



National Energy Retail Amendment (Improving consumer confidence in retail energy plans) Rule 2025 No 3

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 (Improving consumer confidence in retail energy plans) Rule 2025 No 3

1 Title of Rule

This Rule is the *National Energy Retail Amendment (Improving consumer confidence in retail energy plans) Rule 2025 No. 3*.

2 Commencement

Schedules 1 and 2 of this Rule commence operation on 1 July 2026.

Schedules 3 and 4 of this Rule commence operation on 26 June 2025.

3 Amendment to the National Energy Retail Rules

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

4 Amendment to Schedule 1 of the National Energy Retail Rules

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

5 Amendment to the National Energy Retail Amendment (Unlocking CER benefits through flexible trading) Rule 2024

The National Energy Retail Rules are amended as set out in Schedule 3.

6 Savings and Transitional Amendment to the National Energy Retail Rules

The National Energy Retail Rules are amended as set out in Schedule 4.

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:

energy payment means any payment or credit by a retailer to a small customer for products or services provided by the small customer to the retailer under a market retail contract or a standard retail contract, for example a feed-in arrangement or demand reduction arrangement.

[2] Rule 32 Payment methods (SRC and MRC)

After subrule 32(1), insert a new subrule 32(1A) as follows:

(1A) A retailer must provide a small customer at least one method of payment, which is commonly used and accessible, for which no charges are imposed (whether by the retailer or payment service provider).

[3] Rule 45A Definitions

In rule 45A, omit the definition of *energy payment*.

[4] Rule 45A Definitions

In rule 45A, insert the following definition in alphabetical order:

fixed price period contract means a market retail contract that provides that the retailer will not increase tariffs or reduce *energy payments* for a period of time expressed in relation to the contract start date.

[5] Rule 46 Tariffs and charges

Omit the heading of rule 46 and substitute "**Tariffs, charges and energy payments**".

[6] Rule 46 Tariffs, charges and energy payments

In subrule 46(2), after "by the customer", insert "and all *energy payments* payable to the customer under the contract".

[7] Rule 46 Tariffs, charges and energy payments

Omit subrule 46(3) and substitute:

(3) Subject to rule 46AA, the retailer must give notice to the customer of any variation to the tariff, charges or *energy payment* that affects the customer.

[8] Rule 46 Tariffs, charges and energy payments

In subrule 46(4), omit paragraph (a) and substitute:

- (a) for fixed price period contracts, be given at least 20 business days before the variation to the tariff, charges or *energy payment* is to apply to the customer;
- (a1) for contracts that are not fixed price period contracts, be given at least five business days before the variation in the tariff, charges or *energy payment* is to apply to the customer; and

[9] Rule 46 Tariffs, charges and energy payments

In paragraph 46(4A)(a), omit "tariffs and charges" and substitute "tariff, charges or *energy payment*".

[10] Rule 46 Tariffs, charges and energy payments

In paragraph 46(4A)(c), omit "tariffs and charges inclusive of GST" and substitute "tariff, charges and *energy payment* inclusive of any GST".

[11] Rule 46 Tariffs, charges and energy payments

In paragraph 46(4A)(d), omit "tariffs and charges as varied inclusive of GST" and substitute "tariff, charges and *energy payment* as varied inclusive of any GST".

[12] Rule 46 Tariffs, charges and energy payments

In paragraph 46(4A)(e), omit "tariffs and charges identified in subrules (4A)(c) and (d) are inclusive of GST" and substitute "tariff, charges and *energy payment* identified in subrules (4A)(c) and (d) are inclusive of any GST".

[13] Rule 46 Tariffs, charges and energy payments

In paragraph 46(4B)(b), omit "variations to the tariffs and charges are" and substitute "variation to the tariff, charges or *energy payment* is".

[14] Rule 46 Tariffs, charges and energy payments

In paragraph 46(4B)(c), omit "a tariff or charge" and substitute "a tariff, charge or *energy payment*".

