

15 April 2026

Mr Geoffrey Rutledge  
Chief Executive Officer  
Australian Energy Market Commission  
GPO Box 2603  
Sydney NSW 2000  
Online via: [www.aemc.gov.au](http://www.aemc.gov.au)

Dear Geoffrey

**RRC0064 – Improving life support processes – Draft determination**

Thank you for the opportunity to comment on the draft determination.

The comments contained in this submission reflect the feedback of the Energy & Water Ombudsman NSW (EWON), Energy & Water Ombudsman South Australia (EWOSA), and Energy and Water Ombudsman Queensland (EWOQ). We are the industry-based external dispute resolution schemes for the energy and water industries in New South Wales, South Australia, and Queensland.

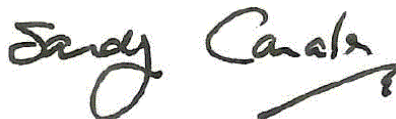
We have collectively reviewed the draft determination and have only responded to those matters that align with issues customers raise, or with each respective organisation's operations as they relate to the draft determination.

If you require any further information regarding our submission, please contact Dr Rory Campbell, Manager Policy & Systemic Issues (EWON) on 02 8218 5266, Mr Jeremy Inglis, Manager Policy and Research (EWOQ) on 07 3212 0630 or Mr Antony Clarke, Policy and Governance Manager (EWOSA) on 08 8216 1861.

Yours sincerely



**Janine Young**  
Energy & Water Ombudsman  
New South Wales



**Sandy Canale**  
Energy & Water Ombudsman  
South Australia



**Jane Pires**  
Energy and Water Ombudsman  
Queensland

## Executive summary

We welcome the rule change consultation and acknowledge the work done by the Australian Energy Market Commission (AEMC) and Essential Services Commission (ESC) Victoria to align life support processes for electricity and gas customers across jurisdictions. The Energy and Water Ombudsman Victoria has provided a response to the proposed changes set out by the ESC – our four offices collaborated so that our responses to the AEMC and ESC respectively, are consistent.

The AEMC proposal seeks 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. We support the intent of the proposed changes to:

- Clarify and improve roles, responsibilities, and processes of retailers and distributors in registering and serving energy customers with life support equipment at their premises, particularly during unplanned outages or emergencies.
- Enable customers to receive targeted and rapid communication by retailers and distributors; particularly those with life threatening conditions.
- Improve confidence in the data held by retailers and distributors to successfully deliver safe and reliable electricity services to customers.

We also recommend the AEMC consider how VPPs operated by third parties can affect electricity supply and pose risks to life support customers. It is essential that protections, including access to dispute resolution, are extended to customers of these operators.

### Summary of our position

#### Key consumer protection issues:

- We strongly support the decision that the draft rule does not require existing life support customers to re-register, given the potential that non-response could result in significant harm.
- We strongly support maintaining the current life support equipment list and to preserve medical practitioners' discretion to determine the equipment required for each life support user. We do not support amending the life support equipment list if it results in:
  - existing life support customers being removed from the register or being unable to register because they cannot afford to update their equipment, or
  - medical practitioner discretion being removed.

#### Our positions on identifying and distinguishing life support customers:

- We support the identification of life support customers with higher needs (life-threatening conditions) through the medical confirmation form; however, we have concerns about defining a life-threatening condition by the duration of a 'prolonged interruption'.
- We support distinguishing the 'life support user' definition from the account holder ('customer') definition.
  - We strongly support the proposed decision not to introduce a cap on the number of registration attempts a customer may make without submitting a medical confirmation form.

#### Other key views on retailer processes in the draft determination:

- We support the proposed requirement for retailers to capture, store, and report relevant life support customer information to the AER as part of retail performance reporting.

