



17 July 2026

Executive Director, DMO and Consumers
Australian Energy Regulator
Email: consumers@aer.gov.au

RE: Retail guidelines review - Draft Guidelines

Thank you for the opportunity to provide feedback on the draft AER Retail Guidelines.

CHOICE welcomes the AER's adoption of a principles-based approach in reviewing the guidelines. The introduction of an overarching objective to ensure that retailers act honestly and fairly in presenting information in their communications to customers is a particularly welcome step forward — as are the proposed measures to address the specific conduct detailed in our 2025 designated complaint to the ACCC¹, including:

- requirements for retailers that re-use plan names to include the month and year the plan commenced,
- clarification of expectations for plans that promote value or savings, and
- requirements for deemed better offers to be available to a customer, and for a reasonable period of time.

The intention of our complaint was not just to highlight these specific unfair practices, but to demonstrate the broader issue that they are symptoms of – that the responsibility for achieving fair outcomes is placed on consumers, not retailers. The draft guidelines are a step in the right direction, however they could be strengthened by further addressing the information and bargaining asymmetries between consumers and retailers.

¹ CHOICE, 2025, [The Power of Confusion: CHOICE designated 'super' complaint on energy plans](#)

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Recommendations:

1. The AER should ensure that the design principles in Part 3 of the draft guidelines extend beyond communications to include systems and processes that may also impact how customers consider and compare offers.
2. The AER should explicitly incorporate simplicity into the plan information objective.
3. The AER should include eligibility limitations (e.g. plans that are only available to customers with a specific network tariff) in the list of plan information in clause 25.
4. The AER should incorporate additional standardisation, informed by consumer testing, as needed to ensure that key information is easily comparable across different retailers.
5. The guidelines should require retailers to include the commencement date of the consumer's current plan version in the better offer message, alongside the recommended plan date.
6. The requirement in clause 20 (d) be strengthened by prescribing direct and active language that directs the consumer to compare plans with other retailers via Energy Made Easy.
7. The AER should develop guidance (with the opportunity for public consultation on draft guidance) on how retailers should apply new principles-based obligations, especially for the identified persistent issues it is hoped that the new obligations will address. The guidance should be developed with anti-avoidance in mind.
8. The AER should provide greater clarity around how it will assess if the principles and outcomes within the guidelines are being met.
9. The AER should commit to a post-implementation review of the guidelines.

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Ensuring new principles for design and plan information address complexity

Regarding the re-use of plan names and steps to address the confusion that this creates, we agree with the AER's view that "by reusing plan names, retailers are effectively already creating versions of the same plan." Distinguishing between these versions is a necessary step in addressing confusion and the asymmetry of information between retailers and consumers.

Many consumers base their energy decisions on the necessity of the service, often under stress or with time limitations, and rely on very simple factors to make decisions. Consumers often tell us that they feel frustrated and exhausted by the increasing complexity and inaccessibility of energy.

The proposed design principles, and objective for plan information – that it should help consumers understand and differentiate offers to enable them to choose the best plan for them – does not explicitly address this complexity and inaccessibility. It could be argued that improving the simplicity and accessibility of offers is necessary in achieving consumer understanding, and in being fair and honest, but this is reliant on how the guidelines are interpreted. For the avoidance of doubt, and to encourage retailers to meaningfully consider how they could improve their offerings to meet consumer needs, the AER should explicitly incorporate simplicity as an expectation that underpins the plan information objective.

We also encourage the AER to extend the design principles for presenting prescribed information in communications to cover retailer systems and processes more broadly where they impact how customers consider and compare offers (in so far as the AER considers it necessary or convenient to assist customers to consider and compare standing offer prices and market offer prices offered by retailers). This would allow for outcomes to be assessed more holistically, and ensure that the guidelines encompass a wide range of digital channels, such as apps and websites.

We note that obligations for the simplicity and accessibility of retailer systems are aligned with recent obligations introduced by the ESC to address similar concerns in the switching process. It will require retailers to have processes that are effective in helping customers

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switch to their best offer, and for a process to be considered effective it will need to be both simple and accessible.²

Finally, consumers continue to experience confusion around offers that are only available for certain meter configurations and network tariffs. Eligibility should be highlighted in the guidelines as a form of plan information that is subject to the plan information objective.

