



# First Nations Clean Energy Network

## AER Retail Guidelines Review

December 2025



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## 1. Introduction

The First Nations Clean Energy Network (the Network) welcomes the opportunity to respond to the AER's *Retail Guidelines Review* and the consolidation of the Benefit Change Notice Guidelines, Better Bills Guideline, Hardship Policy Guideline and Retail Pricing Information Guidelines.

The review arrives at a moment of significant national reform, including:

- the First Nations Clean Energy Strategy, endorsed by all Australian Energy Ministers in 2024 as a whole-of-government blueprint for achieving equitable First Nations participation and outcomes across the energy system;
- the National Energy Equity Framework (NEEF), agreed by Ministers in March 2025, which establishes a nationally consistent equity standard for all energy policies and programs; national-energy-equity-framework
- major reforms to customer protections under the Better Energy Customer Experience (BECE) program; and
- growing evidence of energy inequities affecting First Nations peoples (as evidenced in the recent Original Power [The Right to Power](#) report)

The Network strongly supports this review as a critical opportunity to align retail regulation with these national directions and to correct persistent inequities that prevent First Nations households—especially in remote and regional areas—from accessing safe, affordable and reliable energy.

## 2. About the First Nations Clean Energy Network

The [First Nations Clean Energy Network](#) (Network) is made up of First Nations people, groups, community organisations, land councils, unions, academics, industry groups, technical advisors, legal experts, renewables companies and others - working in partnership to ensure that First Nations share in the benefits of Australia's clean energy transition.

The Network is led by a Steering Group of First Nations leaders.

Australia's rapid transition to renewable energy will require access to vast areas of land and waters, including for thousands of kilometres of new transmission infrastructure. Enabling and empowering First Nations to play a key and central role in Australia's renewable energy transition goes beyond just social licence issues - it presents a unique opportunity for Australia to design a system that is fair and just and which can also positively impact and result in other social and economic benefits for First Nations.

As a national, First Nations-led coalition, the Network aims to enable and empower First Nations to participate in, benefit from, respond to, and shape renewable energy projects that impact their communities, land, waters and Sea Country.

The First Nations Clean Energy Network’s approach is built on three pillars:

- **Community**      The First Nations Clean Energy Network supports First Nations communities to shape the design, development and implementation of clean energy projects at every scale
- **Industry partnerships**      The First Nations Clean Energy Network acts as an innovation hub, promoting best practice standards and principles that companies should adopt and investors should require before committing capital to a clean energy project
- **Policy reform**      The First Nations Clean Energy Network advocates to lift significant federal and state regulatory barriers and stoke government investment, removing regulatory barriers to energy security and clean energy generation

The Retail Guidelines Review directly affects every aspect of First Nations energy experience—from billing and concessions, to hardship pathways, to protections for prepayment customers, to conditions for meaningful participation in the energy transition.

### **3. Context: First Nations energy inequity and the need for structural reform**

#### **3.1 Evidence of systemic inequity**

First Nations communities experience some of the most severe forms of energy insecurity in Australia. Research shows:

- Extreme levels of disconnection, particularly among households using prepayment meters. [The Right to Power](#) documents instances of daily and even multiple daily disconnections, placing households at significant risk.
- High rates of thermal stress, with 73% of surveyed households reporting health or safety risks related to heat or cold.
- Food safety harms, with 77% reporting food spoilage during disconnection cycles.
- Digital exclusion, literacy, and language barriers that prevent equitable access to retailer communications and hardship programs.
- Higher energy costs arising from poor housing quality, remote location, and limited consumer choice.

#### **3.2 National Energy Equity Framework: A mandate for systemic change**

The NEEF recognises explicitly that:

*“Energy policy significantly affects First Nations communities... many face unequal access to reliable and affordable energy... and are more likely to miss out on the*

*consumer protections taken for granted elsewhere.”*

— NEEF, p.5

It emphasises that hardship and inequity arise from structural barriers, not personal failings, and that all energy policies must:

- reduce administrative friction;
- remove eligibility barriers;
- use inclusive framing;
- address meso- and macro-level drivers of inequity; and
- consider the broader strategic context (including First Nations Clean Energy Strategy and Closing the Gap).

The Framework’s direction is unequivocal: regulators—including the AER—must design energy rules that produce equitable outcomes, not merely equal formal requirements.

### **3.3 The First Nations Clean Energy Strategy: Alignment required**

The First Nations Clean Energy Strategy commits all jurisdictions to:

- embedding equity and justice in energy market design;
- addressing structural causes of energy disadvantage;
- delivering improved protections for people experiencing energy hardship;
- ensuring First Nations consumers are not left behind in the transition to renewables; and
- co-design with First Nations peoples in all major energy reforms.

The AER cannot meet these national commitments unless its Retail Guidelines explicitly address First Nations inequity, prepayment customer protections, and culturally responsive communication.

## **4. Overarching recommendations**

The Network recommends that the combined Retail Guideline include:

### **1. A dedicated “First Nations and Equity” section**

Setting out obligations regarding accessible communication, cultural safety, translator services, community engagement, and support pathways.

