

Submission

Draft AER Retail Guidelines

Consultation on the draft AER Retail Guidelines, Australian Energy Regulator (June 2026)

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EXECUTIVE SUMMARY

Compliance Quarter advises authorised energy retailers and exempt sellers operating across the National Energy Customer Framework (**NECF**) jurisdictions, including new entrant retailers, embedded network operators and retailers serving multisite customers. We welcome the opportunity to comment on the draft AER Retail Guidelines published on 5 June 2026 (the draft guidelines) [1] and the accompanying notice of draft instruments [2].

We support the consolidation of the four enforceable retail guidelines into a single document. Combining definitions, standardised terms and design principles will reduce duplication, improve internal consistency and make it easier for retailers to understand and carry out their obligations. We also support the reduced reliance on prescriptive content and formatting requirements in favour of an overarching principle that communications be honest and fair.

Our recommendations are directed to a single theme: the final guidelines should pair principles-based drafting with practical flexibility, so that retailers can present information in the way that best serves their particular customers, especially multisite customers and customers taking up innovative energy retail arrangements, without compromising the customer protections the guidelines exist to secure.

In summary, we recommend that the AER:

Recommendation 1: Broaden the approval process in clauses 66 to 69 into a general alternative compliance mechanism, under which a retailer may apply for approval to include alternative bill contents, that is, to depart from prescribed bill content and presentation requirements, where the departure delivers a clear consumer benefit or supports an innovative energy retail arrangement and continues to meet the bill objective.

Recommendation 2: Provide flexibility for multisite customers by permitting, where a customer receives a single bill for two or more premises, the supply address and National Metering Identifier (NMI) for all premises to be presented together as a table within the Tier 1 information, followed by the Tier 2 information for each premises, rather than requiring the Tier 1 information for each premises to be presented separately and paired with that premises' Tier 2 information; or, failing that, make such a

consolidated multisite format capable of approval under the alternative compliance mechanism in Recommendation 1.

Recommendation 3: Define "re-use" of plan names in clause 25(a)(i), and clarify that a price variation under an existing plan does not of itself commence a new plan requiring a dated plan name.

Recommendation 4: Clarify that plans subject to conditions or eligibility criteria that the customer does not meet (including plans offered only to new customers and not available to existing customers) are excluded from the deemed better offer assessment under clause 16 and from the plan check and financial credit under standardised statement 6, and explain how conditional financial benefits are to be valued.

Each recommendation is developed below. Annotated extracts of the draft guidelines are included to identify the precise provisions to which our comments relate.

PART A: SUPPORT FOR CONSOLIDATION AND PRINCIPLES-BASED DRAFTING

The existing Retail Pricing Information Guidelines, Benefit Change Notice Guidelines, Better Bills Guideline and Customer Hardship Policy Guideline overlap in scope and diverge in terminology. Consolidation into a single instrument with common definitions, standardised terms and shared design principles is a genuine reduction in regulatory burden and we commend the AER for it.

We particularly support the note to clauses 6 and 7 of the draft guidelines, which records that the design principles are intended to support "a shift to principles-based regulation in the context of an evolving energy market". As the AER has recognised in seeking feedback on how to make the guidelines fit for purpose as new types of energy plans are introduced, principles-based drafting only achieves its promise if the operative requirements leave room for retailers to comply in the way that best suits their customers. Parts B to F below identify the places where, in our view the draft guidelines remain more prescriptive than the bill objective and the design principles require.

PART B: AN ACCESSIBLE PATHWAY FOR ALTERNATIVE BILL CONTENTS (CLAUSES 66 TO 69)

B.1 The draft guidelines retain prescription without a general relief valve

Part 7 of the draft guidelines prescribes bill contents and their location in detail: Tier 1 information must appear on the first page of a paginated bill (clauses 58 and 59), Tier 2 information must occupy the next most prominent location (clauses 60 to 62), and several items must use exact prescribed words, including the better offer message (clauses 19 and 20) and the estimation statements (clause 63).

The only mechanism by which a retailer can seek variation is the approval process in clauses 66 to 69. That process is confined to adding "other Tier 1 information" to a bill. It does not permit a retailer to propose an alternative presentation of, or a departure from, the prescribed bill contents, even where the retailer can demonstrate that the alternative would deliver a clear benefit to its customers.