[15] Rule 46 Tariffs, charges and energy payments

In paragraph 46(4B)(c), omit "variations to any remaining tariffs and charges that form part of" and substitute "variation to any part of the tariff, or to any charges or *energy payments*, that do not so vary, under".

[16] Rule 46 Tariffs, charges and energy payments

In paragraph 46(4B)(d), omit "variations to the tariffs and charges are" and substitute "variation to the tariff, charges or *energy payment* is".

[17] Rule 46 Tariffs, charges and energy payments

In paragraph 46(4B)(e), omit "variations to the tariffs and charges are" and substitute "variation to the tariff, charges or *energy payment* is".

[18] Rule 46 Tariffs, charges and energy payments

Omit subrule 46(4C) and substitute:

(4C) Despite subrule (4)(a), a retailer must provide the notice under subrule (3) as soon as practicable, and in any event no later than the customer's next bill, where the variation to the tariff, charges or *energy payment* is:

- (a) a direct result of a tariff reassignment by the distributor pursuant to clause 6B.A3.2 of the NER; or
- (b) a reduction in a tariff or charge payable by the customer or an increase in an *energy payment* payable to the customer.

(4D) For the purposes of providing a notice under subrule (4C), the reference to:

- (a) "are being varied" in subrule (4A)(a) is taken to be "are being varied or have been varied (whichever is applicable)"; and
- (b) "will come into effect" in subrule (4A)(b) is taken to be "will come into effect or has come into effect (whichever is applicable)".

[19] Rule 46 Tariffs, charges and energy payments

In subrule 46(5), omit "tariffs and charges" and substitute "tariff, charges or *energy payments*".

**[20] Rule 46A Explicit Informed Consent – Variation of
tariffs, charges or benefits to the
customer**

Omit the heading of rule 46A and substitute "**Explicit Informed Consent - Variation of tariffs, charges, energy payments or benefits to the customer**".

**[21] Rule 46A Explicit Informed Consent - Variation of
tariffs, charges, energy payments or
benefits to the customer**

In subrule 46A(2), omit "variation of tariffs, charges or benefits" and substitute "variation of a tariff, charge, *energy payment* or benefit".

[22] New Rule 46AA Timing of variations to tariffs, charges and energy payments

After rule 46A, insert a new rule 46AA as follows:

46AA Timing of variations to tariffs, charges and energy payments

- (1) Subject to subrule (2), a retailer must not:
 - (a) increase a tariff or charge payable by a customer; or
 - (b) decrease an *energy payment* payable to a customer, under a market retail contract unless the increase or decrease, as applicable, takes effect for that customer on a single date within the month of July.
- (2) A retailer must not:
 - (a) increase a tariff or charge payable by a customer; or
 - (b) decrease an *energy payment* payable to a customer, under a fixed price period contract more frequently than once every 12 months, where the first 12 month period commences on the date that the fixed price period contract commences.
- (3) The restrictions in subrule (1) and (2) do not apply:
 - (a) in respect of an increase to a tariff or charge, or a decrease in an *energy payment*, that is a direct result of a tariff reassignment by the distributor pursuant to the *NER*; or
 - (b) with respect to a tariff, charge or *energy payment* that continually varies in relation to the prevailing spot price of energy. For the avoidance of doubt this exemption from the restrictions in subrule (1) and (2) does not apply with respect to any part of the tariff, or a charge or *energy payment*, that does not so vary, under the same market retail contract.

[23] Rule 46B Energy rates - discounting practices

In rule 46B, omit "energy payment" and substitute "*energy payment*" wherever occurring.

[24] Rule 46B Energy rates - discounting practices

In rule 46B, omit "energy payments" and substitute "*energy payments*" wherever occurring.

[25] Rule 46B Energy rates – discounting practices

In paragraph 46B(4)(b), omit "at least" and substitute "more than".

[26] Rule 46C Conditional discounts

In subrule 46C(2), omit "A term or condition of a market retail contract has no effect to the extent that it:" and substitute "Where a term or condition of a market retail contract:".

