

19 December 2025

Mr Adam Day
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Via email: consumers@aer.gov.au

Dear Adam

Retail guidelines review – Consultation paper

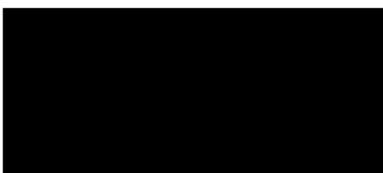
Thank you for the opportunity to comment on the consultation paper.

The comments contained in this submission reflect the feedback of the Energy & Water Ombudsman NSW (EWON), Energy & Water Ombudsman South Australia (EWOSA), and Energy and Water Ombudsman Queensland (EWOQ). We are the industry-based external dispute resolution schemes for the energy and water industries in New South Wales, South Australia, and Queensland.

We have collectively reviewed the consultation paper and have only responded to those matters that align with issues customers raise, or with each respective organisation's operations as they relate to the consultation.

If you require any further information regarding our submission, please contact Dr Rory Campbell, Manager Policy & Systemic Issues (EWON) on [REDACTED], Mr Antony Clarke, Policy and Governance Lead (EWOSA) on [REDACTED], or Mr Jeremy Inglis, Manager Policy and Research (EWOQ) on [REDACTED].

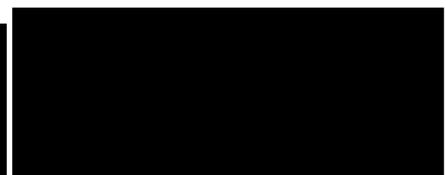
Yours sincerely



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Executive summary

Language and consumer labelling matters

For many years now, our submissions about energy affordability point out that the word ‘hardship’ is viewed, by many people, as being a discriminatory or dysfunctional label. This has been agreed very often by regulators, financial counsellors, and many other key stakeholders. In fact, in its review of the payment difficulty framework, the Australian Energy Regulator (AER) found that introducing a single, consistent definition for customers experiencing payment difficulty could include ‘updating the terminology used in the definition to avoid the stigmatising language of ‘hardship’, which is a barrier to some customers accessing assistance’.¹

We recognise that the continued use of the term ‘hardship’ is largely due to language ingrained in the National Energy Customer Framework (NECF) so we reluctantly use the term when referring to those provisions in this submission. Where possible, we use the terms affordability program and affordability policy, instead of hardship program and hardship policy. We also express that ‘people experience vulnerability’ rather than labelling as ‘vulnerable consumers’.

It is time that the energy sector stands up and commits to using no discriminatory and/or dysfunctional terminology – until that occurs, customers will continue to be ‘named and blamed’ rather than engaged by the energy sector. The change could start with renaming the customer Hardship Policy Guideline to Retailer Energy Affordability Policy Guideline.

Summary of recommendations

- **Approach to combining the guidelines – consultation question 1**
 1. Do not combine the Customer Hardship Policy Guideline with the other three guidelines (Benefit Change Notice Guidelines, Better Bills Guideline and Retail Pricing Information Guidelines).
- **Improving retail communications – consultation questions 2 and 3**
 2. Do not make this the only opportunity to comment on the Customer Hardship Policy Guideline before the draft determination. This could be achieved by releasing a directions paper prior to publishing the draft determination.
 3. Apply the Better Bills Guideline design principles to the Benefit Change Notice Guidelines and Retail Pricing Information Guidelines.
 4. Do not automatically apply the Better Bills Guideline design principles to the Customer Hardship Policy Guideline.
 5. Retain Ombudsman phone numbers on the front page of customers’ bills and consider additional wording. Retailers can better design this section to promote their contact number.
 6. Add additional context to estimated bills for customers with smart meters as Tier 2 information.
 7. Reintroduce the Next Scheduled Read Date for gas meters and manually read meters as Tier 2 information.
 8. Require more detailed information on demand tariff charging windows as Tier 2 information.

