

Draft rule determination

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

Proponents

SA Power Networks
Essential Energy

DETERMINATION

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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 The Commission has made a more preferable draft retail rule (draft rule) in response to the rule change request submitted by Essential Energy and SA Power Networks (SAPN) (the proponents) on 23 August 2024. We are seeking feedback on the draft determination and draft rule by **16 April 2026**.
- 2 The rule change request sought to amend the National Energy Retail Rules (NERR) to improve the existing processes of retailers and distributors in registering and serving customers with life support equipment at their premises.
- 3 The rule change stemmed from the Energy Charter’s #BetterTogether Life Support Customer initiative and consultation. While the draft rule is a more preferable rule, it incorporates many of the elements proposed in the rule change request, which considered that:
 - Distributors and retailers cannot readily identify life support customers with critical equipment needs compared to those using 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.
- 4 The Commission’s draft rule recognises life support protections are critical for supporting customers who use energy-dependent equipment at home, and access to those protections should be broad and fair. It also recognises an accurate register is important to ensure life support protections are applied consistently.
- 5 Recent data from the Australian Energy Regulator (AER) shows there are more than 225,000 customers registered for life support, including 70,000 registered without medical confirmation. This indicates community needs are high, but also means that processes around registration and deregistration in the NERR need to be robust so customers who need protections can access them.
- 6 In summary, the proposed changes and draft rule seek to:
 - Improve the registration and deregistration process to streamline the customer experience. The proposed changes make retailers responsible for all aspects of the registration and deregistration process, and require retailers to annually check with life support customers to confirm their details remain accurate, sharing any updated information with distributors.
 - Allows life support users with life-threatening conditions to be identified by a medical practitioner via the medical confirmation form, allowing retailers and distributors to better capture this important information.
 - Improve definitions to identify life support customers by adding a definition of “life support user” to clarify communications.
 - Improve communications to ensure life support customers receive and respond to outage notifications and reminders by:
 - enabling a second person to be contacted about life support notifications, to support the customer
 - allowing life support customers to be contacted by their preferred means.
 - Not reduce any civil penalties for breaches of life support protections.
- 7 This draft determination and the draft rule contribute to our vision for [A consumer-focused net zero energy system](#), specifically our consumer priority that seeks to inform, empower and protect

consumers individually and as a collective. The draft rule seeks to maintain low barriers for life support customers to access life support protections, and improve definitions, processes and communications to ensure they are applied as consistently as possible for all life support customers.

- 8 Importantly, under the draft rule, all life support customers would still receive the same level of protections required under the NERR regardless of whether their medical practitioner indicated that a life support user at the customer’s premises has a life-threatening condition. This position reflects the range of needs of life support users, and also accounts for the varying ability of life support users to access medical services.
- 9 The Commission notes and supports the Energy Charter’s #BetterTogether Life Support Initiative to advocate and raise awareness of life support protections and processes with both energy customers and medical practitioners. The Commission considers this initiative can promote further awareness of the proposed standardised medical form and definitions in this rule change request.
- 10 The Commission also recommends ongoing consideration of a central register (or priority services register) by governments to further improve the life support customer experience and application of protections.
- 11 The Essential Services Commission of Victoria (ESC Vic) is considering the changes proposed in the rule change as part of its [review of life support protections in Victoria](#). We are engaging with the ESC Vic as part of this rule change, including holding joint industry workshops and briefings. Through these interactions, we have aligned life support roles, responsibilities, and processes to the greatest extent possible. The ESC Vic and the Commission have also aligned the timing of the rule change/review, including publication dates and consultation periods. The ESC Vic expects to make a final decision on these reforms by July 2026.

The draft determination would improve outcomes for life support users and customers

- 12 The Commission has considered the issues raised in the rule change request, stakeholder submissions and feedback. We also had regard to our assessment criteria outlined below and in chapter 2.
- 13 We note most stakeholder submissions and feedback considered poor processes and an inaccurate life support register can create significant risks for life support customers, including delayed or inappropriate responses during emergencies, wrongful disconnection, with potentially life-threatening consequences. However, stakeholder views on the cause of the problems and proposed solutions varied widely on each issue. Further details on stakeholder views are contained in chapters three to five of this determination.
- 14 This draft determination covers three key themes. These are:
- Theme 1: Improving definitions to better serve life support customers, and related civil penalties for breaches. This covers definitions in the NERR and related civil penalties.
 - Theme 2: Improving the deregistration and registration process. This covers processes around registration, ongoing obligations to registered customers, and deregistration of life support customers.
 - Theme 3: Improving communication methods to contact life support customers. This covers communications between industry and life support customers.

The draft rule updates definitions and does not reduce important penalties (Theme 1)

- 15 The draft rule adds definitions to improve protections for life support customers. It enables life support customers who rely on life support equipment to avoid death or permanent injury to be identified, assisting retailers and distributors to more effectively respond to outages. Finally, it recognises the key importance of penalties in ensuring life support protections are delivered to consumers.
- 16 While emergency response and planning are the responsibility of jurisdictions, the Commission considers the capture of this information will assist energy providers, specifically distributors, to plan and respond to outages, and has the potential to enhance jurisdictional responses in emergency response situations, where information sharing is enabled.
- 17 The determination would do this by:
- Allowing medical practitioners to identify customers with a life-threatening condition through the medical confirmation form. The Commission expects this information will be used by retailers and distributors to improve their response to outages. In order for the efficacy of this policy to be assessed over the longer term:
 - retailers would report on the number of these customers to the AER. The AER would report this information in their retail market performance reports.
 - distributors would publish information on their websites on how they use life support information, including for those with life-threatening needs.
 - Adding the definition “life support user” to improve communications between industry and life support customers - identifying who is using the life support equipment in the customer’s premises.
 - Highlight that the widely understood definition of medical practitioner means a medical doctor or specialist, and these parties should be assessing life support customers, while capturing their details on the medical confirmation form.
 - Not amending the life support equipment list, and maintaining the existing list, which allows doctors discretion to specify the equipment needed by life support customers.
 - Not reducing penalties or reporting requirements for breaches relating to any life support customers, reflecting the serious potential consequences of breaches of these protections.
- 18 Further details on the proposed changes for theme 1 are outlined in Chapter three.

The draft rule seeks to improve the processes for registering and deregistering a life support customer (Theme 2)

- 19 The draft rule recognises that the existing processes around registering and deregistering life support customers are unclear, adding confusion and risks for consumers, costs and duplication for distributors and retailers, and inaccuracy potentially impacting the life support register. The Commission considers the proposed changes would support the accuracy of the register, while minimising costs and risks to life support customers, who may be experiencing vulnerability.
- 20 The draft rule would do this by:
- Making retailers responsible for life support registrations and deregistrations, in line with their primary market role, streamlining customer interactions and ensuring they can have one point of contact for managing their life support requirements. Customers will still be able to reach out to either their retailer or distributor to sign up for life support protections.
 - Improving the registration process by:

- requiring retailers to ask all new customers if they require life support protections when they sign up
- placing time limits around information sharing to ensure protections are applied to customers as quickly as possible
- standardising medical confirmation forms to ensure they are easy for medical practitioners to fill out, and to make sure businesses are capturing and sharing consistent information
- requiring retailers inform embedded network operators about life support customer registrations and updates (an issue raised through consultation).
- Requiring retailers to annually check to confirm the life support customer’s registration details remain accurate, and if they still require protections at their premises.
 - To make sure the register as accurate as possible, where a customer has not previously provided a medical confirmation form, the retailer will provide one, reminding the customer to return it.
- Strengthening the deregistration process by:
 - Adding a penalty to ensure retailers deregister life support customers where the customer asks, removing the frustration and distress of repeated requests and improving the accuracy of the register. The draft rule will also allow deregistration to be expedited where the customer consents, removing delays.
- The draft rule would not:
 - mandate deregistration where a customer does not provide medical confirmation
 - limit the number of registration attempts a customer can make
 - require customers to re-register after a given period.
- Life support protections will also continue to apply to gas connections. To reduce registrations in error, medical confirmation forms will identify if customers require protections for equipment powered by gas or electricity.

21 Further details on the proposed changes for theme 2 are outlined in Chapter four.

The draft rule seeks to improve communications with life support customers (Theme 3)

22 The draft rule recognises it is critical that life support customers can be contacted and provided with key information in the case of planned and unplanned outages, and are supported in responding to such communication. The draft rule would do this by:

- Allowing the details of a second person to be captured on the medical confirmation form. This person would also receive life support notifications to assist the life support customer in responding to outage notifications, and also in responding to the annual check conducted by retailers.
- Allowing the customer and secondary contact’s electronic contact details (mobile phone numbers and email addresses) to be captured during medical confirmation, and clarifying that electronic communication methods can be used for outage notifications, according to the customer’s preferences.

23 The Commission considers these improved communications will allow communication to occur according to each customer’s preferences, and would improve the ability of life support customers to plan and respond to outages effectively. Further details of the proposed changes for theme 3 are outlined in Chapter five.

The draft rule would promote the National Energy Retail Objective (NERO)

24 In making our draft rule, we have considered the NERO by applying the assessment criteria outlined in the consultation paper.¹ For this draft determination, we also had regard to promoting equitable energy outcomes for households that may require life-support protections. This complements the AEMC’s new guidance to ensure issues of equity are consistently and transparently addressed in a structured way when we are making rule changes and delivering recommendations – that is putting a consistent focus on:

- accounting for the diversity of consumer needs, experiences and preferences
- removing structural barriers to participation
- avoiding creating or exacerbating vulnerability.

25 The draft rule seeks to promote equity, so life support customers have the support and protection they need, particularly those who may face additional barriers to engaging with the market or their retailer.

26 We consider the draft rule would meet the assessment criteria in the following ways:

1. **Outcomes for consumers:** The draft rule supports all customers with life support requirements to receive life support protections by maintaining low barriers to customers in accessing protections, and not establishing different protections or different penalties for groups of life support customers. It also maintains consumer choice and agency over how the protections are sought and how customers are contacted.
2. **Principles of market efficiency:** The draft rule would likely maintain or promote market efficiency by:
 - Considering existing roles, responsibilities, and processes, so these are allocated to appropriate parties within the energy sector. By making retailers responsible for registration and deregistration processes, the draft rule aligns with how most life support customers interact with the energy market.
 - Supporting businesses’ information and improving information-sharing around life support requirements, including in relation to embedded networks.
 - Minimising structural barriers to enable all consumers to access benefits relating to energy by ensuring consumers can still access protections if they are unable to obtain a medical confirmation form.
3. **Implementation considerations:** The draft rule seeks to minimise implementation costs by leveraging current practice and existing systems and processes. As noted, recognising that retailers are the primary party responsible for customer interactions, including registering and deregistering life support customers.
4. **Principles of good regulatory practice:** The draft rule provides an appropriate level of prescription in terms of regulatory approach. For example, it mandates retailers check in annually with life support customers to ensure they still require protections, and ensures they will be deregistered if the retailer is advised this is not the case. The draft rule also aims to promote simplicity and transparency for stakeholders. It clearly identifies the ongoing responsibilities of customers, retailers, and DNSPs. The Commission anticipates this would support the accuracy of life support registers and minimise operating costs over time.

¹ Section 13 of the NERL.

The draft rule would come into effect on 1 December 2027

- 27 This draft determination and draft rule proposes a commencement date of December 1, 2027. This applies across all components of the draft rule except the transitional arrangements, which will commence when the final rule is made.
- 28 The draft rule includes transitional arrangements to enable the implementation of the rule by the effective date of 1 December 2027. In addition, the transitional rules recognise processes undertaken or commenced before the effective date, for example, by recognising:
- registration processes of a life support customer underway at the effective date can be completed
 - deregistration processes of a life support customer underway at the effective date can be completed.
- 29 The Commission considers this timeframe is appropriate and allows time for:
- updates to Business-to-business (B2B) systems, which have their own consultation and implementation process
 - the AER and ESC to develop a consistent medical confirmation form for use in all National Energy Market (NEM) jurisdictions
 - the AER to update guides, including the Life support registration guide, and Retail performance reporting guide
 - retailers and distributors to update their internal systems and standard contracts
 - retailers, distributors, and others, to communicate the incoming changes to life support customers.

How to make a submission

We encourage you to make a submission

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

How to make a written submission

Due date: Written submissions responding to this draft determination and rule must be lodged with Commission by **16 April 2026**.

How to make a submission: Go to the Commission's website, www.aemc.gov.au, find the "lodge a submission" function under the "Contact Us" tab, and select the project reference code RRC0064.²

Tips for making submissions on rule change requests are available on our website.³

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).⁴

Next steps and opportunities for engagement

There are other opportunities for you to engage with us, such as one-on-one discussions or industry briefing sessions.

You can also request the Commission to hold a public hearing in relation to this draft rule determination.⁵

Due date: Requests for a hearing must be lodged with the Commission by 12 March 2026.

How to request a hearing: Go to the Commission's website, www.aemc.gov.au, find the "lodge a submission" function under the "Contact Us" tab, and select the project reference code RRC0064. Specify in the comment field that you are requesting a hearing rather than making a submission.⁶

For more information, you can contact us

Please contact us via [the project page](#).

2 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

3 See: <https://www.aemc.gov.au/our-work/changing-energy-rules-unique-process/making-rule-change-request/our-work-3>

4 Further information about publication of submissions and our privacy policy can be found here: <https://www.aemc.gov.au/contact-us/lodge-submission>

5 Section 258(2) of the NERL.

6 If you are not able to lodge a request online, please contact us and we will provide instructions for alternative methods to lodge the request.

Contents

1	The Commission has made a draft determination	1
1.1	Our draft rule aims to improve the processes of registering and serving life support customers	2
1.2	Stakeholder feedback has shaped our draft determination	4
1.3	Our determination aligns with our strategic vision for a consumer focused energy system	6
1.4	The ESC Vic is considering the same issues in their life support review	6
1.5	The draft rule would come into effect on 1 December 2027	6
2	The rule would contribute to the energy objectives	8
2.1	The Commission must act in the long-term interests of energy consumers	8
2.2	We must also take these factors into account	8
2.3	How we have applied the legal framework to our decision	9
3	Improving definitions to better serve life support customers, and related civil penalties for breaches (Theme 1)	12
3.1	Allowing identification of life support customers with life threatening conditions	13
3.2	Adding or maintaining other definitions	17
3.3	We do not recommend reducing civil penalties or reporting requirements	20
4	Improving the registration and deregistration processes (Theme 2)	22
4.1	Streamlining the registration of life support customers and supporting processes	23
4.2	The medical confirmation process should be strengthened and streamlined	27
4.3	Retailers would check annually if customer details remain up to date, and share updates	31
4.4	The deregistration process would be strengthened while minimising risks to life support customers	35
4.5	There are no changes to the requirements around back-up planning	37
4.6	Retailers would be required to notify embedded networks about life support registrations	38
4.7	Other issues related to registration and deregistration	39
5	Improving communication methods to contact life support customers (Theme 3)	43
5.1	Enabling a second person to be contacted about planned outages	43
5.2	Enabling electronic contact details to be captured for life support customers	45
5.3	The draft rule clarifies that electronic communications methods are permitted for notifications	46
Appendices		
A	Rule making process	48
A.1	SA Power Networks and Essential Energy proposed a rule to improve life support customers' outcomes by amending definitions and processes	48
A.2	The process to date	49
A.3	The Essential Services Commission is reviewing the life support framework in Victoria	49
B	Legal requirements to make a rule	50
B.1	Draft rule determination and draft rule	50
B.2	Power to make the rule	50
B.3	Commission's considerations	50
B.4	Civil penalty provisions and conduct provisions	50

C	Summary of other issues raised in submissions	53
D	Summary of proposed updated roles, responsibilities, and processes	56
	Abbreviations and defined terms	58

Tables

Table 3.1:	Existing and proposed list of life support equipment	18
Table 4.1:	Minimum content requirements for medical confirmation form	28
Table A.1:	Themes and issues in this rule change	48
Table B.1:	Civil penalty recommendations	51
Table C.1:	My table title	53

1 The Commission has made a draft determination

The Commission has made a draft more preferable retail rule (draft rule) in response to the rule change request submitted by Essential Energy and SA Power Networks (SAPN) (the proponents) on 23 August 2024.

The rule change request sought 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.

The rule change stems from the Energy Charter’s #BetterTogether Life Support Customer initiative and consultation. The findings of this work led the proponents to suggest that life support registers are inaccurate because of unclear processes and responsibilities, including:

- Retailers and distributors cannot readily identify life support customers using life sustaining equipment (i.e. those with higher needs) compared to those that rely on life support equipment to improve the quality of life.⁷
- 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 Australian Energy Regulator (AER) recently published data indicating more than 225,000 premises are registered for life support protections, including more than 70,000 customers registered without medical confirmation.⁸ This indicates community need for life support protections, but also that the processes around the registration and deregistration in the NERR need to be robust so those customers who need protections most can access them.

The Commission’s draft rule recognises life support protections are critical for supporting customers who use energy-dependent equipment at home, and access to those protections should be broad and fair. It also recognises an accurate register is important to ensure life support protections are applied consistently.

The proposed changes and the draft rule seek to maintain access to protections for these consumers, while ensuring the register becomes more accurate over time. To achieve this, our draft rule clarifies roles and improves definitions, registration and deregistration processes, and information capture, supporting a more accurate register while minimising costs and risks to consumers.

The expected timeline for implementation is around 18 months, with a commencement date of 1 December 2027 as set out in the draft rule.

We are seeking feedback on our draft determination and the draft rule by 16 April 2026. There are a variety of ways to provide feedback, including by providing formal submissions.