Recommendation: The AER should ensure that the design principles in Part 3 of the draft guidelines extend beyond communications to include systems and processes that may also impact how customers consider and compare offers.

Recommendation: The AER should explicitly incorporate simplicity into the plan information objective.

Recommendation: The AER should include eligibility limitations (e.g. plans that are only available to customers with a specific network tariff) in the list of plan information in clause 25.

Better offer messages

In better offer messages, adding a date suffix only on the recommended offer is insufficient. To make this more functional, the guidelines should require retailers to include the commencement date of the consumer's current plan version in the better offer message, alongside the recommended plan date. That way, all the information the consumer needs to communicate that they want to switch plans is in one place.

For example, if a message informs a consumer they are on the "Smart Saver [Jan-2024]" but could switch to "Smart Saver [Sept-2025]," the timeline becomes more transparent allowing them to see exactly how outdated their current rates are, and is more helpful in conveying that they are being prompted to consider a newer, cheaper version of the same product.

It appears that the existing requirement to prompt the user to compare plans via Energy Made Easy within the positive better offer wording has been omitted. Given the stated

² Essential Services Commission, 2025, [Same name, different prices](#)

objective of comparative information is to prompt a customer to consider comparing their current plan with other plans available to them, a requirement similar to clause 63 (d) of the Better Bills Guideline should be retained. We recommend strengthening the requirement in clause 20 (d) by prescribing direct and active language that directs the consumer to Energy Made Easy in all circumstances. For example, required wording could include, “You could also save by switching to a plan with a different retailer. Visit Energy Made Easy at energymadeeasy.gov.au to compare plans.”

Recommendation: The guidelines should require retailers to include the commencement date of the consumer's current plan version in the better offer message, alongside the recommended plan date.

Recommendation: The requirement in clause 20 (d) be strengthened by prescribing direct and active language that directs the consumer to compare plans with other retailers via Energy Made Easy.

Ensuring key information is presented consistently across different retailers

Principles-based obligations should not be seen as a catch-all replacement for prescriptive requirements, but rather as a foundation to better support these requirements. In removing prescriptive requirements, there is a risk that the comparability of the information that consumers receive may be diminished.

Before the guidelines are implemented, we encourage the AER to draw on previous consumer testing, and undertake further testing if needed, to identify where additional standardisation may be necessary to ensure that the new guidelines facilitate consistency across retailers where consumers need it.

Recommendation: The AER should incorporate additional standardisation, informed by consumer testing, as needed to ensure that key information is easily comparable across different retailers.

Ensuring that outcomes are achieved in practice

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Better Offer requirements were well intentioned rules developed after significant amounts of consultation and consumer research – but the outcomes delivered by the rules were undermined by the energy retailer practices detailed in our designated complaint. In its response to the complaint, the ACCC pointed to this review of guidelines as the most appropriate avenue to address our concerns.

We believe this highlights the importance of developing robust metrics to monitor if new rules are working as they were intended and that they are materially improving consumer outcomes, and, if they aren't, the importance of periodic review processes to address concerns when they arise.

The energy market is also continuing to undergo significant change, as a result of new technologies and a number of overlapping reform processes that are underway to respond to the impacts of these new technologies. Monitoring and review is crucial to ensuring that the guidelines are fit-for-purpose as the market continues to transform.

Recommendation: The AER should develop guidance (with the opportunity for public consultation on draft guidance) on how retailers should apply new principles-based obligations, especially for the identified persistent issues it is hoped that the new obligations will address. The guidance should be developed with anti-avoidance in mind.

Recommendation: The AER should provide greater clarity around how it will assess if the principles and outcomes within the guidelines are being met.

Recommendation: The AER should commit to a post-implementation review of the guidelines.

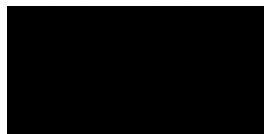
If you wish to discuss this submission further, please contact Jordan Cornelius at [REDACTED] to arrange a meeting, or for further information.

Yours sincerely,

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