¹ AER, Review of payment difficulty protections in the National Energy Customer Framework – Findings Report, May 2025, p14

9. Require retailers to send the benefit change notice by mail if a customer has not indicated a sending preference.
 10. Require retailers to provide both amounts, both 'with' and 'without' any conditional discounts, on benefit change notices.
- **Managing increasing complexity – consultation questions 5, 6 and 7**
 11. Do not make this the only opportunity to comment on secondary settlement points before the draft determination. This could be achieved by releasing a directions paper prior to publishing the draft determination.
 12. Use opportunities to improve clarity through:
 - Presentation.
 - Plan names.
 - Highlighting eligibility criteria.
 - Highlighting behavioural change requirements.
 - Highlighting plans based on remote control of customer appliances.
 - Consistent language.
 13. Explore options to require retailers to provide distinct names for differently priced and structured energy plans.
 - **Making it easier to access a better offer – consultation questions 8, 9 and 10**
 14. Introduce an explicit requirement that better offer messages only include energy offers for which the customer is eligible.
 15. Introduce a requirement for retailers to include a deemed better offer message on the energy account home page of the customer's retailer app or online service, or by text or separate letter.
 - **Improving price transparency – consultation questions 11 and 12**
 16. Provide more information about the circumstances in which fees are applicable.
 17. Require authorised retailers in embedded networks to publish energy prices publicly for their buildings.
 - **Improving payment assistance information – consultation questions 13 and 14**
 18. **Rename the Customer Hardship Policy Guideline as the Retailer Energy Affordability Policy Guideline and use non discriminatory / stigmatising language in standardised statements.**
 19. Reference the customers' right to access Energy Ombudsman Schemes in the standardised statements.
 20. Ensure the standardised statements are action-based and specific commitments of retailers to their customers.
 21. Amend the standardised statements to include:
 - The principle that disconnection is a last resort.
 - A standardised statement that alerts customers to concession information being on their bill.
 - Information relating to deemed better offers and the AEMC rule change for affordability customers.
 22. Introduce formal requirements for completing payment plan and affordability program assistance.

23. Formalise affordability protections on closed accounts.
24. Reintroduce information about the availability of the Government funded energy charge rebate, concession or relief scheme as Tier 2 information.

Responses to the AER's questions

Question 1: How can we make sure the combined guidelines are easy for stakeholders to use, including retailer staff who will be responsible for implementing the requirements?

Recommendation 1: Do not combine the Customer Hardship Policy Guideline with the other three guidelines (Benefit Change Notice Guidelines, Better Bills Guideline and Retail Pricing Information Guidelines).

We support combining the following three guidelines:

- Benefit Change Notice Guidelines.
- Better Bills Guideline.
- Retail Pricing Information Guidelines.

The scope of this review focuses on simplifying the guidelines, improving retail communications, and managing increasing complexity for retailers. This is a reasonable approach and will likely be effective for the three guidelines listed above as they interact and share common objectives for how retail energy plans are marketed to consumers and what information a customer receives on their bill.

The Customer Hardship Policy Guideline neither interacts nor shares common objectives relating to marketing and billing.

We therefore do not support merging the Customer Hardship Policy Guideline with the three guidelines outlined above.

The introduction of the Customer Hardship Policy Guideline sought to resolve compliance and enforcement issues that were identified by the AER through reviews of retailer affordability policies in 2015² and 2017³. The reviews found that many affordability policies lacked specific action statements to give effect to the minimum requirements under section 44 of the National Energy Retail Law (NERL) and were difficult to navigate, were inconsistent and generally not clear. In 2017, the AER also identified through enforcement action that, if an affordability policy contains general principles as opposed to clear commitments, it can be difficult to determine whether a retailer has in fact acted in accordance with its affordability policy.

The Customer Hardship Policy Guideline was developed to fulfill multiple purposes. For example, the AER intended the guideline to help address three critical issues:

- Application of a retailer's affordability policy at a customer level.
- Customers being unclear about rights and entitlements.
- Difficulties in assessing whether a retailer is meeting the affordability obligations under the NERL.⁴

² AER, Review of energy retailers' customer hardship policies and practices, January 2015

³ AER, Amendments to AER compliance procedures and guidelines – Notice of final instrument, June 2017

⁴ AER, Request for rule change – strengthening protections in the NERL for customers in financial hardship, 21 March 2018, p1

There are clear risks associated with consolidating the Customer Hardship Policy Guideline with the other three guidelines outlined above. For example:

- If priority is given to increased simplicity and consistency across four guidelines that have different purposes, it could reduce customers' affordability protections by diluting the multiple purposes of the Customer Hardship Policy Guideline.
- If priority is given to making the guideline more principle-based, this would run counter to the AER's findings in 2017 that, the general and principles-based nature of many affordability policies is contributing to some poor customer outcomes and, in particular, to customers most in need of assistance not always being able to access it.
- If priority is given to making the standardised statements more 'consumer friendly' it could reduce the effectiveness of the standardised statements that commit retailers to specific actions, which mirror the minimum requirements for affordability policies (resulting in action-based affordability policies).