### **2. Inclusion of prepayment customers across all guideline elements**

The current exclusion of prepayment customers is inequitable, inconsistent with the NEEF, and produces harmful outcomes.

### **3. Automatic concessions and rebates**

Manual application processes are a structural barrier. The NEEF explicitly endorses auto-enrolment where friction exists. (see NEEF, “Accessibility barriers and friction”, p.12).

#### **4. Proactive hardship identification**

Using hardship indicators such as payment patterns, missed bills, inactivity, or involuntary self-disconnection (recognised in NEEF as a valid hardship indicator; p.15).

#### **5. A Priority Services Register**

To ensure identification and protection of customers with medical, cultural, technological or geographic vulnerabilities.

#### **6. Mandatory data collection and reporting**

Including First Nations status (self-identified), postcode-level analysis, and prepayment disconnection events.

#### **7. Clearer, simpler, more culturally appropriate communication standards**

Drawing on behavioural insights, First Nations languages, visual design and trusted communication channels such as ACCOs and community radio.

### **5. Responses to AER Consultation Questions**

#### **Q1. How can the combined guidelines be made easy to use?**

##### **Network position: Embed equity and First Nations visibility from the outset**

The guidelines must:

- Include a dedicated First Nations and Equity section.
- Adopt NEEF principles as binding interpretive standards—particularly regarding friction reduction, inclusive framing, and structural barrier removal.
- Replace optional or “best endeavours” language with clear obligations—especially regarding hardship identification and communication.
- Ensure retailers can easily identify customers in communities with known hardship drivers (remote, regional, embedded networks, prepayment systems).

This aligns with the NEEF’s requirement that policies address drivers of hardship, not just symptoms (p.10).

#### **Q2. How could design principles be adapted for different communications?**

The Network recommends:

- Use of pictorial, icon-based and colour-coded information, consistent with behavioural insights and low-literacy accessibility.
- Mandatory plain English and translated versions for key communications.
- Co-design with First Nations organisations to test materials for cultural resonance.
- Verbal communication options where email or SMS is not feasible due to digital exclusion.
- Introduce and reward retailers for delivering non-biased energy literacy or basic energy auditing into school programs, including how to calculate energy usage, when tariffs are lowest and if moving into a house how to connect their power. This will help empower the next generation who can also assist their Elders and other family members

NEEF principle: *“Inclusive framing should be used in all policy and program communications.”* (p.12).

### **Q3. How could communications be made more accessible?**

Accessibility requires:

- Communications in multiple languages, including First Nations languages where appropriate.
- Distribution through culturally relevant channels: ACCOs, local councils, health clinics, community centres, and radio.
- Removal of jargon, technical terminology and complex tariff descriptions.
- Retailers being required to provide alternative formats (audio, large print, in-person explanation).

This fully aligns with NEEF’s friction-reduction principles and with the First Nations Clean Energy Strategy’s emphasis on culturally safe engagement.

### **Q4. How could benefit change notices be improved?**

We recommend:

- Clear “What this means for me” summaries with cost impacts.
- Visual cues showing when benefits end and what action is required.
- Verbal or community-based communication options for low-literacy households.

### **Q5. How will secondary settlement points change plan information?**

This development risks deepening inequity if plan information becomes more complex. First Nations and prepayment households already face digital exclusion and information overload.

Guidelines must require:

- Clear, plain-language explanations of secondary settlement points.
- Personalised naming conventions (e.g., “EV charging usage”).
- Culturally adapted communication for regions where English is not the primary language.

## **Q6. How could complex plan information be made easier to understand?**

The Network recommends:

- Mandatory “Key Facts” summaries for complex plans.
- Use of visuals and scenario-based examples relevant to remote and First Nations communities.
- Requirements that retailers explain risks as well as benefits.

## **Q7. How could plan names be made clearer?**

We support:

- Standardised naming conventions.
- Mandatory inclusion of plan identifiers (as used in Energy Made Easy).
- Restrictions on misleading descriptors (“savings”, “discount”, “variable” etc.).

## **Q8 and Q9. Ensuring better offer messages are clear, relevant and trusted**

The Network recommends:

- Better offer messages must apply to all customer types, including prepayment customers.
- Messages must appear across all communication channels—not just bills—including SMS, in-store recharge receipts, and prepayment top-up apps.
- Retailers should ask customers their communication preference and barriers and must notify customers even if their engagement channel is limited (e.g., no email access).

The NEEF recognises that programs requiring self-advocacy exclude vulnerable households, supporting proactive communication obligations. (p.12).

## **Q10. Defining the deemed better offer**

A “deemed better offer” must:

- Consider the customer’s structural circumstances, not just tariffs.
- Apply automatically to hardship and vulnerable customers (consistent with ESC reforms).
- Apply to prepayment customers directly at the meter interface or via top-up channels.
- Reflect total annual impact, not short-term benefits.

## **Q11. Improving transparency of fees and charges**

For First Nations and remote households:

- All fees must be disclosed upfront, including top-up fees, card fees, or travel costs created by prepayment systems.

