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Contact Officer: Vicky Knighton

Thursday, 16 April 2026

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

Dear Anna Collyer

Re: Improving life support processes – Draft rule determination

The Australian Energy Regulator (AER) welcomes the opportunity to respond to the Australian Energy Market Commission's (AEMC) draft rule determination on National Energy Retail Amendment (Improving life support processes) Rule 2025.

Life support obligations in the National Energy Customer Framework (NECF) are a crucial consumer protection. Ensuring compliance with these obligations is an enduring [Compliance and Enforcement Priority](#) for the AER. We consider the requirements of retailers and distributors to not arrange for the de-energisation of a premise where life support equipment is required is critical to ensuring the safety and wellbeing of customers who depend on that equipment. It is our expectation that all parties maintain robust policies, systems and processes to enable them to comply with their obligations.

We support regulatory harmonisation of life support consumer protections across states and territories

We are pleased to see the approach taken by the AEMC and the Essential Services Commission of Victoria (ESC Vic) to align life support roles, responsibilities, and processes. We encourage the AEMC to consider further opportunities to align the rule, for example:

- Using common definitions including, but not limited to, medical confirmation form.
- Removing the contents of the medical confirmation form from the rule to maintain flexibility and ensure alignment with ESC Vic form. The ESC Vic has proposed removing the equivalent clause in the Retail Code of Practice which contains the minimum content requirement for the medical confirmation form.

- Clarifying the application of life support protections to different customer types. It is the AER's understanding that in Victoria life support protections¹ only apply to small customers and customers in embedded networks while in the states and territories that have adopted the National Energy Customer Framework, life support protections apply where a customer resides at a premises regardless of whether the customer is large or small.
- The timing of the implementation of the medical confirmation form.

The AER is committed to working with the ESC Vic to develop the medical confirmation form and supports the use of lived experiences to simplify and make the form accessible for consumers and Medical Practitioners. We consider the rule should give sufficient flexibility to develop the form with the ESC Vic instead of detailing its contents in the rules. This will assist us to develop and maintain one form across all jurisdictions which is accessible and fit for purpose.

Regulatory harmonisation would support greater consistency and reduce costs for energy businesses operating across frameworks.

Life support protections for customers in embedded networks

The AER supports the clarification of information sharing for on-market retailers to inform embedded network managers or exempt embedded network service providers of customer life support needs. We would like to highlight that the [AER Network Exemptions Guidelines](#) only apply to electricity embedded networks and that gas embedded networks are dealt with at a jurisdictional level.

The Australian Government Department of Climate Change, Energy, Environment and Water has commenced consultation for the [Better Energy Customer Experiences review](#). The review is considering how to improve levels of customer protection in different market settings, including embedded networks, and is specifically considering the consumer protection gaps. The AER highlighted in its [submission to the review](#) the requirement for legislative change to address gaps in protections for embedded network customers including life support.

The rule change proposal will have broader resourcing implications for the AER

The draft rule requires the AER to update our [Retail Performance Reporting Procedures and Guidelines](#) to reflect the amending rule by the effective date (currently 1 December 2027). We will also need to review and consider updates to our [Compliance Procedures and Guidelines](#). Both guideline updates must be undertaken in accordance with the retail consultation procedure set out in rule 173 of the National Energy Retail Rules. This is a resource-intensive process for both the AER and stakeholders.

As identified in our submission on the consultation paper, the draft rule change proposal would require updates to the AER's non-enforceable [Life support registration guide 2021](#) and [consumer-facing fact sheet](#).

We require sufficient flexibility in reviewing Guidelines and guidance materials and consider the AEMC should not impose a timing requirement on such reviews.

¹ Clauses 163, 168, 173 and 174 of the Energy Retail Code of Practice.

We encourage the AEMC to take a ‘safety by design’ approach to the final rule

The ESC Vic’s [safety by design partnership](#) has highlighted how perpetrators of family violence exploit essential services data and systems to harm customers affected by family violence. The AER’s [strategy to support a safer energy market for customers affected by family violence](#) includes a priority to support a regulatory framework that enables safety by design to prevent essential services from being exploited by family violence perpetrators to cause harm.

Safety by design is a framework that can be used to reduce the risk of harm from the misuse of products or services, including by perpetrators of family violence. Given the ways in which personal information can be exploited to cause significant harm, a regulatory framework that is safe by design would include the highest possible level of privacy and consent requirements for personal information as the default standard. We are pleased to see the draft rule considers arrangements for consent from the secondary contact person to be obtained by the retailer prior to providing details to the distributor. Taking a safety by design approach to finalising the rules would help prevent personal information from being weaponised.

We also would like to remind all parties of the importance of the existing provisions regarding family violence, privacy and consent throughout the life support registration, deregistration and new annual checks processes and encourage taking a safety by design approach when implementing the new rules within their businesses. In updating our life support registration guide, we will include expectations relating to customers affected by family violence, to ensure their safety and information is maintained when accessing the vital life support protections.

We support maintaining civil penalties for breaches of life support protections

We support the AEMC’s recommendation to maintain breaches of life support obligations for notification of planned outages and deregistration are Tier 1 civil penalties. We also support the AEMC’s civil penalty recommendations set out in Table B.1 of the draft rule determination.

Thank you for the opportunity to provide our feedback on the draft rules. We look forward to continuing to engage with the AEMC on this matter. While we have focused our feedback in this process on issues directly affecting the AER’s role and functions, we encourage the AEMC to carefully consider how to mitigate the risk of unintended consequences and potential consumer harm resulting from changes to these important protections, particularly in relation to family violence. If you have any questions about this submission, please contact the AER’s Retail Compliance team at [AERRetailCompliance@aer.gov.au](mailto:AERRetailCompliance@ aer.gov.au).

Yours sincerely



Rebecca Holland
General Manager Compliance and Enforcement

Lodged online on: 16.04.2026