

Draft rule determination

National Energy Retail Amendment (Improving the application of concessions to bills) Rule 2025

Proponents

The Hon. Chris Bowen MP, Minister for Climate Change and Energy, as Chair
of the Energy and Climate Change Ministerial Council

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About the AEMC

The AEMC reports to the energy ministers. We have two functions. We make and amend the national electricity, gas and energy retail rules and conduct independent reviews for the energy ministers.

Acknowledgement of Country

The AEMC acknowledges and shows respect for the traditional custodians of the many different lands across Australia on which we all live and work. We pay respect to all Elders past and present and the continuing connection of Aboriginal and Torres Strait Islander peoples to Country. The AEMC office is located on the land traditionally owned by the Gadigal people of the Eora nation.

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Summary

- 1 The Commission has decided to make a more preferable draft rule in response to the *Improving the application of concessions to bills* rule change request submitted by the Hon Chris Bowen MP, Minister for Climate Change and Energy, as Chair of the Energy and Climate Change Ministerial Council (ECMC).
- 2 The rule change request raised that not all consumers eligible for energy concessions are receiving them. We identified a range of barriers contributing to this gap through the consultation process.¹
- 3 The Commission considers that the draft rule and associated recommendations set out in this draft determination contribute to our vision for [A consumer-focused net zero energy system](#). Addressing the barriers that vulnerable consumers face in accessing concessions would increase equity and deliver on our consumer priority that seeks to inform, empower and protect consumers individually and as a collective.
- 4 We are seeking feedback on our draft determination and rule by **14 August 2025**.

The Commission is proposing two rule changes

- 5 The Commission considers that increasing awareness of the availability and eligibility for concessions is critical to helping consumers access the support they are entitled to.
- 6 We are proposing two rule changes that work together to improve the likelihood that consumers will be alerted to their eligibility and receive helpful, jurisdiction-specific information. Specifically, we will require retailers to:
 1. Ask consumers about their eligibility for concessions or rebates – prompting consideration and voluntary disclosure while being mindful of the sensitivities about requesting this information.
 2. Provide jurisdiction-specific information on jurisdiction-specific concessions and rebates – helping consumers understand what is available and how to access it.
- 7 We believe all retailers should provide this minimum level of assistance, which is why we recommend elevating these requirements into the rules. As most retailers already take similar steps, we anticipate minimal additional costs, with potentially significant benefits for some consumers.
- 8 The rule change request also proposed requiring retailers to contact all existing customers to ask about their eligibility at the time the rule came into effect. However, stakeholders provided input that one-time outreach programs can be costly without resulting in consumer benefits. It also proposed using existing Business-to-Business communications procedures to send eligibility information to a new retailer if a customer transfers retailers but remains at the same address. This change could introduce privacy risks, and due to existing jurisdictional and Services Australia rules, a new retailer would still be required to ask a consumer for their consent to confirm their eligibility upon sign up. The Commission did not consider that these proposals would have net positive impacts on consumers.

The Commission has drafted recommendations for additional actions

- 9 Stakeholder submissions and our analysis highlighted actions parties could take outside the rules

¹ See [our website](#) for the consultation paper and submissions.

that would improve outcomes for consumers.

- 10 We consider that the most effective long-term solution involves removing the onus on consumers to provide their concessions eligibility information. This would overcome the compounding barriers faced by eligible consumers, support vulnerable consumers and deliver truly equitable outcomes.
- 11 The best and most streamlined way to remove the onus on consumers to provide their concessions eligibility information is to automate the application of concessions. Therefore, our key recommendation is for the Department of Climate Change, Energy, the Environment and Water (DCCEE) to facilitate next steps on the AER's Game Changer recommendation to automate the application of concessions.²
- 12 It is noted that the development of an automated system is complex and could take time. In light of this we have identified a series of other actions that could improve the application of concessions to bills, while an automated system is being finalised. Many of these recommendations would also pave the way for an automated system. While not an exhaustive list, these additional recommendations are for:³
 - *Jurisdictions* - to work towards harmonising concession application requirements.
 - *AER* - to develop and update guidance so that:
 - retailers can improve their communications with customers regarding concessions, including informing consumers that concessions do not automatically transfer.
 - they include a requirement for first and final bills to inform consumers that concessions do not transfer and that they will need to reapply for any concession with their new retailer (Better Bills Guideline).
 - the expanded obligations apply to exempt sellers (Exempt Selling Guideline).
 - *Services Australia* - to provide more detailed, jurisdiction-specific information about concessions to consumers when they receive their concession card, while jurisdictions should also increase information provision to relevant consumers.
 - *Retailers* - to consider process changes to streamline how consumers add concession details to their accounts. For example, through a dedicated phone line or easy-to-find page in a customer's online account.
- 13 We also recommend establishing a cross-agency forum with Jurisdictions, Services Australia and retailers to collaboratively address remaining barriers to concession access, in particular verification where there are identity detail issues. The forum could also look at re-validation of renewed cards and considering whether explicit informed consent scripting set out by Services Australia could be amended to improve communications with consumers while still supporting all legal and privacy requirements.
- 14 We have also noted that eligible consumers who are not account holders can be prevented from accessing concessions, either through jurisdictional rules or retailer processes. The Commission is seeking input from stakeholders on the development of a recommendation to address this.

The Commission considered four key factors in making its decision

- 15 **Concessions are jurisdictional programs:** Jurisdictions determine eligibility, amounts and application requirements for concessions, along with the majority of retailer obligations, including

² AER, [Game changer](#), Nov 2023, p 9. See section 3.1.1 for further information on the proposal for an automated system.

³ A full list of recommendations can be found in appendix E.

verification and notification requirements.⁴ The Commission considered what role the rules should have in primarily jurisdictional programs and took into account how any changes to the rules would interact with jurisdictional requirements.

- 16 Consumers face multiple and diverse barriers to accessing concessions:** Stakeholders provided insights into the barriers consumers face in accessing concessions.⁵ These include communication challenges, stigma and limited time, along with verification issues. The Commission considered how the rules could help address the identified barriers, but noted that the diversity of barriers is such that promoting an equitable outcome requires overcoming the underlying requirement for consumers to provide eligibility information. This can only be done through systemic changes requiring cross-agency collaboration.
- 17 Retailers are incentivised to help consumers apply concessions:** Concessions minimise the chances of debt and financial hardship for customers, improving payment reliability and reducing credit risk for retailers. Retailers have already adopted practices to assist consumers to access concessions above and beyond existing requirements, including asking customers throughout the customer journey for their eligibility information. Our analysis and stakeholder submissions did not uncover any evidence of a market failure, but instead showed that there are process barriers and gaps in implementation.
- 18 The Commission can consider tools in addition to rule changes:** Our strategic narrative sets out a toolbox of actions the AEMC can take to support our work towards a consumer-focused net zero energy system, including advocating through submissions to external parties and providing advice to governments.⁶ For this rule change, we consider that actions taken by other parties could have significant benefits for consumers who are eligible for concessions, so we have developed a series of recommendations alongside our draft rule.

The draft rule would contribute to achieving the NERO

- 19** The Commission has considered the NERO⁷ and the issues raised in the rule change request and assessed the draft rule against the assessment criteria outlined below.
- 20** We also had regard to promoting equitable energy outcomes, in particular with regard to the higher rate of vulnerability experienced by consumers eligible for concessions.⁸
- 21** The more preferable draft rule would contribute to achieving the NERO. It would:
- **Improve outcomes for consumers** by increasing the number of eligible consumers who are aware of the available concessions and provide their information at sign up.
 - **Align with principles of market efficiency** by increasing transparency for consumers through providing more specific information on what concessions may be available to them and how that would lower their bills.
 - **Balance implementation costs** for retailers by setting out minimum requirements in the rules while allowing flexibility for retailers to determine when additional consumer contacts would be helpful. We note concessions is an area where retailers are already bearing a significant

⁴ Appendix B.3 sets out information on the requirements set by the relevant jurisdictions.

⁵ See appendix B.2 for further details on the barriers faced by consumers.

⁶ AEMC, [Strategic Narrative](#), Sep 2024, p 34.

⁷ Section 13 of the NERL.

⁸ The AEMC has published an updated version of its guide [How the national energy objectives shape our decisions](#) that now addresses how we ensure issues of equity are consistently and transparently addressed when we are making rule changes and delivering recommendations. This includes increasing our focus on accounting for the diversity of consumer needs, experiences and preferences; removing structural barriers to participation; and avoiding creating or exacerbating vulnerability.

compliance burden due to the differences between jurisdictional processes, eligibility rules and retailer obligations.

- **Align with good regulatory practice** by taking a light-touch approach in a regulatory area that is largely jurisdictional, and by not including prescription in the rule but instead recommending the AER develop guidance. This flexibility allows both the AER and retailers to account for the diversity of consumer needs, experiences and preferences, supporting equitable outcomes. Additionally, we excluded the provision of information about concessions to consumers at the point of payment difficulty from this rule change to support the development of a cohesive approach through the AER's payment difficulty framework review recommendations.⁹

The draft rule would commence 1 July 2026

- 22 To align with any changes retailers may need to make to their sign-up processes in response to the [Improving consumer confidence in energy retail plans](#) rule change, the Commission proposes the rule commence on 1 July 2026.

⁹ AER, [Review of payment difficulty protections in the NECF](#), 15 May 2025.

How to make a submission

We encourage you to make a submission

Stakeholders can help shape the solution by participating in the rule change process. Engaging with stakeholders helps us understand the potential impacts of our decisions and contributes to well-informed, high quality rule changes.

How to make a written submission

Due date: Written submissions responding to this draft determination and rule must be lodged with Commission by **14 August 2025**.

How to make a submission: Go to the Commission's website, www.aemc.gov.au, find the "lodge a submission" function under the "Contact Us" tab, and select the project reference code **RRC0063**.¹⁰

Tips for making submissions on rule change requests are available on our website.¹¹

Publication: The Commission publishes submissions on its website. However, we will not publish parts of a submission that we agree are confidential, or that we consider inappropriate (for example offensive or defamatory content, or content that is likely to infringe intellectual property rights).¹²

Next steps and opportunities for engagement

There are other opportunities for you to engage with us, such as one-on-one discussions.

You can also request the Commission to hold a public hearing in relation to this draft rule determination.¹³

Due date: Requests for a hearing must be lodged with the Commission by 10 July 2025.

How to request a hearing: Go to the Commission's website, www.aemc.gov.au, find the "lodge a submission" function under the "Contact Us" tab, and select the project reference code **RRC0063**. Specify in the comment field that you are requesting a hearing rather than making a submission.¹⁴

For more information, you can contact us

Email: submissions@aemc.gov.au
Telephone: 02 8296 7800

¹⁰ If you are not able to lodge a submission online, please contact us and we will provide instructions for alternative methods to lodge the submission

¹¹ See: <https://www.aemc.gov.au/our-work/changing-energy-rules-unique-process/making-rule-change-request/our-work-3>

¹² Further information about publication of submissions and our privacy policy can be found here: <https://www.aemc.gov.au/contact-us/lodge-submission>

¹³ Section 258(2) of the NERL.

¹⁴ If you are not able to lodge a request online, please contact us and we will provide instructions for alternative methods to lodge the request.

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1 The Commission has made a draft determination

This draft determination makes a more preferable draft rule in response to a rule change request submitted by the Hon Chris Bowen MP, Minister for Climate Change and Energy, as Chair of the Energy and Climate Change Ministerial Council (ECMC) (the proponent) about improving the application of concessions to bills.¹⁵

The rule change request proposed the following to minimise the burden on consumers to notify retailers about their eligibility. It sought to:

1. oblige retailers to ask customers about their eligibility at sign up
2. introduce an information transfer obligation between retailers when a consumer switches retailers
3. require retailers to seek information from existing customers on their eligibility for concessions and rebates upon the rule taking effect.

This chapter sets out the draft rule and key factors that shaped our determination, and chapter 2 explains how the Commission considers the more preferable draft rule would contribute to achieving the National Energy Retail Objective (NERO), including why we did not make the second and third changes proposed by the rule change request.

The Commission makes recommendations for other actions to improve the application of concessions to bills in chapter 3.

We are seeking feedback on the draft rule and our proposed recommendations for actions by other parties by **14 August 2025**.