- We endorse the decision not to expand obligations to medical practitioners, as we believe the responsibility to provide information to customers appropriately remains with retailers who have more frequent contact with customers.
- We support a clearer process for reminding customers about the need for a backup plan, confirming the accuracy of their life support details, and providing a medical confirmation form where one has not been completed.
- We support the introduction of an annual check to ensure customer details remain accurate, strengthen the accuracy of the life support register, and improve consumer outcomes. However, we remain concerned about the administrative and cost burden this may place on customers whose health circumstances are unlikely to change. The introduction of a permanent medical confirmation option would address this issue. We encourage the Commission to explore this option further
- We consider the Commission’s approach to enabling medical confirmation forms to capture secondary contact details appropriate and beneficial for supporting life support customers.

## Detailed responses to the AEMC’s proposed changes

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

#### The definition of life-threatening condition

The AEMC’s draft determination proposes a rule change that would allow medical practitioners to identify life support customers with higher needs (i.e., life-threatening conditions) through the medical confirmation form. This change is intended to help retailers and distributors capture this information more accurately and improve their planning and responses to outages.

We support differentiating between customers with and without life-threatening conditions, as this will provide greater clarity for retailers and distributors when identifying and responding to different customer needs. This rule change aligns with our position that all life support customers should continue to receive equal protection under the National Energy Retail Rules (NERR). We consider the proposed changes will support improved safety outcomes, more appropriate responses, and ensure consistent communication with customers, particularly when triaging during unplanned outages.

Consistent with this position, our previous submission to the AEMC’s *Improving life support process* consultation paper supported the intent of differentiating between ‘assistive’ and ‘critical’ life support equipment. While this rule is no longer proposed, we supported it in principle. We consider that differentiating between customers with and without life-threatening conditions achieves the same objective.

While we support the definition of a ‘life threatening condition’, we recommend reconsidering the term ‘prolonged interruption’. The duration for which a customer can be without life support equipment should not determine whether their condition is classified as life threatening. The term ‘prolonged interruption’ introduces ambiguity and is subjective for each customer depending on their reliance on life support equipment. For example, a prolonged interruption of 30 minutes could be catastrophic for one customer with a ventilator, whereas a prolonged interruption of 24 hours for another customer who uses a kidney dialysis machine could be equally catastrophic. Outage duration is often uncertain at the outset. Requiring distributors to make rapid decisions without knowing how long the interruption will last may pose significant risks to customers with conditions where a short interruption could be life-threatening. It may be worth considering how a life-threatening condition is defined to ensure that highly vulnerable customers are not excluded when short outages occur.

We welcome the joint AER and ESC Victoria development of a standardised form and commend the AEMC's efforts to ensure cross-jurisdictional alignment.

### **Existing life support customers would not need to re-register**

We endorse the AEMC's proposal that the draft rule would not require existing life support customers to re-register. EWOs agree that deregistration due to an inability to respond to re-registration notices could result in significant consumer harm, as there are various reasons why a customer may not be able to respond. Ongoing consumer education remains essential to ensure customers understand their life-support arrangements – we acknowledge and commend the Energy Charter's continued efforts to improve consumer awareness.

### **AER retail performance reporting**

We support the proposed requirement for retailers to capture, store, and report relevant life support customer information to the AER as part of retail performance reporting (including, number of new registrations with life-threatening conditions held by that retailer, and the total number of registrations with life-threatening conditions held by that retailer). Enhanced oversight will strengthen protections for medically vulnerable consumers, improve transparency and help to ensure retailer compliance. We agree with the AEMC that the AER should update its retail performance reporting procedures and may consider updating its network exemption and exempt selling guides to reflect this rule.

### **Life support user definition**

We support distinguishing the 'life support user' definition from the account holder ('customer') definition. This distinction reflects the situations and complaints we commonly see, where household members using life-support equipment are affected by unplanned outages. Clarifying these roles should assist retailers and distributors (especially during outages) to better support life-support users.

This definition also aligns with ESC Victoria's definition of 'life support resident'.

### **Maintaining the existing life support equipment list**

In our previous submission to the AEMC's consultation on *Improving life support processes*, we supported changing the life support equipment list to be more prescriptive, as long as:

- it did not result in customers being removed from or unable to register because they couldn't afford to update their equipment
- medical practitioner discretion was not removed.