The Customer Hardship Policy Guideline interacts with the Payment Difficulty Framework in the NECF by interlocking and building upon it to strengthen protections for vulnerable consumers in the National Energy Retail Rules (NERR) and the NERL. Merging the Customer Hardship Policy Guideline with the other guidelines does not align with the findings from the AER's Payment Difficulty Framework Review which outlined:

- The protections in the current framework are not fit for purpose.
- There is a persistent assistance gap that means some customers are missing out on help.
- The quality of information about assistance is inconsistent and can often fail to meet customer needs.
- Assistance provided under the framework is often ineffective, places inappropriate expectations on customers and is provided in an inconsistent way across retailers.
- Disconnection is relied on as an engagement tool, rather than a last resort.⁵

Combining the Customer Hardship Policy Guideline with the other three guidelines in this review, risks exacerbating the above issues rather than improving protections for vulnerable consumers.

Recommendation 2: Do not make this the only opportunity to comment on the Customer Hardship Policy Guideline before the draft determination. This could be achieved by releasing a directions paper prior to publishing the draft determination.

The scope of this consultation paper on the Customer Hardship Policy Guideline and standardised statements is far too broad for stakeholders to provide effective comment. Stakeholders need more opportunity to provide feedback on the direction taken by the AER in modifying the Customer Hardship Policy Guideline.

The Customer Hardship Policy Guideline is a critical protection for energy consumers at risk of vulnerability. Stakeholders should be given adequate opportunity to comment on any proposed direction for amending the guideline or standardised statements.

We recommend the AER conduct a separate review of the Customer Hardship Policy Guideline, including its renaming, that allows stakeholders to adequately comment on any intended changes to it or the standardised statements. If this cannot be done, we urge the AER to publish a directions paper that allows stakeholders to adequately comment on any intended changes to the standardised statements.

⁵ AER, Review of payment difficulty protections in the NECF – Findings report, May 2025

Question 2: How could we adapt the design principles to different communications and where is more specific formatting guidance required?

Recommendation 3: Apply the Better Bills Guideline design principles to the Benefit Change Notice Guidelines and Retail Pricing Information Guidelines.

The design principles outlined in the Better Bills Guideline and supported by BETA's behavioural research⁶ could be applied to the Benefit Change Notice Guidelines and the Retail Pricing Information Guidelines. A cautious approach is warranted, particularly for the Retail Pricing Information Guidelines, as technical terminology, complex information and a detailed presentation is required for retailers to ensure that they meet their obligations.

Recommendation 4: Do not automatically apply the Better Bills Guideline design principles to the Customer Hardship Policy Guideline.

The same approach should not be applied to the Customer Hardship Policy Guideline as this would likely weaken the responsibility that retailers have to vulnerable customers. The approach to language and terminology should continue to be considered carefully, with nuance, and dependent on if the communication is for retailers or customers.

Question 3: How could we make communications more accessible for customers?

Recommendation 5: Retain Ombudsman phone numbers on the front page of customers' bills and consider additional wording.

We strongly support Ombudsman phone numbers being presented on the front page of customers' bills – albeit it should also be presented in additional places, such as the covering email for a customer's bill. The benefits for customer awareness are invaluable including that it helps build trust in the energy sector. EWOs have experienced customers contacting ombudsmen when intending to contact their retailer, with some EWOs seeing more of an increase than others. However, we all have robust processes to manage these contacts. It should also be noted, that customers who say they inadvertently phoned an Ombudsman office as a result of seeing the number on page 1 of their bill, listen to Ombudsman welcome messages, and then engage with Ombudsman staff about the energy issue they have experienced. They have the choice to end the call and contact their retailer but instead, seek out independent advice and information that may prevent a later complaint about their retailer.

Some retailers have chosen contact information presentation approaches that present Ombudsman contact numbers more prominently than others – they could amend their approach. Alternatively, a requirement with specific wording in the Better Bills Guideline may help to address the issue of customers contacting Ombudsman Schemes when intending to contact their retailer. For example, the wording accompanying the EWO phone number could be: 'If you have an unresolved complaint, contact your Energy and Water Ombudsman'.

