

Rule determination

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

Proponents

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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

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Summary

- 1 The Commission has decided to make a more preferable final 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, rebates and relief schemes are receiving them.¹ We identified a range of barriers contributing to this gap through the consultation process.²
- 3 The Commission considers that the final rule and associated recommendations set out in this final determination contribute to addressing the barriers 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.³

The Commission is making a rule change to increase consumer awareness

- 4 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.
- 5 The Commission has made a rule change with two key objectives that work together to improve the likelihood consumers will be alerted to their eligibility, and receive helpful, jurisdiction-specific information. Specifically, the rule requires retailers to, whenever entering a contract with a consumer (either at sign-up or when a consumer is switching their contract):
 1. Provide jurisdiction-specific information on relevant concessions, rebates and relief schemes – helping consumers understand what is available and how to access it.
 2. Ask consumers about their eligibility for those programs – prompting consideration and voluntary disclosure while being mindful of the sensitivities about requesting this information.
- 6 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.
- 7 Consumer advocates and ombudsmen strongly supported both aspects of the draft rule, and advocated for additional contact obligations. On the other hand, retailers raised concerns that the provision of jurisdiction-specific information will be unnecessarily complex, and that the rule drafting in our draft determination was unclear.
- 8 We consider that submissions to the draft determination did not raise new issues that altered our overall policy assessment of whether the rule would meet the National Energy Retail Obligation (NERO). However, we have clarified the rule drafting and added exemptions to address the potential for duplicative information provision or questions to consumers who are existing customers of a retailer.
- 9 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

1 The rule change request, draft determination, this final determination, and the rule capture government-funded energy charge concessions, rebates and relief schemes. Throughout this paper, we use ‘concessions’ as a shorthand to capture those programs.

2 See [our website](#) for the consultation paper, draft determination and submissions.

3 This is in line with our vision for [A consumer-focused net zero energy system](#)

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. For these reasons, the Commission did not consider that these proposals would have net positive benefits for consumers.

The Commission has provided recommendations for additional actions

- 10 Stakeholder submissions and our analysis highlighted actions parties could take outside the rules that would improve outcomes for consumers. Submissions to the draft determination supported the Commission's development of these recommendations and broadly supported the specific recommendations, in particular recommendations for automation and the establishment of a cross-agency forum.
- 11 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.
- 12 The best and most streamlined way to remove the onus on consumers to provide their concession eligibility information is to automate the application of concessions. Therefore, our key recommendation is for a cross-agency forum of relevant jurisdictional departments and Services Australia, initially facilitated by the Department of Climate Change, Energy, the Environment and Water (DCCEEW), to determine next steps on the AER's Game Changer recommendation to automate the application of concessions.⁴
- 13 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 developed. Many of these recommendations would also pave the way for an automated system. While not an exhaustive list, these additional recommendations are for:⁵
 - *Jurisdictions, Services Australia and DCCEEW* - to participate in a cross-agency forum, including retailers and consumer advocates where appropriate, wherein they will:
 - facilitate Services Australia and jurisdictions providing more detailed information to consumers on rebates and concessions when they receive the relevant cards
 - resolve process barriers, including establishing straightforward processes for fixing verification issues
 - consider jurisdictional changes to streamline verification process requirements.
 - *AER* - to develop and update guidance and guidelines so that:
 - retailers are informed of good practices for communications with customers regarding concessions, including informing consumers that concessions do not automatically transfer
 - first and final bills include information 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).

⁴ AER, [Game changer](#), Nov 2023, p 9. See section 4.2 for further information on the proposal for an automated system.

⁵ A full list of recommendations can be found in appendix E.

- *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.

- 14 We also recommend that the cross-agency forum could contribute to the previous ECMC tasking for Senior Officials to work with Services Australia to support concessions access, and thus we encourage ECMC to be kept updated on its work.⁶
- 15 In response to stakeholder submissions to the draft determination, we did not develop a specific recommendation on solutions to help eligible consumers who are not account holders to access concessions, instead recommending the cross-agency forum consider this question in further detail. We have also combined the draft recommendation regarding jurisdictional harmonisation with the recommendation to automate the delivery of concessions, to focus any jurisdictional steps on those that would specifically support automation.

The Commission considered four key factors in making its decision

- 16 **Concessions are jurisdictional programs:** Jurisdictions determine eligibility, amounts and application requirements for concessions, along with the majority of retailer obligations including verification and notification requirements.⁷ 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.
- 17 **Consumers face multiple and diverse barriers to accessing concessions:** Stakeholders provided insights into the barriers consumers face in accessing concessions.⁸ 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.
- 18 **Retailers are incentivised to help consumers apply concessions:** Concessions reduce the chances of debt and financial hardship for customers, improve payment reliability and reduce credit risk for retailers. Retailers have already adopted practices to assist consumers in accessing 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.
- 19 **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.⁹ 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 final rule.

6 Energy and Climate Change Ministerial Council, [Meeting Communiqué](#), 19 July 2024.

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

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

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

The final rule will contribute to achieving the NERO

- 20 The Commission has considered the NERO¹⁰ and the issues raised in the rule change request, and assessed the final rule against the assessment criteria outlined below.
- 21 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.¹¹
- 22 The more preferable final rule will contribute to achieving the NERO. It will:
- **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 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 on better practices. 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.¹²

The final rule takes effect 1 July 2026

- 23 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 rule takes effect on 1 July 2026.

¹⁰ Section 13 of the NERL.

¹¹ 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.

¹² AER, [Review of payment difficulty protections in the NECF](#), 15 May 2025.

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1 The Commission has made a final determination

This final determination makes a more preferable final 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, rebates and relief schemes to bills.¹³

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 upon the rule taking effect.

This chapter sets out the key factors that shaped our determination, and chapter 2 explains how the Commission considers the more preferable final rule would contribute to achieving the National Energy Retail Objective (NERO). Chapter 3 sets out how the rule will operate, and for information on why we did not make the second and third changes proposed by the rule change request, see appendix A.4.

The Commission makes recommendations for other actions to improve the application of concessions to bills in chapter 4.

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.¹⁴ When developing this final 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.¹⁵ 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.¹⁶

When developing the final 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.

¹³ The rule change request, draft determination, this final determination and the rule capture government funded energy charge concessions, rebates and relief schemes. In this final determination, we use the term “concessions” to refer to these programs. See appendix A for further information on the rule change request.

¹⁴ AEMC, [Strategic Narrative](#), Sep 2024, p 7.

¹⁵ Appendix B sets out information on the requirements set by the relevant jurisdictions.

¹⁶ 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.¹⁷ 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...”¹⁸ This means many consumers will continue to face barriers to accessing concessions unless an automated system is developed, as recommended in section 4.2.

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.

In their responses to the consultation paper, 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.¹⁹ 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.²⁰

Submissions to the draft determination did not disagree with this analysis. Therefore, this final determination focuses on 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.²¹ 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 4 to improve consumer outcomes in combination with the rule change.

1.2 Stakeholder feedback has also shaped our final determination

In their submissions to the draft determination, stakeholders broadly supported both the rule change and the recommendations, particularly supporting the need for other parties to coordinate on actions to improve the application of concessions to bills.

While we have not made any significant changes to the policy intent of the rule or the recommendations, we have made some adjustments to both based on stakeholder feedback.

¹⁷ Further information on the barriers is set out in appendix B.2.

¹⁸ Shell/Powershop, Submission to consultation paper, p 2.

¹⁹ Submissions to the consultation paper: AEC, p 1. AGL, p 6. Alinta, p 1. ENGIE, p 1. Shell/Powershop, p 2.

²⁰ Submissions to the consultation paper: 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.

²¹ AEMC, [Strategic Narrative](#), Sep 2024, p 34.

1.2.1 We have clarified the rule drafting

Consumer advocates and ombudsmen broadly supported the rule changes but urged further steps, including additional obligations for contact at times throughout the life of a consumer's contract – for example, every 12 months or at other specified times.²² For further information on these proposals and the Commission's views on why such an obligation would not meet the NERO, see appendix A.4.1.

Retailers had more mixed views, with most retailers supporting the new obligation to ask customers whether they are eligible at the point of contracting, although some noted that the change would bring an additional regulatory burden without significant improvements in consumer outcomes.²³ Some retailers expressed concerns about the increased level of information they must provide about concessions, rebates and relief schemes, noting that the requirement could create information overload for consumers and incur high regulatory costs because of the difference in programs between jurisdictions.

