



## **Draft National Energy Retail Amendment (Assisting Hardship Customers) Rule 2025**

The Australian Energy Market Commission makes the following Rule under the National Energy Retail Law as applied by:

- (a) the *National Energy Retail Law (South Australia) Act 2011* of South Australia;
- (b) the *National Energy Retail Law (ACT) Act 2012* of the Australian Capital Territory;
- (c) the *National Energy Retail Law (Adoption) Act 2012* of New South Wales;
- (d) the *National Energy Retail Law (Tasmania) Act 2012* of Tasmania;
- (e) the *National Energy Retail Law (Queensland) Act 2014* of Queensland; and
- (f) the *Australian Energy Market Act 2004* of the Commonwealth.

Anna Collyer  
Chairperson  
Australian Energy Market Commission

## **Draft National Energy Retail Amendment (Assisting Hardship Customers) Rule 2025**

### **1 Title of Rule**

This Rule is the *Draft National Energy Retail Amendment (Assisting Hardship Customers) Rule 2025*.

### **2 Commencement**

Schedule 2 of this Rule commences operation on 26 June 2025.

Schedule 1 of this Rule commences operation on 30 December 2026.

### **3 Amendment to the National Energy Retail Rules**

The National Energy Retail Rules are amended as set out in Schedule 1.

### **4 Savings and Transitional Amendment to the National Energy Retail Rules**

The National Energy Retail Rules are amended as set out in Schedule 2.

## **Schedule 1            Amendment to the National Energy Retail Rules**

(Clause 3)

### **[1] Rule 25A            Billing guideline**

In paragraph 25A(4)(a)(iii) after ";" omit "and".

### **[2] Rule 25A            Billing guideline**

In paragraph 25A(4)(a)(iv) after ";" omit "and".

### **[3] Rule 25A            Billing guideline**

In paragraph 25A(4)(b) omit "." and substitute "; and".

### **[4] Rule 25A            Billing guideline**

In rule 25A after paragraph 25A(4)(b) insert new paragraph (c):

- (c) must include a definition of the term 'deemed better offer'.

### **[5] Rule 70A            Definitions**

In rule 70A, insert the following definition in alphabetical order:

**deemed better offer** has the meaning given to that term in the billing guideline made by the AER in accordance with rule 25A.

### **[6] Rule 75            Hardship program indicators**

In paragraph 75(2)(c), omit "hardship policies." and substitute "hardship policies;".

### **[7] Rule 75            Hardship program indicators**

After paragraph 75(2)(c), insert new paragraphs (d) and (e):

- (d) the total number of hardship customers and the percentage of total hardship customers that:
  - (i) purchase energy under a deemed better offer;
  - (ii) do not purchase energy under a deemed better offer;
  - (iii) purchase energy under a customer retail contract at a price above the applicable standing offer price of the relevant retailer;
  - (iv) purchase energy under a customer retail contract at a price below the applicable standing offer price of the relevant retailer;
- and

- (e) the reasons, if known, why hardship customers did not purchase energy under a deemed better offer.

**[8] Rule 75A Customer hardship policy guideline**

In paragraph 75A(2)(b)(i), omit "and".

**[9] Rule 75A Customer hardship policy guidelines**

In paragraph 75A(2)(b)(ii), omit "." and substitute "; and".

**[10] Rule 75A Customer hardship policy guideline**

After paragraph 75A(2)(b)(ii) insert new subparagraph as follows:

- (iii) inform their customers of how the retailer will comply with the requirements as set out in rules 75B(1) and 75C.

**[11] Rule 75B Customer hardship policies**

In paragraph 75B(1)(b) omit "and".

**[12] Rule 75B Customer hardship policies**

In paragraph 75B(1)(c) omit "." and substitute ";".

**[13] Rule 75B Customer hardship policies**

After paragraph 75B(1)(c), insert new paragraphs (d) and (e) as follows:

- (d) clearly state that, where a deemed better offer is available, the retailer will, offer the customer a deemed better offer:
  - (i) when the customer becomes a hardship customer; and
  - (ii) at least once every 100 days following the date the customer becomes a hardship customer for the purposes of subparagraph (i), or, where the retailer and customer have agreed to a different billing cycle under rule 24(2), in line with that billing cycle; and
- (e) contain clear statements of the actions the retailer will take to meet the requirements of rule 75C.

**[14] New Rule 75C Hardship customer not on a deemed better offer**

After rule 75B, insert new rule 75C as follows:

**75C Hardship customer not on a deemed better offer**

At all times where a hardship customer is not purchasing energy under a deemed better offer, a retailer must:

- (1) provide that hardship customer with a financial benefit on each bill (such as a price discount or a credit on their bill) of equivalent monetary value to the financial benefit that the hardship customer would receive if that customer were purchasing energy under a deemed better offer; and

**Note**

The AEMC proposes this subrule is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations).

- (2) use reasonable endeavours to understand why the customer is not purchasing energy under the deemed better offer, for the purposes of reporting on the hardship program indicator at rule 75A(2)(e).

**[15] Rule 166                      Contents of retail market performance report — retail market overview**

In paragraph 166(1)(a), omit "customers; and" and substitute "customers;".

**[16] Rule 166                      Contents of retail market performance report — retail market overview**

In paragraph 166(1)(b), omit "and".

**[17] Rule 166                      Contents of retail market performance report — retail market overview**

In paragraph 166(1)(c), omit "; and" and substitute ";".

**[18] Rule 166                      Contents of retail market performance report — retail market overview**

In paragraph 166(1)(d), omit "and".

**[19] Rule 166                      Contents of retail market performance report — retail market overview**

In paragraph 166(1)(e), omit "." and substitute "; and".

**[20] Rule 166                      Contents of retail market performance report — retail market overview**

After paragraph 166(1)(e), insert new paragraph 166(1)(f) as follows:

- (f) a report covering the hardship program indicators in rule 75(2).

## **Schedule 2            Savings and Transitional Amendment to the National Energy Retail Rules**

(Clause 4)

### **[1] Schedule 3            Savings and Transitional Rules**

In Schedule 3, after Part 19, insert:

## **Part 20                2025 Savings and Transitional Rules**

### **Division 1            Rules consequential on the making of the National Energy Retail Amendment (Assisting Hardship Customers) Rule 2025**

#### **1                    Definitions**

In this Division:

**Amending Rule** means the *National Energy Retail Amendment (Assisting Hardship Customers) Rule 2025*.

**new subrule 75B(d)** means subrule 75B(d) of the Rules as in force immediately after the effective date.

**new subrule 75B(e)** means subrule 75B(e) of the Rules as in force immediately after the effective date.

**effective date** means the 30 December 2026.

#### **2                    AER guidelines**

The AER must, by 1 July 2026, review and if necessary update and publish the guidelines made by the AER under these Rules or *the Law*, to take into account the Amending Rule including:

- (1) the customer hardship policy guideline made by the AER under rule 75A;
- (2) the billing guideline made by the AER under rule 25A; and
- (3) the AER Performance Reporting Procedures and Guidelines under section 286 of *the Law*.

#### **3                    Alteration of customer hardship policies**

Retailers must make the alterations to their customer hardship policies required by new subrule 75B(d) and new subrule 75B(e) and submit these by 1 September 2026 for AER approval.