



04 September 2025

Essential Services Commission
Level 8, 570 Bourke Street
Melbourne Victoria 3000

Submitted via consultation hub.

Better protections for life support customers in Victoria

AGL Energy (**AGL**) welcomes the opportunity to provide feedback on the Essential Services Commission's (**ESC**) consultation: *Better protections for life support customers in Victoria* under *Schedule 7* of the Energy Retail Code of Practice (**ERCoP**), the Electricity Distribution Code of Practice, and *Part 7* of the Gas Distribution Code of Practice (**GDCoP**) (the Codes).

AGL affirms its commitment to improving processes for life support customers and recognises the importance of dependable and consistent protections for individuals reliant on critical and assistive life support equipment. We have actively contributed to initiatives, such as Better Together, over the years to enhance services for this vulnerable customer group and remain committed to furthering improvements, where possible.

As ESC is aware, the Australian Energy Market Commission is also undertaking a review of rules pertaining to life support protections under the Codes in Victoria. We strongly recommend alignment between the two frameworks to ensure consistent and improved outcomes for both life support customers and industry.

AGL supports the policy intent behind the ESC's proposed amendments to *the Codes*, which seek to deliver improved outcomes for life support customers in Victoria. However, we also take this opportunity to highlight several concerns regarding the proposed changes, including the potential for unintended consequences arising from this reform.

Our primary concern relates to the proposed reallocation of responsibilities for processes from energy retailers to Distribution Network Service Provider (DNSP) for notifications to customers. AGL has observed sector-wide inconsistencies in the management of life support data handling with DNSPs.

Transferring responsibility for customer communications to DNSPs could result in several unintended consequences, including:

- Privacy risks for customers;
- Duplication of existing processes;
- Broader implications for the B2B framework, especially in relation to data exchange between relevant parties.

Retailers across Australia already have established systems and safeguards in place to effectively manage customer notification processes. Therefore, AGL encourages the ESC designate this responsibility to retailers to avoid unnecessary costs, duplication, and delays in implementation, ultimately ensuring life support customers receive the intended protections and benefits of the new framework as early as possible.



Secondary to the concern outline above, we support a cap to the number of life support registrations a customer can make without medical certification to prevent misuse of processes, but also propose a cap be applied to the number of extensions a customer may apply for, except in exceptional circumstances. This will help prevent the process from being unnecessarily drawn out in certain circumstances. AGL provides more information about this issue below.

AGL also supports the ESC's proposal for the Australian Energy Regulator to develop a standard template but recommends further consultation with industry, consumer advocacy groups and relevant government, medical practitioners and government agencies to ensure the template is fit for purpose.

Finally, AGL considers the introduction of new changes to responsibility will require substantial system and process updates, particularly to the B2B framework. It is essential that the requirements, obligations and protections are clearly defined. Given the scale of the proposed changes, we recommend a period of two years for the sector to comprehensively implement to ensure the transition is effective.

About AGL

At AGL, we believe energy makes life better and are passionate about powering the way Australians live, move, and work. Proudly Australian for more than 185 years, AGL supplies around 4.5 ¹ million energy, telecommunications, and Netflix customer services. AGL is committed to providing our customers simple, fair, and accessible essential services as they decarbonise and electrify the way they live, work, and move.

AGL operates Australia's largest private electricity generation portfolio within the National Electricity Market, comprising coal and gas-fired generation, renewable energy sources such as wind, hydro and solar, batteries and other firming technology, and storage assets. We are building on our history as one of Australia's leading private investors in renewable energy to now lead the business of transition to a lower emissions, affordable and smart energy future in line with the goals of our Climate Transition Action Plan. We'll continue to innovate in energy and other essential services to enhance the way Australians live, and to help preserve the world around us for future generations.

If you would like to discuss any aspect of AGL's submission, please contact Emma Holloway, at eholloway@agl.com.au.

Yours sincerely,

A handwritten signature in black ink that reads 'Liam Jones'.

Liam Jones

Senior Manager Policy and Market Regulation

AGL Energy

¹ Services to customers number as at 31 December 2024.