[27] Rule 46C Conditional discounts

In subrule 46C(2), omit paragraph (b) and substitute:

- (b) such term or condition is inconsistent with subrule (1),
the retailer must apply the conditional discount to each payment under the market retail contract notwithstanding the customer's failure to satisfy the relevant payment condition.

**[28] Rule 48A Retailer notice of benefit change -
market retail contracts**

In paragraph 48A(3)(e) after "small customers in their area;" omit "and".

**[29] Rule 48A Retailer notice of benefit change - market
retail contracts**

In paragraph 48A(3)(f) omit "contract." and substitute "contract; and".

**[30] Rule 48A Retailer notice of benefit change - market
retail contracts**

After paragraph 48A(3)(f), insert a new paragraph as follows:

- (g) if applicable, any new tariff or charge payable under the contract from the benefit change date in accordance with rule 48C.

[31] Rule 48B Benefit change notice guidelines

In paragraph 48B(2)(c)(i) after ";" omit "and".

[32] Rule 48B Benefit change notice guidelines

After paragraph 48B(2)(c)(ii), insert a new paragraph as follows:

- (iii) understand the tariffs and charges the small customer will pay if the small customer remains on its existing market retail contract following the benefit change date; and

[33] New Rule 48C Tariffs following benefit change

After rule 48B, insert new rule 48C as follows:

48C Tariffs following benefit change

For a market retail contract with a benefit change, after the benefit change date the retailer must not charge the small customer an energy rate higher than the retailer's standing offer prices.

[34] Division 7A Customer retail contracts - conditional fees

In Division 7A, omit the heading and substitute:

Division 7A Customer retail contracts - restrictions on fees

[35] Rule 52A Definitions

Omit rule 52A including the heading, and substitute:

52A Restrictions on fees

- (1) A retailer must not charge the following customers any fees, other than fees that are network charges:
 - (a) hardship customers;
 - (b) residential customers who are not hardship customers but who are experiencing payment difficulties; and
 - (c) *affected customers*.
- (2) A retailer must not charge a small customer any of the following fees, other than fees that are network charges:
 - (a) fees for *meter* reads for the purposes of commencing or terminating a customer retail contract or a deemed customer retail arrangement;
 - (b) fees for de-energisation or re-energisation of the customer's premises;
 - (c) fees for establishing an account with the retailer upon entry into a customer retail contract;
 - (d) fees that exceed a reasonable estimate of the costs incurred, or likely to be incurred, by the retailer as a result of providing the customer the service to which the fee relates.
- (3) This rule applies in relation to standard retail contracts and market retail contracts.

[36] Rule 52B Conditional fees

Omit rule 52B including the heading, and substitute:

52B [Deleted]

[37] Rule 64 Required information

Omit paragraphs 64(1)(a) and 64(1)(a1) and substitute:

- (a) all applicable prices, charges, *energy payments* and benefits to the customer (to the extent these are not otherwise part of prices), and in what circumstances such prices, charges and *energy payments* are payable;
- (a1) all applicable early termination payments and penalties, *security deposits*, service levels, concessions or rebates, billing and payment arrangements;
- (a2) when and how any of the matters in paragraphs (a) and (a1) may be changed (including the earliest time that the retailer may increase tariffs and charges or decrease *energy payments* pursuant to rule 46AA, and, where relevant, when the retailer will notify the customer of changes to prices or *energy payments*);
- (a3) if the small customer operates, or proposes to operate, a *small generator*, any conditions applicable to supply from the *small generator* into the distribution system and how these may be changed (including where relevant, when this will result in a change to prices, charges, *energy payments* or benefits to the customer);

[38] Rule 73 Waiver of late payment fee for hardship customer

Omit rule 73, including the heading, and substitute:

73 [Deleted]

[39] Rule 115 De-energisation for non-notification by move-in or carry-over customers

In the heading of rule 115, omit "or carry-over".

[40] Rule 115 De-energisation for non-notification by move-in customers

In subrule 115(1), omit "or carry-over customer's".

