any consumer harms.

As will be discussed further in the below sections, ENGIE supports any amended rules retaining some flexibility in deregistration processes to manage the risks of adverse consumer outcomes. It would be challenging for retailers to properly exercise discretion to support consumers they suspect continue to require life support protection if civil penalties were to apply to deregistration processes.

### Improving registration and deregistration processes

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

ENGIE does not agree with the rule change proponents that there is confusion around who may deregister a premise. However, the language in the Australian Energy Regulator's (AER) Life Support Registration Guide could be tightened to reduce the potential for inconsistency in application of life support processes amongst participants.

In relation to the proposal to mandate deregistration from the life support register, ENGIE notes that it is not necessarily a failing of the framework that retailers and distributors are able to exercise discretion when deciding whether to deregister a premise. In many cases it will be appropriate for retailers to take a cautious approach when managing life support, to ensure appropriate protections are in place for those consumers that genuinely require additional protections.

In that context, ENGIE is concerned that mandating the deregistration of premises, such as when a customer has not finalised their medical confirmation within prescribed timeframes, will have unintended consequences that directly impact consumers that require life support protections. As the proposed rule

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<sup>1</sup> Essential Energy & SA Power Networks 2024, Rule change request – Better protections for life support customers, August, p. 28.

change removes the ability to exercise discretion, retailers may be in breach of the new compliance obligations if they were to permit their customers additional time to obtain medical confirmation prior to deregistration occurring. As will be expanded on in response to question four, there may be a variety of legitimate reasons that life support customers are unable to meet the timeframes proposed in the rule change request.

Before introducing a mandatory deregistration process, ENGIE contends that both the Commission and Australian governments need to acknowledge and accept the risk there will be consumers that depend on life support equipment that will not receive life support protections due to not being able, or not prioritising, the return of medical confirmation within the prescribed timeframes.

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

ENGIE agrees that requiring up-to-date medical confirmation for all registered premises would improve the accuracy of the life support register. However, as noted in response to question three, this improved accuracy will likely come at the expense of some consumers that legitimately require life support protections missing out on the protections they are entitled to.

A requirement for consumers to update their medical confirmation every four years will impose costs on life support consumers, and may be particularly challenging for some consumers that have mobility challenges in accessing medical care for the purpose of obtaining this confirmation. There may also be some customers that are severely ill or in hospital for a period of time and miss the opportunity to renew their medical confirmation and may miss communications advising of their deregistration.

For the reasons outlined above, ENGIE does not support mandatory deregistration in relation to a medical confirmation not being provided without any means for retailers to apply discretion or use their best endeavours to maintain a customer's registration. As an alternative to mandatory deregistration, the NERR could instead introduce a new requirement for a retailer and/or distributor to periodically request a customer to confirm whether they need to remain on the life support register. If a customer confirms that there is no longer a person that requires life support equipment at the premise, the retailer or distributor could proceed with the deregistration in line with the current NERR requirements. This alternative proposal, in combination with a mandatory deregistration when requested by the customer, would likely improve the accuracy of the life support register with fewer risks to consumers.

Any reforms to medical confirmation, registration, and deregistration processes will require clear transitional arrangements. Retailers will have customers that have provided legacy medical confirmations (i.e. older than four years), or no medical confirmation, and retailers will require time to adjust and update their life support registrations progressively over a period of time.

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

While this is not likely to be a widespread issue, there are occurrences of customers misusing the life support register by repeatedly registering without providing medical confirmation to avoid disconnection for non-payment. ENGIE is comfortable with the introduction of new provisions in the NERR that provide retailers and distributors with discretion to stop this type of misuse of life support protections.

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

ENGIE is supportive of standardised material that can be provided to consumers with life support equipment, such as material to support consumers to prepare a back-up plan for outages. While there are benefits in a standardised template for medical confirmation, ENGIE notes the Commission did lower the requirements for medical confirmation several years ago to make the registration process easier for consumers and to reduce the risk of life support consumers being deregistered.<sup>2</sup> The Commission should further consider whether circumstances have changed in the intervening years that justify the introduction of a standardised template for medical confirmation.

#### Improving communication methods to contact life support customers

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

ENGIE does not consider introduction of the concept of a 'Nominated Contact Person' would improve outcomes for life support users. Retailers, such as ENGIE, have existing processes for adding additional contacts to an account in their customer management systems. ENGIE expects it would be a significant reform to implement a new contact type that solely receives communications related to planned or unplanned interruptions.

This reform option may be solely relevant for distributors that do not currently have access to the secondary contact information held by retailers.

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

As noted in response to question seven, retailers currently store contact details for primary and secondary contacts in their customer management system and have established processes to identify a customer's preferred method of communication. From a retailer perspective, ENGIE does not consider that including

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<sup>2</sup> Australian Energy Market Commission 2021, Rule determination: Maintaining life support customer registration when switching, 25 February, p. 19.

customers' electronic contact details in a medical confirmation would have any impact on how a retailer engages with their customers and may raise privacy, data security and data retention concerns.

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

Retailers have existing processes to provide consumers with notifications via their preferred method of communication, which are typically either via post or email. Retailers may also supplement post or email communications with SMS communications, for those customers that have provided mobile number details to the retailer. ENGIE does not consider there is a systemic issue with retailer communications of planned interruptions that justifies additional regulatory requirements.

**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?

ENGIE agrees that a centrally managed database could reduce the complication of the life support framework for consumers, retailers and distributors. ENGIE does not have any comments at this stage on the management of potential privacy and data security issues that may arise from a centrally managed database, but does consider these issues would need to be worked through in more detail through a separate review process.

### Concluding remarks

Should you have any queries in relation to this submission please do not hesitate to contact me on, telephone, 0436 929 403.

Yours sincerely,



**Matthew Giampiccolo**

Manager, Regulation and Policy