Recommendation: New definitions to provide better life support protections to customers

<p>AGL's views on the proposed definitions</p>	<p>AGL supports the ESC proposed list of definitions for inclusion in the Code, including the continued recognition of gas connections. While only around 5% of AGL's life support customers rely on gas, this group includes individuals with critical conditions, such as cystic fibrosis, who depend on gas-powered equipment to produce heat or humidity. These examples underscore the ongoing need to retain gas under <i>Schedule 7</i> of the ERCoP and <i>Part 7</i> of the GDCoP.</p> <p>AGL also encourages the alignment of ESC's and AEMC's recommended amendments for life support equipment <i>Definitions</i> under the NERR and the ERCoP. While some discretion in interpretation is inevitable (and required) under <i>Schedule 7</i> of the ERCoP and <i>Part 7</i> of the GDCoP, consistency across jurisdictions will support retailers in making assessments and promote best practice for the benefit of customers.</p> <p>Finally, as households continue to electrify through the energy transition, it may be necessary to revisit this requirement in the future and consider flexibility to phase out assistive gas life support appliances at the appropriate time.</p>
<p>Inconsistency in how life support is assessed between different retailers and DNSPs</p>	<p>It is important to note that AGL is aware of cases where DNSPs or retailers have deregistered life support customers at the customer's own request and failing to confirm whether the decision had been medically verified. These cases are particularly concerning when such decisions are made without medical advice, as they may expose customers to significant risk if they do, in fact, require these services.</p> <p>It has also been observed that some medical practitioners fail to verify certain equipment or requirements, whereas others err on the side of caution and verify a wide scope of equipment that may not traditionally be viewed as supportive for life support e.g., a Smart Watch.</p> <p>To mitigate the risks associated with inconsistent life support practices, AGL advocates for amending the ERCoP to assign retailers sole responsibility for the process from registration through to the deregistration of a premise, including ownership of customer data and customer communications. This approach would ensure that a consistently safe and medically informed process is followed, with clear alignment amongst parties about their respective roles and obligations. We support DNSPs maintaining the right to register a life support customer.</p> <p>AGL notes the ESC may launch an educational campaign for medical practitioner customer care teams once the ERCoP has been updated. AGL supports this initiative and proposes the ESC include key examples for practitioners of where medical certification for certain equipment has been a cause of concern for industry by way of guidance to assist industry and prevent misuse of the life support framework.</p>

Recommendation: Improve registration and deregistration processes



AGL's views on requesting an updated medical confirmation form from life support customers every four years

AGL supports the proposal for medical certification to be updated every four years.

While only a small percentage of our customers are registered for life support services (1.55%), AGL has observed a significant increase in the volume of customers requiring support, rising from 52,162 to 66,461 between the years 2021-2024. Notably, nearly a quarter of these customers are registered without medical confirmation, with a proportion of this group presently undergoing consideration for registration or deregistration.

Like most retailers, AGL takes its obligations under the *Codes* for life support very seriously. Still, while we acknowledge that most customers have genuine reasons for not supplying medical certification, we are also aware of a small number of cases where customers have repeatedly evaded supplying medical confirmation and have extended their application expiry date to avoid payment obligations (currently, medically confirmed customers retain that status indefinitely unless they advise otherwise). This behaviour not only results in escalating debt for these customers, places further financial burden on retailers, who are required to continue providing support to customers who may not be eligible, but devalues life support processes for customers who genuinely require the services.

AGL advocates for retailers to hold the responsibility to send all reminders to customers prior to the expiry dates of medical confirmation forms. As retailers already have well established systems and processes to engage with customers about planned outages, it would be inefficient to duplicate this process with DNSPs, which may risk miscommunications with customers if human error was made in the B2B process. Furthermore, this proposal would likely lead to additional compliance costs for DNSPs for little benefit to customers and industry.

Retailers have well established systems to store comprehensive customer data and include functions that prompt staff to engage with the customer, when necessary, in addition to clear processes to notify customers and engage with DNSPs where required. If responsibility were transferred to DNSPs to notify customers about their medical confirmation form, it would likely lead to a duplication of standing processes, as well as create a new compliance obligation and cost for DNSP for little gain due to a process for notifications for medical form being already well-established.

