



# Submission on National Energy Retail Amendment (Improving the application of concessions to bills) Rule 2025: Draft Determination

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## About the Justice and Equity Centre

The Justice and Equity Centre is a leading, independent law and policy centre. Established in 1982 as the Public Interest Advocacy Centre (PIAC), we work with people and communities who are marginalised and facing disadvantage.

The Centre tackles injustice and inequality through:

- legal advice and representation, specialising in test cases and strategic casework;
- research, analysis and policy development; and
- advocacy for systems change to deliver social justice.

## Energy and Water Justice

Our Energy and Water Justice work improves regulation and policy so all people can access the sustainable, dependable and affordable energy and water they need. We ensure consumer protections improve equity and limit disadvantage and support communities to play a meaningful role in decision-making. We help to accelerate a transition away from fossil fuels that also improves outcomes for people. We work collaboratively with community and consumer groups across the country, and our work receives input from a community-based reference group whose members include:

- Affiliated Residential Park Residents Association NSW;
- Anglicare;
- Combined Pensioners and Superannuants Association of NSW;
- Energy and Water Ombudsman NSW;
- Ethnic Communities Council NSW;
- Financial Counsellors Association of NSW;
- NSW Council of Social Service;
- Physical Disability Council of NSW;
- St Vincent de Paul Society of NSW;
- The Salvation Army;
- Tenants Union NSW; and
- The Sydney Alliance.

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# Recommendations

## **Recommendation 1**

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*That the AEMC amend the draft rule to require retailers to ask consumers whether they may be eligible for applicable rebates, concessions or relief schemes at the time of sign-up and at minimum once every 12 months (with retailers encouraged to check more regularly).*

## **Recommendation 2**

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*That the AEMC amend Draft Recommendation 2 to: Jurisdictions should explore harmonisation of practical aspects of concessions and rebate schemes, in consultation with consumer and community stakeholders. Efforts to harmonise should ensure no loss of protection or benefit for eligible consumers, and should consider improving equity and adequacy of concessions.*

## **Recommendation 3**

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*That the AEMC amend Draft Recommendation 3 to: The AER should develop guidance and update the Better Bills Guideline and the Exempt Selling Guideline.*

## **Recommendation 4**

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*That the AEMC amend Draft Recommendation 6 to: Jurisdictions, Services Australia, retailers and consumer stakeholders should establish a cross-agency forum to resolve:*

- *Verification issues;*
- *Verification of renewed cards;*
- *Services Australia Explicit Informed Consent requirements;*
- *Flexibility for address changes;*
- *Ongoing verification for permanent concessions; and*
- *Other administrative and process barriers to eligible consumers accessing their concessions and rebate entitlements.*

## **Recommendation 5**

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*That the AEMC recommend development of retailer systems capable of applying concessions or rebates to an account if anyone living in the home is eligible for a concession or rebate, not only the account holder. This may be best progressed through the cross-agency forum.*

# 1. Introduction

The Justice and Equity Centre, Australian Council of Social Service, ACT Council of Social Service, Combined Pensioners and Superannuants Association, Ethnic Communities Council of NSW, Financial Counsellors Association of NSW, People with Disability Australia, Queensland Council of Social Service, South Australian Council of Social Service and St Vincent de Paul Society NSW welcome the opportunity to respond to the AEMC's Draft Determination on *Improving the application of concessions to bills*.

Our organisations represent the interests of energy consumers, households and communities across NEM jurisdictions. We specifically represent the interests of low-income households, pensioners and other households and communities experiencing disadvantage and affordability issues.

Energy services are essential. They are critical enablers of health, wellbeing and social and economic inclusion. Concessions and rebates are crucial contributors to more equitable consumer outcomes in energy services, improved energy affordability and the avoidance of energy payment difficulty, debt and disconnection. Ensuring rebates and concessions more consistently reach those who need and are eligible for them is an important and overdue reform.