The Commission considers that the information provided by retailers in their submission to the final determination did not alter our assessment of how the new obligations meet the NERO from the draft determination. However, we have provided further clarification in this final determination on the processes for providing jurisdiction-specific information, and adjusted the rule drafting to clarify that retailers are only obliged to provide information about "relevant government funded energy charge rebate, concession or relief schemes." For further information, see section 3.1.

1.2.2 We have refined the recommendations

All stakeholders provided very strong support for most of the recommendations in their submissions, including the need for automating how concessions are applied. They noted that these recommendations, if pursued, will have positive impacts on consumer outcomes and equity. We have made three key changes to our recommendations, with further details in chapter 4.

Jurisdictional harmonisation: Consumer groups raised that if jurisdictions were to harmonise eligibility criteria, amounts or some other aspects of their programs, it could raise a risk of negatively impacting existing benefits.²⁴ They also raised that harmonisation could detract from the more important work of automation. We agree with these observations and have refined the language of this recommendation to instead specify that as part of the cross-agency forum, jurisdictions should identify opportunities for harmonisation that would be necessary to support automation.

Ownership of cross-agency forum: We have clarified our draft recommendation and recommended DCCEEW initiate the cross-agency forum, with responsibility sitting with the relevant ECMC Working Group until ongoing arrangements can be agreed between jurisdictions and relevant agencies. We have also recommended ECMC be kept updated on the forum's work, given the previous ECMC tasking for Senior Officials to work with Services Australia to support concessions access.²⁵

Household eligibility: Consumer advocates and retailers generally agreed with the intention to increase access to concessions by supporting access to concessions where a person who lives in

22 Submissions to the draft determination from Energy Consumers Australia (ECA), the Justice and Equity Centre (JEC) on behalf of a number of consumer advocates, National Seniors Australia, the South Australian Financial Counselling Association (SAFCA), the Salvation Army, and joint submission from the energy and water ombudsmen for NSW, Queensland and South Australia.

23 Submissions to the draft determination from the Australian Energy Council, AGL, Alinta, Aurora, Energy Australia, Engie, Origin, Powershop, and Red and Lumo.

24 Submissions to the draft determination: ECA, p 3. JEC joint submission, pp 5-6.

25 Energy and Climate Change Ministerial Council, [Meeting Communiqué](#), 19 July 2024.

the household but is not the account holder is eligible. However, they raised that this is a complex area that largely depends on jurisdictional rules that are outside of the scope of this rule change, and that some solutions could introduce risk for vulnerable consumers to increase their exposure to debt. In submissions and verbal feedback, they encouraged the AEMC to add this to the list of topics for the cross-agency forum to consider.²⁶

²⁶ Submissions to the draft determination: JEC joint submission, p 8. Salvation Army, p 10. AGL, p 6. Alinta, pp 5-6, Origin p 5.

2 The rule will 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 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 they are eligible for. For example, whether consumers would be more likely to inform their retailer 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 Essential Services Commission (ESC) in Victoria.
- **Principles of good regulatory practice:** We considered whether the proposed rule change fits 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.²⁷ We set out our assessments of the more preferable final 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.²⁸

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.²⁹

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

The NERO is:³⁰

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

²⁷ [Consultation paper](#), Feb 2025.

²⁸ See AEMC guide [How the national energy objectives shape our decisions](#), March 2025.

²⁹ Section 236(1) of the NERL.

³⁰ 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).³¹ 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.³² 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 final 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.³³

For this rule change, the Commission has made a more preferable final rule. The reasons are set out in appendix A.4.

2.2 Improving outcomes for consumers

The more preferable final rule seeks to improve outcomes for consumers by increasing the number of eligible consumers who are aware of the relevant concessions and provide their information at sign up. We considered stakeholder submissions and previous reports on the barriers consumers face and responses to previous interventions with similar goals.³⁴

Stakeholder submissions to the consultation paper generally agreed with the barriers identified in that paper, further detailed in appendix B.2. Stakeholders did not raise any new views or information on this in their submissions to the draft determination.

One of the barriers is a lack of consumer awareness of available concessions.³⁵ Additionally, stakeholders noted that consumers can experience information overwhelm at the point of contracting, with concessions information lost within information such as contract terms and conditions, bundling offers and other details.³⁶ 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.³⁷

31 Section 236(2)(b) of the NERL.

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

33 Section 244 of the NERL.

34 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.

35 Submissions to the consultation paper: ACOSS, p 5. ECA, p 2. Joint Ombudsmen.

36 Submissions to the consultation paper: Joint ombudsmen, p 2. ECA, p 2.

The more preferable final rule is aimed at addressing these two barriers:

- **Information overload:** Asking consumers about their eligibility during the contracting process ensures their attention is drawn to this topic in the midst of any potential information overload. 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, particularly as some submissions to the draft determination noted that “this is currently practiced inconsistently.”³⁸ Additionally, asking at all points of contracting - including when a consumer is switching plans but staying with the same retailer - allows for additional touchpoints when consumers are choosing to engage with their retailer.
- **Lack of awareness:** 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...”³⁹ Ombudsmen supported this proposal in their submission to the draft determination, noting that providing jurisdiction-specific information to a consumer “could help them connect the availability of concessions to their own circumstances...this may help some consumers understand what is available and how to access it.”⁴⁰ 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.”⁴¹

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.⁴² 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.⁴³

Therefore, we consider the more preferable final 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 4.2, 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 recommended other smaller changes in chapter 4, 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.

2.3 Aligning with principles of market efficiency

The more preferable final 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.

37 The Salvation Army, submission to the consultation paper, p 10.

38 JEC joint submission to the draft determination, p 6. Also, see section 1.1.3 for information on retailers who have already adopted this practice.

39 ECA, Submission to the consultation paper, p 2.

40 Joint ombudsmen, Submission to the draft determination, p 2.

41 ECA, Submission to the consultation paper, p 5.

42 Submissions to the consultation paper including The Salvation Army, p 11 and JEC, p 5 raised these barriers.

43 Submissions to the draft determination supported this, including ECA, joint JEC submission, joint Ombudsmen, AEC, AGL, Origin, and Powershop.

The Commission additionally considered the question of the transfer solution proposed in the rule change in light of the risk allocation aspect of market efficiency and determined this would inappropriately allocate risk. This is discussed in appendix A.4.2.

2.4 Balancing implementation costs

The more preferable final rule appropriately balances implementation costs with outcomes by establishing a minimum standard, aligning rule changes with the current framework of retailer obligations, and acknowledging the existing incentives for retailers to help consumers access concessions they are eligible for.

Specifically, keeping the scope of the change to contracting 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. Retailers are already obliged to provide information about concessions at the time of contracting, and many retailers already ask consumers about their eligibility at the point of initial sign-up. Therefore, the obligation to provide more specific information and to ask a consumer about their eligibility at any time they contract aligns with the structure of existing requirements.

Additionally, recommending that 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.⁴⁴

To strengthen the outcomes of the rule, ECA recommended that the AER “undertake ongoing monitoring of retailers’ communication with consumers about concessions against its guidance, to ensure all retailers are communicating in a manner that is clear and comprehensible to consumers, particularly vulnerable consumers.”⁴⁵ While the Commission supports the intention of supporting positive consumer outcomes, we consider that placing an obligation on the AER for ongoing monitoring of this specific activity would not be a proportionate ongoing cost.

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.

⁴⁴ The AER has [announced](#) it will review its retail guidelines, including the Better Bills Guideline, beginning with a consultation paper in November 2025. See section 4.7.2 for this recommendation.

⁴⁵ ECA, Submission to the draft determination, p 4.

3 How the rule will operate

The final rule places two new obligations on retailers at the time of establishing a contract:

1. Providing jurisdiction-specific information about relevant concessions, rebates and relief schemes.
2. Asking a customer whether they may be eligible.

The policy goals for the final rule are the same as the draft. However, we have made some changes to rule drafting to increase clarity following stakeholder feedback.