1.1 Four key factors shaped our determination

Progressing work on how we inform, empower and protect consumers individually and collectively is a focus area for the AEMC.¹⁶ When developing this draft determination, the Commission considered what impact a rule would have on consumer outcomes, accounting for factors arising from both independent analysis and stakeholder submissions.

1.1.1 Concessions are jurisdictional programs

Jurisdictions determine eligibility, amounts and processes for concessions, along with the majority of retailer obligations regarding concessions such as verification and notification requirements.¹⁷ We note that these differ between jurisdictions, and the Commission is unable to directly alter them.

Additionally, agreements with Services Australia bind retailers to certain procedures and scripts when verifying customer eligibility information.¹⁸

When developing the draft rule, the Commission considered the appropriate role for the NERR in concessions, given their jurisdictional nature. We also assessed how any changes would interact with existing jurisdictional requirements.

¹⁵ In this draft determination, we use the terms “concessions” and “concessions and rebates” to refer to a range of government funded concession, rebate, relief and grant schemes - in particular for this rule change, those that are applied to eligible consumers’ energy bills. See appendix A for further information on the rule change request.

¹⁶ AEMC, [Strategic Narrative](#), Sep 2024, p 7.

¹⁷ Appendix A sets out information on the requirements set by the relevant jurisdictions.

¹⁸ Services Australia sets out [specific rules and procedures](#) for access to the Centrelink Confirmation eServices (CCeS) system.

1.1.2 Consumers face multiple and diverse barriers to accessing concessions

Information on consumer behaviour, including that provided in stakeholder submissions, provided insights into some of the barriers both retailers and consumers face in applying concessions to bills.¹⁹ These barriers range from communication challenges and limited time to verification issues.

While we have considered changes to overcome the identified barriers, the nature of the concessions system is such that “regardless of the design of these processes, the responsibility for providing accurate information for concession validation remains with the customer...”²⁰ This means many consumers will continue to face barriers to accessing concessions unless an automated system is developed, as recommended in section 3.1.1.

1.1.3 Retailers are incentivised to help consumers apply concessions

Our analysis and stakeholder submissions did not uncover any evidence of a market failure, but instead showed that there are gaps in implementation and process barriers.

Retailers raised that they have existing incentives to apply concessions to consumer bills as it minimises the chances of debt and financial hardship for their customers, which improves payment reliability and reduces credit risk for retailers.²¹ This is supported by the evidence that many retailers have adopted practices to assist consumers to apply concessions to their bills above and beyond existing requirements. These practices include asking customers both at the point of sign up and at touchpoints throughout the customer journey for their eligibility information and proactive contact campaigns.²²

Therefore, this draft determination focuses setting a minimum standard for retailer behaviour (while taking into account existing jurisdictional rules) along with identifying and recommending actions to address issues with implementation and processes that can not be resolved by retailers alone.

1.1.4 The Commission can consider tools in addition to rule changes

Our strategic narrative sets out a toolbox of actions the AEMC can take to support our work towards a consumer-focused net zero energy system.²³ The jurisdictional role in concessions and the range of barriers consumers face when accessing them limits the effectiveness of any rule change, so the Commission has developed a range of recommendations set out in chapter 3 to improve consumer outcomes in combination with the rule change.

1.2 Our draft rule would require retailers to ask consumers about eligibility at sign-up

Currently, retailers are required by the rules to inform consumers about the availability of concessions at sign-up.²⁴ The rule change request proposed an additional obligation on retailers

¹⁹ Further information on the barriers is set out in appendix B.2.

²⁰ Shell/Powershop submission, p 2.

²¹ Submissions: AEC, p 1. AGL, p 6. Alinta, p 1. ENGIE, p 1. Shell/Powershop, p 2.

²² Submissions: ActewAGL p 1. AGL pp 1, 6, Alinta p 1. Energy Queensland (Ergon), p 1. ENGIE, p 1. Origin, p 1.

As noted in the consultation paper for this rule change, other retailers who have provided information through the [ESC Victoria consultation](#) that they ask for information at sign up include EnergyAustralia and Energy Locals.

²³ AEMC, [Strategic Narrative](#), Sep 2024, p 34.

²⁴ Rule 64 of the NER requires retail marketers to provide small customers “information in relation to...all applicable...concessions or rebates” before or as soon as practical after a market retail contract is formed. Rule 19 sets a similar requirement for standard retail contracts. For further information on these rules and related jurisdictional rules, see appendix B.3.

“to proactively seek information from any new...consumers on their eligibility for energy concessions or rebates.”²⁵

The Commission considered the proposed rule, along with alternatives including;

- requiring retailers to ask consumers for detailed information about their eligibility
- no rule change.

The Commission is proceeding with this part of the rule change request’s proposals. For further information on why we consider that this option will best contribute to the energy objectives, see chapter 2.

Box 1: Retailers must ask consumers about their eligibility at sign-up

Under the draft rule, retailers would be required to ask consumers whether they may be eligible for applicable rebates, concessions or relief schemes at the time of sign-up.

1.2.1 Stakeholders were supportive of the proposal

Stakeholders broadly supported the rule change request’s proposed obligation for retailers “to proactively seek information from any new...consumers on their eligibility for energy concessions or rebates.”²⁶ All consumer advocate submissions and most retailers supported the proposal, with retailers noting that asking a consumer about their eligibility at sign up is already standard practice.²⁷

Stakeholders had differing views on whether any obligation should be principles-based, with one retailer noting that “a customer outcomes-based approach may be unduly burdensome for retailers” due to the existing regulatory barriers and complexity across jurisdictional rules in concessions.²⁸ ECA raised that “a principles-based approach could “put the onus on retailers to consider...potential solutions and tailor them...”²⁹

Some consumer groups and ombudsmen recommended that the rules included minimum requirements, guidance or standardisation, for example prescribing “the use of consistent and consumer friendly language” or developing standardised scripts.³⁰

Our determination takes a balanced approach, with a specific requirement for retailers to ask consumers about their eligibility, flexibility in how they do so, and a recommendation for the AER to develop guidance to assist retailers to best communicate with consumers, set out in section 3.2.1.³¹

²⁵ [Rule change request](#), p 3

²⁶ [Rule change request](#), p 3.

²⁷ The only retailer submissions which did not specifically express support for the proposal were neutral, noting either that the proposal was unlikely to have impact as doing so is already standard practice (Alinta, p 1) or not clarifying their position but stating that they already ask customers for eligibility at sign up (Powershop/Shell, Red and Lumo).

²⁸ AGL submission, p 7.

²⁹ ECA submission, p 3.

³⁰ Submissions: ACOSS, pp 5-6. ECA, p 3. Joint ombudsmen, p 7. The Salvation Army, p 18.

³¹ We have not adopted an outcomes-based rule (requiring retailers to ensure consumers receive concessions they are eligible for), as the choice of a consumer to provide information about their eligibility is outside the control of retailers.

1.2.2 How the rule would operate

The draft rule would apply to both standard and market retail contracts for all new customers, including those with prepayment meters.³²

It leaves flexibility for retailers to determine if they want to require customers to answer the question in order to complete the sign-up process.

The rule does not specifically require retailers to request the details required to verify a consumer's eligibility, but instead provides a broader option which could be complied with through a 'yes/no' option. This takes into account the differences in practices between jurisdictions, as in South Australia consumers apply for concessions via a government body instead of through their retailer. In these cases, if a consumer responds in the affirmative to a retailer's inquiry, it would provide an opportunity for the retailer to explain the next steps a consumer must take to access those concessions.

1.3 Our draft rule would require retailers to provide jurisdiction-specific information

The rule change request sought to overcome barriers to consumers accessing concessions. One of the key barriers identified in the consultation paper and confirmed by stakeholders was a lack of information on the availability of concessions, despite the rules currently requiring:³³

- for standard retail contracts, retailers must "provide information about the availability of government funded energy charge rebate, concession or relief schemes"
- for market retail contracts, retailer marketers must provide "information in relation to...all applicable...concessions or rebates..." for market retail contracts.

Consumer advocates recommended that adding a requirement that the information provided be jurisdiction-specific could "reduce the friction" for consumers.³⁴

The Commission considers that retailers specifically outlining the concessions and rebates available to consumers in their jurisdiction could help consumers realise why the following question on eligibility is relevant to them, and increase their likelihood of providing their eligibility information. For further information on why we consider that this option will best contribute to the energy objectives, see chapter 2.

Box 2: Retailers must provide jurisdiction-specific on rebates and concessions at sign-up

The draft rule will amend the current requirements to provide information about concessions and rebates to specify that the information provided must be about all applicable concessions and rebates in the customer's jurisdiction.

1.3.1 How the rule would operate

The draft rule amends the current obligation to include that the information provided must be specific to the jurisdiction of the small customer.

It also amends rule 19(1)(c) to add the clarification that the information must be about "all applicable" concessions, rebates and relief schemes. This aligns with the language currently in

³² The text of the draft rule has been published with this draft determination.

³³ NERR Rule 19(1)(c) and NERR Rule 64(1)(a).

³⁴ Submissions: ACOSS, p 3. JEC, p 8.

rule 64(1)(a), and provides flexibility for retailers to determine what concessions and rebates are applicable to the conversation - for example, grants only available to customers with existing debt to retailers, concessions that consumers do not need to apply for, or rebates that are not provided through retailers would not be captured.³⁵

1.4 The rule would commence 1 July 2026

To align with any changes retailers may need to make to their sign-up processes in response to the [Improving consumer confidence in retail energy plans](#) rule change, the Commission proposes the rule commence on 1 July 2026.

We note that the Essential Services Commission in Victoria (ESC) has published its draft decision on the same topic.³⁶ ESC Victoria's rule is currently proposed to come into place 1 January 2026.³⁷ The 1 July timeframe would not prevent retailers from making any changes in advance to align with the ESC timeframe, and therefore is appropriate when considering implementation costs.

35 Specific examples include: the [Emergency electricity payment in South Australia](#), the [Energy Bill Relief Fund](#) that retailers automatically apply to energy bills and the [ACT's Access to Electric Program](#).

36 For further information, see appendix A.2.

37 Essential Services Commission Victoria, [Energy Consumer Reforms Regulatory Impact Statement](#), 16 May 2025, p 166.

2 The rule would contribute to the energy objectives

The Commission must act in the long-term interests of energy consumers. We have considered how to address the barriers to consumers receiving concessions or rebates they are eligible for against the legal framework. We identified the following criteria to assess whether the proposed rule change, no change to the rules (business-as-usual), or other viable, rule-based options are likely to better contribute to achieving the NERO:

- **Outcomes for consumers:** We considered whether the proposed rule change would align with consumer behaviour, resulting in more consumers receiving the concessions and rebates they are eligible for. For example, whether consumers would be more likely to inform their retailers they are eligible if directly asked, how many consumers might benefit, and if this benefit would be ongoing.
- **Principles of market efficiency:** We considered the impact of any changes on the allocation of risks, including privacy issues, and transparency for consumers on costs.
- **Implementation considerations:** We considered costs to relevant parties, including the impacts of any changes made by the ESC in Victoria.
- **Principles of good regulatory practice:** We considered whether the proposed rule change fit appropriately within the NERR, or whether there were more appropriate options. We also considered how any changes might interact with existing or future jurisdictional arrangements.

These assessment criteria reflect the key potential impacts – costs and benefits – of the rule change request, for impacts within the scope of the NERO. Our reasons for choosing these criteria are set out in Chapter 4 of the consultation paper.³⁸ We set out our assessments of the more preferable draft rule against these criteria in sections 2-5 of this chapter.

The Commission also considered equity and the impacts on and barriers to participation for consumers as part of our assessment criteria. The AEMC has developed new guidance to ensure issues of equity are consistently and transparently addressed in a structured way when we are making rule changes and delivering recommendations – that is putting a consistent focus on accounting for the diversity of consumer needs, experiences and preferences; removing structural barriers to participation; and avoiding creating or exacerbating vulnerability.³⁹

2.1 The Commission must act in the long-term interests of energy consumers

The Commission can only make a rule if it is satisfied that the rule will or is likely to contribute to the achievement of the relevant energy objectives.⁴⁰

For this rule change, the relevant energy objective is the NERO:

The NERO is: ⁴¹

to promote efficient investment in, and efficient operation and use of, energy services for the long term interests of consumers of energy with respect to—

- (a) price, quality, safety, reliability and security of supply of energy; and

³⁸ [Consultation paper](#), Feb 2025.