EWOs highlighted concerns for existing customers with life support equipment, such as Continuous Positive Airway Pressure machines (CPAP) who may not be eligible for life support protections under new definitions. We suggested any changes to the life support equipment list, and potential transition of customers, should be managed sensitively.

As the Commission has decided not to amend the equipment list or distinguish between 'assistive' and 'critical' life support equipment, we consider maintaining the current list appropriate. This approach preserves medical practitioners' discretion to determine the equipment required for each life support user (e.g., refrigerators for cooling medication are not on the list but a medical practitioner may consider as equipment needed for life support).

### **Civil penalties**

As outlined in our previous submission, we support in principle that penalty provisions reflect the potential harm of the breaches.

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

### **Retailers as the responsible party for registration and deregistration of a life support premise**

We support the clear designation of retailers as the accountable party for registering and deregistering life-support premises. Assigning responsibility to a single contact point will streamline processes, reduce consumer confusion, and minimise ambiguity between retailers and distributors. Given retailers are the primary point of contact for customers and already manage matters such as concessions and rebates, it is appropriate that they lead this function. As long as retailers keep the register updated and are proactive in their approach, this could address some issues with life support communications, particularly within embedded networks, supporting consistent protections for all life support customers.

### **No cap on registration attempts without medical confirmation**

EWOs welcome the proposed decision not to introduce a cap on the number of registration attempts a customer may make without submitting a medical confirmation form.

We strongly support this draft decision and agree that imposing such limits could disadvantage life support customers, particularly those experiencing vulnerability.

EWO complaints indicate no evidence of misuse of the life support register. We recommend that any future reforms be guided by evidence-based research that demonstrates the materiality of any misuse. We are encouraged that the Commission has also found no evidence of misuse. However, if strong evidence emerges that the register is misused at a scale that warrants additional administrative burdens and risks being placed on vulnerable life support customers, EWOs consider it appropriate to implement mechanisms that prevent misuse while safeguarding vulnerable life support customers and maintaining the accuracy of life support registers.

### **No additional roles or requirements for medical practitioners**

The Commission has decided not to introduce additional roles or requirements for medical practitioners beyond those in the current rules, under which their responsibility is limited to whether a customer requires life support equipment at their premises. The Commission previously proposed requiring medical practitioners to advise life support customers of their protections, discussing and documenting back-up plans, and discussing available rebates or concessions with the life support user.

We endorse the Commission's decision not to expand these obligations. Providing information about rebates appropriately remains the responsibility of retailers and other market participants, who have more frequent contact with customers. Any additional information provided by medical practitioners to customers should be considered supplementary support rather than the primary source of information.

While EWOs receive few complaints about the content of life support forms, improved alignment between the AER and ESC Victoria processes should help to reduce compliance burdens for retailers.

### **Reminder notifications for life support customers**

EWOs support a clearer process for reminding customers about the need for a backup plan, confirming the accuracy of their life support details, and providing a medical confirmation form where one has not been completed. Under the draft rule, retailers must issue reminder notices

within defined timeframes: the first reminder must be sent 15-25 business days after the medical confirmation form is issued, and the second reminder must be sent 15-25 business days after the first reminder.

These additional reminders are important for maintaining the accuracy of the life support register and strengthening customer protections, particularly during unplanned outages or emergencies. In our previous submission to the AEMC, we supported allowing a nominated contact person to receive communications, such as planned and unplanned outage notifications. Extending reminder notices to the nominated contact person would further support the customer and improve the effectiveness of the process.

We also strongly support the Commission's suggestion that the AER consider including information about concessions and rebates on the medical confirmation form, providing another opportunity for retailers to direct customers to available assistance.

### **Annual check to confirm details**

We welcome the introduction of an annual check to ensure customer details remain accurate, strengthen the accuracy of the life support register, and improve consumer outcomes. We acknowledge that some customers may not engage with an annual check for various reasons and therefore agree that non-response should not affect a customer's life support registration.

However, we remain concerned about the administrative and cost burden this may place on customers whose health circumstances are unlikely to change. As outlined in our previous submission, we supported the introduction of a permanent medical confirmation option which would address this issue. We encourage the Commission to explore this option further.