Recommendation 6: Add additional context to estimated bills for customers with smart meters as Tier 2 information.

EWON held a series of metering roundtables in 2025 which included the AER, retailers, metering service providers and other key industry bodies. A key theme that emerged was that rules for estimated bills are not fit-for-purpose for smart meter billing and can lead to customer confusion.

⁶ BETA, Better bills impact report – How the AER's Better Bills Guideline drives consumer confidence and market engagement, August 2025

For example, we explored the issue of customer confusion when they receive a bill marked estimated, and it is later clarified that only a few intervals out of the whole period were estimated.

We have discussed directly with the AER that changes to the Better Bills Guideline requirements could help make estimated bills for customers with smart meters more fit-for-purpose. For customers with remotely read smart meters who receive an estimated bill, possible approaches could include:

- Specific wording required as Tier 2 information to help customers understand that their meter is read remotely and the full period may not be estimated.
- A requirement to include the approximate percentage of data that is estimated as Tier 2 information.

Recommendation 7: Reintroduce the Next Scheduled Read Date for gas meters and manually read meters as Tier 2 information.

While Next Scheduled Read Date information is not relevant for customers with remotely read smart meters, our complaints indicate that remains relevant for:

- Customers with manually read legacy meters.
- Customers with Type 4A meters, whether by choice or due to connectivity issues.
- Customers with gas.

To assist these customers, the guidelines could be updated to include a requirement to include the Next Scheduled Read Date for these meter types. This is particularly important for customers who need to provide access to their meter.

Recommendation 8: Require more detailed information on demand tariff charging windows as Tier 2 information.

Our review of demand tariff billing complaints found that the level of demand information is very variable, while still technically complying with 41(b) of the Better Bills Guideline. 41(b) requires applicable charging windows to be included as Tier 2 information on energy bills. Charging windows are defined as ‘times when rates apply based on tariff structure’.

Many retailers provide the minimum information required to fulfill a definition of ‘charging window’ – usually either:

- the time of year the demand applies (eg High Season Demand November) and applicable rate
- the time of day the demand applies (eg ‘Mon-Fri 5pm-9pm’) and applicable rate.

Other retailers provide full charging window details ie:

- the time of year AND time of day the demand applies (eg ‘2pm-8pm on working weekdays, Apr-May and Sep-Oct’) and applicable rate.

We only identified one retailer that includes information about the exact half hour window within the relevant period, which sets the customer’s peak price – a key piece of information to drive behavioral change for a customer on a demand tariff. Most customers are required to contact their retailer if they wish to obtain this information.

We have discussed directly with the AER that we consider more detailed information is best practice. This provides the customer with sufficient information about demand tariff charging to help them

respond to price signals. The AER should consider measures such as making the definition of 'charging window' more specific and detailed.

Question 4: How could benefit change notices be improved to make it easier for customers to understand and take action when their benefit is changing?

Recommendation 9: Require retailers to send the benefit change notice by mail if a customer has not indicated a sending preference.

Clause 34 of the Benefit Change Notice Guidelines states:

"If a customer has not indicated a preference for how they wish to receive written communication, the retailer may decide the method by which to send the customer the benefit change notice."

This presents a potential risk as it is ambiguous enough to lead to the customer not receiving the benefit change notice at all. We recommend that if the customer has not indicated a preference, the retailer must inform the customer by mail to ensure they receive the notice.

Recommendation 10: Require retailers to provide both amounts, both 'with' and 'without' any conditional discounts, on benefit change notices.

Clause 65 of the Benefit Change Notice Guidelines is also of concern and risks confusing customers:

"A retailer has discretion over whether to include conditional discounts in the 'do nothing' amount in the benefit change notice. A retailer must clearly state in the benefit change notice whether the 'do nothing' amount includes, or does not include, conditional discounts."

We recommend retailers provide both amounts, with and without any conditional discounts to make this clearer for the customer.

Question 5: How will secondary settlement points change energy plans and energy plan information?

Recommendation 11: Do not make this the only opportunity to comment on secondary settlement points before the draft determination. This could be achieved by releasing a directions paper prior to publishing the draft determination.

The introduction of secondary settlement points will inevitably add a layer of complexity to energy plans and energy plan information. It will also create additional eligibility criteria and information requirements for plans that involve a secondary settlement point. These will differ based on the type of consumer energy resources (CER) metered at the secondary settlement point.