This draft determination has the following chapters:

- Chapter one (this chapter) provides an overview of what our draft rule seeks to introduce and the inputs we have considered, including stakeholder feedback and how the draft determination relates to the Australian Energy Market Commission’s (AEMC or Commission) strategic priorities and other broader reforms.

⁷ While the rule change request focussed on electricity distribution network providers, this determination covers both electricity and gas network providers.

⁸ AER, Retail energy market performance update for Quarter 1, 2025–26, Schedule 6.

- Chapter two sets out our assessment framework and summarises how the Commission considers the draft rule would contribute to achieving the National Energy Retail Objective (NERO).
- Chapters three to five outline how our draft rule would work in terms of obligations on retailers, distributors, and embedded network managers, how it seeks to improve outcomes for consumers, and provides supporting reasoning for the draft rule.
- There is also a set of appendices including:
 - rule-making process and proposals for civil penalty provision recommendations
 - legal requirements to make a rule
 - abbreviations
 - other issues raised during consultation.

1.1 Our draft rule aims to improve the processes of registering and serving life support customers

The draft determination sets out policy positions and the draft rule covering three themes:

- Theme 1: Improving definitions to better serve life support customers, and related civil penalties for breaches.
- Theme 2: Improving the deregistration and registration process.
- Theme 3: Improving communication methods to contact life support customers.

A summary of changes under each theme is provided below.

Theme 1: Improving definitions to better serve life support customers, and related civil penalties for breaches.

This theme covers and clarifies definitions to ensure protections are delivered to those most in need.

The draft rule makes the following changes to improve the application of protections to life support customers:

- Allowing medical practitioners to identify life support customers with a life-threatening condition via the medical confirmation form process. This will support retailers and distributors to plan for and respond to outages.
 - Retailers would be required to capture, store and report relevant information to the AER as part of retail performance reporting.⁹ The AER would report the relevant information as part of its retail performance reports.¹⁰
 - Distributors will be required to provide information on their website indicating how they use life support information, including information about life-threatening conditions.
 - While emergency response and planning are the responsibility of jurisdictions, the Commission considers the capture of this information will assist energy providers, specifically distributors, to plan and respond to outages, and has the potential to enhance jurisdictional responses in emergency response situations, where information sharing is enabled.
- Introducing the definition “life support user” - the person who uses life support equipment at the premises.

⁹ AER, [Retail performance reporting procedures and guidelines](#)

¹⁰ <https://www.aer.gov.au/industry/retail/performance-reporting>

- The draft rule does not amend or add the following definitions:
 - Life support equipment. Determining the life support equipment required by a customer is at the discretion of a medical practitioner. The NERR list of equipment functions is a non-exclusive list of the equipment that provides life support, and as such, updating it is unnecessary.
 - Registered medical practitioner. The term has a widely understood meaning, being a medical doctor registered to practice in a relevant jurisdiction, so adding a definition is not necessary. However, extra details will be captured on the medical confirmation form to identify the medical practitioner.

The Commission notes and supports efforts by the Energy Charter #BetterTogether Life Support Customers initiative¹¹ to advocate and raise awareness of life support processes, including with energy customers and medical practitioners. The Commission considers this initiative can promote further awareness of the proposed standardised medical form and definitions in this rule change request.

Further detail on the proposed changes and the Commission’s reasoning is provided in chapter 3.

Theme 2: Improving the deregistration and registration process.

This theme covers those processes that ensure the customer experience is simplified and the life support register can become more accurate over time.

The draft rule makes numerous changes to existing arrangements, including:

- making retailers responsible for registering and deregistering life support premises, streamlining customer interactions and clarifying roles for industry
- requiring retailers to ask all new customers if they require life support protections at sign up to make sure customers are asked if there is a life support user at the premises
- standardising medical confirmation forms, and placing timeframes around medical confirmation reminder notices to improve the accuracy of the register
- requiring retailers to annually check in with life support customers to:
 - ensure their details remain up to date, and they still require protections
 - review their backup plan
 - provide a medical confirmation form if they have not previously done so
- tightening timeframes for sharing registrations and any updated customer information between retailers and distributors to make sure protections are applied quickly
- strengthening deregistration by mandating that customers be deregistered when they request it
- improving protections for on-market embedded network customers by making sure the relevant parties have the appropriate customer information
- the draft rule also ensures life support protections are available to those who most need them by:
 - maintaining retailer discretion on deregistering life support customers who have not provided medical confirmation, to enable retailers to respond to the specific circumstances of customers, where appropriate
 - not placing limits on the number of registration attempts a customer can make without providing a medical confirmation form

¹¹ <https://www.theenergycharter.com.au/life-support/>

- clarifying that gas customers can still access life support protections.

Further detail on the proposed changes and the Commission’s reasoning is provided in chapter 4.

Theme 3: Improving communication methods to contact life support customers.

This theme aims to ensure communication is conducted in a way that meets consumer preferences while supporting the application of protections.

The draft rule would improve communication between retailers, distributors and life support customers, including by allowing the:

- Contact details of a second person to be captured on the medical confirmation form. This person would receive life support notifications so they can assist the life support customer or user to respond to and prepare for updates and outages.
- Capture and use of electronic contact means (email and mobile number) to ensure the customer can be reached efficiently, and using their preferred means.

The draft determination also makes several recommendations, including:

- The Department of Climate Change, Energy, the Environment and Water (DCCEEW), through its Better Energy Customer Experiences (BECE) reforms, considers:
 - improving communications for life support customers in embedded networks, to ensure customer needs are communicated quickly, and notifications are delivered efficiently
 - protections for life support customers in VPPs, where the VPP is run by an off-market participant, and there may be curtailment of air conditioning or heating.
- There is ongoing consideration of a central register (or priority services register) by governments to manage life support registration and deregistration, and allow continuity of protections during retailer switching.
- The AER considers updating its Network Exemption and Retail Exempt Selling Guidelines to align with the NERR.

Further detail on the proposed changes and the Commission’s reasoning is provided in chapter 5.

1.2 Stakeholder feedback has shaped our draft determination

Stakeholder input and feedback helped shape the Commission’s considerations and draft determination.

- We received 32 stakeholder submissions to the consultation paper, from a range of stakeholders including consumer groups, retailers, distributors, market bodies, ombudsmen, and a peak medical body. These submissions provided a range of views on each of the three themes and issues, with some highly supportive of all changes, and others raising issues with all or some proposals.
- We also held a number of bilateral and multilateral stakeholder meetings, including briefings and workshops with consumer groups, retailers, and distributors.
- We have taken this feedback into account for the draft determination and draft rule.

Overarching feedback to the consultation paper was that processes and an inaccurate life support register can create significant risks for life support customers, including delayed or inappropriate responses during emergencies, wrongful disconnection, and potentially life-threatening consequences.

Consumer groups also provided feedback that barriers to accessing life support protections must remain low. This was reiterated in particular for vulnerable and remote consumers who must have

access to life support protections when they need them. We have taken this feedback into account, and our draft rule seeks to improve the accuracy of the life support register while ensuring protections for life support customers are maintained.

Stakeholders supported some definitional changes

Many stakeholders indicated their broad support for the definitional changes proposed in the rule change request.¹² All distributors, some retailers, the AER, the AMA, ombudsmen, and some consumer groups, supported identifying customers with higher (i.e. life-threatening) needs to help triage effort during outages.¹³ Consumer groups and some retailers were against creating an “assistive” category of life support equipment and reducing penalties for breaches.¹⁴ Some distributors highlighted that mandating extra industry requirements during unplanned outages under the NERR would impose significant and unsustainable costs on distributors due to operational limitations.¹⁵

The draft rule enables the identification of customers with higher needs without amending protections or reducing penalties for failure to provide protections to any other life support customers. Stakeholders were also mixed in their support for amending or adding other proposed definitions, including life support user, medical practitioner, and an amended list of life support equipment. The Commission has considered these positions for the draft determination on these issues.

Some stakeholders supported improving processes, but proposed different approaches

Many stakeholders agreed current roles can cause confusion and inconsistency in life support registration and deregistration.¹⁶ However, there were mixed views on how best to address this. Some suggested existing roles are appropriate, if clarified.¹⁷ Others suggested processes could be improved by passing responsibility for registration and deregistration either to retailers or distributors.¹⁸

The Commission considered these views in determining retailers should be responsible for the registration and deregistration process, while strengthening and adding processes to ensure the life support register remains accurate while maintaining protections for life support users.

Stakeholders overwhelmingly supported improving communications

Stakeholders were largely in favour of improving communications to life support customers. Many considered adding a secondary contact would improve the safety and experience of life support users so relevant individuals have the greatest chance of being notified of and during outages.¹⁹ Other stakeholders also supported enabling electronic communications, according to customers’ preferences, and so long as hard copy communications remain permitted.²⁰

12 Submissions to the consultation paper: AGIG, p. 1; Ausgrid, p. 3; Endeavour, p. 5; Energy Queensland, p. 2; Locality Planning Energy, p. 2; Red and Lumo, p. 1; AGL, p. 3; EnergyAustralia, p.2; Essential Energy, p. 1; Jemena, p. 2; SA Power Networks, p. 4.

13 Submissions to the consultation paper: ENA, p. 1; AER, pp. 1-2; AGIG, p. 2; AGL, p. 3; Red and Lumo, p. 1, TasNetworks, p. 1, SA Power Networks, p. 1; Jemena, p. 1; Energy and Water Ombudsman New South Wales (EWON), Energy and Water Ombudsman Queensland (EWOQ), Energy and Water Ombudsman South Australia (EWOSA), p. 2; Essential Energy, p. 1; EnergyAustralia, p. 1; Energy Queensland, p. 2; Endeavour Energy, p. 2; AusNet, p. 1; Ausgrid, p. 1, AMA, p. 1; JEC - Joint submission, p.17.

14 Submissions to the consultation paper: Alinta, p. 2; CALC, p. 4; JEC - Joint submission, p. 16; South Australian Council of Social Service (SACOSS), pp. 6, 13; Origin, p. 2; Shell Energy, p. 3; Energy Consumers Australia (ECA), p. 7; COTA, p. 5.

15 Submissions to the consultation paper: ENA, p. 3; Endeavour Energy, p. 2.

16 Submissions to the consultation paper: AGL, pp. 1, 4; Endeavour, pp. 2, 5, 6; Ausgrid, pp. 4-5; AusNet, pp. 6-7; Energy Queensland, p. 3; EnergyAustralia, pp. 2-3; Shell, p. 1; Stanwell, p. 1; SA Power Networks, p. 6; Origin, p. 1; Evoenergy, p. 3; JEC - Joint submission, p. 11.

17 Submissions to the consultation paper: COTA, p. 7; ENGIE, pp. 2-3; Energy Queensland, p. 3; ECA, pp. 6, 11; Jemena, p. 3.

18 Submissions to the consultation paper: Endeavour, p. 3, AusNet, p. 5; AGL, p. 1; ENA, p. 2; JEC - Joint submission, p. 17; Shell, p. 2; ECA, p. 7; Origin, p. 5.

19 Submissions to the consultation paper: EWON, EWOQ and EWOSA, p. 6; COTA, pp. 10-11; AGL, p. 7; Endeavour, pp. 3, 7; Ausgrid, p. 8; Jemena, p. 3; Evoenergy, p. 6; AER, p. 2; ARATA, p. 5; ECA, p. 16; SA Power Networks, p. 10; ENA, p. 2; JEC - Joint submission, p. 4; AusNet, p. 5.

The draft rule aligns with these views, and streamlines communications with life support customers to enhance the application of protections.

Stakeholders also raised other issues relating to life support in response to the consultation paper.

This includes the application of life support protections to:

- Gas connections, with opinions split on how protections should continue to apply to gas customers, if at all.²¹ The draft rule maintains life support protections for gas customers, noting some customers still rely on gas powered equipment, particularly for heating.
- Embedded networks, including information sharing requirements.²² The draft rule requires retailers to inform embedded network operators of relevant life support registrations and updates.
- VPPs, where heating or cooling could be curtailed for life support customers.²³

The Commission notes that the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW), through its Better Energy Customer Experiences (BECE) reforms are considering wider reforms for life support customers and embedded networks. The Commission recommends to close information sharing gaps with embedded networks and other gaps in protection frameworks, including those relating to VPPs is also considered.

1.3 Our determination aligns with our strategic vision for a consumer focused energy system

This draft determination and the draft rule contribute to our vision for [A consumer-focused net zero energy system](#), specifically our consumer priority that seeks to inform, empower and protect consumers individually and as a collective. The draft rule seeks to maintain low barriers for life support customers to access life support protections and improve definitions, processes and communications to ensure they are applied as consistently as possible for all life support customers.²⁴ See chapter 2 for more detailed discussion of our assessment considerations for this rule change.

1.4 The ESC Vic is considering the same issues in their life support review

The ESC Vic has [initiated a review](#) to consider the same issues raised in the AEMC rule change request. Throughout this rule change process, we have sought to align the proposed changes with ESC Vic to the extent possible, including holding joint stakeholder briefings.

1.5 The draft rule would come into effect on 1 December 2027

This draft determination and draft rule proposes a commencement date of December 1, 2027. This applies across all components of the draft rule except the transitional arrangements, which will commence when the final rule is made.

20 Submissions to the consultation paper: AusNet, p. 2; Jemena, p. 13; SA Power Networks, p. 10; ECA, p.16; Origin, p. 7; SACOSS, pp. 22-23; Essential Energy, p. 7; Ausgrid, p. 8; Energy Queensland, p. 6; COTA, p. 11; Locality Planning Authority, p. 4; Jemena, p. 13; Ausgrid, p. 8.

21 Submissions to the consultation paper: AEC, p. 2; AGIG, p. 2; Endeavour Energy p. 5; EvoEnergy, p. 3; AGL, p. 3; EnergyAustralia, p. 2; Origin, p. 8; Red and Lumo, p. 3; SA Power Networks, p. 5, CALC, p. 9; Jemena, p. 12; AusNet, p. 4.

22 Submissions to the consultation paper: COTA, p. 5; JEC - Joint submission, p. 25; ECA, p. 13; CALC, p. 15; Ausgrid, Origin, p. 9; Locality Planning Authority, pp. 2-4.

23 Energetic Communities, submission to the consultation paper, p. 3.

24 See the AEMC's A consumer-focused net-zero energy system [here](#).

The draft rule includes transitional arrangements to enable the implementation of the rule by the effective date of 1 December 2027. In addition, the transitional rules recognise processes undertaken or commenced before the effective date, for example, by recognising that:

- registration processes of a life support customer underway at the effective date can be completed
- deregistration processes of a life support customer underway at the effective date can be completed.

The Commission considers this timeframe is appropriate and allows time for:

- updates to Business-to-business (B2B) systems, which have their own consultation and implementation process²⁵
- the AER and ESC Vic to develop a consistent medical confirmation form for use in all National Energy Market (NEM) jurisdictions
- the AER to update guides, including the Life support registration guide, and Retail performance reporting guide
- retailers and distributors to update their internal systems and standard contracts
- retailers, distributors, and others, to communicate the incoming changes to life support customers.

25 IEC, submission to the consultation paper, p.1.

2 The rule would contribute to the energy objectives

2.1 The Commission must act in the long-term interests of energy consumers

The Commission can only make a rule if it is satisfied that the rule will or is likely to contribute to the achievement of the relevant energy objectives.²⁶

For this rule change, the relevant energy objective is the NERO:

The NERO is:²⁷

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.²⁸

2.2 We must also take these factors into account

2.2.1 We have considered whether to make a more preferable rule

The Commission may make a rule that is different, including materially different, to a proposed rule (a more preferable 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.²⁹

For this rule change, the Commission has made a more preferable draft rule. The reasons are outlined below.

2.2.2 We have considered the consumer protections test for this rule change

In addition to applying the NERO, the Commission must, 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).³⁰ Where the consumer protections test is relevant in making a rule, the Commission must be satisfied that both the NERO test and the consumer protections test have been met.³¹ 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).

26 Section 236(1) of the NERL.

27 Section 13 of the NERL.

28 Section 224A(5) of the NERL.

29 Section 244 of the NERL.

30 Section 236(2)(b) of the NERL.

31 That is, the legal tests set out on sections 236(1) and (2)(b) of the NERL.

The Commission is satisfied the draft rule meets the consumer protections test. The Commission has maintained the application of consumer protections across all life support customers while improving definitions, processes, and communication channels.

2.3 How we have applied the legal framework to our decision

The Commission has:

- considered the NERO
- the issues raised in the rule change request, and
- assessed the draft preferable rule against the four assessment criteria outlined in its consultation paper.

We identified the following criteria to assess whether the proposed rule change, no change to the rules (business-as-usual), or other viable, rule-based options are likely to better contribute to achieving the NERO. The Commission also considered equity and the impacts on and barriers to participation for these consumers as part of our assessment criteria.

The AEMC has developed guidance to ensure issues of equity are consistently and transparently addressed in a structured way when we are making rule changes and delivering recommendations – that is, putting a consistent focus on accounting for the diversity of consumer needs, experiences and preferences; removing structural barriers to participation; and avoiding creating or exacerbating vulnerability.³²

- **Outcomes for consumers.** We considered 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.
- **Principles of market efficiency.** We considered the impact of changes to life support roles and responsibility, including the impact on the:
 - allocation of risks and costs between retailers, distributors 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.
- **Implementation considerations.** We considered 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.
- **Principles of good regulatory practice.** We considered 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.

³² See AEMC guidance on “How the national energy objectives shape our decisions”.