³⁹ See AEMC guide [How the national energy objectives shape our decisions](#), March 2025.

⁴⁰ Section 236(1) of the NERL.

⁴¹ Section 13 of the NERL.

- (b) the achievement of targets set by a participating jurisdiction—
 - (i) for reducing Australia’s greenhouse gas emissions; or
 - (ii) that are likely to contribute to reducing Australia’s greenhouse gas emissions.

2.1.1 We have considered the consumer protections test for this rule change

In addition to applying the NERO, the Commission must, where relevant, satisfy itself that the rule is “compatible with the development and application of consumer protections for small customers, including (but not limited to) protections relating to hardship customers” (the consumer protections test).⁴² Where the consumer protections test is relevant in making a rule, the Commission must be satisfied that both the NERO test and the consumer protections test have been met.⁴³ If the Commission is satisfied that one test, but not the other, has been met, the rule cannot be made (noting that there may be some overlap in the application of the two tests).

The Commission is satisfied that the draft rule meets the consumer protections test for the reasons set out in section 2.2 below.

2.1.2 We have considered whether to make a more preferable rule

The Commission may make a rule that is different, including materially different, to a proposed rule (a more preferable rule) if it is satisfied that, having regard to the issue or issues raised in the rule change request, the more preferable rule is likely to better contribute to the achievement of the NERO.⁴⁴

For this rule change, the Commission has made a more preferable draft rule. The reasons are set out in section 2.2.1 and section 2.3.1 below.

2.2 Improving outcomes for consumers

The more preferable draft rule seeks to improve outcomes for consumers by increasing the number of eligible consumers who are aware of the available concessions and provide their information at sign up. We considered stakeholder submissions and previous reports on the barriers consumers and responses to previous interventions with similar goals.⁴⁵

Stakeholder submissions generally agreed with the barriers identified in the consultation paper, further detailed in appendix B.2.

One of the barriers is a lack of consumer awareness of available concessions.⁴⁶ Additionally, stakeholders noted that consumers can experience information overwhelm at the point of sign-up, with concessions information lost within information such as contract terms and conditions, bundling offers and other details.⁴⁷ The Commission considered the impact of these challenges on equity, as they may have an outsized impact on consumers eligible for concessions due to compounding barriers.⁴⁸

⁴² Section 236(2)(b) of the NERL.

⁴³ That is, the legal tests set out on sections 236(1) and (2)(b) of the NERL.

⁴⁴ Section 244 of the NERL.

⁴⁵ Insights from previous reports including the [Melbourne Institute’s survey](#) and the [Consumer Policy Research Centre’s Mind the Gap report](#) were summarised in the consultation paper.

⁴⁶ Submissions: ACOS, p 5. ECA, p 2. Joint Ombudsmen.

⁴⁷ Submissions: Joint ombudsmen, p 2. ECA p 2.

⁴⁸ The Salvation Army submission, p 10.

The more preferable draft rule is aimed at addressing these two barriers.

Asking consumers about their eligibility during the sign-up process ensures their attention is drawn to this topic in the midst of any potential information overwhelm. While most retailers already ask at the point of sign up, the Commission views that this is an appropriate minimum standard to put in place to ensure all retailers take this step.⁴⁹

To help address the information barrier, ECA recommended that “retailers should provide information at sign up that helps a consumer understand if they are eligible for a concession...”⁵⁰ Providing jurisdiction-specific information to a consumer could help them connect the availability of concessions to their own circumstances. We also note that consumers are interested in this information - 92% of households in the ECA’s Consumer Energy Report Card “say they are interested in learning about energy rebates and concessions they might be eligible for.”⁵¹

However, we note other identified barriers, including stigmas, cultural beliefs, verification and administrative challenges cannot practically be overcome by a rule change - and that for some customers with literacy challenges, additional information provided by their retailer is unlikely to help.⁵² Ultimately, the requirement for consumers to take the additional step of providing their eligibility information creates a structural barrier to participation, negatively impacting equitable energy outcomes.

Therefore, we consider the more preferable draft rule to be one important step towards improving the application of concessions to bills. Nonetheless, the Commission acknowledges that automating the provision of concessions, as recommended in section 3.1.1, remains the most effective long-term solution because it would remove the onus on stakeholders to take the extra step of providing their eligibility information. This would directly address the barriers faced by consumers who are eligible for concessions and would support vulnerable consumers. We recognise that the automated solution is a complex undertaking and in light of this, have also recommend other smaller changes in chapter 3, that can also help to address the barriers identified in the consultation paper and in stakeholder submissions. We suggest that these could be advanced while the automated system is being developed.

2.2.1 Additional contact obligations would not improve consumer outcomes

The rule change proposed an additional one-time contact obligations on retailers to ask all existing customers about their eligibility, and some stakeholders proposed alternative options for additional touchpoints:

1. **A one-time contact obligation upon commencement of the rule**, per the rule change request.⁵³
2. **Periodic (eg once every 12 months) in a contact other than the bill.**
This was recommended by some consumer advocates, noting that “repetition, or getting information at an appropriate moment can be the difference in reaching people.”⁵⁴
3. **At certain times when customers are already contacting retailers or if customer accounts have certain indicators.**

49 See section 1.1.3 for information on retailers who have already adopted this practice.

50 ECA submission, p 2.

51 ECA submission, p 5.

52 Submissions including The Salvation Army, p 11 and JEC, p 5 raised these barriers.

53 Rule change request, p 2.

54 JEC submission, p 7. Stakeholders who recommended this included ECA, p 7, the Salvation Army, p 22, COTA, p 5.

Ombudsmen and all consumer advocates suggested requiring retailers to engage “at regular consumer touch points,” or if a customer account has certain features that indicates they may be eligible (for example, a customer is paying via centrepay, has indicated concessional eligibility but did not provide evidence, is over the age of 67).⁵⁵ ECA also recommended contacts at specific times such as after the winter bill.⁵⁶

4. When existing concessions expire.

EWOV recommended requiring retailers notify customers when a customer’s eligibility is approaching or has expired.⁵⁷

These stakeholders provided two key reasons that additional contact points would benefit consumers:

- There will always be consumers who do not provide their eligibility information at sign up due to being overwhelmed with information or experiencing a life transition (eg moving) and possibly not being able to easily find their concession details at the time.
- Many consumers will become eligible for concessions during their contract, and either may not be aware of the available concessions or may face barriers to contacting their retailer.

Analysis of options

Option 1: Retailer evidence on previous campaigns similar to Option 1 were that they have not provided significant benefit. One retailer who has run mail-out campaigns about concessions in the past finds that these campaigns have low response rates and incur high costs.⁵⁸ Another retailer explained that “when the Queensland Government implemented a similar approach with the Energy Bill Relief Rebate, the negative feedback outweighed the benefits, leading to poor customer service outcomes. Blanket communications overwhelm call centres and create frustration for customers—particularly those who discover they are not eligible.”⁵⁹

However, EWOV set out an example where a campaign by a retailer to increase awareness of the Victorian Utility Relief Grant, which comprised of a dedicated website and materials sent to consumers, resulted in a 225% increase in requests for the grant.⁶⁰ The joint ombudsmen submission endorsed the proposal but noted the associated implementation cost.⁶¹

Options 2 and 3: When considering these proposals, the Commission noted that consumers eligible for concessions but who have not applied them are often vulnerable and/or facing significant engagement and communication barriers that will be difficult to overcome, regardless of what steps retailers take.

For example, anecdotes from front-line consumer advocates included that some consumers who know they are eligible still don’t provide their retailer the relevant details due to time, inertia, priorities, or the stress involved in contacting a retailer.⁶²

55 Submissions: The Salvation Army, p 23. ACOSS, p 5. SACOSS, p 4.

56 ECA submission, p 4.

57 EWOV submission, p 4.

58 AGL submission, p 6.

59 Origin submission, p 3.

60 EWOV submission, p 6.

61 Joint ombudsmen submission, p 3.

62 Submissions: the Salvation Army, p 15. Energy Charter, p 3.

Additionally, despite many retailer submissions setting out that they already take steps to check with consumers at specific points in the customer journey, the gap still exists, raising the issue that such changes would not in practice improve outcomes for consumers.⁶³

We also noted retailer experiences of low response rates when reaching out to customers, along stakeholder input and research that relevant consumer groups often face barriers to engage with retailers – for example, a language barrier or a reluctance to answer calls – that could minimise the impact of such an obligation.⁶⁴

Option 4: Retailer submissions noted that contacting consumers when concessions expire is already standard practice.⁶⁵ We note this is already required in NSW and Qld, and may be required by others.⁶⁶ We do not view an additional rule regarding expiry would result in significant behaviour change from retailers.

Conclusion

The Commission notes that there are many consumers whose eligibility may not be picked up at the point of sign-up. However, we also note mixed views - even within the same submissions - on the impacts of additional communications to consumers. For example, the Justice and Equity Centre (JEC) called for retailers to contact customers every 12 months, but also raised that attempts to raise awareness have not had “material and long-lasting impact” and that “many consumers know they are eligible...but other barriers are preventing their access.”⁶⁷ This indicates that retailer actions to inform and ask consumers about their eligibility will have limited impact, and thus any rule must be balanced.

The Commission also considered that as retailers are incentivised to increase the application of concessions to bills, they will consider whether additional contact points will increase uptake for their specific customers.

Requiring retailers to ask about eligibility at the point of sign up but allowing any additional touchpoints to remain at the discretion of retailers strikes a balance between bringing all retailers up to a minimum standard, the complexity of jurisdictional rules already in place and the incentive retailers have to ensure their eligible customers are accessing concessions.

Therefore, the Commission has made a more preferable rule that does not include contact requirements after the point of sale. We instead recommend that Services Australia inform consumers of available concessions when they receive the relevant concession card. Both their position as a trusted voice and the point in time this information would be received by consumers is more likely to drive increased uptake of concessions. This recommendation is further set out in section 3.3.

We note this is different from ESC Victoria’s draft decision on the same rule change.⁶⁸ However, as the ESC is only setting rules for Victoria, it does not need to consider any overlap between their obligations and those of other jurisdictions. Additionally, as previously noted, concessions are jurisdictional programs and it is therefore appropriate that jurisdictions set rules that go beyond what is in the NERR, until or unless programs are harmonised across jurisdictions.

63 Submissions: ActewAGL, p 1. AGL, p 1. Hanwha/necr, p 3. Origin, p 1. Shell/Powershop, pp 1-2.

64 Submissions: AGL, p 6. Hanwha/necr, p 2. Joint ombudsmen, p 4. The Salvation Army, p 25. Research: Uniting, [Game Changer Consumer Exploration Workshops](#), Aug 2023, pp 5-7.

65 Origin submission, p 2.

66 See appendix B.3 for existing jurisdictional rules. Additionally, some requirements are in confidential agreements between jurisdictions and retailers.

67 JEC submission, p 7.

68 ESC Victoria, [Energy Consumer Reforms - Regulatory Impact Statement](#), 16 May 2025, p 126.

2.3 Aligning with principles of market efficiency

The more preferable draft rule's requirement for retailers to provide jurisdiction-specific information to consumers will increase transparency for consumers on costs they could be paying, aligning with principles of market efficiency.

The Commission additionally considered the question of the proposed transfer solution in light of the risk allocation aspect of market efficiency, as discussed below.

2.3.1 A transfer requirement would not appropriately allocate privacy risks

The rule change request proposed "requiring information transfer between retailers when a consumer switches retailers," by associating concessions information with National Metering Identifier (NMI) data.⁶⁹

In submissions to the consultation paper, ombudsmen, consumer groups and one retailer noted that customers can lose access to concessions at the point of transfer, although there is no clear data on how often this happens.⁷⁰ In its submission, ECA noted that "consumers experiencing financial difficulty are more likely to say they search for a new energy plan several times a year..."⁷¹

The Commission considered whether an information transfer obligation using the existing systems for communication between companies involved in the supply of energy should be introduced: AEMO's Market Settlement and Transfer Solutions (MSATS) or Business-to-Business (B2B) communications system.

