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Rowan McKeown
Director Policy
Essential Services Commission of South Australia
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By email reviews@escosa.sa.gov.au

25 February 2026

Dear Rowan,

**Submission to the Essential Services Commission of South Australia:
Update to Life Support Protections – Draft Decision**

The Energy and Water Ombudsman (SA) Limited (EWOSA) welcomes the opportunity to submit to the Essential Services Commission of South Australia (Commission) on the Draft Decision to Update Life Support Protections.

EWOSA is the independent energy and water ombudsman scheme in South Australia. It receives, investigates and facilitates the resolution of complaints by customers with regard to (*inter alia*) the connection, supply or sale of electricity, gas or water.

EWOSA supports almost all aspects of the Commission's Draft Decision that:

- clarifies that life support requirements apply in respect of all customers, including residential customers and non-residential customers, where a person who uses life support equipment resides at the supply address
- enables a customer, or a person residing at the customer's supply address who requires a life support system, to nominate an additional contact person to receive notifications related to life support protections
- establishes a consistent process for requiring evidence that a life support system is required and a process for deregistration where that evidence is not provided
- improves consistency across instruments, including through updates to the life support protections made by each instrument, the definitions of life support system and minor amendments to improve consistency in drafting.

We also support the Commission's plans to publish new life support protections factsheets, as well as a user guide for providers.

While EWOSA supports prompt implementation of the updated life support protections, we question whether applying the changes immediately for small-scale energy providers and SA Water is realistic and could result in unintended consequences, including complaints to our office, if the necessary changes to systems and processes are rushed.

Our main comments on the Draft Decision regard:

- eligibility for life support protections
- evidence requirements – medical confirmation and deregistration
- the definition of life support systems.

Eligibility for life support protections

EWOSA agrees that life support protections should apply to people relying on life support systems who reside in what the Commission has considered to be non-residential properties, such as aged care facilities, retirement villages, hotels or caravan parks.

The Australian Energy Regulator (AER) applies life support protection requirements to operators of embedded networks, which include most of the above, excluding hotels, through the Retail Exempt Selling Guideline and the Network Exemptions Guideline. The Draft Decision to ensure residents in these facilities that require life support systems are appropriately protected is therefore largely consistent with these requirements.

EWOSA received an enquiry about a person who utilised a chronic positive airways pressure respirator residing at a hotel where the power supply was cut. Extending the eligibility for life support protections to people in these circumstances will help to reduce the incidence of harmful and potentially life threatening situations occurring.

Evidence requirements – medical confirmation and deregistration

Proposed Clause 1.5.2 requires licensees to confirm with the customer or additional contact person that a life support system is no longer required, even though a medical practitioner has provided written advice that the system is not required. This appears to be an additional step that might not be necessary and may only add to costs for providers and subsequently prices for consumers.

Given that this requirement only currently applies to Cowell Electric, it would be useful for the Commission to obtain feedback from them on whether they believe this protection has been beneficial for customers, or has only added to their costs. Of particular importance would be whether any customer has still required a life support system and the associated protections from the licensee, despite the medical practitioner providing written evidence to the contrary. If this has happened, then the step for licensees to confirm with the customer or additional contact person whether a life support system is not required, is a necessary one.

We advise that EWOSA provided a joint submission with the Energy and Water Ombudsman New South Wales (EWON) and the Energy and Water Ombudsman Queensland (EWOQ) to the Australian Energy Market Commission (AEMC) on the Improving Life Support Processes rule change Consultation Paper. In the joint submission, we raised concerns about the perspective that customers are deliberately using life support protections as a way to avoid disconnection. This possibility was also raised in the Commission's Draft Decision.

While this might occur in a few isolated cases, we caution against possibly believing that a primary reason for multiple registrations is a deliberate attempt to misuse the life support protections system to avoid disconnection. There are many reasons why a customer in vulnerable circumstances may register to be a life support customer and then fail to obtain the required medical certification. These include:

- difficulty accessing medical practitioner appointments, particularly in rural and remote areas
- the cost of medical practitioner appointments
- incomplete or incorrectly filled in paperwork
- lost paperwork
- confusion with the process.

Language barriers may also contribute to some of the above reasons.

An issue raised in the AEMC's Improving Life Support Processes Consultation Paper was that of permanent medical confirmation. This was raised in the context of a possible requirement that life support customers would need to provide a medical confirmation every four years to ensure that life support registers are accurately maintained and up to date. From the Commission's Draft Decision, it does not appear necessary for consumers to provide an updated medical confirmation every four years. Nevertheless, we suggest that the Commission consider whether time-limited medical confirmations and permanent medical confirmations could improve the framework, particularly in terms of improving the accuracy of the providers' life support registers and potentially reducing costs.

Definition of life support systems

In the joint submission with EWON and EWOQ to the AEMC, we supported differentiating between "critical" and "assistive" life support equipment, on the grounds that customers with critical life support equipment would be prioritised, provided that protections for customers with assistive life support equipment would still be maintained.

We do not believe that such a delineation is necessary for the energy and water providers that are subject to the protections being assessed in this draft decision. EWOSA notes that these providers are likely to have far fewer life support customers than some of the energy retailers and distributors authorised by the AER. We also advise that of the 88 cases EWOSA received between 1 July 2023 and the end of 2025 that we identified as involving life support customers (although not all cases were specifically about life support protections), none of them were about SA Water or the small-scale energy and water providers that the Commission regulates.

Indeed, while ideally there would be consistency with the upcoming AEMC rule change, so that there aren't any differences in the protections for energy and water customers, simply because of where they are located or who their provider is, we note the following point made by the Commission in the Draft Decision (page 7):

"However, differences in the nature, scale and scope of relevant operations mean it may not be necessary to address the same range of issues, or to do so with the same level of specificity. The Commission will consider the nature, scale and scope of operations in considering whether to align provisions with those in the national framework."

Nevertheless, we believe this difference in approach to defining life support systems or equipment is important to comment on and may be a consideration for the Commission.

Thank you for consideration of this submission. Should you require further information or have any enquiries regarding this submission, please contact me at antony.clarke@ewosa.com.au or on (08) 8216 1861.

Yours sincerely



Antony Clarke
Policy and Governance Manager