Ms Anna Collyer
Chair
Australian Energy Market Commission
GPO Box 2603
Sydney NSW 2001

30 July 2026

To Ms Collyer,

Strengthening standards for payment difficulty assistance – Consultation paper

ENGIE Australia & New Zealand (ENGIE) appreciates the opportunity to respond to the Australian Energy Market Commission's (the Commission) consultation paper on the rule change request from the Australian Energy Regulator (AER) in relation to strengthening standards for payment difficulty assistance.

The ENGIE Group is a global energy operator in the businesses of electricity, natural gas and energy services. In Australia, ENGIE operates an asset fleet which includes renewables, gas-powered generation, and battery energy storage systems. ENGIE also provides electricity and gas to retail customers across Victoria, South Australia, New South Wales, Queensland, and Western Australia.

ENGIE supports enhancements to payment difficulty protections that make it simpler for customers to access assistance and manage their energy bills over the long-term. Relevant to the AER's rule change request, ENGIE notes that it does not currently require its customers to provide documentary evidence as a precondition to accessing payment difficulty assistance. ENGIE also establishes payment plans based on a customer's individual circumstances and capacity to pay, with these payment plans being regularly reviewed to ensure they remain affordable on an ongoing basis. ENGIE expects that the majority of retailers take a similar approach, as it is in both retailers' and customers' best interest that customers remain engaged in hardship programs and continue to make payments towards their ongoing usage and debt.

In contrast to the 'Streamlining payment difficulty protections' rule change request package, where ENGIE is supportive of reforms that align with current practice, ENGIE considers that this particular rule change request introduces overly prescriptive requirements and may reduce some flexibility in the current framework. In this submission, ENGIE provides feedback on the AER's rule change request and the potential unintended consequences of introducing new prescriptive requirements.

General feedback on reforms to payment difficulty assistance

While energy retailers have an important role to play in supporting their customers to manage ongoing energy costs, this support should complement broader government policy action on customer vulnerability. There is a limit to the extent that retailers, and the energy regulatory framework, can improve outcomes for vulnerable consumers. There is a critical role for governments to play in addressing the underlying sources of consumer vulnerability and minimising the number of consumers that experience payment difficulties and are unable to manage their energy bills over the long-term. For example, this may be through improving the value and availability of concessions, rebates and relief schemes. Issues that customers experience with the affordability of payment plans are likely to be reflective of broader social welfare issues, rather than solely due to deficiencies with energy retailers' hardship support programs.

ENGIE notes that ongoing customer engagement is critical for any payment difficulty protection framework to work effectively. In ENGIE's experience, hardship support can work very effectively when customers are engaged in the process and establish payment plans with their retailer that are affordable and sustainable. Hardship support is much less effective when customers are unwilling to engage in the process, either at the initial stage or on an ongoing basis. Relevantly, when the Essential Services Commission of Victoria established the Victorian payment difficulty framework, it noted that the framework was designed to encourage retailer-customer engagement and enable conversations between these parties on the most suitable outcomes for the customer.[1]

Banning documentary evidence to access payment difficulty assistance

As noted above, ENGIE does not currently require its customers to provide documentary evidence as a precondition to accessing payment difficulty assistance. ENGIE agrees with the AER that customers would be more willing to engage early with their retailer if they are not asked to provide sensitive information prior to receiving assistance.

ENGIE agrees with the intent behind the rule change proposal to ensure that all retailers do not request documentary evidence as a precondition for the minimum provision of assistance in accordance with the National Energy Retail Law and Rules.

However, there may be unintended consequences of the drafting of the proposed new rule in circumstances where a retailer intends to provide assistance beyond the minimum requirements. The Commission identified one scenario in its consultation paper, relating to proof of homeownership for the installation of energy-efficient appliances.[2] There are other circumstances where it may be reasonable for a retailer to request documentary evidence from a customer before the provision of discretionary assistance, such as debt waivers or payment matching programs.

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[1] Essential Services Commission of Victoria 2017, Payment difficulty framework: Final decision, 10 October, p. 39.

[2] Australian Energy Market Commission 2026, National Energy Retail Amendment (Strengthening standards for payment difficulty assistance) Rule 2026 – Consultation paper, June, p. 7.

It is also unclear how the proposed rule is intended to apply to the provision of government concession and rebate schemes, which have documentary evidence requirements that retailers often fulfil on behalf of the relevant state government. Similarly, a retailer may have discussions with a customer to help them determine whether they are eligible, and lodge a deduction authority, to utilise Centrepay as a payment option for their energy bills, as permitted by rule 74 of the National Energy Retail Rules (NERR).

ENGIE asks that the Commission prepare a more preferable draft rule that retains flexibility for retailers to request documentary evidence when providing discretionary assistance and supporting the delivery of government programs.

Considering information by customers and third-parties on changes in customer circumstances

As noted earlier in this submission, ENGIE tailors payment plan instalments to a customer's individual circumstances and capacity to pay. As the Commission is aware, the existing rule 72(1) of the NERR requires a retailer to balance several competing factors when establishing payment plan instalments, including both the customer's capacity to pay and any arrears owing by the customer. As noted in the rule change request, it is not uncommon for hardship customers to not be able to afford instalments that cover their ongoing usage and also contribute to arrears.[3] While there is a preference that customers can make payments towards their arrears, it is not always possible for customers to afford instalments at that level within their household budgets.

ENGIE is comfortable with the proposal for retailers to have regard to information provided by a third party acting on behalf of the customer when establishing a payment plan for a hardship customer. Retailers already regularly welcome input from relevant third parties, such as financial counsellors. However, ENGIE recommends that the final rule provides for retailers to verify that the relevant third party is authorised to act on the customer's behalf and confirm the scope of that authority. While information from third parties can be important inputs for a retailer when determining appropriate payment plan instalments, the retailer still needs to balance this information against the other factors set out in rule 72(1) of the NERR.

ENGIE considers that the proposed requirement for retailers to review and update payment plans in response to information about changes in customer's circumstances largely aligns with current practice. As ENGIE noted earlier in this submission, it regularly reviews payment plans with customers to ensure that instalments remain affordable. As the addition of rule 72(1)(c) formalises existing practice into an ongoing compliance obligation, ENGIE would welcome specific minimum requirements to clarify the intended operation of the rule. While customers should have an ability to request a review of a payment plan at any time, the rule may also set a minimum interval for retailers to proactively review whether there are changes in a customer's circumstances (such as once every three or six months).

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[3] Australian Energy Regulator 2025, Rule change request – Strengthening standards for payment difficulty assistance, December, p. 4.

Concluding remarks

ENGIE welcomes further engagement with the Commission as it progresses this rule change request to ensure that the final rule meets the policy intent and does not reduce retailer flexibility when designing support options for their customers.

Should you have any queries in relation to this submission please do not hesitate to contact me on, telephone, 0436 929 403.

Yours sincerely,

Matthew Giampiccolo

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