We would also like to provide two points of clarification in response to submissions to the draft determination:

1. **The rules provide flexibility on when and how these steps must be taken:** These new requirements sit within the existing rules on information provision when establishing market and standard retail contracts (rules 64 and 19, respectively), and therefore have the same requirements for when and how these steps must be taken. To see the rule drafting in context of the when and how obligations, see the document showing a markup of the rules published with this final determination.
2. **The rules apply at any point when a retailer establishes a contract with a customer:** While the draft determination referred to these obligations applying at sign-up, the draft rule itself applied any time a retailer and customer formed a contract. We received feedback from stakeholders on the misalignment in language, and confirm that these obligations apply any time a retailer and customer form a contract, including when a customer switches contracts with the same retailer.

The rule will commence 1 July 2026.

3.1 Our final rule requires retailers to provide jurisdiction-specific information

The rule change request sought to overcome barriers to eligible 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:⁴⁶

- 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.

In submissions to the consultation paper, consumer advocates recommended that adding a requirement that the information provided be jurisdiction-specific could “reduce the friction” for consumers.⁴⁷

The Commission included this requirement in the draft rule, with the intention to raise awareness of the relevance of available concessions for consumers so they are more likely to provide their eligibility information when they are asked. We have retained this obligation in the final rule. For further information on why we consider that this option will best contribute to the energy objectives, see chapter 2.

⁴⁶ NERR Rule 19(1)(c) and NERR Rule 64(1)(a).

⁴⁷ Submissions to consultation paper: ACOS, p 3. JEC, p 8.

Box 1: Retailers must provide jurisdiction-specific information on relevant concessions, rebates and relief schemes when establishing a contract

The final rule amends the current requirements to provide information about concessions, rebates and relief schemes, to specify that the information provided must be about relevant concessions, rebates and relief schemes in the customer's jurisdiction.

3.1.1 Stakeholders had mixed views on the draft rule

Consumer advocates supported the draft rule noting that it will address a key barrier by increasing awareness, and ombudsmen said jurisdiction-specific information “could help [consumers] connect the availability of concessions to their own circumstances.”⁴⁸

Retailers raised concerns that the complexity of jurisdiction-specific information may be costly to implement and could overwhelm consumers. The differences in types, names and other details of concessions across jurisdictions would require variations in scripting and processes. Retailers set out that providing this information “would result in extended call times, increased operational costs and may overwhelm customers with information that may be irrelevant to their individual circumstances.”⁴⁹

Some retailers recommended providing flexibility in what information must be provided and how and when retailers are required to provide it.⁵⁰ The Commission considers that the rules provide an appropriate level of flexibility while still supporting an improvement in the information provided to consumers. These topics are further addressed in detail in the next section on how the rule will operate.

Retailers also had concerns that the draft rule was not clear on what concessions, rebates and relief schemes were intended to be in and out of scope.⁵¹ The Commission has revised the rule to align the drafting across both Rules 19 and 64, and used the term ‘relevant’ (as opposed to ‘all applicable’) to clarify that it is those programs relevant at the time of forming the contract. Further detail on this is provided in the next section.

3.1.2 How the rule will operate

The final rule amends the current information provision obligations to include that the information provided must be specific to the jurisdiction of the small customer.

When and how the information must be provided

This rule only adds specification to the existing obligation to provide information about or in relation to these programs. The existing rules set out flexibility on when and how the information is to be provided.⁵²

While the rule obligation is flexible on when and how to provide the information to allow for a range of circumstances and customer journeys, we encourage retailers to consider how they could provide it *prior* to asking a customer about their eligibility when that is relevant - and doing

48 Joint ombudsmen, Submission to the draft determination, p 2.

49 Origin, submission to the draft determination, p 1. The AEC and Engie provided similar comments.

50 Submissions to the draft determination: AGL, p 4. Origin, p 2. Powershop, p 2.

51 Submissions to the draft determination: AGL (pp. 2, 4), Origin, Red and Lumo.

52 For the rule drafting in context, see the markup version of the rules published with this final determination.

so in a way that is easy for consumers, in particular vulnerable consumers, to understand and access.

The goal of this expanded obligation is to increase the number of consumers who provide their eligibility information when asked. Specifically, it is aimed at helping consumers who do not understand why the question about concessions information is relevant to them, why it would be worth their time or effort to provide that information, or who are reluctant to provide information due to a lack of trust in institutions.⁵³ Additionally, these customers are unlikely to take a further step of following a link or reading detailed information provided in a separate welcome pack, as raised by some retailers in their submissions.⁵⁴ In order for this information to address those barriers, it would need to be provided prior to asking the customer about their eligibility, and in a way they can easily access it.

What information must be provided

Retailers must provide customers with information about all relevant concessions, rebates and relief schemes available in that customer's jurisdiction.

The rules provide flexibility on the level of detail that must be provided. We encourage retailers to consider what information would help a customer identify if the concession or rebate might be relevant to them, and therefore help them understand the benefit of providing their eligibility details.

Additionally, the rules cover 'relevant' concessions, rebates and relief schemes. This provides flexibility for retailers to determine what concessions, rebates and relief schemes are relevant to customers when contracting. It also provides flexibility for retailers to consider which ones may not be relevant, depending on the circumstances - for example:

- When the obligation is being fulfilled at the time of initial sign-up of a customer, government-funded support only available to customers with existing debt to the retailer. Specific examples include the [emergency electricity payment](#) in South Australia or the [energy accounts payment assistance](#) in NSW.
- Programs that do not require consumers to take any action to access and will be automatically applied. For example, the [Energy Bill Relief Fund](#).
- Support that is not provided through retailers. For example, grants for [energy efficiency](#), [solar](#), or other similar programs that are provided directly to consumers.

3.2 Our final rule requires retailers to ask consumers about eligibility when establishing a contract

Currently, retailers are required by the NERR to inform consumers about the availability of concessions when establishing a contract.⁵⁵ The rule change request proposed an additional obligation on retailers "to proactively seek information from any new...consumers on their eligibility for energy concessions or rebates."⁵⁶

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

- requiring retailers to ask consumers for detailed information about their eligibility

⁵³ For further information on the barriers faced, see the Draft Determination, p 15.

⁵⁴ Submissions to the draft determination: AGL, p 4. Origin, p 2.

⁵⁵ Rule 64 of the NERR 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.

⁵⁶ [Rule change request](#), p 3

- no rule change.

The draft rule added an obligation to ask a customer whether they may be eligible whenever entering into a contract.

The final rule retains this intention and adds two exceptions for when a customer is signing a new contract (for example, when they are switching products) but remaining with the same retailer.

For further information on why we consider that this option will best contribute to the energy objectives, see chapter 2.

Box 2: Retailers must ask consumers about their eligibility when contracting

Under the final rule, retailers will be required to ask consumers whether they may be eligible for relevant rebates, concessions or relief schemes when forming either market or standard retail contracts.

There are two exceptions to this:

- Retailers are not required to ask customers whose concessions will continue to apply
- Retailers are not required to ask customers who have already been asked about their eligibility in the last 30 days

3.2.1 Stakeholders were broadly supportive of the draft rule

Submissions to the consultation paper 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."⁵⁷

Responses to the draft determination were similarly supportive, with some feedback on how the rule may work in practice.

Consumer advocates, ombudsmen and others broadly supported the rule. While ECA did not anticipate significant improvement in outcomes from the added obligation, the joint submission provided by JEC and the joint ombudsmen submission both noted that while most retailers already ask consumers about their eligibility, it is not always consistent and a rule "will ensure an appropriate minimum standard."⁵⁸

Retailers were broadly supportive of the intent of the draft rule, with many noting that they already ask customers about their eligibility and therefore the rule may not have significant impact. One retailer noted that although they already take this step, the rule will incur costs to ensure they have auditable processes to demonstrate compliance.⁵⁹

Retailers had concerns about applying the rule during switching

In discussions with retailers and one submission, retailers raised that applying the rule when a customer is switching contracts with the same retailer may present some challenges.⁶⁰

- **The question may not be relevant for the consumer:** In situations where an existing customer already has concessions applied and is only switching contracts (not moving addresses), those concessions will continue to be applied.

⁵⁷ [Rule change request](#), p 3.

⁵⁸ Joint ombudsmen, Submission to the draft determination, p 2.

⁵⁹ Engie, Submission to the draft determination, p 2.

⁶⁰ AGL, Submission to the draft determination, p 2.

- **Asking may overly complicate the switching process:** In its submission, AGL raised that adding a process for a customer to add their eligibility details in the midst of a switching process could add friction and lead to customers not finalising the switch in product. The Commission supports retailers making switching as smooth as possible. However, as discussed earlier in this chapter, the rules provide sufficient flexibility for a retailer to ask the consumer about their eligibility at various times in the contracting process.