AGL currently deregisters a premise in accordance with Part 7 of the NERR when a customer fails to provide medical confirmation within the required timeframe; however, we are aware that not all retailers follow this approach, which we believe has contributed to the high number of registered life support sites across the market.

Requiring updated medical certification at registration every four years strikes an appropriate balance of allowing customers sufficient time to confirm their ongoing needs, while also helping to safeguard against misuse of this critical service.



AGL's views on whether the medical confirmation form template captures all relevant information to ensure accurate life support registration that will effectively protect and prioritise customers during planned and unplanned power outages

AGL supports the development of a standard template developed by the AER and recognised in Victoria, as an electronic form improves the ease in which forms can be completed and submitted.

If the ESC proceeds with developing a standardised form, it may be beneficial to consolidate applications for both life support services and life support concessions into one form to streamline processes and obligations for both customers, industry and health sector. Copies of this form may then be sent to relevant parties for registration, meaning all necessary customer information is captured in one place.

As this is intended to be a standardised form AGL welcomes further consultation with industry, consumer groups and relevant government departments to develop a form that is fit for purpose.

Recommendation: Improving communication methods to contact life support customers

AGL's views on ESC's proposals to improve communication methods to contact life support customers

Allowing a nominated contact person to receive notifications and information about planned interruptions

AGL supports mandating the provision of a nominated contact person to improve the safety and experience of life support users. Providing an additional contact will create greater opportunity for retailers to communicate with customers to ensure greater preparation for their life support equipment during outages, whereby offering greater mitigation from risk. We encourage clarification for the definition of nominated contact person under the Code to avoid the registration of an organisational representative e.g., a nurse, rather than 24/7 contactable person who has been granted customer consent to provide information.

For this change to be effective, however, AGL considers issues pertaining to privacy and consent must be addressed in accordance with the Privacy Act 1988 and *Schedule 7* of the ERCoP and *Part 7* of the GDCoP. For example, if a life support customer is simultaneously at risk of family violence or domestic violence, extra precautions must be taken to ensure the nominated person has been appointed by the customer with their consent and contact details for the nominated person are also safeguarded in systems to prevent the unintended release of the information to an unnominated person. Releasing such information would place the life support customer at extreme risk.

AGL also holds concern that if this obligation is assigned to DNSPs, it may risk inaccuracies during the exchange of information with retailers. For example, a DNSP may share a relative's information with a retailer believing it be a nominated person, however, they may not necessarily be an 'authorised' nominated contact in the retailer's system. This would create a compliance and privacy barrier for retailers, who would be required to contact and discuss the life support service with an 'unauthorised' person on the account.

AGL encourages ESC to assign responsibility for collecting and maintaining data for nominated persons to retailers under the Code for reasons outlined above.

Implementation considerations



AGL does not support the ESC's proposed implementation timeframe for the proposed changes. While AGL appreciates ESC's proposal, the practical implications of these changes will be significant if updates to the Codes proceed in their current state for the reasons outlined above.

If the proposed changes are included in the ESC's final decision in their current state, it will require the development of new B2B processes between retailers and DNSPs, as well revaluation and streamlining of processes to avoid duplication of current practice. Alongside reviewing and establishing new B2B processes, DNSPs and retailers will be required to create new systems and processes to meet compliance obligations (including staff training and customer notifications). AGL predicts this will require at least a two-year implementation period for industry to meet requirements.

From a broader perspective, the energy sector is undergoing significant regulatory reform such as Energy Consumer Reforms or the Australian Energy Regulator's Guidelines Review, which will have wide implications for the energy landscape. Additional changes such as this will need to be implemented in tangent with these reforms, which will not only require additional resource but will lead to higher business and compliance costs. AGL, therefore, advocates for a longer and more reasonable implementation so industry may plan for and execute these changes that will ensure we appropriately meet our compliance obligations.

We understand that the ESC is interested in receiving feedback from stakeholders on whether it is possible to phase the implementation of these changes. While AGL appreciates this approach would be beneficial for life support customers, it would be difficult to deploy these changes in phases due to them being interdependent and correlated, where one change would not be possible without another being made. For instance, B2B processes cannot be changed if systems have not been updated to accommodate notifications from DNSPs.