Accordingly, our organisations broadly support the preferred rule changes and the draft recommendations. Our submission provides comment and recommended amendments to further strengthen consumer outcomes in application of concessions to bills.

We commend the AEMC on the Draft Determination, which demonstrates important leadership in seeking positive outcomes for energy consumers beyond the narrow scope of what is acknowledged to be possible in this rule change. We welcome the AEMC providing a range of positive, actionable recommendations to other energy market bodies and government decision-makers. These recommendations - particularly the primary recommendation that the Commonwealth Government progress automation of concessions – if progressed, will help ensure the more meaningful and enduring reforms required but unable to be delivered in this rule change process. This approach represents another step from the AEMC in helping to coordinate reform across organisations, mechanisms and processes, recognising no single entity or process is able to resolve the identified issues alone.

We also commend the effort taken to note specific stakeholder feedback, identify stakeholders, and respond directly to the issues and perspectives raised. This represents good, transparent engagement practice. This good practice is critical to building trust and wider community engagement in processes and ensuring that the AEMC is accountable for its decisions and reasoning. We strongly encourage the AEMC to continue to build on this approach and ensure it becomes the baseline practice across all engagement processes it conducts.

While we support the two preferred rule changes we agree with the AEMC's assessment they will not have the meaningful impact required to genuinely improve consumer outcomes. Nonetheless, they are important interim steps while the crucial work to facilitate automation occurs at the jurisdictional level.

Our organisations support these rules, with incorporation of recommended amendments in this submission, commencing from July 1, 2026.

## 2. Check for eligibility at sign-up

We support requiring retailers to ask consumers whether they may be eligible for applicable rebates, concessions or relief schemes at the time of sign-up.

We recognise this is currently practiced inconsistently, a fact reflected in retail feedback to this process. However, an obligation in the rules provides more robust and consistent assurance this will be delivered and support more consistent outcomes for eligible consumers.

As detailed in our response to the issues paper<sup>1</sup>, this rule would be strengthened by requiring an ongoing obligation.

Retailers should be required to actively check customer eligibility for applicable rebates, concessions or relief schemes at least every 12 months. While we acknowledge the Commission's reasoning for not including this requirement, relying on retailer discretion and current practices to facilitate good outcomes for consumers has been demonstrated to result in inconsistent outcomes and experiences for consumers. Enshrining obligations in the rules provides more robust and consistent protections and helps ensure outcomes will be delivered as intended.

### ***Recommendation 1***

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*That the AEMC amend the draft rule to require retailers to ask consumers whether they may be eligible for applicable rebates, concessions or relief schemes at the time of sign-up and at minimum once every 12 months (with retailers encouraged to check more regularly).*

We provide further comment on how retailers should regularly and proactively provide and seek information from consumers in section 4.3 on AER guideline recommendations.

## 3. Provide jurisdictional information

We welcome the AEMC adopting our recommendation to “require retailers to provide jurisdiction-specific concession and rebate information to consumers” and strongly support it being included as a more preferable rule in the draft.

As highlighted in our submission to the issues paper, this rule change will require retail systems to both identify consumers by jurisdiction and ensure up to date staff training to match correct information and assistance to customers jurisdictions. The intent must be to implement a ‘no wrong door’ principle, and reduce the friction involved in accessing concessions and rebates

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<sup>1</sup> The Justice and Equity Centre et al. 2025, [Improving the application of concessions to bills](#)

## 4. Further action on concessions

Our organisations welcome the AEMC taking a leadership role and providing a range of actionable recommendations to other energy market bodies and government decision-makers, and deliver on the intent to improve application of concessions to bills beyond what this rule change process is capable of delivering.

In this section of our submission, we provide feedback on the range of recommendations put forward by the AEMC in the Draft.

