Draft National Energy Retail Amendment (Strengthening standards for payment difficulty assistance) Rule 2026

The Australian Energy Market Commission makes the following Rule under the National Energy Retail Law as applied by:

(a) the *National Energy Retail Law (South Australia) Act 2011* of South Australia;

(b) the *National Energy Retail Law (ACT) Act 2012* of the Australian Capital Territory;

(c) the *National Energy Retail Law (Adoption) Act 2012* of New South Wales;

(d) the *National Energy Retail Law (Tasmania) Act 2012* of Tasmania;

(e) the *National Energy Retail Law (Queensland) Act 2014* of Queensland; and

(f) the *Australian Energy Market Act 2004* of the Commonwealth.

Anna Collyer
Chairperson
Australian Energy Market Commission

Draft National Energy Retail Amendment (Strengthening standards for payment difficulty assistance) Rule 2026

1 Title of Rule

This Rule is the *Draft National Energy Retail Amendment (Strengthening standards for payment difficulty assistance) Rule 2026*.

2 Commencement

Schedule 1 of this Rule commences operation on 10 December 2027.

3 Amendment to the National Energy Retail Rules

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

Schedule 1 Amendment to the National Energy Retail Rules

(Clause 3)

[1] Rule 33 Payment difficulties (SRC and MRC)

In rule 33(4), at the start of the text, after "Rule 72", insert "and rule 73".

[2] Rule 33 Payment difficulties (SRC and MRC)

In rule 33(4), after "Rule 72 and rule 73", omit "applies" and substitute "apply".

[3] Rule 33 Payment difficulties (SRC and MRC)

In rule 33(4), after "the same way as", omit "it applies" and substitute "they apply".

[4] Rule 72 Payment plans

Omit rules 72(1) and 72(2) and substitute:

(1) A retailer must offer a payment plan to a hardship customer that:

(a) the retailer reasonably considers is affordable for that customer; and

(b) includes an offer for the customer to pay for their energy consumption in advance or in arrears by instalment payments.

(2) A retailer must review a customer's payment plan if:

(a) the retailer reasonably becomes aware of relevant changes in the customer’s circumstances, including their capacity to pay, arrears owing, or expected energy consumption needs; or

(b) the customer requests a review; or

(c) the retailer reasonably considers the payment plan should be reviewed.

(3) A retailer must update a customer's payment plan if:

(a) the retailer considers it to be appropriate or necessary after a review under subrule (2); and

(b) the customer has given explicit informed consent; and

(c) the retailer reasonably considers the updated payment plan is affordable for the customer.

(4) In determining what is affordable for a hardship customer, the retailer must have regard to:

(a) the customer's capacity to pay, including any relevant information provided by the customer or a third party acting on behalf of the customer regarding what the customer can afford to pay; and

(b) any arrears owing by the customer; and

(c) the customer's expected energy consumption needs over the following 12 month period.

(5) A retailer who offers a payment plan to a customer, or proposes to update a customer's payment plan, must inform the customer of:

(a) the duration of the plan; and

(b) the amount of each instalment payable under the plan, the frequency of instalments and the date by which each instalment must be paid; and

(c) if the customer is in arrears—the number of instalments to pay the arrears; and

(d) if the customer is to pay in advance—the basis on which instalments are calculated; and

(e) the circumstances under which the payment plan will be reviewed; and

(f) how to request the retailer to review the payment plan.

[5] Rule 72 Payment plans

In rule 72, after the note, insert:

Note

Rule 33(4) makes provision for this rule 72 to apply to other residential customers experiencing payment difficulties.

[6] Rule 73 [Deleted]

Omit the text of the heading of rule 73 and substitute "Retailers not to require documentary evidence of payment difficulties or hardship".

[7] Rule 73 Retailers not to require documentary evidence of payment difficulties or hardship

After the heading of rule 73, insert:

A retailer must not require a hardship customer or a third party acting on behalf of a hardship customer to provide any documentary evidence of payment difficulties or hardship as a precondition to applying these Rules or the retailer's hardship policy.

Note

Rule 33(4) makes provision for this rule 72 to apply to other residential customers experiencing payment difficulties.