



## **National Energy Retail Amendment (Assisting Hardship Customers) Rule 2025 No 2**

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

## **National Energy Retail Amendment (Assisting Hardship Customers) Rule 2025 No 2**

### **1 Title of Rule**

This Rule is the *National Energy Retail Amendment (Assisting Hardship Customers) Rule 2025 No. 2*.

### **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 3                    Definitions**

In Rule 3, insert the following definition in alphabetical order:

***billing guideline*** means the guideline made by the AER in accordance with rule 25A.

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

In paragraph 25A(1) omit "guideline (billing guideline)" and substitute "*billing guideline*".

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

In rule 25A, omit all references to "billing guideline" and substitute "*billing guideline*".

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

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

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

In paragraph 25A(4)(b) omit "may take into account any other matters that the AER considers relevant to the bill objective" and substitute:

- (b) must include a definition of the term 'deemed better offer' which takes into account the following:
  - (i) the lowest cost energy offer available to a small customer;
  - (ii) a small customer's energy usage history;
  - (iii) any non-financial benefits of energy offers available to a small customer; and

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

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

- (c) may take into account any other matters that the AER considers relevant to the bill objective.

### **[7] 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*.

**[8] Rule 75                      Hardship program indicators**

In paragraph 75(2)(c), after "hardship policies." insert "and the Rules;".

**[9] Rule 75                      Hardship program indicators**

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

- (d) purchase of energy by hardship customers at prices relative to the relevant standing offer price; and
- (e) uptake of the lowest cost energy offers available to hardship customers.

**[10] New Rule 75C          Offering hardship customers a deemed better offer**

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

**75C                      Offering hardship customers a deemed better offer**

A retailer must offer a customer a deemed better offer that is lower cost than the customer's existing customer retail contract (if available):

- (a) when the customer becomes a hardship customer; and
- (b) when the retailer is required to inform the customer of the availability of a deemed better offer under the *billing guideline*.

**[11] New Rule 75D          Financial benefits for hardship customers**

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

**75D                      Financial benefits for hardship customers**

- (1) At all times where a hardship customer is not purchasing energy under the deemed better offer referred to in rule 75C, a retailer must provide the hardship customer with a financial benefit calculated in accordance with subrule (2):
  - (a) at the time the retailer is required to inform the customer of the availability of a deemed better offer under the *billing guideline*; and
  - (b) at the time the hardship customer is issued their final bill.

**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) The financial benefit provided under subrule (1) must be of at least equivalent monetary value to the benefit the customer would have received,

during the period they are a hardship customer, if that customer were purchasing energy under the deemed better offer referred to in rule 75C.

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

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

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

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

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

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

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

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

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

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

**[17] 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 20, Division 1 insert:

#### **Division 2            Rules consequential on the making of the National Energy Retail Amendment (Assisting Hardship Customers) Rule 2025**

#### **3            Definitions**

- (1) In this Division:

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

- (2) Italicised terms used in this Division have the same meaning as in Schedule 1 of the Amending Rule.

#### **4            AER guidelines**

- (1) The AER must, by 30 September 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:
- (a) the *billing guideline* made by the AER under rule 25A; and
  - (b) the AER Performance Reporting Procedures and Guidelines under section 286 of *the Law*.

#### **5            AER Reporting**

- (1) The AER is not required to include the additional matters to be included in a retail market performance report under the Amending Rule until the retail market performance report prepared in respect of the 12 month period commencing on 1 July 2027.

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[END OF RULE AS MADE]

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