2.3.1 The draft more preferable rule would support consumer outcomes by making life support protections consistent and easily accessible

The draft rule is likely to deliver outcomes for consumers by:

- **Supporting life support protections to be applied consistently across consumers.** The draft rule supports all customers with life support requirements to receive life support protections by maintaining low barriers to customers in accessing protections, and not establishing different protections or different penalties for groups of life support customers.
- **Maintaining customer choice and agency over how they seek life support protections and how they are contacted.** The Commission understands some consumers may contact either their retailer or distributor to advise of life support requirements. The draft rule allows consumers to advise either party that a life support user resides or intends to reside at a premises. Noting this, retailers are responsible for registration and deregistration. It also allows customers to be contacted by electronic means, according to their preferences.
- **Maintaining equitable access to life support protections and avoiding placing risks on life support customers.** The draft rule aims to mitigate the risks to consumers, particularly those experiencing vulnerability, from being excluded from life support protections for not being able to provide medical confirmation.

2.3.2 The draft more preferable rule would promote market efficiency, particularly in the registration and deregistration process

The draft rule is likely to promote market efficiency by:

- **Streamlining industry processes for managing life support registers.** The draft rule seeks to simplify roles and responsibilities, and information-sharing, within the registration and deregistration process by allocating the process to one party (retailers). The Commission considers this would support life support registers in having accurate customer information related to life support.
- **Strengthening the deregistration process.** The draft rule strengthens the deregistration requirements so customers who no longer have life support requirements are deregistered. This would support businesses to provide life support protections to customers who still have a life support user at their premises.
- **Support businesses to have consistent and up-to-date life support customer information.** The draft rule seeks to support the accuracy of life support registers, including relevant customer information, by placing new requirements on retailers to regularly check with life support customers on their life support status and relevant contact details.
- **Reduces costs and barriers for customers and businesses.** The draft rule considers existing roles, responsibilities, and processes, allocating them to appropriate parties within the energy sector. By making retailers responsible for registration and deregistration processes, the draft rule aligns with how most life support customers interact with the energy market.

2.3.3 The draft more preferable rule aligns frameworks with Victoria

The draft rule also seeks to align life support processes and responsibilities with those developed by the ESC Vic through its concurrent review of retail and distribution codes. The AEMC and ESC Vic have worked closely to develop policies that will minimise differences between jurisdictions. This will reduce duplication and costs for retailers and distributors, by enabling consistent information flows and processes for businesses who operate in multiple jurisdictions.

In response to the draft rule, the Commission expects the AER to update the Life support registration guide and Retail performance reporting procedures and guidelines to clarify processes and reporting obligations. The AER may also consider updating its network exemption and exempt selling guides to reflect this rule.

2.3.4 The draft more preferable rule aims to set clear roles and responsibilities and minimise costs

Given the importance of life support protections, the draft rule adds prescription where required, setting clear roles, responsibilities, and obligations around information sharing during the registration and deregistration process. The Commission anticipates this would support the accuracy of life support registers and minimise operating costs over time.

3 Improving definitions to better serve life support customers, and related civil penalties for breaches (Theme 1)

This chapter sets out the Commission’s draft rule and reasoning covering Theme 1 and changes to:

- identifying life support customers with a life-threatening condition
- improving and adding definitions to clarify the application of life support protections
- maintaining civil penalties for breaches.

In summary, the Commission has made a draft rule that:³³

- identifies life support customers with a life-threatening condition:
 - medical practitioners would be able to identify life support users with a life-threatening condition on the medical confirmation form
 - Retailers would be required to capture, store and report relevant information to the AER as part of retail performance reporting.³⁴ The AER would report the relevant information as part of its retail performance reports.³⁵
 - distributors would publish information on their websites on how they use life support information, including for those with life-threatening needs.³⁶
- Improving and adding definitions:
 - “Life-threatening condition”: means, in relation to a life support user, a condition that a registered medical practitioner has identified in the relevant medical confirmation as being one where the life support user would be at likelihood of death or permanent injury if the life support equipment used by that life support user was to be without power during a prolonged interruption.³⁷
 - “Life support user”: means a person who requires life support equipment. This is to differentiate between the person who needs life support equipment (life support user) and the account holder (the customer), allowing smoother communication between retailers and distributors and life support customers. The customer advises whether there is a person who resides or intends to reside at the premises who is a life support user.

These changes will maintain consistent protections for all life support customers while providing businesses with the information they need to respond effectively in emergency situations, where possible. While emergency response and planning are the responsibility of jurisdictions, the Commission considers the capture of this information also has the potential to enhance jurisdictional responses in emergency response situations, where information sharing is enabled. They will also add transparency around the use of life support information and improve communications between customers and industry.

The Commission has not made the following changes as proposed in the rule change request:

33 Draft rule, rules 80, 123A, 123B(3)(d)(iii), 126(b)(iii) and 167.

34 AER, [Retail performance reporting procedures and guidelines](#)

35 <https://www.aer.gov.au/industry/retail/performance-reporting>

36 Distributors for this rule change refer to both electricity and gas distributor network providers.

37 Draft rule, rule 123A.

- Not recommending different penalties for breaches between critical and assistive life support customers.
- Not amending the definition of life support equipment. This list serves as a guide, and the customer’s life support equipment needs ultimately remain at the discretion of the medical practitioner.
- Not adding the definition of registered medical practitioner. This term is widely understood to mean a medical doctor or specialist. However, the medical confirmation form will be strengthened to require further details of the practitioner, including their registration number.

Civil penalties:

- Recommending a tier two civil penalty for not deregistering life support customers when the customer requests it.

3.1 Allowing identification of life support customers with life threatening conditions

Currently, the NERR does not distinguish between life support users with differing levels of need.³⁸ The life support protections in the NERR regulate retailer and distributor responsibilities around planned outages, but these specific protections do not include requirements for retailers or distributors during unplanned outages.³⁹

The proponents suggested retailers and distributors 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.⁴⁰ They suggested achieving this by adding definitions to identify the level of customer need, which they consider would remove ambiguity and allow retailers and distributors to triage risk and allocate resources effectively, including during unplanned outages.⁴¹

The proposed definitions set out in the rule change request included:⁴²

- 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.

This triage would rely on medical practitioners indicating whether a customer’s life support equipment should be considered critical or assistive during medical confirmation. The proposal was not paired with any additional or strengthened consumer protections under the NERR for customers identified as “critical”. Existing protections would continue to apply equally, regardless of category. However, the rule change request suggested the civil penalty for failing to notify an assistive life support customer of a planned outage be reduced from tier 1 to tier 2, in line with the potential harm.

Many stakeholders supported the potential benefit of identifying customers with higher needs, especially during unplanned outages.

38 NERR, Part 7, rule 123A

39 NERR, Part 7.

40 SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 21.

41 SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 21

42 SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 22

Distributors, some retailers, the AMA, and ombudsmen supported the intent of the proposal, suggesting it would aid in triaging the protection of higher life support customers with needs during longer outages at a low cost to industry.⁴³ The AER supported the intent of the proposal, noting it is important the processes and register are robust to support life support customers. It also noted alignment between jurisdictions is important.⁴⁴

It was reiterated that triaging of customers was hampered under the existing arrangements by the absence of the capability to efficiently prioritise support for life support customers with higher needs. Some stakeholders noted this could mean available resources may be stretched, an issue compounded by other challenges, such as telecommunications outages.⁴⁵

Both ENA and Endeavour Energy, while supporting the proposal, highlighted operational limitations during large-scale unplanned outages, and suggested that mandating extra industry requirements during unplanned outages under NERR would impose significant and unsustainable costs on distributors.⁴⁶

A number of stakeholders did not support creating a distinction between critical and assistive life support equipment

While many noted the potential benefit of identifying life-support customers with higher needs, all consumer groups and some retailers did not support the proposal. These stakeholders raised concerns about the risk of reduced retailer or distributor effort toward consumers with “assistive” needs, who may still be at higher risk, as well as the potential to increase complexity and costs.⁴⁷ Others noted additional administrative costs for industry.⁴⁸ Consumer groups were particularly concerned with the proposal to reduce penalties for failure to notify assistive customers.⁴⁹

While medical practitioners themselves considered creating the critical/assistive distinctions to be feasible, Origin noted that medical professionals may take a risk-averse approach and categorise most or all patients as critical, potentially undermining the purpose of the distinction.⁵⁰

Several submissions raised the need for guidance around how critical and assistive distinctions should be used, including their extension to unplanned outages.⁵¹ ENGIE suggested that distinguishing between critical and assistive life support users is only useful to the extent there will be different regulatory obligations and protections for the two types of life support users, accompanied by clear definitions.⁵²

Similarly, some consumer groups questioned whether the proposal would improve outcomes for consumers without the addition of new obligations on retailers and distributors to provide support to either category.⁵³ JEC and other consumer groups considered that a preferred approach would

43 Submissions to the consultation paper: ENA, p. 1; AGIG, p. 2; AGL, p. 3; Red and Lumo, p. 1, TasNetworks, p. 1, SA Power Networks, p.1; Jemena, p. 1; EWON, EWQ, EWOSA, p. 2; Essential Energy, p. 1; EnergyAustralia, p. 1; Energy Queensland, p. 2; Endeavour Energy, p. 2; AusNet, p. 1; Ausgrid, p. 1, AMA, p. 1.

44 AER, Submissions to the consultation paper, pp. 1-2

45 Submissions to the consultation paper: Ausgrid, p. 3; AusNet, p. 1; Essential Energy, p. 4.

46 Submissions to the consultation paper: ENA, p. 3; Endeavour Energy, p. 2.

47 Submissions to the consultation paper: Alinta, p. 2; CALC, p. 4; JEC - Joint submission, p. 16; SACOSS, pp. 6,13; Origin, p. 2; Shell Energy, p. 3; ECA, pp. 7-9; COTA, p. 5.

48 Submissions to the consultation paper: AEC, p. 1; Alinta, p. 2; Origin, pp. 2-3; Shell Energy, p. 3, EVO Energy p. 3; ENGIE, p. 2; AEC, p. 1; Red and Lumo, p. 3; ECA, p. 8.

49 COTA p. 7; JEC - Joint submission, p. 27; ECA, p. 9; SACOSS, p. 20.

50 Origin, submission to the consultation paper, p. 3.

51 Submissions to the consultation paper: Shell p. 3; AGIG, p. 2; JEC - Joint submission, p. 16. COTA, p. 5.

52 ENGIE, submission to the consultation paper, pp. 1-2.

53 Submissions to the consultation paper: SACOSS, p. 11; ECA, p. 7; COTA, p. 5.

be the creation of a subgroup of critical needs, rather than having two separate tiers of life support equipment.⁵⁴

3.1.1 **Capturing information on life support customers with life-threatening conditions would support the industry in responding to outages**

The Commission has carefully considered the issues and appreciates the intent of the proposal to better support customers with higher needs, particularly during unplanned outages and emergency situations. The draft rule allows identifying a subset of life support customers with higher needs (those with a life-threatening condition) using the medical confirmation form.

Importantly, all life support customers would still receive the same level of protections required under the NERR regardless of whether their medical practitioner indicated the relevant life support user has a life-threatening condition. Further, the penalties for failing to comply with obligations under the NERR would be consistent for all registered life support customers. This approach aligns with the draft proposal by the ESC Vic in its concurrent review of life support protections in its distribution and retail codes.

While emergency response and planning are the responsibility of jurisdictions, the Commission considers the capture of this information will assist energy providers, specifically distributors, to plan and respond to outages, and has the potential to enhance jurisdictional responses in emergency response situations, where information sharing is enabled. The Commission also considers that improvements to the registration and deregistration processes, and the introduction of an annual check, are likely to enhance the accuracy and reliability of the life support register, assisting industry and others to respond to outages (see section 4.3).

The identification of life-threatening needs would apply prospectively

Identification of life support users with a life-threatening condition would be undertaken by a medical practitioner and indicated on the medical confirmation template. As discussed in section 4.2, the AER and ESC Vic would jointly develop a standard form, which the Commission expects will include instructions for medical practitioners to complete, including the field confirming whether a life support user has a life-threatening condition.

The identification of registered premises that have a life support user with a life-threatening condition would apply prospectively for new registrations, that is, all new life support registrations accompanied by a medical confirmation form with the relevant field completed. Existing life support customers would not need to re-register under the draft rule. However, if a life support user wishes to be identified as having a life-threatening condition, they will need to complete the new standard medical form developed by AER/ESC Vic. The Commission anticipates that best practice for retailers when registering a life support customer or conducting the annual verification check would include providing a copy of or information on the registration form and the life-threatening category.

We note this will create a gradual transition in gathering this information. However, the Commission considers this approach will minimise costs and risks for existing life support customers, which could be exacerbated if they were required to re-register. For example, if a customer is unable to respond to re-registration notices and is subsequently deregistered, the result could be catastrophic. The draft rule maintains customer involvement in the deregistration process by not mandating deregistration unless a customer requests it. The Commission notes

⁵⁴ JEC, submission to the consultation paper, p. 17.

and endorses the Energy Charter’s efforts to raise awareness of the proposed standard medical form and definitions among medical practitioners and life support customers.

The draft rule proposes the definition of life-threatening condition would refer to, in relation to a life support user, a condition that a registered medical practitioner has identified in the relevant medical confirmation as being one where the life support user would be at likelihood of death or permanent injury if the life support equipment used by that life support user was to be without power during a prolonged interruption.⁵⁵

Retailers would be required to share this information with distributors, along with other life support information. Retailers would also report the number of these customers to the AER as part of regular retail performance reporting for transparency, and in order for the efficacy of this policy to be assessed over the longer term. This includes the:

- number of new registrations with life-threatening conditions in that quarter
- the total number of registrations with life-threatening conditions held by that retailer.

The Commission expects the AER will update its retail performance reporting procedures and guidelines in order to reflect receipt of this information.

Distributors would be required to publish information on their websites indicating how they use life support information, including how they use information on customers with life-threatening needs.

The Commission considers the sharing of life support information with emergency services could support customer safety in outages. The Commission notes the NERR does not prevent retailers and distributors from sharing this information where this is required or permitted by jurisdictional legislation.

Several alternatives were proposed to achieve the intent of the proposal, but not progressed

Several stakeholders suggested alternative approaches that could achieve the intent of the proposal in protecting life support customers. These options include:

- Alternative definitions or categories of life support user. The Australian Rehabilitation & Assistive Technology Association (ARATA) proposed “life-support” and “essential” medical equipment, as well as assistive technology such as lifters and electric wheelchair charging equipment, be identified as assistive technology.⁵⁶ The Commission notes that a more nuanced tiering of customer needs may add complexity for retailers and distributors and for medical practitioners in particular, as outlined by the AMA.⁵⁷
- Shell Energy suggested distributors take ownership of any associated processes that create or require the distinction between levels of life support customer need.⁵⁸ As discussed in chapter 4, the Commission considers splitting responsibilities for aspects of the life support processes adds complexity and confusion, and consider retailers are the appropriate party to manage the registration and deregistration processes.
- Creating two lists of medical equipment, one “critical” and one “assistive”, or having a set list of equipment to focus only on the most “critical” equipment types.⁵⁹ The Commission agrees with the AMA that a strict list does not adequately account for individual life support user needs.⁶⁰

55 Draft rule, rule 123A

56 ARATA, submission to the consultation paper, p. 6-7.

57 AMA, submission to the consultation paper, p. 2.

58 Shell, submission to the consultation paper, p. 3.

59 Submissions to the consultation paper: Locality Planning Energy, p. 2; AusNet, p. 4, Jemena, p. 2; Ausgrid, p. 3.

60 AMA, submission to the consultation paper, p. 2.

- CALC and ECA considered that a priority services register could be a more robust way of capturing and sharing the needs of life support consumers with industry and others.⁶¹ As with the central register for life support registration, we consider the establishment of a priority services register to be beyond the scope of this rule change, but it warrants further consideration by governments. We discuss this further in section 4.7.2.

3.2 Adding or maintaining other definitions

The rule change request set out a number of changes to definitions under the life support provisions in the NERR. These were:

- Adding the definition “life support user” to differentiate the person using the life support equipment from the customer, clarifying communications.
- Amending the defined list of life support equipment.
- Adding a definition of “medical practitioner” to clarify who may complete a medical confirmation form.

This section outlines the Commission’s response to these issues.

3.2.1 Life support users would be distinguished from the retail customer

The draft rule adds the definition “life support user” to differentiate between the person who needs life support equipment (life support user) and the account holder (the customer).

“Life support user” is defined as the person who uses life support equipment at the customer’s premises - this may be the customer or another person who resides at the customer’s premises. The proposed new definition is equivalent to Victoria’s existing definition of ‘life support resident’ contained in its retail code of practice.⁶²

Several stakeholders supported all the definitional changes proposed in the rule change request, including adding “life support user”.⁶³ For stakeholders who directly commented on the life support user definition, some were supportive, suggesting it would particularly improve the ability for distributors to communicate with consumers during outages.⁶⁴ Others, however, did not support adding the life support user definition, suggesting it may be impractical and increase complexity and cost.⁶⁵

The Commission considers adding the life support user definition would improve communication with customers by clarifying roles, particularly for distributors who may make regular contact with life support customers during outages. Details on the life support user would be captured during medical confirmation, as outlined in section 4.2.

61 Submissions to the consultation paper: CALC, p. 4-5, ECA, p. 5.

62 Essential Services Commission, Energy Retail Code of Practice, part 1, Definitions, p. 14.

63 Submissions to the consultation paper: AGIG, p. 1; Ausgrid, p. 3, Endeavour, p. 5; Energy Queensland, p. 2; Locality Planning Energy, p. 2; Red and Lumo, p. 1; AGL, p. 3; EnergyAustralia, p.2; Essential Energy, p. 1; Jemena, p. 2; SA Power Networks, p. 4.

64 Submissions to the consultation paper: Red and Lumo, p. 2; Origin, p. 3; JEC - Joint submission, p. 26, SA Power Networks, p. 4.