Schedule 2 Amendment to Schedule 1 of the National Energy Retail Rules

(Clause 4)

[1] Schedule 1 Model terms and conditions for standard retail contracts

In clause 8.2 of Schedule 1, omit paragraph (a4) and substitute:

- (a4) Despite paragraph (a1)(i), we will provide you with the notice under paragraph (a1) as soon as practicable, and in any event no later than your next bill, where the variations to your tariffs and charges are:
 - (i) a direct result of a tariff reassignment by the distributor pursuant to clause 6B.A3.2 of the NER; or
 - (ii) a reduction in a tariff or charge payable by you.
- (a5) For the purpose of providing a notice under paragraph (a4), the reference to:
 - (i) "are being varied" in paragraph (a2)(i) is taken to be "are being varied or have been varied (whichever is applicable)"; and
 - (ii) "will come into effect" in paragraph (a2)(ii) is taken to be "will come into effect or has come into effect (whichever is applicable)".

**Schedule 3 Amendment to the National Energy Retail
Amendment (Unlocking CER benefits through
flexible trading) Rule 2024**

(Clause 5)

**[1] Schedule 1 National Energy Retail Amendment
(Unlocking CER benefits through flexible
trading) Rule 2024**

In Schedule 1 of the *National Energy Retail Amendment (Unlocking CER benefits through flexible trading) Rule 2024*, omit Item [35], other than the heading, and substitute:

After subrule 64(1)(a3), insert a new subrule 64(1)(a4) as follows:

- (a4) if a *secondary settlement arrangement* is proposed for the small customer's premises, any associated terms and conditions including prices, charges, *energy payments* and benefits and any requirements for operational control by the retailer or the distributor of equipment within the customer's premises;

Schedule 4 Savings and Transitional Amendment to the National Energy Retail Rules

(Clause 6)

[1] Part 12B Rules consequential on the making of the National Energy Retail Amendment (Regulating conditional discounting) Rule 2020 No. 1

In Schedule 3 Part 12B, after rule 2, insert:

Note:

See Part 20, rule 7.

[2] Part 20 2025 Savings and Transitional Rules

In Schedule 3 Part 20, after Division 2, insert:

Division 3 Rules consequential on the making of the National Energy Retail Amendment (Improving consumer confidence in retail energy plans) Rule 2025

6 Definitions

In this Division:

Amending Rule means the *National Energy Retail Amendment (Improving consumer confidence in retail energy plans) Rule 2025*.

effective date means 1 July 2026.

new rule 48C means rule 48C of the Rules as in force on and from the effective date.

7 Amending Rule applies to new and existing contracts from effective date

- (1) Notwithstanding Part 12B, rule 2 of this Schedule 3, the amendments in Schedules 1 and 2 of the Amending Rule apply in respect of customer retail contracts (whether entered into before or after the effective date) from the effective date.
- (2) For the avoidance of doubt, in relation to market retail contracts where a benefit change date occurred prior to the effective date, new rule 48C applies only from the effective date.

8 Variation date - standard retail contracts

- (1) Retailers must amend their standard retail contracts as required by schedule 2 of the Amending Rule by the effective date.
- (2) Alterations made under subrule (1) must take effect on and from the effective date.

9 Retailers must notify customers of changes

- (1) Retailers must, in accordance with this rule, notify customers under customer retail contracts that will be affected by the application of Schedule 1 of the Amending Rule.
- (2) The notice in subrule (1) must:
 - (a) be given in writing;
 - (b) be given no earlier than 40 business days and no later than 20 business days before the effective date; and
 - (c) include a description of the effect of the Amending Rule on the customer's contract.

10 AER guidelines

- (1) The AER must review the following guidelines it makes under these Rules or *the Law*, and if necessary amend them to take into account the Amending Rule, by the following dates:
 - (a) the AER Retail Pricing Information Guidelines - by 31 December 2026;
 - (b) the customer hardship policy guideline made under rule 75A – by 30 September 2026; and
 - (c) the benefit change notice guidelines made under rule 48B(1), and any other guidelines to which the Amending Rule relates – by the effective date.
- (2) For subrule (1), the AER must proceed in accordance with the retail consultation procedure.

[END OF RULE AS MADE]