More broadly, AGL's submission recommended that the requirement should be principles-based, allowing retailers to request the information "where it is considered relevant."⁶¹ While we do not consider that in this case a principles-based rule would achieve the appropriate minimum standard of protections for consumers, we have added exemptions to the final rule for specific circumstances where the question would not be relevant to the customer.

3.2.2 How the rule will operate

The final rule will apply to both standard and market retail contracts for all customers, including those with prepayment meters.⁶²

It leaves flexibility for retailers to determine if they want to require customers to answer the question in order to complete the contracting 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 that 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 will provide an opportunity for the retailer to explain the next steps a consumer must take to access those concessions.

As noted above, there are two exceptions to this obligation, specific to when a customer is switching products with their existing retailer and therefore entering into a new contract. These exceptions have been added to the rule to allow for streamlining of the customer experience. However, retailers can choose to still ask customers about their eligibility at these times.

Retailers are not required to ask customers whose concessions will continue to apply

Where a customer is entering into a new contract with their existing retailer, already has concessions applied to that account, and those concessions will continue to apply to their new contract with no action needed on the part of the customer, we note that a retailer asking the customer about their eligibility could cause confusion. In these cases, retailers do not need to ask customers about their eligibility.

Retailers are not required to ask customers who have already been asked about their eligibility in the last 30 days

We note that a customer may have been asked about their eligibility for concessions or rebates shortly before contracting, and it may not be a positive experience for that question to be repeated in such a short time period. For example, if a customer reaches out to discuss the cost of their bill and is asked about their eligibility for concessions during that initial conversation, and then switches to a different product with the same retailer as a result of that conversation, we do not consider the rules should oblige a retailer to ask the customer again in such a short time period.

⁶¹ AGL, Submission to the draft determination, p 2.

⁶² The text of the final rule has been published with this final determination.

3.3 The rule will take effect 1 July 2026

To align with any changes retailers may need to make to their contracting processes in response to the [Improving consumer confidence in retail energy plans](#) rule change, the rule will take effect on 1 July 2026. Retailers are required to review, and if necessary update, the material made available to their small customers in accordance with the final rule by this date.

One retailer raised a concern that they would need additional time (to 1 January 2027) to apply the new requirements to digital processes for existing customers to switch contracts, as recontracting and concessions functions are separate in their apps.⁶³ However, the Commission considers the flexibility on when and how the information can be provided discussed earlier in this chapter to be sufficient and did not consider that the implementation date should be changed from the draft determination.

⁶³ AGL, pp 2, 5.

4 The Commission recommends further action on concessions

The Commission supports efforts to increase the number of consumers receiving concessions 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.⁶⁴ Stakeholder submissions and our analysis have highlighted actions other parties could take that would achieve positive outcomes for consumers, and we set out a series of draft recommendations in our draft determination.

Stakeholder submissions to the draft determination strongly supported the approach of developing recommendations, and noted the importance of coordination across a range of parties to improve consumer access to concessions.

In response to specific feedback from stakeholder submissions, we have made the following key changes in this final determination:

- Combined the recommendation regarding jurisdictional harmonisation with the recommendation to automate concessions, and narrowed it to focus on adjustments to processes that would specifically support automation.
- Did not develop a recommendation regarding household eligibility, but instead recommended the cross-agency forum discuss this issue.
- Restructured the recommendations to provide further detail on the cross-agency forum and clarify a list of actions for the forum, noting that most actions in this space will require coordination amongst these parties.

The primary recommendation remains 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 event an automated system is rolled out, most other recommendations in this final determination would no longer be necessary.

If an automated system is not progressed, or prior to its implementation, 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:

- For the cross-agency forum to:
 - support increased information provision by Services Australia and jurisdictions
 - resolve process barriers
 - facilitate jurisdictional consideration of changes to verification processes
 - discuss household access to concessions
- For the AER to update guidance and amend guidelines
- For retailers to improve how customers can add concessions.

We also note that as these recommendations progress, there may be benefit in coordinating with other sectors who have similar concessions processes.⁶⁵

⁶⁴ AEMC, [Strategic Narrative](#), Sep 2024, p 34.

⁶⁵ The Water Services Association of Australia (WSAA) provided a submission to the draft determination supporting the automation of concessions and encouraging DCCEE to "explore opportunities to include in the scope the capacity for the automation to be extended to the water sector." (WSAA, Submission to draft determination, p 1.)

4.1 Jurisdictions, DCCEEW and Services Australia should establish a cross-agency forum

As previously noted, the delivery of energy concessions, rebates and relief schemes relies upon a range of parties. At a government level this includes both policy and delivery at each jurisdiction, which are typically managed by separate departments, along with the important role of Services Australia in both verifying what cards a consumer holds and being a trusted source of information for consumers.

Despite the number of parties involved in delivering these programs, in our consultation process we identified that there is not an ongoing method through which the key parties can come together to resolve specific challenges, and recommended the establishment of a cross-agency forum in the draft determination. Submissions to the draft determination supported this recommendation, including the priority issues identified for consideration.⁶⁶

In addition to the relevant state and territory departments and Services Australia, we consider that DCCEEW would be an appropriate participant, as while it is not directly involved in the delivery of concessions, it has an important role to play as the Commonwealth agency with responsibility for energy.⁶⁷

Additionally, retailers should participate when topics include delivery of concessions and the systems used, as they are central to the success of these programs. We also note that consumer advocates and ombudsmen have direct experience supporting consumers to access concessions and resolve issues when they arise, and encourage that they be considered for participation, or at a minimum consulted regularly.⁶⁸

Unfortunately, with the broad list of parties involved and cross-agency ownership, there is no straightforward answer as to who should drive or provide the secretariat support for such a forum. The AEMC recommends DCCEEW as the appropriate body to initiate this forum. However, this is for overall expediency and the AEMC recommends responsibility should then be with the relevant ECMC Working Group, given the tasking from Energy Ministers to Senior Officials to progress improved concession arrangements, until ongoing administrative responsibility and arrangements can be agreed between jurisdictions and relevant agencies. Consumers should not miss out on energy bill assistance they are eligible for simply because cross-agency coordination is complex.

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,” and would encourage all parties to consider this forum as a continuation of this activity and report back to ECMC on its establishment.⁶⁹

Recommendation 1: Jurisdictions, DCCEEW and Services Australia should establish a cross-agency forum

DCCEEW should facilitate initial participation across governments toward the establishment of a cross-agency forum to discuss and resolve the issues identified in recommendations two through

⁶⁶ Submissions to the draft determination: ECA p 3. JEC joint submission, p 7. Joint ombudsmen, p 5. AEC, p 2. Energy Australia, p 4. Origin, p 4.

⁶⁷ Although this rule change only applies to NECF jurisdictions, we consider there would be benefit for all states and territories to participate in this forum. We note that SAFCA, which is the peak body for financial counsellors in both South Australia and the Northern Territory, specifically called for the participation of the NT in these processes. SAFCA, submission to the draft determination, pp 5-6.

⁶⁸ Submissions to the draft determination from ECA, p 3, and the JEC joint submission, p 7, called for the inclusion of consumer and community organisations in the cross-agency forum.

⁶⁹ Energy and Climate Change Ministerial Council, [Meeting Communiqué](#), 19 July 2024.

six. Once initial establishment has occurred, the relevant ECMC Working Group should have responsibility until jurisdictions and agencies can agree ongoing structure and administration.

This forum should include:

- state, territory and Commonwealth agencies involved in the policy and delivery of concessions, rebates and relief schemes.
- when discussing the application and delivery of these programs, retailers.
- where appropriate, consumer advocates and ombudsmen.

This forum could contribute to the ECMC tasking for Senior Officials to work with Services Australia to support concessions access, and thus we would encourage ECMC to be kept updated on its work.

4.2 The forum should facilitate next steps to automate the delivery of concessions

Our analysis has underlined that removing the onus on consumers to provide information about their eligibility is the one step that will most fully address the barriers consumers face in accessing concessions and ensure consumers receive the support they are eligible for.

Stakeholder submissions to both the consultation paper and draft determination strongly supported the original recommendation made by the AER in its Game Changer report, that:

“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.”⁷⁰

This would be an optimal outcome for consumers. We understand 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:⁷¹

- 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.