65 Submissions to the consultation paper: EvoEnergy, p. 2; Shell, p. 4; SACOSS, p.15-16.

3.2.2 The draft rule maintains the current list of life support equipment and registered medical practitioner term

The NERR existing life support equipment list will not change

Currently, life support equipment is defined in the NERR. The rule change request suggested updating the list of life support equipment to better target critical life support customers.⁶⁶

The existing and proposed lists are outlined in Table 3.1.

Table 3.1: Existing and proposed list of life support equipment

Existing life support equipment list in the NERR	Proposed life support equipment list request (for all customers)
<p>The NERR define life support equipment to mean any of the following:</p> <ul style="list-style-type: none"> • 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. 	<p>The rule change request suggested the following equipment list be adopted into the NERR:</p> <ul style="list-style-type: none"> • apnoea monitor (for children only)* • 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)* • high flow device (HFD) and/or humidifier, when used with a tracheostomy • oxygen concentrator • suction pump • crigler najjar syndrome phototherapy equipment • non-invasive ventilation** 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.

Source: NERR, Part 1, rule 3, Definition of life support; SA Power Networks and Essential Energy, #BetterTogether - Better Protections for Life Support Customers, rule change request, pp. 21-22.

Note: * A child would be defined as any person under the age of 16 years** 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.

Stakeholders were divided on the proposal to update the list of life support equipment. Some explicitly supported the proposed list.⁶⁷ Several stakeholders indicated their support for the proposed equipment list definition by supporting all the definitional changes proposed in the rule change request.⁶⁸

66 SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 21.

67 Submissions to the consultation paper: Endeavour, p. 5; EnergyAustralia, p. 2, EWON, EWOQ, EWOSA, p. 3.

Several submissions raised concerns with the proposed list. Consumer groups and Shell opposed the proposed list, arguing it may create confusion, complexity, and the risk of a tighter list excluding legitimate consumers who rely on life support equipment, as well as impose a greater burden on industry.⁶⁹ AusNet and the AEC suggested the definition of “other” equipment should be reduced to focus on equipment that requires a supply of energy.⁷⁰

Several other stakeholders also preferred clearer guidance on what constitutes critical or assistive life support equipment. For example, a reduced list that is more focused on equipment that is critical for maintaining life, or the creation of two lists - one each for critical or assistive life support equipment. However, this was not supported by the AMA.⁷¹

The Commission considers determining which equipment is required for life support should remain at the discretion of a medical practitioner, based on the individual needs of the customer. The equipment list is therefore a guide for consideration by the medical practitioner. This is reflected in both the existing and proposed equipment list, allowing the registration of “other” equipment identified by the medical practitioner. For this reason, a change to the list may not be effective in either improving the accuracy of the register or applying protections to consumers.

The definition of medical practitioner is broadly understood, and the medical form will capture more practitioner details

Currently, the term “registered medical practitioner” is used in the NERR, but is not defined.

The rule change request suggested adding a new definition in the NERR for registered medical practitioners to clarify who can provide valid medical confirmation of life-support conditions. The rule change request proposed the following definition: a person registered to practice as a Medical Practitioner under the Health Practitioner Regulation National Law.

Several stakeholders explicitly supported the proposed definition, suggesting it would ensure decisions about life support equipment are made by qualified medical professionals.⁷² Some stakeholders also indicated their support for the proposed definition by supporting all the definitional changes proposed in the rule change request.⁷³ Those submissions that supported or had modifications did not make clear that the issue of medical confirmation being issued by unauthorised people is widespread.

Several stakeholders raised that while the proposed definition clarifies who can provide medical certificates, energy retailers are not qualified to verify or enforce whether the signatory meets this definition. Alinta suggested it would prefer a process to validate approved medical practitioners.⁷⁴

JEC opposed the proposed definition, suggesting a wider permitted group of practitioners who can provide medical confirmation would keep barriers low for vulnerable consumers in accessing medical confirmation.⁷⁵ CALC also identified this concern, particularly for those in remote or

68 Submissions to the consultation paper: AGIG, p. 1; Ausgrid, p. 3, Endeavour, p. 5; Energy Queensland, p. 2; Locality Planning Energy, p. 2; Red and Lumo, p. 1; AGL, p. 3; EnergyAustralia, p. 2; Essential Energy, p. 1; Jemena, p. 2; SA power Networks, p. 4.

69 Submissions to the consultation paper: Shell, p. 3; JEC - Joint submission, p. 18; ECA, p. 6; SACOSS, pp. 12-14; CALC, pp. 9-10; AGIG, p. 2; EvoEnergy p. 2; Origin, p. 3.

70 Submissions to the consultation paper: AusNet, p. 4, AEC, p.2.

71 Submissions to the consultation paper: Locality Planning Energy, p. 2; AusNet, p. 4, Jemena, p. 2; Ausgrid, p. 3; AMA, p. 2.

72 Submissions to the consultation paper: Origin, p. 4; SA Power Networks, p. 4, COTA, p. 6; CALC, p. 5.

73 Submissions to the consultation paper: AGIG, p. 1; Ausgrid, p. 3, Endeavour, p. 5; Energy Queensland, p. 2; Locality Planning Energy, p. 2; Red and Lumo, p. 1; AGL, p. 3; EnergyAustralia, p. 2; Essential Energy, p. 1; Jemena, p. 2; SA Power Networks, p. 4.

74 Submissions to the consultation paper: Alinta, p. 5; Energy Queensland, p. 3; Origin, p. 4.

75 JEC, submission to the consultation paper, p. 27.

regional areas.⁷⁶ By contrast, Origin did not support general medical providers, such as nurses, having the authority to determine the need or status of the equipment for a customer.⁷⁷

The Commission does not consider adding the definition of medical practitioner is warranted, nor that it would improve outcomes for life support customers. We consider the proposed definition in the rule change request is similar to the widely understood meaning of medical practitioner, that is, being a medical doctor or specialist, and the issue of incorrect registration of life support customers does not appear to be widespread. The Commission considers that medical practitioners are the appropriate party to assess life support customers needs, but are open to considering if other medical professionals should also be able to complete medical confirmation forms in some or all instances.

To improve visibility of the parties registering life support customers, the medical confirmation form template will request the medical practitioners' details, including their name, address, and registration number.⁷⁸

3.3 We do not recommend reducing civil penalties or reporting requirements

Currently, breaches of life support obligations for notification of planned outages and deregistration are Tier 1 civil penalties,⁷⁹ and breaches need to be reported to the AER immediately.⁸⁰

As noted, the rule change request suggested that breaches for failure to notify “assistive” life support customers should be reduced to Tier 2 civil penalties, and reduce them to half-yearly AER reporting, to reflect the lower potential harm caused.⁸¹

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.

Stakeholders were divided on the proposal to classify breaches around planned outage notifications for customers who rely on assistive life support equipment as a Tier 2 civil penalty. Some retailers and distributors supported the proposal, citing the lower risk associated with assistive life support equipment.⁸² In contrast, consumer groups strongly opposed the proposal, arguing it could weaken accountability and put vulnerable households at risk.⁸³

Both the AER and Endeavour Energy noted planned outage notification obligations for customers who do not rely on life support equipment are Tier 1 civil penalty provisions, meaning a lower civil penalty for similar obligations related to any life support customer would be inconsistent.⁸⁴

76 CALC, submission to the consultation paper, p. 18.

77 Origin, submission to the consultation paper, p. 4.

78 Draft rule, subrule 123B(3)(d)(i)

79 Tier 1 civil penalties are the highest level of penalty for breaching energy regulations. A Tier 1 Civil Penalty means a civil penalty provision specified in Part 1 of Schedule 1 to the National Electricity Regulations, Part 1 of Schedule 3 to the National Gas Regulations and Part 1 of Schedule 1 to the National Energy Retail Regulations.

80 NERR, rule 124B; rule 125. AER, [Compliance Procedures and Guidelines](#), July 2024

81 SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 21

82 Submissions to the consultation paper: AEC, p. 2 AGIG, p. 2; Ausgrid, p. 4; Energy Queensland, p. 3; Shell, p. 4; Origin, p. 4; Origin, p. 3; EWON, EWOQ, EWOSA, p.3; Jemena, p. 3; SA Power Networks, p. 4; ENA, p. 2-3.

83 Submissions to the consultation paper: COTA, p. 7; JEC - Joint submission, p. 27; ECA, p. 9; SACOSS, p. 20.

84 Submissions to the consultation paper: Endeavour, p. 5; AER, pp. 2-3.

The outage notifications and AER reporting are key protections and incentives for retailers and distributors to support life support customers in accordance with their obligations. The Commission does not consider a reduction in the notification breach penalties or reporting requirements is appropriate, particularly given the high risks accruing to these customers.

4 Improving the registration and deregistration processes (Theme 2)

This chapter sets out the Commission’s draft rule and reasoning covering changes to:

- registration processes for life support customers
- medical confirmation and standardising medical confirmation forms
- ongoing requirements to make sure life support registers remain accurate
- deregistration processes for life support customers
- back-up planning requirements
- information flow for customers in embedded networks
- other issues (gas customers, misuse of the register, need for a central register).

In summary, the Commission has made a draft rule covering several aspects of the registration and deregistration process, including:⁸⁵

- life support customer registration (section 4.1.1):
 - require retailers to ask all new customers if they require life support protections at sign up
 - make retailers responsible for registering and deregistering life support premises
- medical confirmation (section 4.2):
 - create one standard medical confirmation form
 - place timeframes around medical confirmation processes
- ongoing requirements (section 4.3):
 - require retailers to annually check in with life support customers to ensure their details remain up to date, and seek medical confirmation from customers who have not provided it
 - tighten the timeframes for sharing any updated customer information
- deregistration (section 4.4):
 - strengthen deregistration by mandating that customers be deregistered when they advise that they no longer have life support requirements, or change retailers
- embedded networks (section 4.6):
 - strengthen protections for on-market embedded network customers.

These changes would:

- streamline industry processes for managing life support registers and support the accuracy of life support registers
- maintain protections for all life support customers
- minimise costs associated with the registration and deregistration process and implementation
- ensure customers who no longer have life support requirements are deregistered, where appropriate
- support businesses to have consistent and up-to-date customer information for those who require life support protections

85 Draft rules 123B, 124, 124A, 124B, 124C, 124D, and 125.

- close some of the information gaps in the existing embedded network arrangements to enhance protections for life support customers in embedded networks.

To ensure life support protections are easily accessible and fit-for-purpose for consumers, the Commission's draft position is to maintain existing requirements relating to:

- limiting customer registration attempts without providing a medical confirmation (see section 4.1.3)
- deregistration for not providing a medical confirmation (see section 4.4)
- backup planning for power outages (see section 4.5)
- the application of life support protections for gas consumers (see section 4.7.1).

4.1 Streamlining the registration of life support customers and supporting processes

This section sets out the Commission's proposed changes for the registration of a life support premises, and associated processes.

Under the current rules:

- Both the retailer and distributors are required to register a premise as requiring life support when advised by the customer, or notified by the other party that the premise has been registered.⁸⁶
- Either the retailer or the distributor may deregister a premise, depending on the circumstances.⁸⁷

It was suggested in the rule change request that this arrangement had led to inaccuracy in life support registers and complicated information sharing, as well as confusion between retailers and distributors as to who may deregister a premises.⁸⁸

To address this, the rule change request proposed either tightening deregistration requirements in the NERR or making 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.⁸⁹

Some stakeholders considered the registration process could be improved

Many retailers and distributors agreed current roles can cause confusion and inconsistency in life support registration and deregistration.⁹⁰ Some noted:

- parties can hold different customer information for premises requiring life support equipment.⁹¹
- retailers lack incentives to maintain the register once life support customers are registered, and coordination between retailers and distributors is poor.⁹²

86 NERR, rule 124.

87 A party may deregister a premises under three circumstances:(1) When the customer advises of a change in circumstances (the premises no longer require support equipment or the customer has vacated the premises); (2) The customer has not provided medical confirmation before the date for deregistration specified in the deregistration notice and (3) The customer has switched retailers, where the distributor registered the premises. NERR, rule 125.

88 SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, pp. 23-24.

89 SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, pp. 23-24.

90 Submissions to the consultation paper: AGL, pp. 1, 4; Endeavour, pp. 2, 5, 6; Ausgrid, pp. 4-5; AusNet, pp. 6-7; Energy Queensland, p. 3; EnergyAustralia, pp. 2-3; Shell, p. 1; Stanwell, p. 1; SA Power Networks, p. 6; Origin, p. 1; Evoenergy, p. 3; JEC - Joint submission, p. 11.

91 Submissions to the consultation paper: AGL, pp. 1, 4; JEC - Joint submission, p. 11.

92 ECA, submission to the consultation paper, p. 6.

- there can be ambiguity around which party has the authority to deregister a premises.⁹³ However, some stakeholders argued existing roles and processes are appropriate, noting:⁹⁴
- issues with registration could be remedied with clearer communication between industry participants.⁹⁵
- discrepancies between parties are resolved as part of existing reconciliation processes.⁹⁶

Several stakeholders supported allocating the responsibility for registering and/or deregistering life support customers to a single party, though submissions were divided on which party this should be.

Several submissions, including some distributors, considered retailers are the appropriate party, noting retailers:⁹⁷

- tend to be the customers' first point of contact for life support registration. For example, around 99 per cent of life support customers in Ausgrid's and TasNetwork's networks are registered with retailers⁹⁸
- can leverage existing communication channels with their customers, and it would be costly and inefficient for distributors to replicate these systems
- have a greater ability to communicate life support needs when a customer registers within an embedded network (these customers do not have a distributor). This is discussed in section 4.6.

Other stakeholders, including some consumer groups, viewed that distributors should be responsible for registering and/or deregistering life support customers, suggesting distributor ownership:⁹⁹

- may align with distributor incentives to maintain an accurate register due to a higher number of distributor-initiated outages, meaning distributors are more heavily impacted by inaccurate life support registers
- provides the potential to maintain life support customer protections when the customer switches retailer within a network.

4.1.1 The draft rule would make retailers responsible for registration (and deregistration) of a life support premises

The Commission notes the arguments in favour of both distributors and retailers owning the life support registration and deregistration processes, however considers making retailers responsible for the registration and deregistration process would:

- align with retailers' primary customer-facing role and enable more streamlined communication with the customer
- reduce risks and customer confusion
- address some issues with life support communications within embedded networks (these customers do not have a typical distributor, as discussed in section 4.6).

93 EnergyAustralia, submission to the consultation paper, pp. 2-3.

94 Submissions to the consultation paper: COTA, p. 7; ENGIE, pp. 2-3; Energy Queensland, p. 3; ECA, pp. 6, 11; Jemena, p. 3.

95 COTA, submission to the consultation paper, p. 7.

96 Energy Queensland submission to the consultation paper, p. 3.

97 Submissions to the consultation paper: Endeavour, p. 3, AusNet, p. 5; AGL, p. 1; ENA, p. 2.

98 Submissions to the consultation paper: Ausgrid, p. 5; ENA, p. 2; TasNetworks, p. 1.

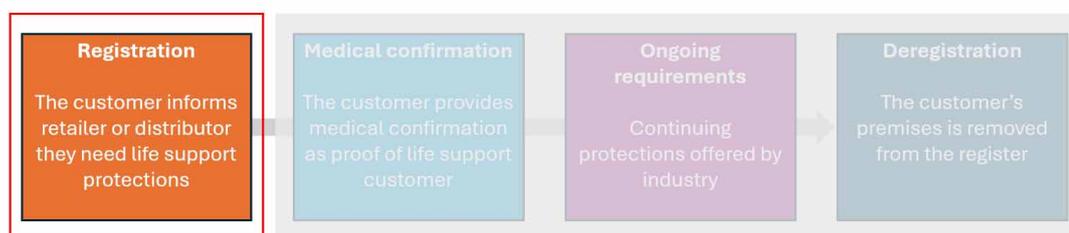
99 Submissions to the consultation paper: Shell, p. 2; JEC - Joint submission, p. 15; ECA, p. 7; Origin, p. 5.

Noting the concerns around retailers' incentives in maintaining an accurate life support register, the draft rule tightens requirements to ensure retailers follow existing registration and deregistration steps in the NERR, and conduct annual checks on life support customers. The draft rule also proposes tightening the information-sharing requirements by introducing timeframes, and retaining the Tier 1 civil penalties for breaches of key requirements.

The Commission also considers it is important customers can advise either their retailer or distributor to register as requiring life support protections. The draft rule allows a customer to contact a distributor regarding their life-support requirements. The distributor must inform the retailer and immediately apply the distributor's NERR requirements for that life support customer.

A summary of requirements and roles is provided in Box 4.1 below.

Box 1: Retailer requirements for registering a life support customer



The draft rule would:

- Require retailers to ask all new customers if they require life support protections, and inform them they will need to re-register when they switch retailer.
- Require retailers to be responsible for registering all life support customers (when requested by a new or existing customer, or distributor).
- Where a retailer is informed of a life support customer's needs by the customer or distributor, the retailer would:
 - register the life support customer
 - inform the distributor of a life support registration within one business day
 - where a customer resides in an embedded network, the retailer must inform the embedded network (Embedded Network Manager, or Exempt Embedded Network Service Provider) within one business day as discussed in section 4.6.
- Allow customers to advise their distributor of their life support needs to obtain the relevant protections. Where a customer directly informs a distributor of their life support needs, the distributor must:
 - apply life support protections from that time
 - inform the retailer within one business day, who will register the customer as if the customer had informed them.

Note: Retailers and distributors in the Australian National Electricity Market (NEM) communicate life support information via Business-to-Business (B2B) processes - standardised electronic transactions managed by the Australian Energy Market Operator (AEMO).