The concept of 'secondary settlement points' is new to most energy consumers and at this stage it is unclear how retailers intend to market these products to customers.

We cannot comment on the requirements for secondary settlement points, however, EWON complaints would provide insights into any intended inclusions, and this is why we consider there is need for further consultation, such as a directions paper prior to the draft determination.

Question 6: How could our guidelines make complex energy plan information more relevant and easier to understand?

Recommendation 12: Use opportunities to improve clarity through:

- **Presentation.**
- **Plan names.**
- **Highlighting eligibility criteria.**
- **Highlighting behavioural change requirements.**
- **Highlighting plans based on remote control of customer appliances.**
- **Consistent language.**

As noted above, the introduction of secondary settlement points will add complexity to energy plans and energy plan information. However, secondary settlement points represent only one of many changes occurring in the National Electricity Market (NEM) with the potential to contribute to energy plan complexity. Other factors include:

- Rapid uptake of solar PV systems.
- Increasing uptake of home battery storage.
- Increasing uptake of electric vehicles (EVs).
- Increasing involvement of small customers in Virtual Power Plant (VPP) arrangements.
- Increasing prevalence of power purchase agreements.
- Energy products that bundle the installation and financing of CER with retail market offers.
- Increasing prevalence of third-party control arrangements for customer appliances.
- The accelerated smart meter rollout.
- Increasing assignment of cost reflective tariffs.
- The introduction of a two-year explicit informed consent period for retailers to change retailer tariff structures, after a smart meter installation, subject to a considerable list of exceptions.
- The proposed introduction of the Solar Sharer Offer across the NEM.

In light of these factors, plan information will become unavoidably more complex for customers.

Presentation

As noted in our response to Question 2, we see the potential to apply the design principles articulated in Part 3 of the Better Bills Guideline, to improve the clarity of complex energy plan information.

Plan names

As we discuss in more detail in our response to Question 7, we consider that a restriction on retailers reusing plan names has the potential to avoid additional confusion, which may present a barrier to customers engaging with more substantial energy plan information.

Highlighting eligibility criteria

A number of complexities arise with the increasing uptake of new energy technologies and energy plans designed to utilise these technologies. One way to improve clarity may be to prioritise eligibility conditions in plan information, to ensure that customers start with a clear indication of whether a specific plan is appropriate to their circumstances. Examples include plans requiring a customer to have or be willing to obtain a smart meter, solar PV (Photovoltaic) installation, battery storage, electric vehicle (EV), or controlled load appliance.

Highlighting behavioural change requirements

Many energy plans present potential benefits to customers, contingent on the customer consuming energy in a particular way. These plans will not be suitable for all customers. As such, it is important

to emphasise the different usage and cost variables in plain, everyday language and a clear informational format, so that customers can make an informed decision about whether the plan is suitable. Examples include, plans based on time of use or demand tariffs, the proposed Solar Sharer Offer and wholesale pass through-style plans. Plans relying on consumer behaviour also present challenges for billing – see our analysis of demand billing in Question 3 as an example.

Highlighting plans based on remote control of customer appliances

A number of plans offer customers a benefit, in the form of a credit or reduced unit price, contingent on the retailer or a related third party having conditional control of a customer device. Examples are VPPs, which can access batteries or control hot water system timing. In our experience, customers often do not fully understand or trust third party control of their devices, which leads to complaints and a potential loss of trust in the industry. As such, where a plan includes third party control of a customer appliance, it is important that this condition is prioritised in the plan information.

Consistent language

Clauses 65 to 69 of the Retail Pricing Information Guidelines set out language requirements to apply to energy plans provided to Energy Made Easy and in retailer marketing and advertising. However, Clause 69 notes that these requirements do not extend to bills or contracts. We consider that, in the process of combining the guidelines, the AER might expand the list of ‘required terms’ in Table 3 and broaden its application to cover bills, contracts, rate change notices and end of benefit notices. In our view, this has the potential to improve consistency, reduce confusion and make plan information easier to understand and interpret across the different forms of communication.

Question 7: How could we improve transparency and reduce customer confusion in relation to energy plan names?

Recommendation 13: Explore options to require retailers to provide distinct names for differently priced and structured energy plans.

Many consumers face confusion around energy plan names because some retailers sell different priced plans with the exact same names. Customers assume they are on the cheapest plan when they are on the more expensive version and mistakenly choose not to switch because they believe the message is a mistake or irrelevant to them, even when presented as the better offer message.