⁷⁰ AER, [Game Changer Report](#), November 2023, p 11, and further detail on pp 18-20.

⁷¹ See appendix B.2 for further detail on barriers

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.

4.2.1 Stakeholders have provided possible solutions for the forum to consider

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, such as the Pharmaceutical Benefits Scheme or the Document Verification Service through the Department of Home Affairs, could provide inspiration.⁷²
- 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.⁷³

Additionally, we note that the process can already be partially automated through Services Australia's Centrelink Confirmation eServices system (CCeS), which can undertake batch file lodgement and systems.⁷⁴ It may be that there is a path forward using these existing systems, wherein:

- As part of its standard process, a retailer asks all customers for their consent to use CCeS to perform a check for their eligibility. We note that this may require agreement from Services Australia on an approach that satisfies their requirements under the Privacy Act (Cth) 1998.
- The retailer then runs periodic checks with all of the customer details they hold (where customer have given their consent) - this would include names, addresses and dates of birth.
- Jurisdictions confirm that verification checks with those details (but without a customer reference number) fulfil their verification requirements.

While we have not specifically explored this solution with stakeholders, and therefore acknowledge there may be unidentified barriers, we recommend the forum consider it along with any other ideas when exploring solutions.

We also acknowledge that any solution relying upon Services Australia's verification processes will only automate the delivery of concessions for those who are eligible via their Commonwealth issued card, and as described in appendix B.4, some eligibility rules include other qualifiers, such as asylum status in many states and territories, or in NSW, the receipt of a Family Tax Benefit. We encourage the forum to consider solutions that could also support these recipients, but note those solutions may be additional or complementary to automating the checking of a Services Australia or Department of Veterans' Affairs card status.

⁷² Submissions to the consultation paper: ACOSS, p 7. AGL, p 2.

⁷³ Submissions to the consultation paper: ActewAGL, p 3. AGL, 7. Origin, submission to the draft determination, p 3.

⁷⁴ Services Australia, [CCeS: How to use the service](#). Accessed on 9 Sep 2025.

4.2.2 Some adjustments to jurisdictional processes may support automation

Our draft determination recommended that jurisdictions should increase harmonisation where possible, noting that 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.

Some stakeholders strongly supported this recommendation, with the joint ombudsmen noting that differences create barriers to access, and most retailer submissions noting that harmonisation would reduce costs, streamline the application process, and support many of the other recommendations in the draft determination.⁷⁵

However, others noted that harmonisation should be a secondary goal, and should not risk either detracting from automation or diminishing any protections or entitlements.⁷⁶ We agree with this input, and in this final determination instead recommend that jurisdictions be open to making adjustments to verification and administrative requirements or processes where specifically identified as needed to support automation.

Recommendation 2: The forum should determine 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 recommend the forum explore options for automation and determine next steps in this process. This may include identifying where adjustments to jurisdictional verification and administrative requirements or processes are needed to support automation.

4.3 The forum should support Services Australia to provide more detailed information to consumers

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

While the more preferable final rule takes some steps in this direction, stakeholder feedback to the consultation paper was that information from retailers is unlikely to be a universal solution due to trust and literacy challenges. Council on the Ageing (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 perceive retailers providing information about concessions "as pushing price mitigations onto customers..."⁷⁷

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..."⁷⁸

⁷⁵ Submissions to the draft determination: Joint ombudsmen, p 3. SAPN, p 1. AEC, p 2. Alinta, p 2. Energy Australia, p 3. Engie,

⁷⁶ Submissions to the draft determination: AGL, p 5. ECA, p 3. JEC joint submission, p 5.

⁷⁷ Submissions to the consultation paper: COTA, p 5. The Energy Charter, p 3.

⁷⁸ Hanwha/necr, Submission to the consultation paper, p 2.

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.⁷⁹ Retailers also recommended this as a solution.⁸⁰ 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.

In our draft determination, we recommended 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
- an overview of support 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.

Submissions to the draft determination supported this recommendation, with joint ombudsmen "agree[ing] the promotion and dissemination of concessional information needs to extend beyond retailers to achieve any real change."⁸¹

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.⁸²

The forum should facilitate the provision of jurisdictional information to Services Australia to support this recommendation. This could be done in such a way that Services Australia would only need to pass the information on, with responsibility on the jurisdictions to keep the information provided to Services Australia up to date.

4.3.1 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.⁸³ In light of this, we recommend jurisdictions should work with the relevant agencies who hold information on these consumers to determine how they could raise awareness of their eligibility.⁸⁴

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.⁸⁵ 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

79 ACOSS, Submission to the consultation paper, p 8.

80 ActewAGL, Submission to the consultation paper, p 2.

81 Joint ombudsmen, Submission to the draft determination, p 4. Submissions to the draft determination from ECA, joint JEC, Alinta, Energy Australia, Origin, and Red and Lumo also specifically supported this recommendation.

82 ACOSS, Submission to the consultation paper, p 8

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

84 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.

85 Hanwha/necr, Submission to the consultation paper, p 3.

in a higher uptake as jurisdictions are a more trusted voice and could target the communications to eligible consumers.

The draft determination recommendation was similarly supported by stakeholder submissions.⁸⁶

Recommendation 3: Services Australia and jurisdictions 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. The forum should facilitate the provision of jurisdictional information to Services Australia.

For customers whose eligibility is through programs other than Services Australia issued cards, we also recommend that Jurisdictions work with the agencies who communicate with eligible consumers to determine how they could contact those consumers to raise awareness of their eligibility.

4.4 The forum should resolve process barriers

Our rule change process has identified three key process issues that may be resolved through additional coordination between parties:

- administrative barriers to verification
- verification for renewed cards
- the explicit informed consent scripting provided by Services Australia.

The forum should coordinate the participation of those who work on these specific issues, and support them to discuss these challenges and action changes fairly quickly. These are changes that could improve access for eligible consumers to concessions without requiring significant investment.

4.4.1 Administrative barriers to verification 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 to the consultation paper, “these issues are most likely to impact specific cohorts of people experiencing disadvantage, including First Nations households and culturally and linguistically diverse households.”⁸⁷ JEC further provides a case study of such a situation:

⁸⁶ Submissions to the draft determination from the joint ombudsmen, Alinta, and Origin specifically called out this recommendation for support, while most stakeholder submissions broadly supported increased information provision by both Services Australia and jurisdictions.

⁸⁷ JEC, Submission to the consultation paper, p 5.

“Members of the local Aboriginal community having their NSW Government LIHR removed 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.”⁸⁸

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.⁸⁹

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.

Submissions to the draft determination supported this as a priority area for the forum.

4.4.2 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.⁹⁰

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.⁹¹

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.⁹²

88 JEC, Submission to the consultation paper, p 5, from Save4Good [Report for the Public Interest Advocacy Centre](#), 26 April 2022, p 10.

89 AEC, Submission to the consultation paper, p 1.

90 Submissions to the consultation paper: 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.

91 Red and Lumo, Submission to the consultation paper, p 3.

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

4.4.3 Explicit informed consent scripting should be discussed

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.⁹³ This especially raises difficulties when there are multiple types of concessions being discussed, and 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 on improving communications with customers, developed per the recommendation in section 4.7.1.

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.⁹⁴ To resolve this, ACOSS suggested requiring retailers to cross-check and automatically apply any missing concessions to the second fuel on an account.⁹⁵ However, this is not allowed due to specific aspects of Services Australia's 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.⁹⁶

Recommendation 4: The forum should resolve process barriers

The Commission recommends the forum:

- establish straightforward processes for resolving verification issues that arise, such as typographical errors, addresses being recorded in different postcodes, or cultural differences in naming practices.
- consider how verification of renewed cards (where the consumer has stayed at the same address) could be done without additional required steps by the consumer.
- discuss whether Services Australia's explicit informed consent scripting could be adapted to improve communication with customers and improve the process of verification for dual-fuel accounts.

4.5 Jurisdictions should consider changes to verification requirements

The draft determination also identified potential changes to jurisdictional verification requirements that could streamline processes and remove some onus from consumers. Submissions to the draft determination provide broad support for these as areas for the forum to consider. We note that these recommendations are not regarding eligibility criteria, but specifically the requirements for information and processes of eligibility verification.

⁹³ Hanwha/necr, Submission to the consultation paper, 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](#).

⁹⁴ AER, [Retail energy market performance update for Quarter 1, 2024-2025, Schedule 3](#). AGL, Submission to the consultation paper, p 9.