4.1.2 Protections when a life support customer changes retailer

To mitigate the risk of a life support customer not receiving protections when they change retailer, the draft rule would require retailers to ask new customers if they require life support protections

when they sign up, and to advise the customer of the need to re-register if they change retailers during life support registration.¹⁰⁰ The Commission also understands retailers do typically ask new customers if they require life support protections at sign-up, so we expect mandating this requirement will not place material additional costs on retailers. It will also align with arrangements in place in Victoria.

Currently, customers who register for life support protections with their retailer must inform their new retailer if they wish continue receiving life support protections when they change to a new retailer. However, if a customer initially registers with their distributor, the distributor has an obligation to notify the new retailer that the customer has life support requirements when the customer switches retailer.¹⁰¹ By passing responsibility for registration of life support customers solely to retailers, all life support customers would need to inform their new retailer of their need for life support protections when they sign up to continue receiving protections. Given that most life support customers sign up with their retailer (e.g. 99% in Ausgrid's network), the Commission does not consider there is a significantly increased risk to customers as a result of this change. The Commission considers requiring retailers to ask new customers if they need life support protections when they sign up will further mitigate any risk.

Further, the Commission understands the distributor notification to the retailer is not always seamless, potentially creating gaps and confusion. For example, if the customer does not sign up with the new retailer using identical details, the distributor may not recognise this in their register, and the retailer may not be notified.¹⁰² Making retailers responsible for all registrations will mean consistent rules and registration requirements apply for all customers.

The Commission considered other alternatives, including requiring retailers to communicate life support customers' needs with each other when a customer switches. However, requiring retailers to share customer life support details between themselves could also increase the risk that someone will erroneously be left off the register and may impact privacy rules. The draft rule will reduce risk by mandating that retailers ask customers if they have life support requirements at sign-up.

4.1.3 Misuse of the register is not a widespread issue

The Commission's draft position maintains existing rules that do not limit customer registration attempts, minimising risks to life support customers, particularly those who are vulnerable.

The rule change request suggested some customers can misuse the life support register by repeatedly registering without providing medical confirmation. The proponents consider this allows customers to avoid disconnection for non-payment, while also imposing administrative burdens and costs on retailers and distributors.¹⁰³

The proponents suggested tightening registration requirements by requiring customers to provide medical confirmation prior to being registered if they have failed to provide medical confirmation on two previous occasions.¹⁰⁴

¹⁰⁰ Draft rule, Rules 19, 64 and 124(1)(b)(viii).

¹⁰¹ NERR, Rule 124B(2)(b).

¹⁰² Alinta, submission to the consultation paper, p. 4.

¹⁰³ SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 28.

¹⁰⁴ Ibid, p. 28.

Stakeholders were split on restricting registration attempts

Many distributors and several retailers supported the proposal.¹⁰⁵ Some suggested these changes would:¹⁰⁶

- minimise administrative costs for retailers and distributors
- support the accuracy of life support registers
- ensure consistency across retailers and distributors in how customers are treated.

AGL suggested limiting the number of extensions a customer may apply for, except in exceptional circumstances.¹⁰⁷

Consumer groups and ombudsmen opposed the proposal, suggesting it would create unnecessary barriers for vulnerable customers who may face barriers to providing medical confirmation.¹⁰⁸ ENGIE, AGL and Endeavour noted that ‘misuse’ of the register only occurs in a small number of cases.¹⁰⁹ While supportive of the proponents’ proposal, Energy Queensland argued the proposed requirements should be optional to allow flexibility for customers in circumstances where businesses identify legitimate barriers.¹¹⁰

The Commission considers that limitations on registration attempts are not required at this time, and as noted, restricting registration attempts could create risks for vulnerable life support customers. The Commission also considers there is insufficient evidence received to suggest customers are misusing the register at a scale that warrants additional administrative burdens and risks being placed on vulnerable life support customers.

4.2 The medical confirmation process should be strengthened and streamlined

Currently, retailers and distributors each create their own medical confirmation forms to provide to life support customers. The rule change proponents considered that different and inconsistent forms lead to confusion, medical confirmation being provided with differing levels of detail, and suggesting the AER develops and publishes a standardised medical confirmation form required to be used by retailers and distributors.¹¹¹

Stakeholders supported a standardised medical confirmation form

Many stakeholders considered a standardised medical confirmation form would improve the consistency and quality of data captured about life support customers.¹¹²

Some stakeholders viewed that a medical confirmation form template should not be mandated, preferring existing arrangements or the establishment of minimum standards in the rules to improve consistency while maintaining individual forms.¹¹³

105 Submissions to the consultation paper: ENGIE, p. 4; AGL, p. 6; Endeavour, p. 6; Ausgrid, p. 6; Jemena, p. 3; AusNet, p. 7; Energy Queensland, p. 5; Red and Lumo, p. 2; Evoenergy, p. 4; SA Power Networks, pp. 8-9; ENA, p. 2; Origin, p. 4.

106 Submissions to the consultation paper: Ausgrid, p. 6; Jemena, p. 3; AusNet, p. 7; Energy Queensland, p. 5; Red and Lumo, p. 2; SA Power Networks, pp. 8-9; ENA, p. 2; Origin, p. 4.

107 AGL, submission to the consultation paper, p. 2.

108 Submissions to consult paper: EWON, EWOQ and EWOSA, p. 5; COTA, p. 9; ECA, pp. 11, 12; JEC - Joint submission, pp. 5, 9, 13.

109 Submissions to the consultation paper: ENGIE, p. 4; AGL, p. 6; Endeavour, p. 3.

110 Energy Queensland, submission to the consultation paper, p. 5.

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

112 Submissions to the consultation paper: Locality Planning Energy; ENGIE, p. 4; p. 3; AGL, pp. 4-5; Endeavour, pp. 6-7; AusNet, p. 6; Energy Queensland, p. 5; Evoenergy, pp. 5-6; Shell, p. 5; SA Power Networks, p. 9; AEC, pp. 2-3; JEC - Joint submission, p. 5; AMA, p. 2; AGIG, p. 5.

113 Submissions to the consultation paper: EnergyAustralia, p. 5; Red and Lumo, p. 3; COTA, pp. 9-10.

4.2.1 The medical confirmation form would be standardised

The Commission agrees that a consistent medical confirmation form would support businesses in effectively serving life support customers. Standardising medical confirmation forms would:

- make it easier for customers to seek medical confirmation from a registered medical practitioner
- improve transparency about the information retailers collect from life support customers
- allow retailers to develop consistent processes and share information in consistent formats
- allow medical practitioners to become more familiar with the medical confirmation process and the form requirements.

Further, the Commission considers it important that there is consistency in this form across the NEM, including Victoria.

To support this, we recommend the AER develop the medical confirmation form in conjunction with the ESC Vic. The draft rule allows the AER flexibility to leverage the supporting process undertaken by ESC Vic.

Under the draft rule, the medical confirmation form must:

- include content specified by the rules at a minimum (see Table 4.1 below)
- be developed and published on the AER website by 1 December 2026
- be used by retailers to obtain medical confirmation from customers from 1 December 2027.

Table 4.1: Minimum content requirements for medical confirmation form

Relevant person	Details
Customer/account holder	<ul style="list-style-type: none"> • Name (account holder) • Address of customer’s premises • Mobile • Home phone (if different from mobile) • Email • Preferred form of communication
Secondary contact person	<ul style="list-style-type: none"> • Name • Address of secondary contact persons’ premises • Mobile • Home phone (if different from mobile) • Email • Preferred form of communication • Confirmation the person has given permission to be contacted by the relevant parties
Life support user (could be the customer, secondary contact, or other)	<ul style="list-style-type: none"> • Name • Relationship to the customer (if not the customer) • Relationship to secondary contact person

Relevant person	Details
	<ul style="list-style-type: none"> Life support equipment used by the life support user Whether the life support equipment is powered by electricity or gas
Medical confirmation	<ul style="list-style-type: none"> Name, address and registration number of registered medical practitioner Life support equipment used by the life support user Whether the life support user has a life-threatening condition The date from which the life support equipment is required by the life support user The signature of the registered medical practitioner The date on which the form is signed by the registered medical practitioner
The date the form is provided by the retailer to the customer	<ul style="list-style-type: none"> The retailer will provide this date.

4.2.2 The medical confirmation reminder processes will be strengthened

The Commission considers life support customers should be encouraged to provide evidence to support their life support request, as missing information can cause risk to vulnerable consumers, particularly if they can not be contacted.

Under the current rules, retailers are required to issue customers at least two medical confirmation reminders.¹¹⁴ However, there is no requirement to send these reminders by a specified date, meaning the customer can remain registered without ever being asked to provide medical confirmation. To address this, the draft rule requires retailers to issue customers with medical confirmation reminder notices by a specified date:

- The first medical confirmation reminder must be issued to the customer no less than 15 business days, and no more than 25 business days from the date of issue of the medical confirmation form.
- The second medical confirmation reminder must be issued to the customer no less than 15 business days, and no more than 25 days from the date of the issue of the first confirmation reminder notice.

The Commission considers these time periods allow time for customers to return the completed medical confirmation form, while providing clear timeframes for retailers.

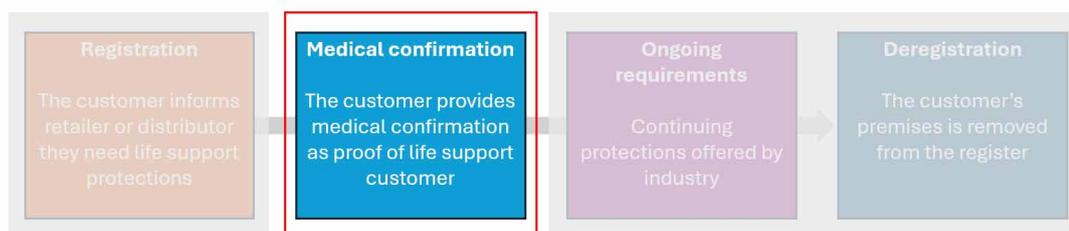
If the customer does not provide the medical confirmation form, the retailer may deregister the customer. Further discussion of processes for deregistration is outlined in section 4.4.

¹¹⁴ NERR, Part 7, Rule 124A(1)(b).

This policy position developed from Commission analysis of the existing life support rules. While several submissions, including from consumer groups, broadly suggested existing registration rules were not being followed, none specifically raised this issue.¹¹⁵

Box 4.2 provides a summary of the updated roles, responsibilities, and processes related to the medical confirmation process under the draft rule.

Box 2: Retailers would be required to use a standard medical confirmation form, and timeframes will be added for seeking medical confirmation



The draft rule:

- makes retailers solely responsible for the medical confirmation process
- requires the AER to develop and publish a medical confirmation form template
- requires retailers to use the medical confirmation form template developed by the AER when seeking medical confirmation
- requires retailers to send medical confirmation reminder notices to customers between 15-25 days of sending the medical confirmation form or previous reminder.

To minimise costs and risks to life support customers, the draft rule introduces a set of transitional arrangements to complement the proposed changes. We are seeking stakeholder feedback on these as part of this draft determination.

4.2.3 The draft rule does not introduce additional roles or requirements for medical practitioners beyond those outlined in the current rules

Currently, medical practitioners are only responsible for confirming a customer requires life support equipment at their premises. The rule change request suggests requiring the registered medical practitioner to complete several roles as part of life support registration.

These include requiring medical practitioners to:¹¹⁶

- 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
- discuss available jurisdictional rebates or concessions with the life support user, their nominated contact person or the customer and how to access them.

115 Submissions to the consultation paper: SACOSS, p. 22; JEC - Joint submission, p. 11.

116 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.

Only two stakeholders explicitly agreed medical practitioners should fulfil these roles.¹¹⁷ Other stakeholders raised that retailers and distributors are better placed to fulfil these roles, particularly as medical practitioners are unlikely to be familiar with life support protections, or jurisdictional rebates.¹¹⁸

The Commission considers that while medical practitioners may elect to undertake these roles, it is not good regulatory practice to require them to do so in the NERR. Further, the NERR already require retailers to provide an information pack to life support customers, outlining their protections.¹¹⁹

In regard to information about concessions or rebates, the Commission suggests the AER consider whether the medical confirmation form refers life support customers to their jurisdictional concession and rebate assistance.¹²⁰ Other proposed medical practitioner roles, including identifying life support customers with a life-threatening condition, are discussed in section 3.1.

4.3 Retailers would check annually if customer details remain up to date, and share updates

Currently, retailers or distributors can request a customer confirm their details remain accurate, however these checks are at the discretion of retailers and distributors, and there is no obligation for them to occur.¹²¹

An annual check of life support customers' details was suggested in the rule change request, but not expanded on.¹²² A check was also raised by several stakeholders during consultation, including those with ongoing needs.¹²³

Several of these stakeholders outlined how a check might work, suggesting it:

- be light touch and simple for the customer to complete¹²⁴
- be systematic or annual¹²⁵
- provides an opportunity to remind the customer about the need for a backup plan.¹²⁶

The Commission considers the introduction of an annual check will improve outcomes for consumers and support the accuracy of the register in several ways, including:

- ensuring all consumers are reminded to ensure their life support details remain accurate
- providing a prompt for customers to advise they would like to be removed from the register if they no longer require life support protection
- providing a prompt for the customer to review back-up planning, and provide a medical confirmation form where they have not done so.

117 Submissions to the consultation paper: Energy Queensland, p. 4; Locality Planning Energy, p. 3.

118 Submissions to the consultation paper: AEC, p.4; Endeavour Energy, p. 6; COTA, p.8; EWON, EWOQ, EWOSA, p. 2; SACOSS, p. 18.

119 NERR, rules 56, and 124(1)(b).

120 Discussion of issues with customers accessing concessions is provided in: AEMC, Improving the application of concessions to bills, Final determination, 3 July 2025.

121 NERR: 125(13)

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

123 Submissions to the consultation paper: Ausgrid, p. 6; COTA, p.8; Endeavour Energy, p. 6; ENGIE, p. 3; JEC - Joint submission, p. 13; ECA, p. 12; SACOSS, p. 23; CALC, p. 11-12.

124 Submissions to the consultation paper: JEC - Joint submission p. 13; Ausgrid, p. 6 EnergyAustralia, p. 4, CALC, p. 11-12.

125 Submissions to the consultation paper: JEC - Joint submission, p. 13; Ausgrid, p. 6.

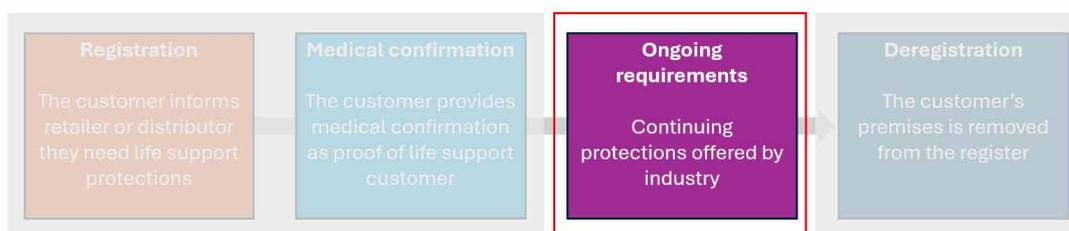
126 COTA, submission to the consultation paper, p. 8.

Where the customer has not previously provided a medical confirmation form, during the annual check, the retailer would provide the customer with a medical confirmation form and remind the customer to complete and return it per the new process in the NERR.¹²⁷

While the Commission considers an annual check will not add excess burden to industry or consumers, we open to considering if there are options to ensure any costs are minimised.

Box 4.3 provides a summary of the retailer’s obligations for the annual check process.

Box 3: Retailer annual check process and ongoing obligations



The annual check would:

- be conducted by retailers, in line with their new role as owners of the life support register
- occur annually, but not within a year of a customer first registering for life support protections
- require the retailer to send a written notice to the customer’s preferred communication method
- the check would ask the customer if:
 - they still require life support protections
 - their details remain accurate
 - to check their backup plan is up to date.
- include the customers’ secondary contact, to support the customer where possible (details on the secondary contact are in section 3.1)

There is no obligation for the customer to respond to the annual check, and not responding will not necessarily impact their life support registration. However, where a customer has not previously provided medical confirmation, the retailer would be required to provide the customer with the medical confirmation form, and follow the medical confirmation process per the existing process in the NERR.

The draft rule does not prevent customers from reaching out to retailers at any time to update their details. Similarly, retailers would retain the ability to contact a life support customer at any time.

Under the draft rule:

- retailers would be responsible for updating life support details and sharing this information with the distributor within one business day
- if the customer contacts the distributor directly to update their details, the distributor would advise the customer to contact their retailer directly. This arrangement is not expected to place unnecessarily high burdens on life support customers.

¹²⁷ Draft rule, subrule 124C(2)(b) and subrule 124A(1).

4.3.1 Mandating re-registration every four years would add risks to vulnerable consumers

Currently, a customer may 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.¹²⁸ There is no requirement to provide an updated certificate if the customer does not move house or retailer.

The proponents suggested:¹²⁹

- 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.¹³⁰
- To help ensure registers remain accurate, requiring:
 - all other registered life support premises to provide updated medical confirmation every four years, compelling deregistration for customers who do not provide a medical confirmation.¹³¹
 - an annual check by retailers or distributors to confirm the ongoing needs of these customers.¹³²

Stakeholders were split in support of mandatory re-registration

Distributors and some retailers supported the proposal for four-yearly re-registration for those who do not have permanent life support needs, indicating it would promote register accuracy and would not be overly costly to consumers.¹³³ TasNetworks, AusNet, Jemena, and ENA preferred that the requirement for re-registration should be extended to all customers to further bolster register accuracy.¹³⁴

All consumer groups and some retailers opposed four-yearly re-registration, raising concerns about increased burdens on both consumers and businesses, and the risks of deregistration in error.¹³⁵ JEC contended the responsibility for register accuracy rests with the owner of the register, and highlighted that some households choose not to access medical-related concessions - a process requiring similar medical confirmation, because of the cost and time required.¹³⁶

The Commission considers deregistration of life support customers who have not provided an updated medical confirmation form will create risks for the most vulnerable consumers. If a customer is unable to respond to deregistration notices and is subsequently deregistered, the result could be catastrophic. The draft rule maintains customer involvement in the deregistration process by not mandating deregistration in all instances, but supports a more accurate register through the annual check.