MSATS: MSATS is an IT system operated by AEMO for information related to the flow of electricity and payments.⁷² It is designed to support the financial and operational workings of the electricity market. Its main purpose is to track which electricity retailer is responsible for each property at any given time, so that energy use can be accurately billed and settlements between market participants can occur. It holds information about energy meters and premises connection points associated with NMIs - not about individual customers.

The addition of data such as concessions eligibility status to MSATS would likely create unintended consequences; increased risks for customer privacy and data integrity, required system upgrades by AEMO and retailers, and binding AEMO under additional privacy provisions, driving up costs for all parties.⁷³

The Commission considers that MSATS is not an appropriate tool to capture customer data such as concessions.

B2B: B2B systems are facilitated by AEMO and used by energy businesses to exchange information "relating to end-users or supply to end-users."⁷⁴ This information is typically technical in nature.

B2B is the channel through which life support information is shared between retailers, DNSPs and metering coordinators. This is primarily to ensure customers are notified about planned interruptions to supply and that anyone working at the site is aware of life support requirements.

69 Rule change request, p 3

70 Submissions: ECA, p 2. SACOSS, p 5. EWOV, p 2. Joint ombudsmen, p 6. Hanwha/necr, p 2.

71 ECA submission, p 2.

72 AEMO, [What MSATS is for](#), 27 May 2025.

73 Submissions: Energy Queensland (Ergon), p 2. Shell/PowerShop, p 3. Origin, p 3. AEMO raised a similar concern about adding customer data to MSATS in [its submission](#) to the *Accelerating smart meter deployment* rule change.

74 NER Rule 7.17

In these cases, the life support status is linked to the property's NMI within the retailer and DNSP's systems.

Although AEMO manages the B2B system, it does not have visibility of the messages exchanged. Therefore, adding concessions-related data to B2B processes may not raise the same privacy concerns as including that data in MSATS.

However, B2B is not used to communicate information between outgoing and incoming retailers during a customer transfer. This means that if a customer receiving life support changes retailers, they are required to re-register their life support needs with the new retailer.⁷⁵

Benefits for consumers would be limited: Jurisdictional rules require the incoming retailer to check and verify the eligibility of the customer before they are able to apply a concession or rebate to the bill. Services Australia's Centrelink Confirmation eServices (CCeS) rules would thus require the new retailer to get consent from the customer to use their customer reference number (CRN) to check eligibility. Therefore, any information transfer between retailers would only trigger the same obligations as the more preferable rule - to ask an incoming customer about their eligibility.

Additionally, the investment that would be required to update AEMO and retailer systems to add retailer-to-retailer communication at the point of transfer as a standard process to B2B would have greater impact if instead spent on developing an automated system that would benefit all consumers, not just those who are transferring retailers while remaining at the same address.

Alternative options

The Commission also considered alternative options to addressing the loss of concessions at the point of transfer.

- **Consumer Data Right (CDR):** There may be an option to add concessions information to the CDR framework. However, awareness and use of the CDR in energy is currently low, and we do not anticipate that the few consumers using CDR for transfer purposes are likely those who are facing barriers to applying concessions to their bill.
- **Requiring retailers (outgoing or incoming) to inform the customer that concessions do not automatically transfer:** Noting that outgoing retailers don't typically have contact with customers other than the final bill, we have recommended the AER consider updating the Better Bills Guideline to include this information on first and final bills, and develop guidance on how incoming retailers could inform customers that concessions do not automatically transfer in section 3.2.2.

2.4 Balancing implementation costs

The more preferable draft rule appropriately balances implementation costs with outcomes:

- Keeping the scope of the change to sign-up processes limits implementation costs for providers in an area where they are already bearing a significant compliance burden due to the lack of jurisdictional harmonisation.
- Recommending the AER incorporate potential changes to its Better Bills Guideline into an already planned review means regulatory costs will not be duplicated and retailers will be able to make any resulting system updates in one package.⁷⁶

⁷⁵ AEMO, [B2B Guide v38](#), May 2023.p 7. AER, [Life support registration guide](#), Sep 2021, p 8.

⁷⁶ See section 3.2.2 for this recommendation.

- We note the draft rule differs to that of the ESC for customers in Victoria. However, for retailers who operate in both Victoria and National Energy Customer Framework (NECF) jurisdictions, it is unlikely that systems and processes put in place to comply with the draft ESC requirement “to request concession eligibility information from residential consumers...when entering into a new contract with a customer” would conflict with any changes to comply with the NERR in NECF jurisdictions.⁷⁷

2.5 Considering good regulatory practice

As addressed in section 1.1.1, concessions are fundamentally jurisdictional programs, and therefore it is appropriate that the rules take a light-touch approach. This also minimises the risk of potential conflict with any future changes made to requirements by jurisdictions.

Additionally, not including prescription in the rule but instead recommending the AER develop guidance supports the goal of improved retailer practice when communicating with consumers while avoiding locking in a detailed approach. This flexibility allows both the AER and retailers to account for the diversity of consumer needs, experiences and preferences, supporting equitable outcomes.

2.5.1 Point of payment difficulty is being addressed in other reforms

As addressed in the consultation paper, improving consumer access to concessions at the point of payment difficulty is within the scope of the AER’s payment difficulty framework review and resulting recommendations, and therefore to avoid duplication and confusion, we did not consider that topic in this rule change.⁷⁸

Designing the approach to communicating with consumers experiencing payment difficulty in one regulatory process will support simplicity and transparency for all stakeholders - ensuring that those requirements consider and address the entirety of the customer experience when they encounter payment difficulties. This is in line with the AER’s goals for the reforms to:⁷⁹

- “improve protections and outcomes for customers experiencing payment difficulty
- make customer experiences more consistent, supporting greater awareness and trust
- simplify regulatory compliance for retailers due to a simpler eligibility framework, clearer minimum standards and greater consistency across jurisdictions.”

⁷⁷ ESC Victoria, [Energy Consumer Reforms - Regulatory Impact Statement](#), 16 May 2025, p 126.

⁷⁸ AER, [Review of payment difficulty protections in the NECF](#), 15 May 2025. [Consultation paper](#), p 2.

⁷⁹ AER, [Review - Findings report](#), 15 May 2025, p 3.

3 The Commission recommends further action on concessions

The Commission supports efforts to increase the number of consumers receiving concessions and rebates that they are eligible for, as did all stakeholder submissions.

Our toolbox of solutions extends beyond rule changes, including providing advice to governments and working closely with the other market bodies.⁸⁰ Stakeholder submissions and our analysis have highlighted actions other parties could take that would achieve positive outcomes for consumers, and we have set out a series of recommendations in this chapter.

The primary recommendation is for all parties to act on the AER's call for systemic change that would remove the onus on consumers to provide their eligibility information, such as an automated system. This would bring by far the most benefit for consumers, and we note that in the case an automated system is rolled out, most other recommendations in this draft determination would no longer be relevant.

In the case that an automated system is not progressed, or prior to its finalisation, there are a series of other actions that could improve the application of concessions to bills. Many of these recommendations would also pave the way for the development of an automated system:

- jurisdictional harmonisation
- AER guidance and updated guidelines
- increased information provision by Services Australia
- coordination between jurisdictions, Services Australia and retailers to address a range of issues
- improvements by retailers

We have recommended the Department of Climate Change, Energy, the Environment and Water (DCCEEW) facilitate next steps for some of these actions. However, as responsibility for concession policies and processes sits across a number of government agencies and portfolios, both at a commonwealth and state and territory level, an appropriate mechanism for cross-agency consideration of relevant issues will need to be established.

In the last section of this chapter, the Commission also seeks further input from stakeholders on circumstances where the person eligible for the concession is not the account holder.

3.1 We support systemic improvements

Our analysis has shown that broad-reaching changes will most fully address the barriers consumers face in accessing concessions. The priority should be improved automation as recommended by the AER. If this is not taken up, or as a transitional step, jurisdictions have an opportunity to bring down costs and barriers by harmonising application processes.

3.1.1 DCCEEW should facilitate next steps to automate concessions

All stakeholder submissions strongly supported the original recommendation made by the AER in its Game Changer report, that:

80 AEMC, [Strategic Narrative](#), Sep 2024, p 34.

“Concession and rebate systems should be upgraded to facilitate centralised access to eligibility data for retailers, so they can verify if a consumer is entitled to a concession or rebate and automatically apply it to the consumer’s account. System upgrades should also ensure that consumers are able to switch retailers and retain their concessions, without the need to reapply.”⁸¹

This would be an optimal outcome for consumers. We know from stakeholder submissions and research that any action required by consumers can create a barrier. This barrier can be compounded for vulnerable consumers, including those eligible for concessions, by:⁸²

- language differences
- low literacy
- low digital literacy
- time stress
- lack of trust in institutions

Any of these barriers can negatively impact equitable access to concessions, as they contribute to:

- challenges understanding and accessing information about the concessions that are available
- lack of time or ability to add concessions information
- discomfort in providing information - particularly if they are not entirely clear what it may be being used for

Additionally, with some concession cards having short-term expiry dates and all expiring somewhat regularly, having to re-add concession information each time a card is renewed presents additional barriers. Finally, barriers such as stigma, shame and other cultural issues cannot be fully overcome by any method other than a process that does not require consumers to provide their eligibility information in an extra step.

Such a solution will require that multiple parties work together creatively to develop a process that addresses privacy and cost concerns. Ensuring that vulnerable customers receive the assistance they are eligible for, which can help avoid financial hardship for those consumers and debt for retailers, deserves a willingness of all parties to come to the table and think outside the box.

Stakeholders provided examples and suggestions of potential solutions that could help move this work forward:

- Existing automated government systems for private consumer data to support access to benefits, the Pharmaceutical Benefits Scheme or the Document Verification Service through the Department of Home Affairs, could provide inspiration.⁸³
- Services Australia and the Department of Veterans’ Affairs could provide target lists of eligible consumers for data matching or push notifications about updated cards to retailers, so retailers can identify customers who are eligible but are not receiving concessions without the customer having to notify them.⁸⁴

We note that Energy Ministers “asked Senior Officials to work with Services Australia on options for supporting Commonwealth concession card holders to access state-based energy rebates,”

81 AER, [Game Changer Report](#), November 2023, p 11, and further detail on pp 18-20.

82 See appendix B.2 for further detail on barriers

83 Submissions: ACOSS, p 7. AGL, p 2.

84 Submissions: ActewAGL, p 3. AGL, 7.

and that DCCEEW is currently undertaking the Better Energy Customer Experiences (BECE) review, an overall review of consumer protections in the energy sector.⁸⁵ We recommend the Department bring parties including jurisdictions, Services Australia and retailers together to facilitate further work on this recommendation through the consumer protections sub-working group in the first instance.⁸⁶

Draft recommendation 1: Primary recommendation: DCCEEW should facilitate next steps across governments to automate concessions

The Commission strongly supports the AER's call for a system that would remove the onus on customers to ensure concessions are applied to their bills, and recommends that DCCEEW bring the relevant parties together through an appropriate forum to progress this recommendation.

3.1.2 Jurisdictions should harmonise concessions application requirements

Both consumers and retailers stated that differences between jurisdictional application requirements (such as types of documentation and requirements for signatures), eligibility criteria and processes create confusion for consumers and drive up costs for retailers.⁸⁷

Differing requirements also create barriers for organisations working to support customers:

*"Community organisations face challenges in explaining the nuances of eligibility criteria and application processes, especially when these processes vary between states, territories, and retailers. The resulting fragmentation makes it difficult for these organisations to provide clear, actionable guidance to those who need it."*⁸⁸

The lack of harmonisation - particularly regarding application requirements and processes and eligibility criteria - is continuing to create barriers to consumers accessing concessions. Differences we have identified in processes include the information required to verify, how often verification needs to be checked and circumstances in which forms need to be filled out. We also note that eligibility for concessions differs between jurisdictions, as set out in appendix B.4.

Harmonisation would have the following benefits:

- Lowering barriers for community organisations supporting consumers to provide them information and help them apply.⁸⁹
- It would make it easier for Services Australia to adopt the information provision recommendation set out in section 3.3.
- Lower compliance costs for retailers, as they would not have to adapt their systems, training and scripting to multiple concession schemes.⁹⁰ In the 2020 competition review, we stated "The Commission considers that a harmonised approach may reduce complexity faced by retailers in understanding support schemes may lead to increased consumer access and benefits from these schemes."⁹¹

85 Energy and Climate Change Ministerial Council, [Meeting Communiqué](#), 19 July 2024. DCCEEW, [Better Energy Customer Experiences](#).