In May 2025, CHOICE submitted a complaint to the Australian Competition and Consumer Commission (ACCC) about potentially misleading practices around retail energy plans.⁷ The ACCC recognised that these issues may cause consumer harm as they prevent consumers from being able to make informed decisions when choosing their energy provider or plan.⁸ The ACCC has also conducted analysis which demonstrates the potential scale of the issue, identifying that more than two million customers who could have been on cheaper electricity plans were quoted better offers with the same name as their current offer.⁹

The Essential Services Commission (ESC) conducted research that indicates around 360,000 consumers in Victoria are on older or more expensive versions of plans that have a cheaper alternative with the same name.¹⁰ To overcome this barrier to switching, the ESC has decided to change Victoria’s energy rules to enable customers to easily switch to their retailer’s cheapest plan. From October 2026, retailers will be required to have effective processes available for customers to switch to their best offer. In practice, retailers should distinguish between different plan names so that customers can be confident when comparing and switching plans. Although this approach

⁷ CHOICE, The Power of Confusion: CHOICE ‘super’ complaint on energy plans, May 2025

⁸ ACCC, Designated complaint – further action notice, 19 August 2025

⁹ ACCC, Inquiry into the National Electricity Market – December 2024 Report, 3 December 2024, p54

¹⁰ ESC, Same name, different prices – Our outcomes based approach to simplifying best offer, 18 November 2025

shows promise, it has not yet been implemented and operationalised, so its practical impacts are not fully understood.

Given this uncertainty, we consider a targeted approach may ensure more consistent and stronger consumer protections and customer-centred outcomes. We recommend exploring the option to require retailers to provide different names for different plans. This is likely to deliver clarity for consumers and support customers' ability to make informed decisions.

Question 8: How could we ensure better offer messages are clear, relevant and trusted?

Question 9: Where should customers receive better offer messages and how could we ensure the messages are clear and appropriate for different kinds of communications?

Question 10: What should we consider defining the term 'deemed better offer', including in relation to how better offers are identified and how much a customer would need to save?

Recommendation 14: Introduce an explicit requirement that better offer messages only include energy offers for which the customer is eligible.

The integrity and relevance of the better offer message would be enhanced by including only plans for which the customer currently meets the eligibility criteria. Where customers receive a recommendation, which is contingent on their meeting criteria that they can't, or don't want to meet, it may reduce their incentive to engage with the message in the future.

Recommendation 15: Introduce a requirement for retailers to include a deemed better offer message on the energy account home page of the customer's retailer app or online service, or by text or separate letter.

We welcome the AEMC's recent determination to include better offer messages on any written communications relating to, and sent at, the same time as a bill.¹¹ However, we consider there are further opportunities to ensure this important message is received by energy consumers.

Complaints to EWOs suggests that the better offer message on the bill is often missed by customers. Considering the uptake of retailer mobile apps or online services, which also provide a direct payment portal and allow a customer to pay their bill without opening it, we suggest that the AER also introduce a requirement for retailers to include a deemed better offer message on the energy account home page of the customer's retailer app or online service. Our view is that this will increase the likelihood that customers who predominantly interact with their retailer via the mobile app or online services will be exposed to this vital messaging. For those customers who do not use the app or online services, a text message or separate letter alerting them of a better offer would be appropriate.

¹¹ AEMC, National Energy Retail Amendment (Improving the ability to switch to a better offer) Rule – Final determination, 11 September 2025, p4

Question 11: How could we improve transparency of fees and charges in plan information and on Energy Made Easy without making plan information too complex for customers?

Recommendation 16: Provide more information about the circumstances in which fees are applicable.

In light of the changes introduced by the AEMC's removing fees and charges rule change, some key fees outlined in the Retail Pricing Information Guidelines require adjustment, qualification or rearrangement. Retailers will be prohibited from:

- Charging certain non-network charges to all customers.
- Charging any non-network charges to 'hardship' customers, customers experiencing payment difficulties and 'affected customers'.¹²

Customers will therefore need additional information about the circumstances where a fee is applicable, without providing excessive detail, which might risk cluttering the relevant information and making it more difficult to understand.

Question 12: What information would be useful for customers in embedded networks to understand their energy plan and how it compares with others in the market?

Recommendation 17: Require authorised retailers in embedded networks to publish energy prices publicly for their buildings.