The Commission considered alternatives to improve register accuracy

Several submissions proposed alternatives to four-yearly reconfirmation, including:

¹²⁸ NERR: 124(1)(b)(viii)

¹²⁹ SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 25.

¹³⁰ SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 25.

¹³¹ SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 25.

¹³² SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 5.

¹³³ Submissions to the consultation paper: AGIG, p. 3; AEC, p. 2; Ausgrid, p. 5; Endeavour Energy, p. 6; Energy Queensland, p. 4; Locality Planning Energy, p. 3; Shell, p. 4; Red and Lumo, p. 2; AGL, p. 6; AusNet, p. 5; EnergyAustralia, p. 4; Essential Energy, p. 1; EWON EWOSA and EWQQ, p. 4; Jemena, p. 5; SA Power Networks, p. 7; TasNetworks, p.2; Jemena, p. 5; ENA, p. 2.

¹³⁴ Submissions to consult paper: TasNetworks, p. 2; AusNet, p. 7; Jemena, p. 5, ENA, p.1.

¹³⁵ Submissions to the consultation paper: Alinta, p. 2; COTA, p.8; ENGIE, p. 3; ARATA, p. 3; ECA, p. 11; SACOSS, p. 21; CALC, p. 11; JEC - Joint submission, p. 13.

¹³⁶ JEC - Joint submission, submission to the consultation paper, p. 13.

- allowing medical practitioners to determine and indicate a timeframe in which the life support is required (such as one, three or five years), or establishing a 5-year registration cycle.¹³⁷ The Commission considers this would add complexity for industry and consumers, and marginal benefit over the proposal in the rule change request, while containing the same risks to vulnerable consumers.
- Origin preferred to delay any decision on re-registration cycles until improvements to the registration and deregistration changes have had time to take effect.¹³⁸ The Commission considers improvements to the accuracy of the register will occur through an annual check, in conjunction with improvements to the registration process.

4.3.2 Permanent life support registration is not consistent with the premises-based nature of life support registration

The rule change request proposed allowing critical customers with permanent needs to be identified, and exempting them from providing an updated medical confirmation, if the critical/assistive distinction and four-year re-registration were implemented.¹³⁹

Some submissions supported the proposal for permanent registration for critical customers only, suggesting this would reduce costs for these consumers.¹⁴⁰ Some also preferred permanent registration be allowed for all life support customers (not just critical), where it is identified they have ongoing needs.¹⁴¹ Other submissions were opposed to any customers being registered permanently, suggesting it:¹⁴²

- could undermine register accuracy, noting it is not the customer directly who is registered, rather the premises at which the customer resides¹⁴³
- provides fewer opportunities for distributors or retailers to ensure the need for life support remains unchanged, and contact details are correct¹⁴⁴
- creates gaps in obligations¹⁴⁵
- adds complexity for industry¹⁴⁶
- could require life support customers to provide excessive personal information.¹⁴⁷

While identifying permanent needs could benefit some consumers, the Commission agrees that creating a permanent class of life support user could create complexity and has the potential to undermine the accuracy of the register.

The Commission considers this is particularly relevant, considering it is the premises, not the individual, that is registered for life support. Further, the existing requirement to register with a medical confirmation form less than four years old supports register accuracy while ensuring customers are prompted to update their registration while they are engaging in the market, reducing the risk they will be deregistered in error.

137 Submissions to the consultation paper: Jemena, p. 5; EvoEnergy, p. 4; AusNet, p. 7.

138 Origin, submission to the consultation paper, p. 6.

139 SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 25.

140 Submissions to the consultation paper: AEC, p.2; AGIG, p. 3; AusGrid, p. 5; Red and Lumo, p. 2, Essential Energy, p. 1; SA Power Networks, p.7.

141 Submissions to the consultation paper: COTA, p. 8-9; Locality Planning Energy, p. 3; JEC - Joint submission, p.15; ARATA, p. 3; ECA, pp. 11-12; EnergyAustralia, p. 3, EWON EWOSA and EWOQ, p. 4.

142 Submissions to consult paper: Energy Queensland, p. 4; EvoEnergy, p. 4; TasNetworks, p. 2; AusNet, p. 7; Jemena, p. 5; ENA, p. 1.

143 Submissions to the consultation paper: ENA, p.2; EnergyAustralia, p. 4.

144 Submissions to the consultation paper: ENA p. 2; Energy Queensland, p. 4; EvoEnergy, p. 4; AusNet, p. 7.

145 ENA, submission to the consultation paper, p. 1.

146 AusNet, submission to the consultation paper, p. 7.

147 CALC, submission to the consultation paper, p. 12.

4.4 The deregistration process would be strengthened while minimising risks to life support customers

This section sets out the improvements to the deregistration processes for a life support customer.

The NERR currently gives retailers and distributors discretion to deregister a premises where there has been a change in circumstances or failure to provide medical confirmation, and the existing rules regarding notification have been followed.¹⁴⁸

The proponents view that this discretion is leading customers to remain registered unnecessarily, causing inaccuracy in the register and consumer harm.

To address this, they suggest tightening the wording in the NERR to require deregistration must occur when requested by the customer or if medical confirmation is not provided.¹⁴⁹

As noted, the draft rule provides that retailers would be required or permitted to deregister a life support premises where existing rules regarding notification have been followed.

Stakeholders were split on mandating deregistration in all instances

Many retailers and distributors agreed that discretion on deregistration has contributed to inaccurate registers, and that in certain cases, retailers or distributors avoid the deregistration process because it is costly and/or to avoid the risk of incorrectly deregistering a life support customer.¹⁵⁰

Other stakeholders viewed that deregistration should not be mandated. They noted there are cases where retailer and distributor discretion is appropriate to ensure customers are not incorrectly deregistered from receiving life-support protections.¹⁵¹

ECA and SACOSS were particularly concerned that some vulnerable customers may face barriers to obtaining medical confirmation, suggesting discretion is required in these instances to ensure adequate protections.¹⁵²

Customers must be deregistered where there is a change in their circumstances

The Commission considers that safely strengthening the deregistration process will streamline and improve outcomes for consumers, while supporting the accuracy of the life support register. Deregistration should be required when a customer has advised the retailer of a change in their circumstances. There are two instances where this could happen.

Where the customer:

- Advises that the life support user no longer requires the life support equipment or that the life support user no longer resides at the premises. As identified in the rule change request, failure to deregister in these instances can cause customers' frustration and distress.¹⁵³ The Commission also considers that since the request would come directly from the customer, there is minimal risk these premises could be incorrectly deregistered.

148 NERR, rule 125.

149 SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, pp. 23, 24.

150 Submissions to the consultation paper: AGL, pp. 1, 4; Endeavour, pp. 2, 5, 6; Ausgrid, pp. 4-5; AusNet, pp. 6-7; Energy Queensland, p. 3; EnergyAustralia, pp. 2-3; Shell, p. 1; Stanwell, p. 1; SA Power Networks, p. 6; Origin, p. 1; Evoenergy, p. 3; JEC - Joint submission, p. 11.

151 Submissions to the consultation paper: ENGIE, pp. 2-3; AusNet, pp. 6-7; Energy Queensland, p. 3; EnergyAustralia, p. 3; ECA, p. 7; COTA, p. 7; SACOSS, p. 20.

152 Submissions to the consultation paper: ECA, p. 11; SACOSS, p. 20.

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

- Where the customer changes retailer or vacates the premises. In this instance, the customer will need to advise their new retailer of their life support needs. This is already the arrangement for most customers; however, to further mitigate risks in this scenario, the draft rule would require the customer’s new retailer to ask them if they need life support protections, as discussed in section 4.1.2.

If the customer requests and gives consent, the draft rule would allow this deregistration to be expedited and occur sooner than the 15 business days after written notice to the customer as set out in the NERR.¹⁵⁴ This change aligns with Victoria’s Energy Retail Code of Practice (ERCOP). Both Shell and the AEC also suggested this would improve customer experience.¹⁵⁵

If the life support customer reaches out to the distributor to request deregistration, the distributor must advise the customer to contact their retailer directly to initiate deregistration. The Commission considers this will only occur in the minority of cases, and that it is appropriate given retailers have the primary responsibility for deregistration under the draft rule.

Maintaining retailer and distributor discretion on deregistration when not providing medical confirmation protects vulnerable consumers

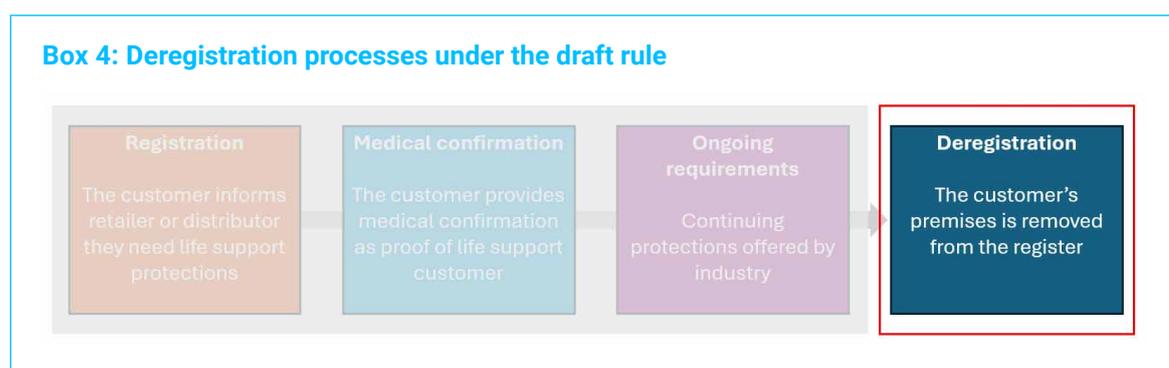
The Commission considers life support registers should be maintained as accurately as possible, while minimising risks to life support customers. Further, retailers should retain discretion on whether to deregister a premises where the customer has not provided medical confirmation.

This is because there could be a risk of incorrectly deregistering a premise that still requires life support equipment, where the customer or life support user is unable to provide medical confirmation. Retailers are best placed to determine whether deregistration is appropriate when a customer has not provided medical confirmation, given their direct relationship with the customer.

The Commission expects that in most cases, a retailer will deregister customer premises where the deregistration process has been followed. However, a retailer may maintain a customer’s registration despite not having the medical confirmation where they are aware of circumstances that may prevent a customer from providing that confirmation. For example, a retailer may be aware of difficulties a customer has accessing medical care.

As discussed in section 4.1, the draft rule adds robustness to the registration and deregistration process by requiring retailers to send medical confirmation reminders under given fixed timeframes, and seek medical confirmation annually, from customers that have not previously provided one.

Box 4.4 provides an overview of the draft rule retailer requirements for deregistration.



154 ERCOP, rule 166(7)(b). [Essential Service Commission, Energy Retail Code of Practice Version 4](#), 30 September 2025.

155 Submissions to the consultation paper: Shell, p. 3; AEC, p. 3.

Under the draft rule, retailers would be responsible for deregistration. Consistent with the current rules, there remain two circumstances where a retailer could deregister a premises:

- where there is a change in the customers circumstances and the customer advises the retailer they no longer require life support protections
- where the customer does not provide a medical confirmation.

Once a retailer has taken the appropriate steps for deregistration according to the existing rules, retailers:

- **must** deregister a premises where there is a change in the customer's circumstances
 - under the draft rule, this deregistration can be expedited with the customers consent
 - if the life support customer reaches out to the distributor to advise they no longer have life support requirements, the distributor must advise the customer to notify their retailer of the request.
- **may** deregister a premises where a customer fails to provide medical confirmation.

If a customer directly asks their distributor to request deregistration, the distributor must advise the customer to contact their retailer.

4.5 There are no changes to the requirements around back-up planning

Retailers and distributors are currently required to provide life support customers with information to assist them in preparing a plan of action in the event of an unplanned interruption.¹⁵⁶ This requirement would remain under the draft rule.

The proponents suggest that many life support customers lack a backup plan for when they are affected by a power outage and guidance around back-up planning is lacking.¹⁵⁷

The proponents suggested the AER create a consistent template for backup planning (in addition to the medical form) and 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.¹⁵⁸ Many stakeholders considered standardised templates would improve the consistency and quality of data captured about life support customers.¹⁵⁹

The Commission notes a general backup plan could be helpful as a starting point, allowing customers to consider their general needs during an unplanned outage, such as battery-powered appliances. However, it is considered that a standardised template for backup planning in the NERR would not be necessary, as backup planning and the needs of life support customers are bespoke to the customer's personal circumstances.

The Commission also notes that communication on back-up planning is important and supports the Energy Charter's Power Outage Plan campaign, which promotes awareness of the need for a backup plan and a backup plan template is available.¹⁶⁰

¹⁵⁶ NERR, rule 124(1)(b)(v) and (4)(b)(v).

¹⁵⁷ SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 26.

¹⁵⁸ SAPN and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, Proposed changes to the NERR, Rule 124(10)(a)(vii), p. 102.

¹⁵⁹ Submissions to the consultation paper: Locality Planning Energy, p. 3; AGL, pp. 4-5; Endeavour, pp. 6-7; AusNet, p. 6; Energy Queensland, p. 5; Evoenergy, pp. 5-6; Shell, p. 5; SA Power Networks, p. 9; AEC, pp. 2-3; JEC - Joint submission, p. 5; AEC, p. 2; AMA, p. 2.

¹⁶⁰ More information on the Check Plan Do Power Outage campaign is available [here](#).

4.6 Retailers would be required to notify embedded networks about life support registrations

During consultation, it was raised that the NERR does not specifically require on-market retailers operating in embedded networks to inform the embedded network when a relevant customer registers for life support protections, thereby creating risks for these customers.¹⁶¹ The Commission considers this information sharing should be formalised where possible to remove the gap and ensure communication is as consistent as possible.

To address this, the draft rule would require that when a customer in an embedded network registers for life support with their on market retailer, the retailer must pass this information to the Embedded Network Manager (ENM) responsible for the customer’s premises within one business day. The AER may consider updating its Network Exemption and Retail Exempt Selling Guidelines to align with the NERR.

Box 4.5 sets out changes to roles, responsibilities, and processes for when a customer in an embedded network registers with a retailer in that network.

Box 5: Life support registrations with embedded networks where relevant

Under the draft rule, where a customer does not have a distributor (i.e. because they are supplied by means of an embedded network) registers for life support with an on-market retailer, the retailer would:

- be required to inform the embedded network manager within one business day
 - where there is no embedded network manager, the retailer would be required to inform the exempt embedded network service provider.
- where the embedded network manager is notified, they must pass the information to the exempt embedded network service provider, who will then be required to apply life support protections and information sharing obligations set out in the AER exemption guides.

The requirements on both the retailer and the embedded network manager to notify of life support registration are recommended to be Tier 1 civil penalty provisions

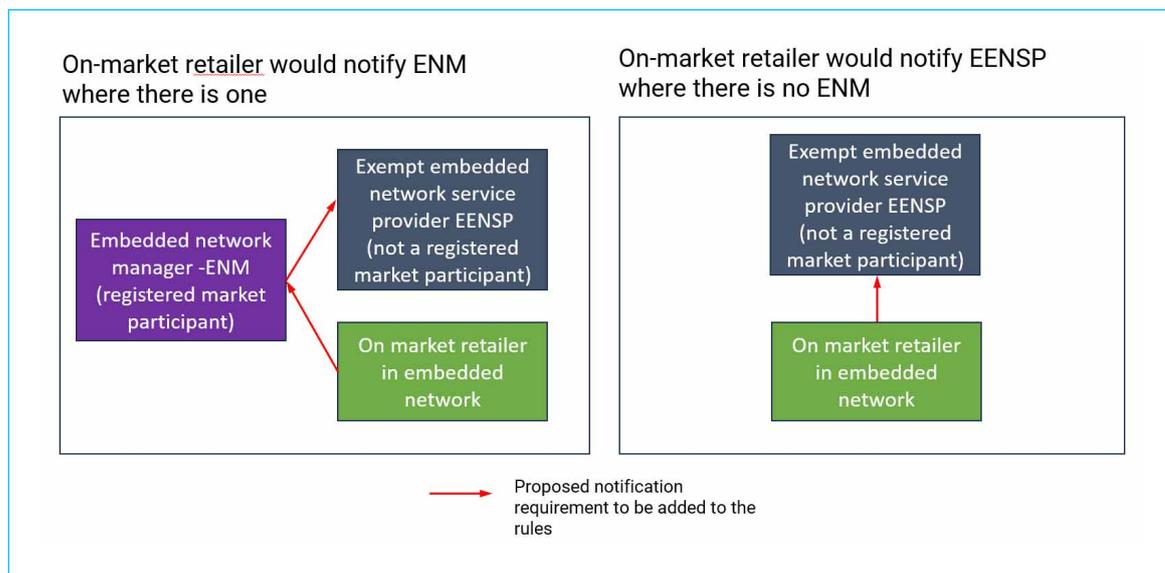
Where a customer is supplied by means of an embedded network deregisters for life support protections, the on market retailer would:

- be required to inform the embedded network manager within five business days
 - where there is no embedded network manager, the retailer would be required to inform the exempt embedded network service provider.
- where the embedded network manager is notified, they must pass the information to the exempt embedded network service provider, who will then be required to follow deregistration obligations set out in the AER exemption guides.