86 The consumer protections sub-working group is responsible for the retail and consumer protections workstream under the [Energy Transformation Enablers Working Group \(ETEWE\)](#).

87 Submissions: SACOSS, p 6. Origin, p 1. Shell/Powershop, p 2.

88 The Energy Charter submission, p 3.

89 The Energy Charter submission, p 3.

90 Submissions: AGL, p 10. Shell/Powershop, p 2.

91 AEMC, [Retail energy competition review](#), 2020, p 136.

Previous Commission Retail energy competition reviews from 2016 to 2020 have also recommended the harmonisation of concessions schemes across jurisdictions to improve consumer access and outcomes while also reducing administrative costs for retailers.⁹²

The ACCC's 2018 Retail Electricity Pricing Inquiry set out similar findings:⁹³

- "consistent policies will reduce regulatory costs associated with administering the regimes
- it will assist retailer contact centres to provide detail on concession schemes
- it will be simpler for consumers to find clear, easy to understand information on concession schemes, which will likely lead to increased awareness of concession eligibility."

Harmonisation would also be a useful pre-cursor to the development of an automated process.

One stakeholder raised a possibility to improve access even further and remove duplication by harmonising eligibility, application processes and information provision for concessions across all sectors, but we note that this is outside of the scope of this rule change's recommendations.⁹⁴

Specific challenges

Ombudsmen raised that some jurisdictional rules created specific challenges for embedded network customers.⁹⁵

- requirements in Queensland for embedded network customers to complete a paper form to access concessions.
- some embedded network customers must apply directly to Services NSW for rebates each year, with different forms and documentation required.

We recommend jurisdictions consider harmonising application processes for customers in embedded networks as well. Rules for embedded networks set in the AER's Exempt Selling Guideline are discussed in section 3.2.3.

Finally, we note that in South Australia, customers must apply directly to the government, after receiving their first bill. This was raised by a range of stakeholders as a particular barrier as it requires additional steps from consumers, including following up with ConcessionsSA after they have received their first energy bill, although we also note the view that having a 'one stop shop' for all jurisdictional assistance may benefit consumers.⁹⁶ We recommend South Australia adopt the same application approach as other jurisdictions. At present that would be having consumers apply directly to retailers to access their concessions, but we note that jurisdictions may develop an alternative during discussions on how best to harmonise application and eligibility process and lower barriers for consumers.

As with the development of an automated concessions system, we recommend that DCCEEW could work with jurisdictions to facilitate discussions on increased harmonisation of jurisdictional concessions.

Draft recommendation 2: Jurisdictions should harmonise concession schemes

Harmonising eligibility rules and application processes for concession schemes would reduce

92 See pp 136-137 of the [2020 AFMC Retail energy competition review](#) and Appendix B of the [2019 review](#), which provides a summary of recommendations from previous reviews.

93 [ACCC REPI](#) 2018 p 233

94 Shell/Powershop submission, p 2.

95 Joint ombudsmen submission, p 5.

96 Submissions: AGL, p 4. Hanwha/necr, p 2. Joint ombudsmen, p 6. Red and Lumo, p 3.

barriers for consumers to access concessions and regulatory burden, and contribute to the development of an automated system. We note first steps on this work could also be facilitated by DCCEEW through the cross-jurisdictional ETEWG consumer protections sub-working group.

3.2 The AER should develop guidance and update guidelines

The AER has a key role to play in supporting retailers to improve communications and processes. We have recommended the AER develop guidance and consider updates to two mandatory guidelines.

3.2.1 Improving communications with customers

Stakeholders identified that the language retailers use to communicate with consumers about concessions can be “confusing, inconsistent and occasionally alienating.”⁹⁷ For example, one retailer submission set out that they have included a question about concessions in their sign-up process, and included a screenshot of that specific question, which is “Do you have a government issued concession?”⁹⁸ Based on input from consumer advocates, the example provided may not be the best method by which to encourage consumers to inform their retailer they are eligible for a concession. In desktop research, we have sighted other retailer sign-up processes and many use similar language.

As retailers are incentivised to increase uptake of concessions, we consider this gap may be due to a lack of understanding on the part of retailers, and could be resolved through clear guidance. Detailed guidance was also recommended by some stakeholder submissions.⁹⁹

The AER has insights into best practice for communicating with vulnerable consumers from previous research and work such as the [Customer Engagement Toolkit](#), and the AER’s compliance and enforcement branch develops guidance for retailers.¹⁰⁰

We recommend the AER develop guidance on how retailers can best communicate with customers at the time of sign up to ensure customers understand both what concessions or rebates are available to them and how to provide their eligibility information. This could form part of existing guidance or be developed as new standalone guidance.

Specific recommendations from stakeholders that could be considered included:¹⁰¹

- including pictures of the relevant concession cards.
- explaining the intent of collecting the concession card data to address concerns held by some consumers about providing that information.
- when asking a customer if they are eligible for a concession, specifically ask if the consumer “holds a concession card.”
- financial counsellors have raised that the official names for concession cards, often used by retailers in their communications, may not align with how consumers refer to those cards - for example, the ‘Commonwealth Seniors Health Card’ is often referred to as a ‘Gold Card.’

⁹⁷ Submissions: ACOSS, p 5. JEC, p 8.

⁹⁸ ENGIE submission, p 3.

⁹⁹ ECA submission, p 3.

¹⁰⁰ For example, the recently released [guidance for retailers on smart meter installations](#).

¹⁰¹ The first two examples are from The Salvation Army, pp 11, 18, the third is from Red and Lumo, p 2 and the final is from JEC, p 8.

3.2.2 Informing customers that concessions don't automatically transfer

As set out in section 2.3.1, stakeholders generally agreed with the proponent that some consumers lose access to their concessions when they transfer retailers.

Stakeholders identified that one of the key drivers of this problem is a lack of information - customers do not know that concessions won't be automatically applied by their new retailer, so even if they are asked for eligibility information at the point of sign up, they may not answer that question due to the assumption that the concessions will automatically transfer.¹⁰²

While the Commission did not consider the solution proposed in the rule change request met the NERO (see section 2.3.1), we propose two actions by the AER to address this information gap.

1. Guidance for incoming customers

We recommend the AER's guidance on information for incoming customers, as recommended in the previous section, include best practice of addressing the loss of concessions at transfer. It would be for the AER to determine what this guidance would be, but it may include:

- for retailers to inform incoming customers that concessions do not automatically transfer across.
- for retailers to ask incoming customers whether they were receiving concessions on their bills from their previous retailer.

2. Requirement on first and final bills

The AER's Better Bills Guideline (BBG) sets out what information retailers must include in customer bills.¹⁰³ Bill contents were previously set in the rules, but a 2020 rule change removed the detailed requirements and instead required retailers to comply with a new AER mandatory guideline.¹⁰⁴

Prior to this rule change, retailers were required to include "reference to the availability of government funded energy charge rebate, concession or relief schemes" on bills.¹⁰⁵ We note the AER undertook extensive consultation and research to determine the requirements set in the BBG, and that it is important to simplify the information on a bill to support consumer understanding.¹⁰⁶

However, we view that informing consumers that concessions do not automatically transfer on the first and final bills may strike an appropriate balance. This is a time when customers may be more likely to look at bills, and it is a key point in time for a call to action (to inform their new retailer).

We recommend the AER consider adding a requirement to include information that concessions do not transfer in the first and final bills in its upcoming review of the BBG.¹⁰⁷ The AER could consider whether this could or should be limited to final bills for customers who receive concessions and first bills for customers who did not establish their eligibility at sign up.

¹⁰² Submissions: SACOSS, p 5. Joint ombudsmen, p 6. Hanwha/necr, p 2.

¹⁰³ AER, [Better Bills Guideline - Version 2](#).

¹⁰⁴ AEMC, [Bill contents and billing requirements](#).

¹⁰⁵ See for example, NERR, version 32, Subrule 25(1)(s).

¹⁰⁶ Information on the AER's development of BBG v1 can be found on [its website](#).

¹⁰⁷ The AER has [announced](#) it will review the BBG starting in January 2026. NERR subrule 25A(3)(e) includes, as a bill objective, "information that enables small customers to easily understand...how to...seek financial assistance."

We also note the recommendation by some stakeholders that the AER re-introduce the requirement for concessions information to be included in bills, and recommend those stakeholders participate in the upcoming review.¹⁰⁸

We recommend information be provided to consumers at all three of these points (sign up, first bill and final bill) as no single communication will capture the attention of all customers.

3.2.3 Protecting embedded network customers

The AER's Retail Exempt Selling Guideline requires exempt sellers to provide relevant concession information in writing.¹⁰⁹

Joint ombudsmen raised in their submission that they "continue to see a lack of relevant eligibility/entitlement information being provided" to embedded network customers¹¹⁰ The COTA Alliance also raised that the current "lack of awareness is heightened in embedded networks," and we note this may have an outsize impact on people eligible for concessions, as for example, there are a high proportion of seniors living in embedded networks such as retirement villages.¹¹¹

In addition to our recommendation that jurisdictions remove unnecessary barriers for customers in embedded networks, we recommend that the AER update the current condition in the Retail Exempt Selling Guideline to reflect the rule, if made.

Draft recommendation 3: The AER should develop guidance, amend the Better Bills Guideline and consider updating the Exempt Selling Guideline

The AER should develop guidance for retailers on how best to inform customers about the availability of concessions and rebates and ask them about their eligibility.

Such guidance should also include a recommendation that retailers inform customers at the point of sign up that any concession will not automatically transfer from the previous retailer. We also recommend the AER consider amending the Better Bills Guideline to require retailers to include information on the first and final bills that concessions do not automatically transfer.

We also recommend the AER apply the rule changes to relevant exempt sellers by updating the Retail Exempt Selling Guideline.

3.3 Services Australia should provide more detailed information to consumers

The Commission has considered what additional steps could be taken to address the lack of awareness currently preventing many consumers from accessing concessions.

While the more preferable draft rule takes some steps in this direction, stakeholder feedback is that information from retailers is unlikely to be a universal solution due to trust and literacy challenges. COTA explained that "information provided by a government agency is likely to be more trusted than information provided by a retailer, so consumers would probably be more responsive to this messaging," while the Energy Charter raised that "some consumers may

¹⁰⁸ Joint ombudsmen submission, p 8.

¹⁰⁹ Condition 2 (1)(f) of the [Retail Exempt Selling Guideline](#) provides that the exempt must advise exempt customers in writing of the availability of relevant government or non-government energy rebates, concessions and relief schemes at the start of the customer's tenancy/residence/agreement.

¹¹⁰ Joint Ombudsmen submission, p 5.

¹¹¹ COTA submission, p 3.

perceive retailers providing information about concessions “as pushing price mitigations onto customers...”¹¹²

Additionally, one retailer explained that they typically see low response rates in response to offers of assistance, “which indicates that customers do not look to their utilities for assistance...they are much more likely to engage with a concession body or Services Australia...”¹¹³

Stakeholders raised that they have been advocating for Services Australia to provide more detailed information to consumers when the consumer first receives their concession card.¹¹⁴ Retailers also recommended this as a solution.¹¹⁵ We support this, as it would target consumers at the most relevant point in time - when they are learning about the other benefits their concession card brings.

We recommend Services Australia provide the following information with a customer’s new or renewed concession card - noting that it may be useful to combine with information on concessions or rebates available for other services as well:

- that the consumer may be eligible for concessions and rebates.
- an overview of concessions and rebates available in the jurisdiction, including general eligibility criteria and specific resources where they can find more information. We note that this may be something jurisdictions can provide to Services Australia to pass on.
- a recommendation that the consumer notify their retailer or embedded network provider that they are now eligible for concessions.
- in the case of a renewed card (due to expiry or updated details), information that the consumer must update their eligibility information with their retailer to continue receiving concessions.