⁹⁵ ACOSS, Submission to the consultation paper, p 5.

⁹⁶ AGL, Submission to the consultation paper, 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.

We recommend that jurisdictions use the forum to consider and discuss the practicality of these changes, and where possible, implement them.

4.5.1 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 initially verifying their eligibility, 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.”⁹⁷ One retailer specifically raised that “this disproportionately affects vulnerable consumers who are more likely to change residences frequently.”⁹⁸

To resolve this, stakeholders recommended that concessions should not be removed if a customer relocates within the same jurisdiction.⁹⁹

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.”¹⁰⁰

4.5.2 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.¹⁰¹ Introducing a category of permanent eligibility for customers would reduce the number of consumers who lose 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.

Recommendation 5: Jurisdictions should consider changes to verification requirements

Jurisdictions should use the forum to consider and discuss the practicality of, and where possible implement:

- flexibility in verification requirements when a consumer changes their address but remains in the same jurisdiction
- introducing a category of permanent eligibility for certain consumers, to avoid the drop-off of concessions that occurs during required re-verification.

97 AGL, Submission to the consultation paper, p 4.

98 Hanwha/necr, Submission to the consultation paper, p 1.

99 Submissions to the consultation paper: The Salvation Army, p 20. Joint ombudsmen, p 6.

100 Energy Queensland (Ergon), Submission to the consultation paper, p 1.

101 Submissions to the consultation paper: JEC, p 8. SACOSS, p 5.

4.6 The forum should also discuss household access to concessions

The draft determination set out the following issue:

- 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.¹⁰²

We asked for stakeholder input on potential solutions to this issue. Stakeholder submissions generally agreed this is a complex topic that could introduce significant risk, but supported the intention to increase access to concessions.¹⁰³

- Joint ombudsmen supported the draft recommendations.
- Retailers and consumer advocates generally agreed that it might be beneficial if jurisdictions changed eligibility criteria to allow for concessions to be applied to an account if anyone living in the home is eligible.
- Retailers stated it would be more appropriate for jurisdictions to develop any guidance, as the eligibility rules differ by jurisdiction.
- EnergyAustralia noted that it would not be appropriate for a retailer to discuss the eligibility status of someone in the household with the account holder, as that is personal information.

In direct stakeholder discussions and submissions, retailers and consumer advocates agreed that it would be appropriate for the forum to consider this issue instead of the AEMC developing a specific recommendation on this topic, given the complexity. We agree with this recommendation, and therefore recommend that the forum, at an appropriate time, consult on and further discuss whether any changes could be made in this space to increase consumer access to concessions.

We note and appreciate the detailed input provided to both the consultation paper and draft determination on this topic, and commend that input to the forum as a first step in any such work.

Recommendation 6: The forum should discuss household access to concessions

The forum should, at an appropriate time, consult on and further discuss whether any changes could be made to rules and processes regarding eligible consumers living in a household.

4.7 The AER should develop guidance and update guidelines

The AER has a key role to play in supporting retailers to improve communications and processes. The draft determination recommended the AER develop guidance and consider updates to two mandatory guidelines. In submissions to the draft determination, consumer advocates and ombudsmen supported this recommendation, while retailers had some mixed views - detailed in

¹⁰² Submissions to the consultation paper: ACOS, p 5. AGL, p 4. COTA, p 3. JEC, pp 8-9. ECA, p 2. The Salvation Army, p 17. Joint ombudsmen, p 3.

¹⁰³ Submissions to the draft determination: ECA, p 3. JEC joint submission, p 8. Salvation Army, p 10. Joint ombudsmen, pp 6, 8. AGL, p 6. Alinta, pp 5-6. Energy Australia, p 5. Engie, p3. Origin, p 5. Red and Lumo, p 2.

the following sections.¹⁰⁴ We have carried that recommendation across to the final, with a minor change.

4.7.1 Improving communications with customers

Stakeholders identified that the language retailers use to communicate with consumers about concessions can be “confusing, inconsistent and occasionally alienating.”¹⁰⁵ 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?”¹⁰⁶ 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 clearer guidance. Detailed guidance was also recommended by some stakeholder submissions.¹⁰⁷

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.¹⁰⁸

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.

Feedback on this draft recommendation was generally supportive. Some retailers raised concerns, with one providing input that guidance should be done by jurisdictions due to differences in requirements, and another putting forward that retailers are best placed to determine how to communicate with their consumers.¹⁰⁹ We consider that there are many good practices that could be put in place that would not conflict with the differing jurisdictional requirements, and that in developing this guidance, the AER could draw on good practices from retailers, with industry using this as an opportunity to share good practices. We also note that the submission from the joint ombudsmen specifically supported this recommendation, noting that retailers should “take a consistent proactive approach,” and that evidence of current practice is that this is not always the case.¹¹⁰

Additionally, in submissions to both the consultation paper and draft determination, stakeholders provided specific recommendations for the AER to consider in developing this guidance. We thank stakeholders for the consideration that went into their input, and will provide it to the AER. We also note that stakeholders recommended the AER consult on this guidance.¹¹¹

104 Submissions to the draft determination: ECA, p 3. JEC joint submission, p 6. Salvation Army, pp 9-10. Joint ombudsmen, p 4.

105 Submissions to the consultation paper: ACOSS, p 5. JEC, p 8.

106 ENGIE, Submission to the consultation paper, p 3.

107 ECA, Submission to the consultation paper, p 3.

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

109 Submissions to the draft determination: Engie, p 3. Origin, p 4.

110 Joint ombudsmen, Submission to the draft determination, p 4.

111 Joint JEC, Submission to the draft determination, p 6.

4.7.2 Informing customers that concessions don't automatically transfer

As set out in appendix A.4.2, stakeholder submissions to the consultation paper 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.¹¹²

While the Commission did not consider the solution proposed in the rule change request met the NERO (see appendix A.4.2), we proposed two actions by the AER to address this information gap in our draft determination.

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 for 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.¹¹³ 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.¹¹⁴

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.¹¹⁵ 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.¹¹⁶

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.¹¹⁷ 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.

¹¹² SAFA, Submission to the draft determination, p 5. Submissions to the consultation paper: SACOSS, p 5. Joint ombudsmen, p 6. Hanwha/necr, p 2.

¹¹³ AER, [Better Bills Guideline - Version 2](#).

¹¹⁴ AEMC, [Bill contents and billing requirements](#).

¹¹⁵ See for example, NERR, version 32, Subrule 25(1)(s).

¹¹⁶ Information on the AER's development of BBG v1 can be found on [its website](#).

¹¹⁷ The AER has [announced](#) it will review its retail guidelines, including the BBG, with a consultation paper in November 2025. NERR subrule 25A(3)(e) includes, as a bill objective, "information that enables small customers to easily understand...how to...seek financial assistance."

We note that some retailers raised concerns that there is no evidence this change would have a positive impact, may be unnecessarily complex, or could create confusion on bills for people who aren't eligible.¹¹⁸ However, given the loss of concessions at transfer and lack of awareness by consumers discussed in the introduction of this section, the Commission views that this is a barrier that needs addressing, and providing information to consumers at all three of these points (sign up, first bill and final bill) will support this as no single communication will capture the attention of all customers.

We also note the recommendation by some stakeholders that the AER re-introduce the requirement for concessions information to be included in bills, either in addition to or in place of a specific requirement for first and final bills.¹¹⁹ We consider the AER will be best placed to determine which option will best support consumers in the broader context of their review of the BBG, and thus encourage stakeholders to participate in the upcoming review.

4.7.3 Protecting embedded network customers

The AER's Retail Exempt Selling Guideline requires exempt sellers to provide relevant concession information in writing.¹²⁰

Joint ombudsmen raised in their submission that they "continue to see a lack of relevant eligibility/entitlement information being provided" to embedded network customers.¹²¹ COTA 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.¹²²

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. The draft recommendation received no objections, although we note that one retailer, while supporting this recommendation, underlined the importance of consulting on such a change due to some of the more complex arrangements for embedded networks.¹²³

Recommendation 7: The AER should develop guidance and update the Better Bills Guideline and Exempt Selling Guideline

The AER should develop guidance for retailers on how best to inform customers about the availability of concessions 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 amend the Better Bills Guideline to increase consumer awareness of concessions, specifically considering requiring the inclusion of information on the first and final bills that concessions do not automatically transfer.