### **Deregistration process responsibility of retailers**

The draft rule assigns retailers responsibility for deregistration, consistent with Victoria's Energy Retail Code of Practice. Retailers must deregister a premises when a customer advises the retailer that life support is no longer required and may deregister a customer when the customer does not provide medical confirmation. We agree that retailers should retain discretion for deregistration decisions where there has been a failure to provide medical confirmation, as they are often best placed to understand a customer's vulnerabilities and circumstances.

We do not receive a significant number of complaints about life support deregistration processes. As stated in our previous submission, the limited cases we do see suggest that unclear deregistration practices may affect data accuracy. We support clarifying retailer responsibilities and consider it appropriate in situations where there is no medical confirmation form for retailers to maintain discretion regarding whether to deregister a life support premises.

### **Back up planning**

EWOs consider back up plans essential for life support customers and their carers. We agree with the Commission on the importance of effective communication about back-up planning and support the Energy Chater's Power Outage campaign.

### **The BECE reforms**

EWOs agree with the Commission's recommendation that the Commonwealth DCCEEW consider embedded network and life support issues, which are currently out of scope, through the BECE reforms.

There is growing Virtual Power Plant (VPP) uptake in the market. The AEMC may want to consider how VPPs operated by third parties affect electricity supply and pose risks to life support customers. For example, a customer who doesn't have the acceptable level of battery required for their back up plan due to VPPs not operating as expected because of:

- lack of explicit customer consent and information disclosure by energy retailers.
- lack of understanding how or when their appliances will be controlled remotely.
- difficulty navigating multiple sources of energy data.

It is essential that protections, including access to dispute resolution, are extended to customers of these operators, ie they should be required to become members of EWOs. This issue could also be addressed through the BECE reforms. See our previous submissions for more information on VPPs and their potential impact on customers.<sup>12</sup>

### **Other issues**

We support the draft rule to extend life support protections to gas customers. Protections should be consistent regardless of the energy type customers use.

We support the requirement that, where 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. Where there is no embedded network manager, the retailer would be required to inform the exempt embedded network service provider.

Privacy provisions are essential to safeguarding personal information and meeting both regulatory requirements and community expectations. While these protections are implicitly assumed in the Draft Rule Determination, they are not expressly articulated. There is an opportunity to strengthen clarity and accountability by explicitly emphasising this requirement, for example by incorporating wording, such as "subject to applicable privacy laws" where appropriate throughout the Draft Rule.

### **Theme 3: Improving communication methods to contact life support customers** **Medical confirmation forms capture secondary contact details**

The Commission's approach to enabling medical confirmation forms to capture secondary contact details beneficial for supporting life support customers is supported. A secondary contact will enable improved communication between providers during an outage or emergency and will reduce the risk of a life support customer missing contact from the distributor when they most need it. Customers should be able to provide a retailer with a secondary contact through any method at any time, so allowing customers to advise the retailer of this information in ways other than the medical confirmation form is a welcome proposal. We agree that providing this information is optional and does not affect the validity of the form, which aligns with the findings of the Energy Charter's #BetterTogether life support research.

Obtaining customer consent to share secondary contact information with distributors may introduce barriers or additional costs if further consent processes are required. We also note that where a nominated person is included, networks may need to manage more complex contact arrangements and navigate sensitive circumstances, including situations involving family violence.

### **Electronic options for medical confirmation forms**

---

<sup>1</sup> [EWON Submission - IPART Monitoring the NSW retail energy markets 2024-25.pdf](#)

<sup>2</sup> [Submission - IPART Monitoring the NSW retail energy markets 2023-24.pdf](#)

Offering an electronic option for the medical confirmation form, **without making it mandatory**, is a practical way to enhance communication between retailers and customers. Capturing details electronically is likely to reduce the administrative burden on retailers and better support customers by enabling communication through the channels most suited to their needs.

#### **Electronic communication methods for notifications**

Additional clarity on the use of electronic communications is a welcome change to the draft rule. We consider this approach sensible given the increasing uptake of electronic communication channels.