### 4.1 Automation

We strongly support the AEMC's primary recommendation that Commonwealth DCCEEW should progress work across governments to enable automated rebate and concession application. This aligns with our key recommendation that,

*The AEMC provide advice to the Energy and Climate Ministerial Council that upgrading government and retailer systems to facilitate automated application of energy concessions and rebates is an urgently needed reform that should be prioritised in their forward work plan.*

Many of the barriers to eligible consumers having concessions and rebates applied correctly and consistently are systemic and cannot be resolved by the consumer. Some issues are unable to be resolved by energy retailers alone, and governments have a responsibility to address enduring systems interface issues.

We understand that automation of concessions and rebates involves significant complications and requires substantial systems upgrade processes. But complexity must not be used to justify accepting continued poor outcomes for consumers. Concessions and rebates are a crucial enabler of affordable and equitable access to essential energy services, and all eligible consumers should be receiving the support they need.

### 4.2 Jurisdictional harmonisation

We broadly support the intent behind *Draft Recommendation 2: Jurisdictions should harmonise concession schemes*, understanding that harmonisation has potential benefits in efficiency and more consistent outcomes across the country. However, we note that complete harmonisation of concession and rebate schemes across jurisdictions is not without risk, and is not a requirement of better consumer outcomes.

Any efforts at harmonisation need to maintain existing benefits for all consumers and not result in any diminishment of protections or entitlements. There is a further risk that the time and effort that would be required to successfully harmonise concession schemes across jurisdictions would detract from the more urgent and arguably more impactful work of automating concessions and ensuring more consistent application.

Harmonisation should be recognised as a secondary goal, with efforts appropriately qualified by measures to ensure better outcomes result for all consumers. Exploration of harmonisation should also consider improving equity and adequacy of concessions to better meet need.

Accordingly, we recommend the AEMC amend the final recommendation to reflect the need for more consideration and consultation on the proposal.

### **Recommendation 2**

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*That the AEMC amend Draft Recommendation 2 to: Jurisdictions should explore harmonisation of practical aspects of concessions and rebate schemes, in consultation with consumer and community stakeholders. Efforts to harmonise should ensure no loss of protection or benefit for eligible consumers, and should consider improving equity and adequacy of concessions.*

## **4.3 AER guidelines**

Our organisations broadly support Draft Recommendation 3: *The AER should develop guidance, amend the Better Bills Guideline and consider updating the Exempt Selling Guideline.*

We were pleased to see this recommendation align with those provided in our response to the Issues paper, specifically:

- *Implement a process to assess language and terminology. This should involve consultation with consumer and community organisations to provide guidance on how best to communicate with consumers about concessions and rebates, including the terminology used;*
- *Require retailers to “regularly and proactively seek information from all consumers on their households’ eligibility for energy concessions or rebates”, with defined examples of when this should be undertaken (including for consumers with debt and payment issues, when payment arrangement or retail deal change requests are made, alongside other key touch-points with consumers).*

Our organisations will be engaging with the AER’s forthcoming guideline reviews enacting this recommendation.

We recommend a minor amendment to the final recommendation, to reflect the importance of facilitating consistent protections and outcomes for embedded network customers.

### **Recommendation 3**

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*That the AEMC amend Recommendation 3 to: The AER should develop guidance and update the Better Bills Guideline and the Exempt Selling Guideline.*

## **4.4 Information campaigns – Services Australia and jurisdictions**

We support Draft Recommendations 4 and 5 seeking to ensure eligible consumers receive information on rebates and concessions from a range of trusted sources, including Services Australia and through jurisdictional channels. Improved information will be part of a coordinated set of measures to improve outcomes.

However, information must not be seen as sufficient or an alternative to retailer requirements and longer-term reforms enabling automation. Lack of awareness of concessions and rebates is a relevant issue for some consumers. However, many consumers know they are eligible but face



other impediments or issues preventing their access. Many of these are systemic issues outside of the control of consumers and cannot be resolved by information campaigns.