In order to support equitable consumer outcomes, we also recommend the AER consider applying the rule changes to relevant exempt sellers by updating the Retail Exempt Selling Guideline.

118 Submissions to the draft determination: AGL, p 6. Energy Australia, p 3. Engie, p 3. Origin, p 3.

119 Submissions to the draft determination: Engie, p 3. Powershop, p 2. Joint ombudsmen, Submission to the consultation paper, p 8.

120 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.

121 Joint ombudsmen, Submission to the consultation paper, p 5.

122 COTA, Submission to the consultation paper, p 3.

123 Origin, Submission to the draft determination, p 4.

4.8 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.¹²⁴ 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.¹²⁵

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

Potential changes to consider include:¹²⁶

- 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.
- "Consider[ing] the accessibility of the information provided and ensure it is easily available, in simple language and available in multi-lingual formats."
- A dedicated phone line could improve ease of access, especially if a retailer undertakes a general outreach program that triggers additional contacts.

Consumer advocates broadly supported the draft recommendation.¹²⁷ Some retailers noted that the existing agreements with jurisdictions set similar expectations, and therefore it is appropriate that this remain as a recommendation and not a prescriptive rule.¹²⁸

Recommendation 8: 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.

¹²⁴ The Energy Charter, Submission to the consultation paper, p 2.

¹²⁵ Submissions to the consultation paper: The Salvation Army, p, 26. Joint ombudsmen, p 4.

¹²⁶ Origin, Submission to the consultation paper, p 2. Joint ombudsmen, Submission to the draft determination, p 5. Verbal feedback from stakeholders during consultations.

¹²⁷ Submissions to the draft determination: ECA, p 3. JEC joint submission, pp 10-11.

¹²⁸ Submissions to the draft determination: AGL, p 2. Alinta, p 4. Energy Australia, 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.¹²⁹

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.¹³⁰

The proposal was drawn from a recommendation in the Australian Energy Regulator (AER) Game Changer report, that consumers should automatically receive concessions they are entitled to in order to minimise payment difficulties and potential hardship before they arise.¹³¹

A.2 There are related reforms underway

There are three related reforms underway that we have considered and are referenced throughout this final 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).¹³² This includes recommendations for how customers experiencing payment difficulty or hardship are informed about assistance available, including concessions. 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

¹²⁹ See our website for more information on the rule change process: <https://www.aemc.gov.au/our-work/changing-energy-rules>

¹³⁰ 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](#).

¹³¹ AER, [Game changer](#), November 2023, p 9. See section 4.2 for further information on the proposal for an automated system.

¹³² AER, [Review of payment difficulty protections in the NECF](#), 15 May 2025.

energy market.¹³³ As the recommendations in this final determination would require cross-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.¹³⁴ 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, which include when contracting.¹³⁵ We do not anticipate that the final rule will impact retailers’ obligations (and any associated costs) to comply with the ESC’s proposed reforms.

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.¹³⁶ 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. Issues raised in submissions were discussed and responded to throughout the draft determination and this final rule determination.

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

On 03 July 2025, the Commission published a draft rule determination. Submissions closed on 14 August 2025. The Commission received 19 submissions. Issues raised in submissions are discussed and responded to throughout the draft determination and this final rule determination. A summary of other issues raised in submissions and the Commission’s response to each issue is contained in appendix C.

A.4 Changes we considered but did not make

The rule change request and stakeholders proposed additional changes to the rules that the Commission did not consider would likely contribute to the NERO:

1. Additional contact obligations
2. A requirement specific to transferring between retailers
3. An obligation at the point of payment difficulty.

This section sets out those proposals and information provided in submissions to both the consultation and draft determination that the Commission considered in making this final determination.

A.4.1 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 in their submissions to the consultation paper. While consumer advocates and ombudsmen reiterated their support for additional contact obligations in submissions to the draft determination, the Commission did not consider that these submissions raised any new

¹³³ DCCEEW, [Better Energy Customer Experiences](#).

¹³⁴ 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.

¹³⁵ ESC Victoria, [Energy Consumer Reforms - Regulatory Impact Statement](#), 16 May 2025, p 126.

¹³⁶ This notice was published under section 251 of the NERL.

information, and thus has retained our decision from the draft determination to not require additional contact obligations.

The options the Commission considered were:

1. **A one-time contact obligation upon commencement of the rule**, per the rule change request.¹³⁷

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.”¹³⁸ ECA and the JEC joint submission reiterated this as an option in their submissions to the draft determination.¹³⁹

3. **At certain times when customers are already contacting retailers or if customer accounts have certain indicators.**

In submissions to the consultation paper, ombudsmen and all consumer advocates suggested requiring retailers to engage “at regular consumer touch points,” if a customer account has certain features that indicate 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), or at specific times such as after the winter bill.¹⁴⁰ Consumer advocates and ombudsmen reiterated this in their submissions to the draft determination.¹⁴¹

4. **When existing concessions expire.**

EWOV recommended requiring retailers notify customers when a customer’s eligibility is approaching or has expired.¹⁴²

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. In its submission to the draft determination, the ECA provided data that 20% of consumers only review their plan once every few years, and for 16% of consumers it is as rarely as every 5 years.¹⁴³

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.¹⁴⁴ Another retailer explained that “when the Queensland Government implemented a similar approach with

¹³⁷ Rule change request, p 2.

¹³⁸ JEC, Submission to the consultation paper, p 7. Other stakeholders who recommended this in their submissions to the consultation paper included ECA, p 7, the Salvation Army, p 22, COTA, p 5.

¹³⁹ Submissions to the draft determination: ECA, p 5. JEC joint submission, p 6.

¹⁴⁰ Submissions to the consultation paper: ECA, p 4. The Salvation Army, p 23. ACOSS, p 5. SACOSS, p 4.

¹⁴¹ Submissions to the draft determination: ECA, p 4. National Seniors Australia, p 1. The Salvation Army, p 8. Joint Ombudsmen, p 2.

¹⁴² EWOV submission to the consultation paper, p 4.

¹⁴³ ECA, Submission to the draft determination, p 5.

¹⁴⁴ AGL, Submission to the consultation paper, p 6.

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.”¹⁴⁵

However, EWOV set out an example where a campaign by a retailer to increase awareness of the Victorian Utility Relief Grant, which comprised a dedicated website and materials sent to consumers, resulted in a 225% increase in requests for the grant.¹⁴⁶ In its submission to the draft determination, ECA noted that the positive outcome of this program suggests that other campaigns may not have been well-designed.¹⁴⁷

The joint ombudsmen submission to the draft determination acknowledged that a one-time outreach program would incur costs, but sets out that ombudsmen consider those costs would be “offset by the financial benefits that can accrue from greater affordability assistance and decreased debt.”¹⁴⁸

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.¹⁴⁹

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.¹⁵⁰

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.¹⁵¹

Option 4: Retailer submissions noted that contacting consumers when concessions expire is already standard practice.¹⁵² We note this is already required by jurisdictional rules in NSW and Queensland, and may be required in other jurisdictions.¹⁵³ Given the existing jurisdictional obligations, 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 contracting, or who may become eligible during the life of their contract. 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

¹⁴⁵ Origin, Submission to the consultation paper, p 3.

¹⁴⁶ EWOV, Submission to the consultation paper, p 6.

¹⁴⁷ ECA, Submission to the draft determination, pp 5-6.

¹⁴⁸ Joint ombudsmen, Submission to the draft determination, p 2.

¹⁴⁹ Submissions to the consultation paper: the Salvation Army, p 15. Energy Charter, p 3.

¹⁵⁰ Submissions to the consultation paper: ActewAGL, p 1. AGL, p 1. Hanwha/nectr, p 3. Origin, p 1. Shell/Powershop, pp 1-2.

¹⁵¹ Submissions to the consultation paper: AGL, p 6. Hanwha/nectr, p 2. Joint ombudsmen, p 4. The Salvation Army, p 25. Research: Uniting, [Game Changer Consumer Exploration Workshops](#), Aug 2023, pp 5-7.

¹⁵² Origin, Submission to the consultation paper, p 2.

¹⁵³ See appendix B.3 for existing jurisdictional rules. Additionally, some requirements are in confidential agreements between jurisdictions and retailers.

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.”¹⁵⁴ 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 contracting 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.