The retail market requires transparency of energy plans to enable consumers to make informed choices and navigate a complex energy market. Transparency of plans enables customers to determine the best plan for them, easily compare plans and make decisions to switch, and avoid paying more than they need to. Energy plan transparency also keeps retailers accountable, builds consumer trust in the energy market, and promotes competition.

Customers in embedded networks in strata schemes do not have access to transparency of plans. Strata schemes are not required to publish their retail electricity plans publicly so that embedded network tenants or new customers can easily compare and switch between strata schemes.

Authorised retailers in embedded networks should be required to publish energy prices publicly (ie on their website) for their buildings and provide a link to this information on Tier 2 information on the customer's bill.

Question 13: What specific changes could we make to the standardised statements in hardship policies to make them more consumer friendly?

Recommendation 18: Rename the Customer Hardship Policy Guideline as the Retailer Energy Affordability Policy Guideline and use non discriminatory / stigmatising language in standardised statements.

The word 'affordability' should replace 'hardship' wherever possible, noting it may be necessary to use the term 'hardship' at specific points in the Customer Hardship Policy Guideline, and the standardised statements, when linking them directly to the NERL or the NERR – until wording in both are appropriate. The term 'in hardship' is a stigmatised label. If the standardised statements guide retailers to use words such as 'affordability' wherever appropriate, a greater number of customers

¹² Rule 52A, National Energy Retail Amendment (Improving consumer confidence in retail energy plans) Rule 2025 No 3

who experience financial vulnerability may self-identify. It may also open the door to initiating easier conversations between retailer staff and customers who need these programs.

Recommendation 19: Reference the customers’ right to access Energy Ombudsman Schemes in the standardised statements.

Standardised statements should include a reference for customers to access an Energy Ombudsman Scheme if a customer is not satisfied with their retailer’s response to their request for assistance.

At a minimum, the standardised statements should require a retailer to refer a customer to an energy ombudsman if the customer is:

- Refused a payment plan or had their offer of a payment plan rejected.
- Ineligible for the retailer’s affordability program.
- Denied any other assistance referred to in the retailer’s affordability policy.

When customers complain to EWON about energy affordability or disconnection for non-payment, too often the customer has failed to be referred to the retailer’s affordability program, has been removed from an affordability program, or has not been positioned to negotiate an affordable payment plan with their retailer.

Recommendation 20: Ensure the standardised statements are action-based and specific commitments of retailers to their customers.

Mandatory standardised statements in affordability policies must be maintained. Any changes to this language and terminology should be given careful and nuanced consideration as protections for consumers rely on the guidelines and standardised statements.

As we noted under Question 1, the AER has previously identified through enforcement action that if an affordability policy contains general principles as opposed to clear commitments, it can be difficult to determine whether a retailer has in fact acted in accordance with its affordability policy.

Standardised statements should continue to reflect their purpose:

- Requiring accountability of retailers to meet minimum standards of support for their customers who are experiencing vulnerability.
- Providing customers with information that uses clear and simple language so that consumers can understand their options.

The AER’s 2018 Issues Paper on standardised statements outlined the importance of standardised statements for consumers:

*“The inclusion of clear and specific standardised statements across industry will also mean hardship policies, as a whole, will be more ‘customer friendly’”.*¹³

In our submission to this Issues Paper, we recommended that standardised statements must contain strong action-based commitments requiring retailers to make specific commitments in their affordability policies.¹⁴ We maintain our recommendation that standardised statements should be specific, actionable, firm and should not be subjective as this would risk customers’ protections being minimised and undermine the Customer Hardship Policy Guideline.

¹³ AER, Standardised statements for use in customer hardship policies – Issues paper, November 2018, p12

¹⁴ EWON submission, AER Standardised statements for use in customer hardship policies – Issues paper, 7 December 2018, p1

Recommendation 21: Amend the standardised statements to include:

- The principle that disconnection is a last resort.
- A standardised statement that alerts customers to concession information being on their bill.
- Information relating to deemed better offers and the AEMC rule change for affordability customers.

Section 3 of the standardised statements includes the phrase ‘we might disconnect your energy’. We recommend amending this statement to ‘as a last resort, we might disconnect your energy’ to reduce the threatening nature of this statement to customers.

Section 4 of the standardised statements describes the ways customers can get help from their retailer to pay their energy bill. We suggest adding a standardised statement that alerts customers to concession information being on their bill.