The requirements on both the retailer and the embedded network manager to notify of deregistration are recommended to be Tier 2 civil penalty provisions.

Proposed notification pathways for on-market retailers to inform embedded networks of customer life support needs

¹⁶¹ Embedded networks are private electrical networks, rather than the distribution networks that most sites are connected to. Embedded networks supply electricity to multiple premises from a single connection point to the main energy grid. They are often apartment buildings, retirement villages and shopping centres and can provide customers with electricity or gas. Unlike traditional retailers and distributors, life support requirements for embedded networks are regulated by the AER exemption guides, and not the NERR, however, customers can be served by a retailer while living in an embedded network, meaning there is some overlap with changes to the NERR. This means that requirements for issues in embedded networks are largely outside the scope of this rule change process.



The Commission recommends other issues with embedded networks be considered by the Commonwealth DCCEEW and the AER

Several retailers, distributors, and consumer groups identified potential gaps in the current arrangements that are outside the scope of this rule change. These included:

- that customers in embedded networks should be provided with equivalent protection to customers connected in regulated distribution networks¹⁶²
- from a parent distributor or retailer point of view, the entire embedded network is registered for life support, and that the distributor only has visibility of the parent NMI, not child NMIs, potentially impeding communications¹⁶³
- ensuring the application of consistent penalties and processes was clarified through this rule change. Alignment of responsibilities will need to be considered through any updates to the AER's exemption guides¹⁶⁴

We recommend that where possible, the Commonwealth DCCEEW consider these issues through its BECE reforms, and the AER also consider them AER through updates to its exemption guides.¹⁶⁵

4.7 Other issues related to registration and deregistration

This section sets out other issues raised in the rule change request and during consultation, including the:

- application of life support protections for gas customers
- creation of a central database for managing and storing life support registrations and deregistrations.

¹⁶² Submissions to the consultation paper: COTA, p. 5; JEC - Joint submission, p. 25; ECA, p. 13; CALC, p. 15.

¹⁶³ Submissions to the consultation paper: Ausgrid, p.8, Origin, p. 9; Jemena, p. 7.

¹⁶⁴ Submissions to the consultation paper Locality Planning Energy, pp. 2,4.

¹⁶⁵ <https://consult.dcceew.gov.au/better-energy-customer-experiences>.

4.7.1 Gas will remain included in life support protections

Changes proposed in this draft determination would apply to both electricity and gas life support customers. Gas customers would not be excluded from life support protections, or subject to different or reduced protections compared to electricity.

Gas needs would be identified on the medical confirmation form

The Commission considers that registrations in error should be minimised. The draft rule clarifies if a customer's life support equipment relies on electricity or gas via a field on the medical confirmation form. This was strongly supported by several stakeholders (a full description of the fields included in the medical confirmation form are included in section 4.2).¹⁶⁶

We consider the medical confirmation form is the appropriate point to identify the energy requirements of the life support customer, rather than additional regulation to prevent retailers from registering customers as requiring gas for life support equipment by default when they require electricity-powered equipment.¹⁶⁷

The Commission also expects retailers to exercise caution in not registering life support customers for gas where gas powered life support equipment is not identified in the medical confirmation form.

Changes applied through the draft rule will apply to gas connections

Several submissions raised that most life support equipment does not rely on gas to operate.¹⁶⁸ Some did not support continued life support protections for gas customers, suggesting that gas-powered equipment is not essential for sustaining life, citing the removal of gas from the framework in Western Australia.¹⁶⁹ Others preferred that gas equipment only be registered as assistive by default, should that definition be adopted.¹⁷⁰

Other stakeholders also suggested that different rules should apply for gas life support connections, including:

- notifications for planned outages for gas life support customers should be made by best endeavours.¹⁷¹
- a separate equipment list for gas equipment.¹⁷²
- that changes progressed through this rule change should not apply to gas connections.¹⁷³

Despite this, stakeholders also acknowledged that some life support customers do continue to rely on gas, including to produce heat or humidity for conditions like cystic fibrosis, and support continued inclusion of gas in the life support framework.¹⁷⁴

The Commission considers it is important gas life support customers are not excluded from protections and that similar protections should apply to all customers, regardless of the energy type they use.

166 Submissions to the consultation paper: AGIG, p. 2; AGL, p. 3, AusNet, p. 6; Jemena, p. 7.

167 Submissions to the consultation paper: AusNet, p. 2; Jemena, p. 3.

168 Submissions to the consultation paper: AEC, p. 2; AGIG, p. 2; Endeavour Energy p. 5; EvoEnergy, p. 3; AGL, p. 3; EnergyAustralia, p. 2.

169 Submissions to the consultation paper: AEC, p. 2; EvoEnergy, p. 3; Origin, p. 8.

170 Submissions to the consultation paper: Red and Lumo, p. 3; AGL, p. 3; AusNet, p. 4; Jemena, pp.1-2; ENA, p. 3.

171 Jemena, submissions to the consultation paper, p. 12.

172 AusNet, submission to the consultation paper, pp. 3-5.

173 AusNet, submission to the consultation paper, pp. 3-5.

174 Submissions to the consultation paper: AEC, p. 2, AGL, p. 3; SA Power Networks, p. 5; CALC, p. 9.

4.7.2 A central database is beyond the scope of this rule change, but could benefit life support customers

To improve the management and transferability of life support registrations, the proponents suggested creating a central database to manage life support registrations and:¹⁷⁵

- share information with retailers and distributors as required
- manage registration and deregistration, as well as ensuring customer details remain up to date.

The proponents noted consideration of the central database was a longer-term reform that should not progress through this rule change.

Of submissions that addressed the central database, most agreed it could improve efficiency and consumer outcomes by reducing duplication and simplifying processes, particularly when consumers switch retailers.¹⁷⁶ Several stakeholders suggested options for how the central database could operate, drawing comparison to other existing registers including the Do Not Call or Australian Organ Donor registers.¹⁷⁷

Others suggested possible functions of such a register, including:

- the register could support the progression of a Priority services register, and could provide localised contact information for people in a given area experiencing an outage event.¹⁷⁸
- by allowing the alignment of central registration of life-support with eligibility for medical and life support concessions and rebates.¹⁷⁹

Some also suggested the database should progress through this rule change.¹⁸⁰ However, most agreed the proposal requires further development through another process to resolve issues of governance, privacy and interoperability.¹⁸¹ Several submissions noted the cost and complexity of implementing the central register, with Ausgrid considering a centralised system may be developed in parallel in the medical sector for the benefit of customers, which would be outside the NERR.¹⁸²

Two submissions did not support the proposal, considering it duplicates processes and adds costs and risks vulnerable consumers falling through the cracks, Energy Queensland considered existing rules maintain low barriers for consumers to access life support protections, and AGL reiterating its preference that retailers assume and maintain responsibility for registrations.¹⁸³ Jemena suggested attempting to implement a central database at this stage risks overcomplicating the reform process and diverting focus from higher-priority outcomes.¹⁸⁴

The Commission considers a central database and priority services register have the potential to benefit life support consumers and agrees that designing such a database is beyond the scope of this rule change.

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

176 Submissions to the consultation paper: AEC, p. 3; AGIG, p. 8; Ausgrid, p. 2; COTA, p. 11; Origin, p. 8; JEC - Joint submission, p. 22, ARATA, p. 6; ECA, p. 12; EWON EWOSA and EWQQ, p. 7; Jemena, p. 14; SA Power Networks, p. 11; Stanwell, p. 2; CALC, pp. 14-15.

177 Submissions to the consultation paper: Origin, p.8; CALC, p. 14.

178 Submissions to the consultation paper: ECA, p.5; CALC, p. 15

179 Submissions to the consultation paper: JEC - Joint submission p.12.

180 Submissions to the consultation paper: Origin, p.8; Stanwell, p. 2.

181 Submissions to the consultation paper: COTA, p. 11; Endeavour Energy, p. 8; Engie, p. 5; Locality Planning Energy, p. 4; ECA, p. 12; EWON EWOSA and EWQQ, p. 7.

182 Submissions to the consultation paper: AEC, p. 3; AGL, p. 8; Ausgrid, p. 10.

183 Submissions to the consultation paper: Energy Queensland, p. 6; AGL, p. 8.

184 Submissions to the consultation paper: Jemena, p. 14.

While we consider that some of the issues that give rise to the need for a central register will be somewhat ameliorated by changes in this draft determination, a well-designed central register could further reduce these issues by:

- delivering streamlined outcomes for consumers, particularly when they change retailer
- reducing duplication of processes and clarifying roles for industry.

The Commission also reiterates its support for a longer-term system that allows concessions and rebates to be applied automatically. We have previously recommended that the DCCEEW bring Services Australia and jurisdictions together to discuss options for the automatic application of concessions.¹⁸⁵

185 AEMC, Improving the application of concessions to bills, Final determination, 2025, p.19.

5 Improving communication methods to contact life support customers (Theme 3)

This chapter sets out the Commission’s draft rule and reasoning covering changes to the following areas enabling:

- a second person to be contacted to support the life support customer
- the capture and use of a life support customer’s electronic contact details.

In summary, the Commission has made a draft determination and draft rule that:¹⁸⁶

- enables a secondary person to be contacted about:
 - planned outages
 - whether the life support customer still requires life support equipment and their contact details, as part of the retailer’s annual check-in.
- enables electronic contact details to be captured for life support customers
- clarifies that electronic communications methods are permitted for planned interruption notices (where nominated as the customer’s or secondary contact person’s preferred form of written communication).

The Commission considers the changes would improve communications between industry and life support customers to align them with consumer preferences.

5.1 Enabling a second person to be contacted about planned outages

The Commission has made a draft rule that seeks to improve outcomes for consumers, where the life support customer may not be the best point of contact for being notified of or responding to life support notifications.

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 rule change request suggested this is a gap because the life support customer may not always be in the best position to respond to outage communications, and proposed adding the ability to capture a second contact person to support life support customer.¹⁸⁷

Stakeholders supported adding a secondary contact

Consumer groups, distributors, the AER, and some retailers broadly supported the proposed solution in the rule change request. They considered this would improve the safety and experience of life support users by ensuring relevant individuals are notified ahead of or during outages.¹⁸⁸

Shell viewed that a customer should be able to elect whether to provide a secondary contact, and that this should not be mandatory.¹⁸⁹

Some retailers and distributors raised concerns regarding privacy and consent, data sharing, and implementation complexities and costs.¹⁹⁰

¹⁸⁶ Draft rule, rules 123B, 124B and 124C

¹⁸⁷ SA Power Networks and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 25.

¹⁸⁸ Submissions to the consultation paper: EWON, EWOQ and EWOSA, p. 6; COTA, pp. 10-11; AGL, p. 7; Endeavour, pp. 3, 7; Ausgrid, p. 8; Jemena, p. 3; Evoenergy, p. 6; AER, p. 2; ARATA, p. 5; ECA, p. 16; SA Power Networks, p. 10; ENA, p. 2; JEC joint submission, p. 4; AusNet, p. 5.

¹⁸⁹ Submissions to the consultation paper: Shell, p. 5; AusNet, p. 5.

¹⁹⁰ Submissions to the consultation paper: ENGIE, p. 4; Energy Queensland, p. 5; Shell p. 5; EnergyAustralia, p. 6; Alinta, p. 2; Endeavour, p. 7; TasNetworks, p. 2.

ENA considered that distributors should not be obligated to notify the secondary contact via letter, and instead, phone number or email contact details should be required for the second nominated contact.¹⁹¹

The IEC suggested the proponents' proposed changes would require business-to-business (B2B) changes as it currently:¹⁹²

- only allows retailers and distributors to record a single, nominated contact
- does not facilitate sharing the preferred contact method of each person related to a customer registered for life support protections.

5.1.1 The draft rule would enable medical confirmation forms to capture secondary contact details

The Commission considers it important life support customers receive appropriate support during or in the event of an outage. Enabling support from a secondary contact person under the draft rule can assist with this at minimal cost and complexity, as it builds on existing life support information capture and sharing processes and requirements.¹⁹³

Under the draft rule, retailers:

- **Would collect the contact details of the secondary contact person via medical confirmation forms.** The ability to capture the contact details of the secondary contact person would be a minimum content requirement for a medical confirmation form.
 - It would not be compulsory for a customer to provide a secondary contact. This would be an option only, and not doing so would not invalidate the medical confirmation form.
 - To ensure notifications are delivered in the preferred way, the secondary contact would be able to indicate their contact preference, including via hard copy or electronic means.
 - The secondary contact person could also be advised to the retailer, or updated, outside this process.
 - As outlined in chapter four, the medical confirmation form template would be developed jointly by the AER and ESC Vic (section 4.2.1).
- **Would share any relevant contact details of the life support customer and the secondary contact person with distributors.** This is provided existing provisions regarding family violence, privacy, and consent are met, as mentioned below.
- **Must obtain the secondary contact person's consent.** This is to allow retailers to share contact details of the secondary contact person with distributors.¹⁹⁴ This supports a retailer's compliance with existing provisions regarding family violence, privacy, and consent.¹⁹⁵

The life support customer's secondary contact person would be notified regarding:

- planned outages
- the annual customer check-in from retailers (see section 4.3).

Retailers or distributors would not be prevented from reaching out to this person during unplanned outages.

191 Submissions to the consultation paper: ENA, p. 2.

192 IEC, submission to the consultation paper, p 1; B2B is the process by which retailers and distributors share life support customer information - AEMO, B2B Procedure: Customer and site details notification process, 2025.

193 For example, NERR, rules 124B and 76G(1).

194 For example, for the purpose of providing distributor-planned interruption notices.

195 NERR, rule 76G(1).

The draft rule enables the secondary contact person to remove themselves as the secondary contact for a life support customer. In these instances, the retailer would notify the life support customer their secondary contact has been removed and request the customer to provide the details of an alternative secondary contact person, if they choose.¹⁹⁶

We do not intend for the secondary contact to act on behalf of the customer or life support user with respect to the provision of energy services or life support protections. For example, the secondary contact will not be able to advise the retailer or distributor the premises no longer requires life support equipment or the account holder/customer has vacated the premises.

5.2 Enabling electronic contact details to be captured for life support customers

The Commission has made a draft rule that allows customers' electronic contact details to be captured during medical confirmation.

Currently, it is not strictly required that a life support customers' electronic contact details be captured during registration. As a result, the rule change request suggests mobile phone numbers and email addresses for the customer are often missing from the medical confirmation form, making it costly and difficult to contact the customer in the event of an outage.¹⁹⁷

The rule change request proposed updating the content requirements for the medical confirmation form to include a request for a mobile phone number and an email address for both the customer and any secondary contact person, for the purposes of receiving notices of planned power outages.¹⁹⁸

The rule change request also suggests 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.¹⁹⁹

Most stakeholders supported capturing electronic contact details

Most stakeholders were supportive of the proposed change, suggesting standardising practices to capture electronic contact details would improve the speed, robustness, and consistency of communications to improve customer expectations.²⁰⁰

Some stakeholders highlighted the importance of ensuring electronic communications are not made mandatory for customers. Customers should be able to provide a range of communication types, including a landline, and these details should be shared between the retailer and distributor in a timely way.²⁰¹

Some retailers did not think electronic contact details should be captured on the medical confirmation form, suggesting this approach could create ambiguity, as retailers already capture and store electronic contact details for primary and secondary contacts in their customer management system.²⁰²

196 Draft rule, subrule 124B(1)(b) and (c).

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

198 Ibid., p. 27

199 Ibid., p. 25.

200 Submissions to the consultation paper: AusNet, p. 2. Jemena, p. 13; SA Power Networks, p.10; ECA, p.16; Origin, p. 7; SACOSS, pp. 22-23; Essential Energy, p. 7; Ausgrid, p. 8; Energy Queensland, p. 6.

201 Submissions to the consultation paper: COTA, p.11; Locality Planning Authority, p. 4; Jemena, p. 13; Ausgrid, p.8.

202 Submissions to the consultation paper: EnergyAustralia, p.6; AGL, p.8.

AusNet suggested electronic contact details should not be captured for gas customers due to costs and differences in gas and electricity connections, including the frequency of outages.²⁰³

5.2.1 The draft rule allows the capture of electronic communication details during medical confirmation

The Commission considers it critical that life support notifications are delivered to life support customers and secondary contacts efficiently, and these notifications occur according to customer preferences.

Enabling the capture of electronic communication details during medical confirmation would support this information being captured and shared by retailers and distributors as needed.

The draft rule provides the ability to capture and share customer electronic communication details during medical confirmation by:

- Requiring fields in the medical confirmation form to allow the capture of the electronic contact details (namely, the email and mobile number) of the customer and secondary contact, and for the customer and secondary contact to indicate their preference. We expect retailers would work with life support customers to avoid duplicated or redundant information capture.
 - Completing these sections would not be mandatory, and not doing so would not invalidate the medical confirmation form.
- Requiring retailers to share this information with the distributor.

5.3 The draft rule clarifies that electronic communications methods are permitted for notifications

Under the existing rules, retailers and distributors are required to give customers whose premises are registered for life support protections at least four business days “written notice” of planned interruptions.²⁰⁴

The proponents suggested that for many households, a hard copy letter may not be their preferred communication channel and notification by letter can impact the timeliness with which planned power outage notifications are received by customers.²⁰⁵

To address this, the proponents suggested:²⁰⁶

- clarifying that retailers and distributors can use electronic communication channels to provide written notification to life support customers (and secondary contact persons) of planned power outages, where a mobile number and/or email is available
- 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.