We also agree with ACOSS’s recommendation that the Services Australia website could include links to jurisdictional websites in more prominent or relevant places for recipients to access and that it would be helpful if this information were provided in multiple languages.¹¹⁶

This would benefit from the support of jurisdictions through providing updated information and communication materials to Services Australia, which could be facilitated through the recommendation in section 3.4 for an ongoing working party.

Draft recommendation 4: Services Australia should provide more detailed information on rebates and concessions

The Commission recommends that Services Australia provide information directly to consumers about what rebates they become eligible for when they receive new or renewed concession cards. We note that this would benefit from the support of jurisdictions.

3.3.1 Jurisdictions should also increase information provision

While Services Australia is a key contact for most consumers who are eligible for concessions, not all consumers are eligible through a Services Australia-issued card.¹¹⁷ In light of this, we

¹¹² Submissions: COTA, p 5. The Energy Charter, p 3.

¹¹³ Hanwha/necr submission, p 2.

¹¹⁴ ACOSS submission, p 8.

¹¹⁵ ActewAGL submission, p 2.

¹¹⁶ ACOSS submission, p 8

¹¹⁷ For example, consumers who hold DVA Gold Cards or those who are eligible through asylum-seeker status.

recommend jurisdictions should work with the relevant agencies who hold information on these consumers to determine how they could raise awareness of their eligibility.¹¹⁸

This would be particularly relevant when new concessions are introduced or eligibility is expanded. For example, last year in NSW the eligibility for a rebate expanded from a selection of DVA cardholders to all DVA Gold Card holders.¹¹⁹ If the jurisdiction was able to work with the DVA to contact all DVA Gold Card holders in NSW and inform them of the rebate, that would likely result in a higher uptake, as jurisdictions are a more trusted voice and could target the communications to eligible consumers.

Draft recommendation 5: Jurisdictions should increase information provision

Jurisdictions should work with the agencies who communicate with eligible consumers to determine how they could contact those consumers to raise awareness of their eligibility.

3.4 Jurisdictions, Services Australia and retailers should establish a cross-agency forum

Submissions raised a range of barriers that appear, on the surface, to be resolvable through administrative solutions or without significant policy changes. We have opened discussion on some of these issues with a range of relevant stakeholders, and have been surprised that there is not an ongoing forum through which the key parties can come together to resolve specific administrative challenges.

We recommend that jurisdictions, Services Australia and retailers should establish an ongoing forum to address or discuss the below issues and any that arise over time, and that this could be initially facilitated through DCCEE's consumer protections sub-working group.

3.4.1 Verification issues should be resolved

Almost every submission across consumer advocates, ombudsmen and retailers identified verification of concession details to be an issue. This includes:

- Addresses being recorded as in different suburbs or under different postcodes in different systems
- Consumers making minor typos when providing information
- Cultural differences in naming practices

As JEC raised in its submission, "these issues are most likely to impact specific cohorts of people experiencing disadvantage, including First Nations households and culturally and linguistically diverse households."¹²⁰ JEC further provides a case study of such a situation:

"Members of the local Aboriginal community having their NSW Government LIHR removed

¹¹⁸ We note that this would not be a large undertaking - according to [data from the DVA](#), there are only approximately 100,000 DVA cardholders nationally.

¹¹⁹ Hanwha/necr submission, p 3.

¹²⁰ JEC submission, p 5.

¹²¹ JEC submission p 5, from Save4Good [Report for the Public Interest Advocacy Centre](#), 26 April 2022, p 10.

because the suburb identified on concession card, drivers' license, and by their Landlord/real estate agent differed. This is not due to a mistake by the residents but as their houses are on the border of 3 suburbs and/or are located on an un-gazetted/non-public road, the address has been recorded by different organisations as a different suburb. Despite several calls to the electricity provider, Local Aboriginal Land Council, managing Real Estate Agent, Centrelink and a letter to Services Australia it is still not remedied and it is not clear how to fix it."¹²¹

There is currently no clear responsible party to resolve these issues when they arise, and retailers who are trying to resolve them can encounter barriers.¹²²

It is disappointing that consumers are not able to access concessions they are eligible for due to resolvable process issues. We recommend that jurisdictions, Services Australia and retailers - with the input of ombudsmen - work together to:

- Determine the responsible party for when verification issues arise.
- Align address data where possible.
- Provide flexibility in verification.

Establishing a mechanism to resolve these verification issues in a timely and efficient matter will also support the development of an automated solution.

3.4.2 Verification for renewed cards should be easier

Consumer advocates and some retailer submissions raised that the requirement for consumers to re-provide eligibility information every time a concession card renews results in many eligible consumers losing access.¹²³

While we have recommended Services Australia inform consumers when their card is re-issued that they need to contact their retailer, an automatic solution would better support consumers. One retailer put forward an option "for Services Australia to revalidate the eligibility of these consumers directly with retailers," preventing the need for consumers to contact or respond to their retailer's enquiries about updated eligibility information upon expiry.¹²⁴

We recommend the working group consider the above, or determine if there are other possible solutions. For example, if customers have provided their consent for retailers to use their Customer Reference Number (CRN) to check eligibility, retailers should be able to re-verify the eligibility without additional contact with the customer.¹²⁵

3.4.3 Explicit informed consent scripting

In submissions and discussions, retailers noted Services Australia's requirement that retailers use verbatim scripting when obtaining consumer explicit informed consent (EIC) to check their eligibility for a concession creates barriers when communicating with consumers.¹²⁶ This especially raises difficulties when there are multiple types of concessions being discussed, and

¹²² AEC submission, p 1.

¹²³ Submissions: AGL, p 4. Origin, pp 1-2. Red and Lumo, p 3. For example, the Pension Concession Card renews every two years, and the Health Care Card generally expires after one year.

¹²⁴ Red and Lumo submission, p 3.

¹²⁵ Where the relevant concession cards are associated with the CRN.

¹²⁶ Hanwha/necr submission, pp 1-2. Services Australia sets specific scripting requirements for obtaining consumer consent to use their data to perform a verification check using its Centrelink Confirmation eServices (CCeS) system, as set out in section 14 of its [Procedural Guide](#).

can prevent retailers from using creative solutions to improve communications with people who have communication barriers.

We recommend that Services Australia and retailers work together to develop more adaptable scripting, potentially with input from the AER to align with any guidance developed per the recommendation in section 3.2.1.

EIC requirements are particularly impacting dual fuel accounts

There is currently a mismatch between the number of concessions being applied to electricity versus gas bills - the AER's 2023-24 data shows that concessions are or have recently been applied to 25% of electricity bills and only 13% of gas bills.¹²⁷ To resolve this, ACOSS suggested requiring retailers to cross-check and automatically apply any missing concessions to the second fuel on an account.¹²⁸ However, this is not allowed due to specific aspects of Service's Australia EIC requirements. AGL noted that Services Australia's detailed requirements for EIC can prevent them from automatically adding a concession to a second fuel for an existing customer if they identify it is missing.¹²⁹

3.4.4 Flexibility for changes in address

Consumer advocates and retailers raised that the jurisdictional requirement for addresses to form part of verification creates a barrier for some consumers, both at the point of initial sign-up as discussed in section 3.4.1, but also when consumers change addresses but remain with the same retailer.

Retailers explained that the loss of concession at this stage is because the change of address often causes the jurisdiction-required validation to fail, and even when they notify customers of the requirement to update an address, any required additional step for a consumer results in a "decline in engagement."¹³⁰ One retailer specifically raised that "this disproportionately affects vulnerable consumers who are more likely to change residences frequently."¹³¹

To resolve this, stakeholders recommended that concessions should not be removed if a customer relocates within the same jurisdiction.¹³²

We recommend that retailers and jurisdictions discuss whether it would be possible to change verification requirements to allow more flexibility when addresses are not updated.

If this change is not possible, one retailer recommended that "concession services...enhance their engagement practices to remind concessions recipients of the need to keep their...records current."¹³³

3.4.5 Ongoing verification for permanent concessions

Stakeholders raised that there are some consumers or concession types where eligibility will not change over time, and that in those cases, re-verification should not be required.¹³⁴ Introducing a category of permanent eligibility for customers would reduce the number of consumers who lose

127 AER, [Retail energy market performance update for Quarter 1, 2024-2025, Schedule 3](#). AGL submission, p 9.

128 ACROSS submission, p 5.

129 AGL submission, p 4. While AGL's submission points to EIC provisions in the NERR, further discussion clarified that it was in fact Services Australia's EIC provisions creating these barriers.

130 AGL submission, p 4.

131 Hanwha/necr submission, p 1.

132 Submissions: The Salvation Army, p 20. Joint ombudsmen, p 6.

133 Energy Queensland (Ergon) submission, p 1.

134 Submissions: JEC, p 8. SACOSS, p 5.

access when they must re-supply their verification details and will reduce the administrative load on retailers. The requirement to re-verify eligibility is set by jurisdictions, with the responsibility sitting across different agencies and portfolios. We recommend jurisdictions consider whether there are certain concession types that do not require ongoing verification, and if so, working across agencies to revise the relevant requirements.

Draft recommendation 6: Jurisdictions, Services Australia and retailers should establish a cross-agency forum

The relevant parties should come together to discuss, and where possible, resolve issues. This could be initially facilitated by DCCEEW through the ETEWG consumer protections sub-working group.

The priority issue should be instituting a process to solve verification issues.

Other topics to discuss include:

- verification of renewed cards
- Services Australia's explicit informed consent requirements, including for dual fuel
- flexibility for changes in address
- ongoing verification for permanent concessions

3.5 Retailers should make it easy for customers to add concessions details

Stakeholders raised specific barriers consumers may face when contacting their retailers to add concession details during the life of their contract. Energy Charter research showed that some consumers are either reluctant to contact their retailer to avoid long hold times, or simply don't know how to.¹³⁵ Additionally, stakeholders recommended that retailers contacting consumers (or asking for consumers to contact them) should take into consideration that consumers may be reluctant to speak with their retailer due to existing debts, or past negative experiences.¹³⁶

In addition to adopting any AER-developed guidance for communications at sign-up, we encourage retailers to consider how they can lower barriers for customers to add concession details during the life of their contract.

One step would be including dedicated, easy to find sections or tabs on app and online account portals where customers can add their concession details at any time, as some retailers already do.¹³⁷

We also heard from stakeholders during discussions that a dedicated phone line could improve ease of access, especially if a retailer undertakes a general outreach program that triggers additional contacts.

¹³⁵ The Energy Charter submission, p 2.

¹³⁶ Submissions: The Salvation Army, p, 26. Joint ombudsmen, p 4.

¹³⁷ Origin submission, p 2.

Draft recommendation 7: Retailers should make it easy for customers to add concessions details

The Commission recommends retailers consider how they can lower barriers for customers to add eligibility details to their account during the life of their contract.

3.6 We are seeking input on eligibility rules for households

Jurisdictions set differing rules on whether someone who holds an eligible card but is not the energy account holder can have a concession applied to the energy bill for their household. Additionally, in jurisdictions where doing so is allowed, some but not all retailers have straightforward processes to allow concessions to be applied where the eligible householder is not the account holder.

Many stakeholders - both consumers and retailers - raised this household eligibility issue as a barrier, as many concession cardholders are in living situations where they are not the account holder but are still responsible for energy bills.¹³⁸ This can be for a variety of reasons, including:

- Living in a share house
- Someone with a mental health or other issue that makes it inappropriate for them to hold a financial account
- People in temporary accommodation
- Multigenerational households

In cases such as share houses it is not always possible to change the account holder. Additionally, there are many situations where it would not be appropriate to make the eligible person the account holder, as it could risk making the eligible person vulnerable to financial abuse.

While the Commission cannot alter jurisdictional eligibility rules, we do view this rule change process as an opportunity to gather input and develop a recommendation, in line with the other recommendations in this chapter. Additionally, it may be appropriate to request the AER to develop retailer guidance on applying concessions for a non-account holder where jurisdictions do allow this.

3.6.1 Potential solutions

Stakeholders recommended a range of solutions, including:

1. where jurisdictions do not allow non-account holders to access concessions, retailers should ask if there is anyone in the household who holds a concession card, and if so, the retailer should then discuss if that person should be the account holder.¹³⁹
2. jurisdictional rules should allow for concessions to be applied “if it can be demonstrated that someone permanently residing in the home is eligible but is not the account holder,” as is done in several jurisdictions for life support rebates.¹⁴⁰

¹³⁸ Submissions: ACOSS, p 5. AGL, p 4. COTA, p 3. JEC, pp 8-9. ECA, p 2. The Salvation Army, p 17. Joint ombudsmen, p 3.