Additionally, the Commission’s recent decision to support customer switching aims to increase how often customers re-contract with their existing retailers.¹⁵⁵ This will increase how often customers will be provided information on the support available to them and asked about their eligibility.

Therefore, the Commission has made a more preferable final rule that does not include contact requirements beyond when a retailer is establishing a contract with a customer. 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 4.3.

We note this is different from ESC Victoria’s draft decision on the same rule change.¹⁵⁶ 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.

A.4.2 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.¹⁵⁷ The Commission considered options for automating transfers prior to the draft determination, and did not proceed with any of them. We did not receive any submissions objecting to this conclusion in submissions to the draft determination.

However, one retailer did recommend that if Services Australia and jurisdictions were to change verification and consent obligations, concession details could be transferred between retailers through the Business-to-Business (B2B) communications systems.¹⁵⁸ We encourage this stakeholder to bring up this potential option in the cross-agency forum, as it would be the appropriate place to discuss whether these changes would be possible under Services Australia’s privacy obligations.

¹⁵⁴ JEC, Submission to the consultation paper, p 7.

¹⁵⁵ AEMC, [Improving the ability to switch to a better offer](#), 11 September 2025.

¹⁵⁶ ESC Victoria, [Energy Consumer Reforms - Regulatory Impact Statement](#), 16 May 2025, p 126.

¹⁵⁷ Rule change request, p 3

¹⁵⁸ EnergyAustralia, Submission to the draft determination, p 3.

Consideration of existing processes

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.¹⁵⁹ 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...”¹⁶⁰

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 B2B systems.

MSATS: MSATS is an IT system operated by AEMO for information related to the flow of electricity and payments.¹⁶¹ 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 NMI – 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.¹⁶²

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.”¹⁶³ 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. 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.¹⁶⁴

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

159 Submissions to the consultation paper: ECA, p 2. SACOSS, p 5. EWOV, p 2. Joint ombudsmen, p 6. Hanwha/necr, p 2.

160 ECA, Submission to the consultation paper, p 2.

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

162 Submissions to the consultation paper: 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.

163 NER Rule 7.17

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

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 4.7.2.

A.4.3 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.¹⁶⁵

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:¹⁶⁶

- "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."

¹⁶⁵ AER, [Review of payment difficulty protections in the NECE](#), 15 May 2025. [Consultation paper](#), p 2.

¹⁶⁶ AER, [Review - Findings report](#), 15 May 2025, p 3.

B Background on concessions

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

There are a range of types of energy concessions. 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 share houses), 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.¹⁶⁷ 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:¹⁶⁸

- 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%.¹⁶⁹
- 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.¹⁷⁰

¹⁶⁷ Consultation paper, p 4.

¹⁶⁸ 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](#)

¹⁶⁹ Consumer Policy Research Centre, [Mind the Gap](#), 2 November 2022.

¹⁷⁰ 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.¹⁷¹
- NSW's Energy Social Programs Annual Report estimated that only 66% of eligible households in NSW received a rebate or concession.¹⁷²

We received one submission to the draft determination regarding the size of the gap. Aurora Energy noted that their view based on internal analysis is that the 19% gap in Tasmania modelled by the Consumer Policy Research Centre in the first dot point above "significantly overstates the actual gap."¹⁷³ The Commission appreciates this additional information. However, considering both Aurora's input and the other information above and provided throughout the consultation process, not all consumers who are eligible for concessions are accessing them, and the rule change remains appropriate.

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:

¹⁷¹ ACCC, [Retail electricity Pricing Inquiry-Final Report](#), June 2018, p 299.

¹⁷² NSW [Energy Social Programs Annual Report 2022-2023](#), March 2024, p 9.

¹⁷³ Aurora Energy, Submission to the draft determination, p 1.

- 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.

Stakeholders did not offer significant further comment on the barriers in submissions to the draft determination.

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

B.3 Existing rules

As noted, jurisdictions set out rules retailers must abide by when applying those concessions, 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.¹⁷⁴

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
When entering a contract	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.”		

174 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 final determination.

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

Stakeholder	Issue	Response
SAFCA (p 4), ECA (pp 4-5).	The obligations should also apply at the point of hardship.	<p>The AER in May published its findings from its Review of payment difficulty protections in the National Energy Customer Framework. This includes recommendations for how customers experiencing payment difficulty or hardship are informed about assistance available, including concessions.</p> <p>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.</p>
National Seniors Australia (pp 1-2).	Include info on bills (explanation, URL/QR codes for info, a phone number).	The AER's Better Bills Guideline sets out the requirements for how energy retailers must prepare and issue bills. We encourage stakeholders to engage in the AER's upcoming review of the guideline , with an initial consultation paper anticipated in November 2025.
Salvation Army (p 9).	Require retailers to apply all applicable concessions that can be directly applied by the	The obligations for retailers to apply concessions are set by each state and territory in jurisdictional

Stakeholder	Issue	Response
	retailer.	instruments.

D Legal requirements to make a rule

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

D.1 Final rule determination and final rule

In accordance with section 259 of the NERL, the Commission has made this final rule determination to make a more preferable final rule under sections 260 and 261 of the NERL in relation to the rule proposed by the Hon. Chris Bowen MP, Minister for Climate Change and Energy, as Chair of the Energy and Climate Change Ministerial Council.

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

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

D.2 Power to make the rule

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

The more preferable final 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 final 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 final rule
- the rule change request
- submissions received during first and second rounds consultation
- the Commission's analysis as to the ways in which the final 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.¹⁷⁵

¹⁷⁵ 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.

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.

The more preferable final 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 final rule be classified as civil penalty provisions or conduct provisions.

E List of recommendations

Recommendation 1: Jurisdictions, DCCEEW and Services Australia should establish a cross-agency forum

DCCEEW should facilitate initial participation across governments toward the establishment of a cross-agency forum to discuss and resolve the issues identified in recommendations two through six. Once initial establishment has occurred, the relevant ECMC Working Group should have responsibility until jurisdictions and agencies can agree ongoing structure and administration.

This forum should include:

- state, territory and Commonwealth agencies involved in the policy and delivery of concessions, rebates and relief schemes.
- when discussing the application and delivery of these programs, retailers.
- where appropriate, consumer advocates and ombudsmen.

This forum could contribute to the ECMC tasking for Senior Officials to work with Services Australia to support concessions access, and thus we would encourage ECMC to be kept updated on its work.

Recommendation 2: The forum should determine 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 recommend the forum explore options for automation and determine next steps in this process. This may include identifying where adjustments to jurisdictional verification and administrative requirements or processes are needed to support automation.

Recommendation 3: Services Australia and jurisdictions 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. The forum should facilitate the provision of jurisdictional information to Services Australia.

For customers whose eligibility is through programs other than Services Australia issued cards, we also recommend that Jurisdictions work with the agencies who communicate with eligible consumers to determine how they could contact those consumers to raise awareness of their eligibility.

Recommendation 4: The forum should resolve process barriers

The Commission recommends the forum:

- establish straightforward processes for resolving verification issues that arise, such as typographical errors, addresses being recorded in different postcodes, or cultural differences in naming practices.
- consider how verification of renewed cards (where the consumer has stayed at the same address) could be done without additional required steps by the consumer.
- discuss whether Services Australia's explicit informed consent scripting could be adapted to improve communication with customers and improve the process of verification for dual-fuel accounts.

Recommendation 5: Jurisdictions should consider changes to verification requirements

Jurisdictions should use the forum to consider and discuss the practicality of, and where possible implement:

- flexibility in verification requirements when a consumer changes their address but remains in the same jurisdiction
- introducing a category of permanent eligibility for certain consumers, to avoid the drop-off of concessions that occurs during required re-verification.

Recommendation 6: The forum should discuss household access to concessions

The forum should, at an appropriate time, consult on and further discuss whether any changes could be made to rules and processes regarding eligible consumers living in a household.

Recommendation 7: The AER should develop guidance and update the Better Bills Guideline and Exempt Selling Guideline

The AER should develop guidance for retailers on how best to inform customers about the availability of concessions 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 amend the Better Bills Guideline to increase consumer awareness of concessions, specifically considering requiring the inclusion of information on the first and final bills that concessions do not automatically transfer.

In order to support equitable consumer outcomes, we also recommend the AER consider applying the rule changes to relevant exempt sellers by updating the Retail Exempt Selling Guideline.

Recommendation 8: 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.

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)