## 4.5 Cross-agency forum

Our organisations support Draft Recommendation 6: Jurisdictions, Services Australia and retailers should establish a cross-agency forum to resolve:

- Verification issues;
- Verification of renewed cards;
- Services Australia Explicit Informed Consent requirements;
- Flexibility for address changes; and
- Ongoing verification for permanent concessions

This aligns with recommendations provided to the AEMC in our submission to issues paper, specifically:

- *Require retailers to develop systems and approaches which enable identification of name and details mismatch issues, and discretion to resolve them where possible;*
- *Require retailers to create systems that allow for identification and recording of permanent concession holders.*

We recommend a minor amendment to ensure consumer and community organisations are involved in these forums, as organisations uniquely knowledgeable about the gap between concession eligibility and access, the lived experience of consumers and the myriad causes of poor consumer outcomes.

### **Recommendation 4**

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*That the AEMC amend Draft Recommendation 6 to: Jurisdictions, Services Australia, retailers and consumer stakeholders should establish a cross-agency forum to resolve:*

- *Verification issues;*
- *Verification of renewed cards;*
- *Services Australia Explicit Informed Consent requirements;*
- *Flexibility for address changes;*
- *Ongoing verification for permanent concessions; and*
- *Other administrative and process barriers to eligible consumers accessing their concessions and rebate entitlements.*

#### **4.5.1 Non-account holders**

We understand the Commission is seeking input from stakeholders on a solution for circumstances where the person in the household eligible for a concession or rebate is not the energy account holder.

We continue to recommend the AEMC enact or recommend reform allowing a concession or rebate to be applied to an account if it can be demonstrated anyone living permanently in the

home is eligible for a concession or rebate. This approach has been enabled for the NSW life support energy rebate, demonstrating that such an approach is practical and has precedent.

To mitigate potential risks of the more vulnerable person in the household being made an account-holder, we recommend that the person eligible for the concession or rebate should not be required to be the account-holder. Retailer systems should be developed to link a concession or rebate holder to an account, without requiring them to be financially liable for the account. This strikes an appropriate balance of risk, where concessions can be applied to every household with an eligible resident, without requiring the more vulnerable person/s in the household to assume the financial risk of being the energy account holder. The status quo is not without its own risks, where eligible concession-holders are either missing out on their entitlements or are required to assume the risk of being the account-holder.

If a rule change is determined not to be the appropriate mechanism to resolve this issue, the proposed cross-agency forum would be an appropriate vehicle through which to explore and implement this solution in consultation with community, service provider and family violence stakeholders.

#### **Recommendation 5**

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*That the AEMC recommend development of retailer systems capable of applying concessions or rebates to an account if anyone living in the home is eligible for a concession or rebate, not only the account holder. This may be best progressed through the cross-agency forum.*

## **4.6 Retailers**

We support Draft Recommendation 7: Retailers should make it easy for customers to add concession details. We expect the forthcoming AER guideline reviews will be an appropriate forum through which consumer and community stakeholders can provide more detailed input into enacting this recommendation.

We highlight the principles which should guide retailers seeking to implement improvements prior to the finalisation of the AER guideline reviews. These principles include:

- Retailers are responsible for ensuring consumers eligible for concessions and rebates have them consistently applied to their bills;
- The burden of responsibility for verification should be on the retailer;
- Retailer discretion should benefit the consumer;
- Verification systems should enable discretion. If there is an administrative barrier to application that is unresolvable by the consumer, but is identifiable by the retailer (e.g. address mismatch or naming convention issue), the retailer should have scope to exercise discretion to benefit the consumer by providing special-case systems to facilitate application of the concession or rebate where it can be reasonably determined they should be eligible;

- There is no wrong door. Retailers should regularly and proactively seek information from consumers as to whether they are eligible for concessions and rebates when and where consumers engage with retailers including on bills, in-person, phone calls, chatboxes and digital apps and accounts; and
- Supporting infrastructure should be improved, including retailer call-wait times, avenues for in-person support, access to interpreters and culturally-safe customer service.

## **5. Continued engagement**

Our organisations welcome the opportunity to meet with the AEMC, Energy Ministers and other stakeholders to discuss these issues in more depth.