Section 6 of the standardised statements needs revising to account for deemed better offers and the AEMC rule change for affordability customers.

Recommendation 22: Introduce formal requirements for completing payment plan and affordability program assistance.

We recommend that the Customer Hardship Policy Guideline should include the scenario when customers successfully finish a set payment plan by ‘completing’ or ‘graduating from’ an arrangement after a fixed period or based on a specific retailer criterion, rather than being removed or failing.

In our submission to the AER’s review of payment difficulty protections, we outlined that there are no formal requirements around exiting or completing assistance where the customer has adhered to all payment and engagement requirements.¹⁵

We maintain the view that when customers successfully complete a payment plan or finish an affordability program, they should not be automatically removed from the plan or program without any notification or support from their retailer. Without any formal requirements for retailers and a supportive framework for customers, consumers are at risk of missing payments and continuing to experience affordability issues (eg failing to make a payment because they were unaware that their payment plan had stopped, then receiving late payment fees and disconnection notices).

Potential standardised statements for these scenarios could include:

- ‘Once you’ve completed/graduated from your payment plan, we will not move you to a different plan without speaking with you first’.
- Alternatively, the retailer could be required to write to the customer upon completion of their payment plan.

Recommendation 23: Formalise affordability protections on closed accounts.

This review also provides an opportunity to formalise affordability protections on closed accounts (if the customer was an existing affordability customer upon closing the account). Customers open and close accounts for a range of reasons, such as moving in or out of a property or changing retailers for a better deal. Customers with closed accounts do not have access to a range of consumer protections, including:

¹⁵ EWON, EWOQ and EWOSA submission, AER Review of payment difficulty protections in the NECF – Issues Paper, 25 June 2024, p17

- Affordability policy approved by the AER.
- Affordability programs.
- Payment arrangements.
- Protection under AER Sustainable Payment Plan Framework.
- Centrepay payment arrangements.
- Energy Accounts Payment Assistance.

Treating all closed accounts in a similar way does not consider the range of circumstances consumers face. Customers who are experiencing financial vulnerability and close their account will continue experiencing financial vulnerability and will need assistance in dealing with debt, but do not have the same consumer protections as customers with open accounts.

In 2020, the AER’s Statement of Expectations required payment plans to be offered for closed accounts.¹⁶ Our complaint data saw a reduced number of credit complaints as a result of the Statement of Expectations.¹⁷ We recommend a framework for customers experiencing financial vulnerability with closed accounts to enable better outcomes for customers.

Question 14: What concession and rebate information should be included on energy bills?

Recommendation 24: Reintroduce information about the availability of the Government funded energy charge rebate, concession or relief scheme as Tier 2 information.

In our response to the AER’s draft Better Bills Guideline consultation, we noted that the previous requirement under Rule 25 of the NERR for retailers to include ‘reference to the availability of government funded energy charge rebate, concession or relief scheme’ was not included as Tier 1 or Tier 2 information. We recommended the AER reconsider categorising rebate information as at least Tier 2 information to increase knowledge and uptake of rebates for customers who are eligible but not already receiving them.¹⁸ We reiterate this position and strongly recommend the AER reconsider categorising concession and rebate eligibility information as Tier 2 information.

The AEMC noted in its final determination on improving the application of concessions to bills that ‘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’.¹⁹ Including reference to the availability of concessions and rebates as Tier 2 information on bills is a simple and effective way to contribute to this outcome.

We also agree with the AEMC’s recommendations that the AER:

- Consider adding a requirement to the Better Bills Guideline to include information on the first and final bills that concessions do not transfer.
- Develop guidance for retailers on how best to inform customers about the availability of concessions and ask them about their eligibility.
- Consider applying the rule change to relevant exempt sellers by updating the Retailer Exempt Selling Guidelines.²⁰

¹⁶ AER, Statement of Expectations of energy businesses – protecting customers and the energy market during COVID-19, 29 June 2021

¹⁷ EWON, Spotlight On – Consumer and small business energy debt solutions, November 2021

¹⁸ EWON, EWQQ and EWOSA submission, AER Draft Better Bill Guideline, 31 January 2022, p2

¹⁹ AEMC, National Energy Retail Amendment (Improving the application of concessions to bills) Rule 2025 – Final determination, 25 September 2025, pi

²⁰ Ibid, p27