- Energy Made Easy should show fees that disproportionately affect remote communities (e.g., minimum charges, standing fees, embedded network charges).

## Q12. Information for embedded network customers

First Nations communities often reside in embedded networks with inconsistent protections.

The guidelines should require:

- Standardised plan comparison information for embedded networks.
- Disclosure of differences between embedded network rates and standing/market offers.
- Complaints pathways clearly stated with culturally accessible language.

## Q13. Making hardship policies more consumer-friendly

The Network recommends:

- Removal of requirements for customers to self-identify hardship - there should be clearly defined energy hardship metrics, including an obligation for energy retailers to pro-actively identify and respond to customers in financial hardship.
- Hardship-triggering indicators that include:
  - repeated missed bills
  - deferred payments
  - usage suppression
  - prepayment self-disconnection events (recognised by NEEF as a valid indicator; p.15).
- Culturally safe hardship programs, co-designed with ACCOs.
- Trauma-informed training for hardship teams.

The First Nations Clean Energy Strategy and NEEF both emphasise co-design and culturally secure service delivery.

## Q14. Concession and rebate information on bills

**The Network's central position: Concessions and rebates must be automatically applied.**

The NEEF explicitly states:

*“Programs requiring self-advocacy/enrolment can lead to vulnerable consumers missing supports... programs should consider removing the need... by implementing auto-enrolment where possible.” (p.12)*

Manual application and annual renewal processes are structural barriers that:

- disproportionately exclude First Nations customers;
- disadvantage households with limited literacy or digital access;

- result in significant under-claiming of concessions; and
- conflict with the First Nations Clean Energy Strategy’s principles of equity, participation and access.

We also note that the recent ‘Improving the application of concessions to bills’ rule change is unlikely to be effective for prepayment customers as requirements pertain to consumers signing up for an energy plan or switching to a new contract. Most prepayment customers cannot make such a switch and do not receive a bill.

The [initial proposal](#) included a requirement that retailers “seek information from existing customers on their eligibility for concessions or rebates” but this was [dropped](#) based on ‘stakeholder evidence’, which means that prepayment customers were effectively left out of this rule change. This was justified as “stakeholders provided input that one-time outreach programs can be costly without resulting in consumer benefits”. It is unclear what evidence supported this.

The [energy concession gap is large](#). But for prepayment customers it is much worse. [The Right to Power](#) report found that one retailer in the Northern Territory had only 6% of prepayment households receiving energy concession payments. Another retailer in the Northern Territory had 15%. In Western Australia, 55% of prepayment households received energy concession payments.

In South Australia, all prepayment customers receive energy concession payments. In this case, it was decided to automatically apply concessions to prepayment customers:

*“[We] could see what an onerous job it would be to [verify the details of one nominated person per house] ... this group of customers have a very high likelihood that at least one person in each household would qualify for that concession. And so, [the relevant government department] said they were happy to apply it to all the households, which meant that there is a system where concessions get paid on a weekly basis directly to the meter. ... [We also understood that some people may move between communities, so it makes sense with] the transient nature of [people moving]. It was just going to be too hard.” - for more detail refer to [The Right to Power](#) report.*

### **Therefore the Network recommends:**

1. Automatic application of concessions and rebates, based on verified data matches with Services Australia (or other agencies).
2. Bills should provide detailed information on the energy concessions and rebates that are available and the last time they have been received, such as:
  - a. a list of concessions and rebates currently being received
  - b. a list of concessions and rebates previously received that need re-verification (with the date they were last received and direct contact details - i.e. phone number - to start the process of re-verification)
  - c. a list of concessions and rebates that are available to customers in that State/Territory.
3. Where automated systems cannot yet be implemented, retailers must:

- a. undertake proactive identification of eligible households
  - b. notify customers in multiple formats
  - c. allow verbal confirmation of eligibility
4. Concession status must be integrated into retailer customer profiles, for use in hardship triggers and better-offer assessments.
  5. Outreach programs should not be deemed too costly, especially when there are significant consumer benefits and retailers are making [hundreds of dollars of profit per customer](#).

This is the strongest alignment between the NEEF, the AER review objectives, and the Network's equity position.

## 6. Conclusion

The Retail Guidelines Review is an opportunity for the AER to demonstrate national leadership in embedding equity into energy regulation. Alignment with the First Nations Clean Energy Strategy and the National Energy Equity Framework requires a shift from consumer-neutral design to equity-centred design, from reactive hardship responses to proactive protection, and from individual burden to structural reform.

Implementing the recommendations in this submission will:

- significantly reduce energy harm experienced by First Nations households;
- improve outcomes for all vulnerable consumers;
- close the concessions gap for all customers, including prepayment customers;
- deliver regulatory consistency with Ministerial commitments;
- strengthen trust and confidence in the energy system; and
- support a just and inclusive clean energy transition.

The Network welcomes continued engagement and would be pleased to work with the AER on co-design, testing of communication materials, and development of equity frameworks within the new combined guideline.

### Our contact details

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