¹³⁹ ECA submission, p 2.

¹⁴⁰ Submissions: ACOSS, p 6. Energy Queensland (Ergon), p 2.

One retailer set out their current process, which other retailers may be able to adopt: “If the concession card holder is not the account holder, we add them to the account as an additional account holder, subject to their consent.”¹⁴¹

However, we note that this is a complex issue and changes could have unintended consequences or require specific protections, including:

- increased risk of financial abuse
- ensuring that if a concession holder is added as an “additional account holder,” they are not also assigned financial responsibility for an account¹⁴²
- required additional privacy controls “to ensure the that the primary account holder do not receive private information about additional holders concession entitlements.”¹⁴³

We also note that option 2 would require retailers to obtain explicit informed consent for verifying eligibility from the concession holder, who is not the account holder.

Draft recommendation 8: Resolving household eligibility challenges

We request stakeholder input on the following draft recommendations and associated questions:

1. Jurisdictions should allow eligible consumers to access concessions on the electricity bill for their primary residence.
2. The AER should develop guidance for retailers on:
 - a. Improving their systems so they can apply concessions where the account holder is not the eligible party (and it is allowed by jurisdictions)
 - b. Communicating with customers who are the account holder but are not the eligible party.

We also request stakeholder input on the following questions:

1. Do stakeholders have specific examples of when and why retailers were not able to apply a concession to a household bill, despite it being allowed by the jurisdiction?
2. What aspects should jurisdictions take into account if they adopt this recommendation, including any specific protections or exclusions?
3. What are key considerations for the AER if they are to develop guidance on these issues?

¹⁴¹ Red and Lumo submission, p 2.

¹⁴² Origin submission, p 4.

¹⁴³ Origin submission, p 4.

A Rule change process and context

A standard rule change request includes the following stages:

- a proponent submits a rule change request
- the Commission initiates the rule change process by publishing a consultation paper and seeking stakeholder feedback
- stakeholders lodge submissions on the consultation paper and engage through other channels to make their views known to the AEMC project team
- the Commission publishes a draft determination and draft rule (if relevant)
 - stakeholders lodge submissions on the draft determination and engage through other channels to make their views known to the AEMC project team
- the Commission publishes a final determination and final rule (if relevant).

You can find more information on the rule change process on our website.¹⁴⁴

A.1 The Energy and Climate Change Ministerial Council proposed a rule to improve the application of concessions to bills

The rule change request forms part of the broader ECMC consumer rule change package submitted on 12 and 28 August 2024. The package involves seven rule change requests that together seek to help households access cheaper energy deals, increase support for people experiencing hardship and deliver more protections for consumers.¹⁴⁵

The proposal was drawn from a recommendation in the Australian Energy Regulator (AER) Game Changer report, that consumers should automatically receive concessions and rebates they are entitled to in order to minimise payment difficulties and potential hardship before they arise.¹⁴⁶

A.2 There are related reforms underway

There are three related reforms underway that we have considered and are referenced throughout this draft determination:

- **AER payment difficulty framework review:** The AER has recently published its findings from its Review of payment difficulty protections in the National Energy Customer Framework (NECF).¹⁴⁷ This includes recommendations for how customers experiencing payment difficulty or hardship are informed about assistance available, including concessions and rebates. As noted in the consultation paper for this rule change, the Commission focused the scope of this process on improving access to concessions prior to the point of payment difficulty, so that the AER's recommendations for assistance at the point of payment difficulty can be considered and acted on holistically.
- **Department of Climate Change, Energy, the Environment and Water (DCCEEW) Better Energy Customer Experiences (BECE) review:** DCCEEW is reviewing the protection frameworks for the energy market. As the recommendations in this draft determination would require cross-

¹⁴⁴ See our website for more information on the rule change process: <https://www.aemc.gov.au/our-work/changing-energy-rules>

¹⁴⁵ The package of consumer-related rule change requests includes: [Ensuring energy plan benefits last the length of the contract](#); [Preventing price increases for a fixed period under market retail contracts](#); [Removing fees and charges](#); [Removing unreasonable conditional discounts](#); [Assisting hardship customers](#); [Improving the ability to switch to a better offer](#) and [Improving the application of concessions to bills](#). The four rule changes of the ECMC consumer rule change package that relate to changes to retail energy contracts have now been consolidated into a single rule change called [Improving consumer confidence in retail energy plans](#).

¹⁴⁶ AER, [Game changer](#), November 2023, p 9. See section 3.1.1 for further information on the proposal for an automated system.

¹⁴⁷ AER, [Review of payment difficulty protections in the NECF](#), 15 May 2025.

portfolio agreement and actions, we have not recommended they are taken forward by BECE. However, that process could consider the roles of energy agencies in these actions.

- **Essential Services Commission (ESC) Victoria Energy Retail Code of Practice review:** ESC Victoria has published a draft decision on the same rule change proposed to the AEMC.¹⁴⁸ It proposes requiring retailers “to request concession eligibility information from residential consumers at all times when a retailer considers it relevant to do so,” and at specific identified points.¹⁴⁹ We address the interaction of the ESC’s draft decision with this rule change in section 2.4 and section 2.2.1.

A.3 The process to date

On 6 February 2025, the Commission published a notice advising of the initiation of the rule making process and consultation in respect of the rule change request.¹⁵⁰ A consultation paper identifying specific issues for consultation was also published. Submissions closed on 6 March 2025. The Commission received 21 submissions as part of the first round of consultation. The Commission considered all issues raised by stakeholders in submissions. Issues raised in submissions are discussed and responded to throughout this draft rule determination. A summary of other issues raised in submissions and the Commission’s response to each issue is contained in appendix C.

On 15 May 2025 and 19 June 2025, the Commission issued notices extending the period of time for making the draft determination under section 266 of the NERL.

¹⁴⁸ The National Energy Consumer Framework (NECF) does not apply in Victoria. The Victorian Minister for Energy and Resources [requested](#) the ESC consider the same reforms as this rule change request.

¹⁴⁹ ESC Victoria, [Energy Consumer Reforms - Regulatory Impact Statement](#), 16 May 2025, p 126.

¹⁵⁰ This notice was published under section 251 of the NERL.

B Background on concessions

In this paper, we use the term concessions and rebates to capture government-funded programs, including grants, that assist customers with paying their energy bills. These programs are administered by the states and territories.

There are a range of types of concessions and rebates. Typically, jurisdictions offer support to holders of the following cards issued by the Commonwealth:

- Pensioner Concession Card
- Health Care Card
- Low Income Health Care Card
- Veteran Gold Card.

Jurisdictions also offer support to other consumers, with programs and eligibility differing between each jurisdiction. Examples may include those with medical conditions that require the use of heating or cooling, consumers accessing certain Centrelink payments and one-time payments for people facing a crisis such as natural disaster. DCCEEW has a list of assistance available on its [website](#).

B.1 Not all eligible consumers are receiving concessions or rebates

The rule change request raised the problem that not all consumers who are eligible for concessions or rebates are receiving them on their energy bill. Exact data on this gap does not exist due to eligibility criteria requiring the account holder to be the concession card holder - many people who hold a concession card are likely to live with another person who holds a concession card (eg married pensioners, multi-generational households or sharehouses), do not receive a bill (some retirement communities), or live in other circumstances where they are not eligible.

The consultation paper provided an overview of some previous research that had attempted to identify or calculate the gap.¹⁵¹ Stakeholder submissions generally agreed that there is a gap, but that data does not exist on exact numbers.

An overview of the available data is as follows:¹⁵²

- There are approximately 4.3 million relevant cards issued and payments received in the NECF states (2023-2024).
- There are approximately 2 million recipients of concessions on energy bills (Q1 2024-2025, AER retail performance data).

Surveys and reports have consistently shown a gap of varying sizes.

- In 2022, the Consumer Policy Research Centre used a mix of datasets to model concessions gaps by jurisdiction: ACT 31%, NSW 35%, Qld 29%, Tas 19%, SA 38%.¹⁵³
- The Melbourne Institute's 2024 survey found only 67% of people who held the relevant cards said they were eligible. Of the 32% that said they were not, approximately half said they were not eligible and half said they did not know.¹⁵⁴

¹⁵¹ Consultation paper, p 4.

¹⁵² Recipients data from AER, [Schedule 3 – Quarter 1 2024-2025 retail performance data](#). Eligibility data compiled from [Department of Veterans' Affairs, Pensioner Summary statistics – September 2024](#) and Department of Social Services, [Expanded DSS Benefit and Payment Recipient Demographics – September 2024](#)

¹⁵³ Consumer Policy Research Centre, [Mind the Gap](#), 2 November 2022.

¹⁵⁴ Melbourne Institute, [Taking the Pulse of the Nation](#), 24 June 2024.

- The ACCC's Retail Electricity Pricing Inquiry reported in 2018 that approximately 14% of respondents who were eligible to receive an energy concession did not receive one from the electricity retailer.¹⁵⁵
- NSW's Energy Social Programs Annual Report estimated that only 66% of eligible households in NSW received a rebate or concession.¹⁵⁶

B.2 This gap is due to a range of barriers

In the consultation paper, we outlined barriers customers might face in accessing concessions, based on existing research and previous submissions to ESC Victoria's consultation on this same topic:

- Taking the step to provide information (time/admin barrier)
- Lack of consumer knowledge - this is particularly prevalent for households facing language or digital inclusion barriers
- Reluctance to access entitlements
- Where the eligible concession cardholder is not the energy account holder
- Misalignment in verification details (names, addresses not matching with verifying agency information).

Stakeholders agreed with the barriers set out in the consultation paper and provided additional input:

- Many consumer groups, ombudsmen and retailers underlined the issues with verification of name and address details as an ongoing issue, including:
 - Different naming practices in First Nations and culturally and linguistically diverse (CALD) communities may not be compatible with existing retailer or government software systems.
 - Customers who move often (eg renters) may not have updated addresses with the relevant government department, leading to verification failure.
 - There are circumstances when an address is recorded as being in a different suburb in MSATS vs the department's databases, with no clear path for resolution.
- Ombudsmen noted that information on concessions is often hidden within welcome packs or contract terms and conditions, and therefore can be difficult for consumers to easily find.
- Some retailers raised that anything requiring additional contact between the retailer and customer can create barriers, as customers don't always respond to follow up attempts from the retailer, or may be in a position where they need to re-contact the retailer once they have taken action but do not. Examples:
 - Frequent changes in concession status (the short expiry of Health Care Cards)
 - If the customer has changed addresses but not updated the relevant government department and verification fails, they must then re-notify the retailer when they have updated the department.
- Ombudsmen noted that customers who become eligible during the life of their contract may be reluctant to contact their retailer if they are overdue on bills, have had previous negative experience, or have access issues such as language.

¹⁵⁵ ACCC, [Retail electricity Pricing Inquiry-Final Report](#), June 2018, p 299.

¹⁵⁶ NSW [Energy Social Programs Annual Report 2022-2023](#), March 2024, p 9.

We have discussed these barriers, and where relevant how to address them, throughout this draft determination.

B.3 Existing rules

As noted, jurisdictions set out rules retailers must abide by when applying those concessions and rebates, including the core requirement to pass the payments through.

The below table summarises requirements related to this rule change in each jurisdiction, along with the existing requirements in the NERR.

We note that not all the requirements in this table are set out in publicly available documents. For example, Tasmania is not included in this table as it sets most concession-related requirements on retailers out in non-public documents.¹⁵⁷

Additionally, we do not have access to all relevant bilateral agreements so may not be aware of all related retailer obligations in each jurisdiction.

Disclaimer: This table is not a complete record of all related requirements. It is only intended to act as an informative reference for stakeholders for the purpose of this rule change, and is not intended to act as guidance for any retailer or other party on their obligations.

Table B.1: Jurisdictional obligations

	NERR	ACT	NSW	QLD	SA
At sign up	A retail marketer must provide “information in relation to...all applicable...concessions or rebates.” This can be provided electronically, verbally or in writing, and must be provided before the formation of the contract or as soon as practicable after, with requirements to provide it in writing after the	As soon as practicable after entering the contract, provide information in writing including “reference to any Territory Government sponsored rebates...that the customer may be eligible for.”	As soon as practicable after entering the contract, inform the customer “of the availability of the programs.”		