Most stakeholders supported allowing electronic communications

Most stakeholders supported the rule change request’s proposal.²⁰⁷ Ausgrid, AusNet and Jemena noted electronic methods of communication should be permitted for notifying a life support

203 AusNet, submission to the consultation paper, p.8.

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

205 SA Power Networks and Essential Energy, #BetterTogether – Better Protections for Life Support Customers, rule change request, p. 29.

206 Ibid., p. 29.

207 Submissions to the consultation paper: EWON, EWQQ and EWOSA, p. 7; Locality Planning Energy, p. 4; TasNetworks, p. 2; AGL, p. 8; Endeavour, p. 4; Ausgrid, p. 9; Jemena, p. 3; AusNet, pp. 2-3; Jemena, p. 3; Energy Queensland, p. 6; Evoenergy, p. 6; ECA, p. 17; SA Power Networks, p. 11; AGIG, pp. 7-8; ENA, p. 2, JEC joint submission, p. 4.

customer's secondary contact, in addition to the life support customer.²⁰⁸ Some considered these changes would:²⁰⁹

- ensure notification of planned outages are timely, cost-effective and reliable in line with customer preferences
- support communications with nominated secondary contact persons, carers or others involved in the life support customer's care
- remove ambiguity or confusion across the retailers and distributors on the interpretation of 'written' communication methods.

However, ENGIE viewed that additional regulatory requirements are not necessary as they state retailers currently notify customers via the customer's preferred method of communication, whether it be postal mail and/or email.²¹⁰

5.3.1 The draft rule would clarify that electronic methods of communication are permitted for planned interruption notices

The Commission considers that clarifying permitted written communication types would ensure communications to life support customers are robust and timely. It would also aid retailers and distributors to meet customer communication preferences.

The draft rule seeks to address the ambiguity and confusion around permitted written communication methods for planned interruption notices to life support customers.

The draft rule explicitly clarifies the requirements for distributor and retailer-planned interruptions that retailers and distributors may use electronic communication methods, such as email or SMS messages. This would be consistent with the National Gas Law (NGL), which specifies "writing includes any mode of representing or reproducing words in a visible form."²¹¹

The draft rule would explicitly include this interpretation for planned interruption notices in the NERR.

208 Submissions to the consultation paper: Ausgrid, p. 9; AusNet, pp. 2-3; Jemena, p. 3.

209 Submissions to the consultation paper: Jemena, pp. 13-14; AusNet, pp. 2-3; Jemena, p. 3; Energy Queensland, p. 6; ECA, p. 17; SA Power Networks, p. 11.

210 ENGIE, submission to the consultation paper, p. 5.

211 NGL, Schedule 2, cl. 10. The NERR and NERL apply the interpretation provisions set out in the NGL (see NERL s 8).

A Rule making process

A standard rule change request includes the following stages:

- a proponent submits a rule change request
- the Commission initiates the rule change process by publishing a consultation paper and seeking stakeholder feedback
- stakeholders lodge submissions on the consultation paper and engage through other channels to make their views known to the AEMC project team
- the Commission publishes a draft determination and draft rule (if relevant)
 - stakeholders lodge submissions on the draft determination and engage through other channels to make their views known to the AEMC project team
- the Commission publishes a final determination and final rule (if relevant).

You can find more information on the rule change process on our website.²¹²

A.1 SA Power Networks and Essential Energy proposed a rule to improve life support customers' outcomes by amending definitions and processes

The rule change request outlined 10 issues as outlined in the table below. We grouped these into three themes:

- Theme 1: Improving definitions to better serve 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 distributors to contact life support customers faster and via their preferred method.

This rule change request is focused on process improvements and is not seeking to reduce protections to life support customers under the NERR.

Table A.1: Themes and issues in this rule change

Theme	Issue
Theme 1: Improving definitions to better serve life support customers, and related civil penalties for breaches	Retailers and distributors cannot distinguish between, or effectively triage, customers with critical needs
	Civil penalty provisions are not aligned to the potential harm caused
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
	The NERR does not require up-to-date medical

212 See our website for more information on the rule change process: <https://www.aemc.gov.au/our-work/changing-energy-rules>

Theme	Issue
	confirmation for all registered premises and permanent medical conditions cannot be identified
	Life support registration can be misused to avoid disconnection
	There is an inconsistency in how life support is assessed, and back-up planning is lacking
	There is no central database for storing medical confirmations
Theme 3: Improving communication methods to contact life support customers	A second person can not be contacted about planned outages
	Electronic contact details are not always captured for life support customers
	There is confusion around permitted written communication methods

A.2 The process to date

On 31 July 2025, the Commission published a notice advising of the initiation of the rule making process and consultation in respect of the rule change request.²¹³ A consultation paper identifying specific issues for consultation was also published. Submissions closed on 4 September 2025.

The Commission received 31 submissions as part of the first round of consultation. We also conducted numerous bilateral and multilateral meetings and workshops with retailers, distributors, and consumer groups on specific and broad issues. The Commission considered all issues raised by stakeholders in submissions. Issues raised in submissions are discussed and responded to throughout this draft rule determination.

A summary of other issues raised in submissions and the Commission's response to each issue is contained in appendix C.

A.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.²¹⁴ The Essential Services Commission of Victoria (ESC Vic) is considering the same or similar reforms as described in the rule change request, and published 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.

²¹³ This notice was published under section 251 of the NERL.

²¹⁴ 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.

B Legal requirements to make a rule

This appendix sets out the relevant legal requirements under the NERL for the Commission to make a draft rule determination.

B.1 Draft rule determination and draft rule

In accordance with section 256 of the NERL, the Commission has made this draft rule determination for a more preferable draft rule (draft rule) in relation to the rule proposed by SA Power Networks and Essential Energy.

The Commission's reasons for making this draft rule determination are set out in chapters two to five.

A copy of the more preferable draft rule is attached to and published with this draft determination. Its key features are described in chapters three to five.

B.2 Power to make the rule

The Commission is satisfied that the more preferable draft rule falls within the subject matter about which the Commission may make rules.

The subject matter of the draft rule falls within:

- section 237(1)(a)(i) of the NERL as it relates to the provision of energy services to customers, including customer retail services and customer connection services
- section 237(1)(a)(ii) of the NERL as it relates to the activities of persons involved in the sale and supply of energy to customers.

B.3 Commission's considerations

In assessing the rule change request, the Commission considered:

- its powers under the NERL to make the draft rule
- the rule change request
- submissions received during first round consultation
- the Commission's analysis as to the ways in which the draft rule will or is likely to contribute to the achievement of the NERO
- the extent to which the rule is compatible with the development and application of consumer protections for small customers.

There is no relevant Ministerial Council on Energy (MCE) statement of policy principles for this rule change request.²¹⁵

B.4 Civil penalty provisions and conduct provisions

The Commission cannot create new civil penalty provisions or conduct provisions. However, it may recommend to the Energy Ministers' Meeting that new or existing provisions of the NERL be classified as civil penalty provisions or conduct provisions.

²¹⁵ Under s. 33 of the NEL and s. 73 of the NGL the AEMC must have regard to any relevant MCE statement of policy principles in making a rule. The MCE is referenced in the AEMC's governing legislation and is a legally enduring body comprising the Federal, State and Territory Ministers responsible for energy. On 1 July 2011, the MCE was amalgamated with the Ministerial Council on Mineral and Petroleum Resources. In December 2013, it became known as the Council of Australian Government (COAG) Energy Council. In May 2020, the Energy National Cabinet Reform Committee and the Energy Ministers' Meeting were established to replace the former COAG Energy Council.

The NERL sets out a three-tier penalty structure for civil penalty provisions in the NERL and the NERR.²¹⁶ A Decision Matrix and Concepts Table,²¹⁷ approved by Energy Ministers, provide a decision-making framework that the Commission applies, in consultation with the AER, when assessing whether to recommend that provisions of the NERR should be classified as civil penalty provisions, and if so, under which tier.

Subject to consulting with the AER, the Commission proposes to make the following civil penalty recommendations to the Energy Ministers’ Meeting in relation to the final rule, if made.

Table B.1: Civil penalty recommendations

NERR rule	Description of rule	Proposed classification	Reason
124B(1A)	<p>The draft rule requires retailers to give specified information under rule 124B(1)(a) and (b) to the following parties if there is no distributor for the customer’s premises:</p> <ul style="list-style-type: none"> the Embedded Network Manager responsible for the customer’s premises; or if there is no Embedded Network Manager for the customer’s premises, the Exempt Embedded Network Service Provider. 	Tier 1	Failure to comply with this provision may lead to adverse outcomes for customers in embedded networks, including not receiving life-support protections when needed.
124D	<p>The draft rule requires that, where an Embedded Network Manager has been notified by a retailer under subrule 124(1)(d)(i) or 124B(1A)(a), the Embedded Network Manager must within 1</p>	Tier 1	Failure to comply with this provision may lead to adverse outcomes for customers in embedded networks, including not receiving life-support protections when needed.

216 Further information is available at <https://www.aemc.gov.au/regulation/energy-rules/civil-penalty-tools>

217 The Decision Matrix and Concepts Table is available at: https://web.archive.org.au/awa/20210603104757mp_/https://energyministers.gov.au/sites/prod.energycouncil/files/publications/documents/Final%20-%20Civil%20Penalties%20Decision%20Matrix%20and%20Concepts%20Table_Jan%202021.pdf

NERR rule	Description of rule	Proposed classification	Reason
	business day of receiving the notice provide the information in that notice to the relevant exempt embedded network service provider.		
125(1), (4), (5), (6)(a)(i) and (7)	The draft rule includes deregistration notification requirements placed on a retailer.	Tier 1	It is recommended that these provisions retain their classification as a tier one civil penalty provision and additionally clarify time parameters and required notifications. Failure to comply with these provisions may lead to adverse outcomes for life support users..
125(2), (2A), (2B), (6)(a)(ii), (6)(b) and (8)	The draft rule includes deregistration requirements relating to Embedded Networks, and where there is a change in the customer's circumstances.	Tier 2	Failure by retailers (or Embedded Network Managers, as the case may be) to comply with these provisions could result in customers remaining registered as life support customers when they no longer require protections, leading to inadequate record keeping and flow on effects for administrative processes.

Where the draft rule amends provisions that are currently classified as civil penalty provisions, the Commission does not propose to recommend to the Energy Ministers' Meeting any changes to the classification of those provisions.

The more preferable draft rule does not amend any rules that are currently classified as conduct provisions under the National Energy Retail Regulations.

C Summary of other issues raised in submissions

Table C.1: My table title

SA Power Network, p. 8	AER should run a life support awareness campaign	The Commission does not propose to mandate this arrangement. We consider that retailers and distributors, and bodies like the Energy Charter are better placed than the AER to inform and educate customers about life support arrangements
Endeavour Energy, p. 8	Requiring retailers to maintain a 24/7 customer support number to ensure life support customers are protected in the event of a premise-specific outage and not only network outages.	Retailers are already required to maintain a 24/7 life support customer support line under NERR 124B(1)(e).
SACOSS, p. 24	Alignment of protections for all consumers, particularly those not protected by the NECF.	The scope of future protections is under the consideration of the DCCFEW BECE process .
Alinta, p. 4; Origin, p. 9	Disentanglement of institutional (e.g. hospitals), which may have increased in number, and life support sites	The Commission understands it is relatively rare for a small business to be registered for life support. Sensitive sites like hospitals are identified by individual jurisdictions (NER, Chapter 4, rule 4.3, clause 4.3.2). It is not practical to completely disentangle requirements through this rule change.
Alinta, p. 4	Use of MSATs to transfer life support data	As noted in the consultation paper, the Commission considers B2B is the appropriate process for sharing life support customer information. MSATs is used for market settlement purposes.
Energetic Communities, pp. 1-3	The inclusion of life support customers in virtual	The Commission notes Energy Ministers, through

	power plants (VPPs), where heating or cooling may be curtailed, leading to consumer risk.	its BECE process is considering the appropriateness of life support protections to newer energy services including VPPs. The Commission recommends DCCEE (lead for BECE process) also considers this issue through this process. The Commission expects VPP operators, whether on or off market, to consider the appropriateness and risks of their products for customers on an individual basis.
Alinta, p. 5	Creation of a single form for receive life support protections and rebates.	The Commission considers coordinating this across multiple jurisdictions is beyond the scope of this rule change. However, the Commission supports a system that allows concessions and rebates to be applied automatically. We recommend that the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEE) bring Services Australia and jurisdictions together to determine next steps towards the automatic application of concessions. This could be forum to also consider a central life support register, and or priority services register.
AusGrid, p. 4	New life support registration where an outage is planned. It is proposed that where distributors 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	The Commission considers that the application of life support protections is critical. It is unclear how often the described circumstance eventuates. As such, the Commission considers existing NERR arrangements should be maintained.

	explicit consent to proceed (as currently required under NERR Rule 90(1)(c)).	

D Summary of proposed updated roles, responsibilities, and processes

Existing life support roles and processes				
	Identification/registration	Medical confirmation	Ongoing requirements	Deregistration
	The customer informs the retailer or DNSP they need life support protections	Industry seeks confirmation that the life support customer requires protections	Continuing obligations for industry to serve life support customers	Retailer and DNSPs must both deregister life support customers, and must follow steps in the rules before deregistering a premises.
Retailer role	<p>If advised by a customer or DNSP, the retailer registers the premises, providing protection.</p> <p>If advised by a customer, the retailer provides information to the customer and notifies the DNSP that the premises require life support equipment.</p>	<p>If the customer first reached out to the retailer, the retailer completes this step, sharing information with DNSP.</p> <p>- There are no time limits around completing seeking medical confirmation</p>	<p>When requested by the customer, the retailer will action any changes to the customer's details, and share updated information with the DNSP.</p> <p>When informed by a DNSP, the retailer makes the corresponding update to their register.</p>	<p>The retailer follows the deregistration process, advising the DNSP of any deregistration. The DNSP may then deregister.</p> <ul style="list-style-type: none"> may deregister a customer if there is a change customer circumstances (they no longer require life support equipment, move out, or change retailer) may deregister a customer if they do not return the medical confirmation form (no change)
DNSP role	<p>If advised by a customer or retailer, the DNSP registers the premises providing protection.</p> <p>If advised by a customer, the DNSP provides information to the customer and notifies the retailer that the premises require life support equipment.</p>	<p>If the customer first reached out to the DNSP, the DNSP completes this step, sharing information with retailer.</p> <p>- There are no time limits around completing seeking medical confirmation</p>	<p>When requested by the customer, the DNSP will action any changes to the customer's details, and share updated information with the retailer.</p> <p>When informed by a retailer, the DNSP makes the corresponding update to their register.</p>	<p>The DNSP follows the deregistration process, advising the retailer of any deregistration. The retailer may then deregister.</p> <ul style="list-style-type: none"> may deregister a customer if there is a change customer circumstances (they no longer require life support equipment, move out, or change retailer) may deregister a customer if they do not return the medical confirmation form (no change)

Life support roles and processes under the draft rule				
	Identification/registration	Medical confirmation	Ongoing requirements	Deregistration
	The customer informs the retailer or DNSP they need life support protections	Industry seeks confirmation that the life support customer requires protections	Continuing obligations for industry to serve life support customers	The customers' premises leaves the register
Retailer role	<p>Ask all new customers if they require life support protections.</p> <p>If advised by a customer or DNSP, retailer must register the customer, notifying the DNSP (or embedded network) within one business day.</p>	<p>Complete this step, sharing information with DNSP.</p> <p>The retailer must provide medical confirmation reminder notices to the customer within 15-25 days.</p>	<p>When requested by the customer, the retailer will action any changes to the customer's details, and share updated information with the DNSP.</p> <p>Retailers will annually check in with the customer to confirm details remain accurate, and inform the DNSP (or embedded network) within one business day.</p>	<p>The retailer is responsible for deregistration. The retailer:</p> <ul style="list-style-type: none"> • must deregister a customer if there is a change customer circumstances (they no longer require life support equipment, move out, or change retailer) • may deregister a customer if they do not return the medical confirmation form (no change) <p>Must notify the DNSP (or embedded network) about deregistrations within five business days.</p>
DNSP role	<p>If the customer reaches out to DNSP directly, the DNSP must:</p> <ul style="list-style-type: none"> • notify the customers' retailer so that the retailer registers the premises as life support • immediately apply life support protections for the customer. 	No active role at this step.	<p>No active role at this step.</p> <p>If a customer directly asks their DNSP to change in their details, the DNSP must advise the customer to reach out to their retailer.</p>	<p>No active role at this step.</p> <p>If a customer directly asks their DNSP to request deregistration, the DNSP must advise the customer to reach out to their retailer.</p>

Abbreviations and defined terms

AEMC	Australian Energy Market Commission
AER	Australian Energy Regulator
AMA	Australian Medical Association
BECE	Better Energy Customer Experience reforms
B2B	Business to business procedures
Commission	See AEMC
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DNSP	Distribution Network Service Provider
ECA	Energy Consumers Australia
ECMC	Energy and Climate Change Ministerial Council
ENA	Energy Networks Australia
ENM	Embedded network manager
EENSP	Exempt embedded network service provider
ERCOP	Electricity Retailer Code of Practice
ESC Vic	Essential Services Commission Victoria
EWON	Energy and Water Ombudsman New South Wales
EWOQ	Energy and Water Ombudsman Queensland
EWOSA	Energy and Water Ombudsman South Australia
IEC	Information Exchange Committee
JEC	Justice and Equity Centre
NECF	National Energy Customer Framework
NEM	National Electricity Market
NERO	National Energy Retail Objective
NERR	National Energy Retail Rules
NGL	National Gas Law
Proponent	The individual / organisation who submitted the rule change request to the Commission
SACOSS	South Australian Council of Social Service
SAPN	South Australian Power Networks
SMS	Short message service