¹⁵⁷ We have reviewed those obligations and note that they generally align with other jurisdictions.

	NERR	ACT	NSW	QLD	SA
	formation if provided prior verbally or electronically.				
Include info on bills		Yes (phone number to call with queries)	Yes		Yes
Ongoing publication			Must publish information on website in community languages		Include on website and promotional material
Requirements when there are issues with validation			Must notify the customer asap and assist the customer to rectify. If there is insufficient information, a seller must make reasonable requests for further information.	If application is refused, customer can notify the retailer they are 'dissatisfied,' confirm the details, and re-submit for verification.	<i>Applications are done directly through the Department of Human Services.</i>
Periodic re-verification			For Pensioner or Gold Cards, verification check every 12 months, for Health Care Card, every 3 months.	Must verify once every 12 months.	<i>Periodic re-verification is done by the Department of Human Services.</i>
Notification of expiry			If verification check fails, notify the customer and give reasons as soon as possible, and to the extent possible, help the	If annual verification fails, notify the customer in writing and give them the opportunity to provide revised info. This can be	

	NERR	ACT	NSW	QLD	SA
			customer rectify if they became ineligible because of an administrative error.	on bill or a stand-alone letter.	
<i>Where obligations sit:</i>	NERR 62, 63 and 64 (1)(a) and 19(1)(c)	Utilities Act Consumer Protection Code 2020.	Social Programs for Energy Code.	Bilateral Electricity Rebate Agreement, accessed in February 2025 (we note that this appears to no longer be public).	South Australian Government Concession Scheme for Energy.

B.4 Eligibility criteria differs

Below is an overview of the types of Commonwealth cards that may make a consumer eligible for concessions in different states. This is at the first half of 2025, and does not capture all criteria - for example, asylum seekers qualify in many jurisdictions, and the list does not include medical concessions or rebates. It is not meant to provide a guide on eligibility for consumers or retailers, but to illustrate the differences in eligibility between jurisdictions.

Table B.2: Eligibility criteria by jurisdiction

	ACT	NSW	Qld	SA	Tas
Pension Concession Card	✓	✓	✓	✓	✓
Health Care Card	✓	✓, plus Seniors Health Care Card	✓	Not general Health Care Card, only Seniors Health Care Card and Low Income Health Care Card	✓
DVA Gold Card	✓	✓	✓	✓ plus other specific Veterans cards	
Other		Family Tax Benefit (A) recipients		A range of specific payments, including Austudy, Jobseeker, ABstudy, Self-Employment Assistance and others.	

Source: Sources for this information are hyperlinked in the name of each jurisdiction.

C Summary of other issues raised in submissions

Below are issues raised in stakeholder submissions the Commission wished to acknowledge, but were not otherwise addressed in this draft determination.

Table C.1: Summary of other issues raised in submissions

Stakeholder	Issue	Response
ACOSS, pp 8-9. JEC, p 12. SACOSS, p 4. Joint Ombudsmen, p 4. Hanwha/nectr, p 2.	Eligibility and amounts of concessions should be reviewed and reformed, including allowing the backdating of concessions.	The Commission notes input on jurisdictions reforming eligibility and amounts of concessions, but this is outside the scope of this rule change, which is increasing the number of currently eligible customers who take up existing concessions.
ACOSS, p 6. ECA, pp 4-5. JEC, p 7. SACOSS, p 4. Joint Ombudsmen, p 8. COTA, p 5.	Some stakeholders recommended that there should be civil penalties for these obligations because of the risk of financial harm to vulnerable consumers. We note that retailer submissions viewed that civil penalties would not improve consumer outcomes.	As requesting eligibility information is already standard practice for retailers, we consider that the risk of non-compliance is low, so we don't consider a civil penalty provision is required at this stage.
JEC, pp 4, 9.	Retailers are not always correctly applying concessions once the customer has provided their eligibility information, or concessions are dropping off bills despite the customer still being eligible.	Obligations on retailers to correctly apply concessions to bills are set by each jurisdiction.
JEC, pp 11-12. The Salvation Army pp 18, 22, 27.	Stakeholders recommended a range of other consumer protection reforms, including: - AEMC and Energy Ministers should introduce a retailer duty of care.	These recommendations are outside of the scope of this rule change. On some of these issues, stakeholders may wish to engage in DCCEE's Better Energy Customer

Stakeholder	Issue	Response
	<ul style="list-style-type: none"> - Basic accounts should be introduced. - There should be minimum accessibility standards for the design and language of bills. - Other reforms to reduce energy costs for households. 	Experiences (BECE) work or the AER's upcoming reviews of retail guidelines , including the Better Bills Guideline.
Western Sydney University, p 2.	Establish a Priority Services Register as a coordinating program for all customers who have extra communication, access or safety needs.	We note that the lessons from the UK's establishment of a Priority Services Register could be helpful in the work to establish an automated system for energy concessions. However, the establishment of a broader register is outside of the scope of this rule change, and may be more appropriately considered in DCCEEW's BECE work.
ENGIE, p 4.	<p>Retailers contacting existing customers about concession details can impact vulnerability:</p> <ul style="list-style-type: none"> • consumers are reluctant to answer calls from unknown numbers • customers may be "unable to make an informed decision if they rely on a support person who is unavailable at the time of contact." • customers may consider such contacts from retailers to be "unwanted communication." 	<p>We do not consider that contacting customers to ask about their eligibility for concessions is likely to increase or otherwise impact on consumer vulnerability, with the notable exception of contact restrictions for people affected by domestic and family violence (which we would expect retailers to abide by in any circumstance).</p> <p>This input did not factor into our decision to not implement additional contact obligations.</p>

D Legal requirements to make a rule

This appendix sets out the relevant legal requirements under the NERL for the Commission to make a draft rule determination.

D.1 Draft rule determination and draft rule

In accordance with section 256 of the NERL, the Commission has made this draft rule determination for a more preferable draft rule in relation to the rule proposed by the proponent.

The Commission's reasons for making this draft rule determination are set out in chapter 2.

A copy of the more preferable draft rule is attached to and published with this draft determination. Its key features are described in chapter 1.

D.2 Power to make the rule

The Commission is satisfied that the more preferable draft rule falls within the subject matter about which the Commission may make rules.

The more preferable draft rule falls within section 237 of the NERL as it relates to the provision of energy services to customers, including customer retail services and customer connection services (s. 237(1)(a)).

Further the more preferable draft rule falls within the matters set out in s. 32 of the NERL because it relates to the responsibilities of retailers in responding to requests for provision of customer retail services in accordance with the standing offer.

D.3 Commission's considerations

In assessing the rule change request the Commission considered:

- its powers under the NERL to make the draft rule
- the rule change request
- submissions received during first round consultation
- the Commission's analysis as to the ways in which the draft rule will or is likely to contribute to the achievement of the NERO
- the extent to which the rule is compatible with the development and application of consumer protections for small customers

There is no relevant Ministerial Council on Energy (MCE) statement of policy principles for this rule change request.¹⁵⁸

D.4 Civil penalty provisions and conduct provisions

The Commission cannot create new civil penalty provisions or conduct provisions. However, it may recommend to the Energy Ministers' Meeting that new or existing provisions of the NERL be classified as civil penalty provisions or conduct provisions.

¹⁵⁸ Under s. 225 of the NERL the AEMC must have regard to any relevant MCE statement of policy principles in making a rule. The MCE is referenced in the AEMC's governing legislation and is a legally enduring body comprising the Federal, State and Territory Ministers responsible for energy. On 1 July 2011, the MCE was amalgamated with the Ministerial Council on Mineral and Petroleum Resources. In December 2013, it became known as the Council of Australian Government (COAG) Energy Council. In May 2020, the Energy National Cabinet Reform Committee and the Energy Ministers' Meeting were established to replace the former COAG Energy Council.

The more preferable draft rule does not amend any clauses that are currently classified as civil penalty provisions or conduct provisions under the National Energy Retail Regulations.

The Commission does not propose to recommend to the Energy Ministers' Meeting that any of the proposed amendments made by the more preferable draft rule be classified as civil penalty provisions or conduct provisions.

E List of recommendations

Draft recommendation 1: Primary recommendation: DCCEEW should facilitate next steps across governments to automate concessions

The Commission strongly supports the AER's call for a system that would remove the onus on customers to ensure concessions are applied to their bills, and recommends that DCCEEW bring the relevant parties together through an appropriate forum to progress this recommendation.

Draft recommendation 2: Jurisdictions should harmonise concession schemes

Harmonising eligibility rules and application processes for concession schemes would reduce barriers for consumers to access concessions and regulatory burden, and contribute to the development of an automated system. We note first steps on this work could also be facilitated by DCCEEW through the cross-jurisdictional ETEWG consumer protections sub-working group.

Draft recommendation 3: The AER should develop guidance, amend the Better Bills Guideline and consider updating the Exempt Selling Guideline

The AER should develop guidance for retailers on how best to inform customers about the availability of concessions and rebates and ask them about their eligibility.

Such guidance should also include a recommendation that retailers inform customers at the point of sign up that any concession will not automatically transfer from the previous retailer. We also recommend the AER consider amending the Better Bills Guideline to require retailers to include information on the first and final bills that concessions do not automatically transfer.

We also recommend the AER apply the rule changes to relevant exempt sellers by updating the Retail Exempt Selling Guideline.

Draft recommendation 4: Services Australia should provide more detailed information on rebates and concessions

The Commission recommends that Services Australia provide information directly to consumers about what rebates they become eligible for when they receive new or renewed concession cards. We note that this would benefit from the support of jurisdictions.

Draft recommendation 5: Jurisdictions should increase information provision

Jurisdictions should work with the agencies who communicate with eligible consumers to determine how they could contact those consumers to raise awareness of their eligibility.

Draft recommendation 6: Jurisdictions, Services Australia and retailers should establish a cross-agency forum

The relevant parties should come together to discuss, and where possible, resolve issues. This could be initially facilitated by DCCEEW through the ETEWG consumer protections sub-working group.

The priority issue should be instituting a process to solve verification issues.

Other topics to discuss include:

- verification of renewed cards
- Services Australia's explicit informed consent requirements, including for dual fuel
- flexibility for changes in address
- ongoing verification for permanent concessions

Draft recommendation 7: Retailers should make it easy for customers to add concessions details

The Commission recommends retailers consider how they can lower barriers for customers to add eligibility details to their account during the life of their contract.

Draft recommendation 8: Resolving household eligibility challenges

We request stakeholder input on the following draft recommendations and associated questions:

1. Jurisdictions should allow eligible consumers to access concessions on the electricity bill for their primary residence.
2. The AER should develop guidance for retailers on:
 - a. Improving their systems so they can apply concessions where the account holder is not the eligible party (and it is allowed by jurisdictions)
 - b. Communicating with customers who are the account holder but are not the eligible party.

We also request stakeholder input on the following questions:

1. Do stakeholders have specific examples of when and why retailers were not able to apply a concession to a household bill, despite it being allowed by the jurisdiction?
2. What aspects should jurisdictions take into account if they adopt this recommendation, including any specific protections or exclusions?
3. What are key considerations for the AER if they are to develop guidance on these issues?

Abbreviations and defined terms

AEMC	Australian Energy Market Commission
AEMO	Australian Energy Market Operator
AEC	Australian Energy Council
AER	Australian Energy Regulator
B2B	Business-to-business
CALD	Culturally and linguistically diverse
CCeS	Centrelink Confirmation eServices
Commission	See AEMC
CRN	Customer Reference Number
ECA	Energy Consumers Australia
ESC	Essential Services Commission (Victoria)
ETEWG	Energy Transformation Enablers Working Group
JEC	Justice and Equity Centre
MSATS	Market Settlement and Transfer Solutions
NECF	National Energy Customer Framework
NERL	National Energy Retail Law
NERO	National Energy Retail Objective
NERR	National Energy Retail Rules
NMI	National Metering Identifier
Proponent	Hon Chris Bowen MP, Minister for Climate Change and Energy, as Chair of the Energy and Climate Change Ministerial Council (ECMC)