Approval processes

66. A retailer may include other information as Tier 1 information (**other Tier 1 information**)
67. Before including other Tier 1 information, a retailer must submit an application in writing to aercompliance@aer.gov.au including the following details:
- a) the exact wording of the other Tier 1 information the retailer proposes to include on the bill;
 - b) the proposed location of the other Tier 1 information on the bill;
 - c) the start and end date for the which the other Tier 1 information is proposed to be included on the bill;
 - d) the customer segment on whose bills it is proposed that the other Tier 1 information will be included;
 - e) the reason/s for the retailer proposing to include the other Tier 1 information on the bill; and
 - f) how the other Tier 1 information meets the bill objective in rule 25A(3) of the Retail Rules or policy of a participating jurisdiction.
68. The AER must decide to approve or decline to approve the retailer's application to include other *key information*. The AER may impose conditions that the AER considers appropriate on the approval of other *key information*.

Source extract 1: AER, Draft AER Retail Guidelines (June 2026), p 20, clauses 66 to 68 (approval processes) (ref [1]). Highlighted: the approval process extends only to including other information as Tier 1 information. There is no equivalent process for approving alternative bill contents or departures from prescribed requirements.

B.2 Why a broader mechanism is needed

The draft guidelines introduce the concept of flexible plans precisely because the retail market is moving beyond conventional flat-rate offers, towards plans built around controlled load automation, electric vehicles, virtual power plants, solar sharing and bundled products. Bill content requirements designed around conventional plans will not always communicate these products clearly. In some cases, literal compliance will produce bills that are longer and more confusing, which is contrary to the bill objective in rule 25A(3) of the Retail Rules and the design principles in Part 3.

The AER has asked stakeholders how to make the guidelines fit for purpose as new types of energy plans are introduced. In our view, the most durable answer is not further prescription tailored to products that exist today, but a standing pathway through which a retailer can put an alternative to the AER, demonstrate the consumer benefit, and receive a decision. This avoids the need for repeated guideline reviews as products evolve, and it gives the AER visibility of, and control over, innovation in bill design rather than leaving retailers to choose between innovation and compliance.

B.3 Recommended design

We recommend the final guidelines expand clauses 66 to 69 into a general alternative compliance mechanism with the following features:

- a) an application in writing, mirroring the matters listed in clause 67, identifying the requirement from which departure is sought, the proposed alternative and its duration, the affected customer segment, and the consumer benefit relied upon;
- b) a decision criterion tied to the bill objective in rule 25A(3) of the Retail Rules and the design principles, so that an alternative may only be approved where it achieves the bill objective at least as effectively as the prescribed requirement;
- c) the ability for the AER to impose conditions and time limits, consistent with clause 68;
- d) an indicative decision timeframe, so that retailers can plan billing system changes with confidence; and
- e) publication of approvals (as clause 72 already contemplates for clause 71 decisions), so that the market benefits from precedent and the process remains transparent.

Recommendation 1: Broaden clauses 66 to 69 into a general alternative compliance mechanism, allowing retailers to apply for approval of alternative bill contents where there is a clear consumer benefit in the departure, including to support innovative energy retail arrangements.

PART C: MULTISITE CUSTOMERS, AND SUPPLY ADDRESS AND NMI DETAILS IN TIER 1 INFORMATION

C.1 The issue

Clause 58 of the draft guidelines requires Tier 1 information to be included on the first page of a paginated bill or at the beginning of an unpaginated bill. Clause 59 then includes, as Tier 1 information, the address of the premises to which the energy is being supplied (clause 59(a)) and the customer's metering identifier (clause 59(f)).

56. There are three types of billing information: Tier 1 information, Tier 2 information and additional information.
57. For the purposes of these guidelines, Tier 1 information is *key information*.
- Tier 1 information
58. Tier 1 information is information that must be included on the first page of a paginated bill or at the beginning of an unpaginated bill.
59. The following information is Tier 1 information:
- a) customer name and address of the premises to which the energy is being supplied as well as the customer's mailing address, if different;
 - b) amount due and due date;
 - c) bill issue date;
 - d) payment methods;
 - e) the customer's account number;
 - f) the customer's *metering identifier*, presented in accordance with clause 4–5;
 - g) a link to the Energy Made Easy website: www.energymadeeasy.gov.au;
 - h) a *better offer message*, presented in accordance with Part 3, except in the circumstances specified in clause 22;

Source extract 2: AER, Draft AER Retail Guidelines (June 2026), p 18, clauses 56 to 59 (Tier 1 information) (ref [1]). Highlighted: the supply address (clause 59(a)) and the metering identifier (clause 59(f)) are Tier 1 information and must therefore appear on the first page of the bill.

These requirements are framed around a customer with a single premises. Many retailer clients serve multisite customers, such as owners corporations, community housing providers, franchise and retail chains, and government and corporate property portfolios, who receive a single bill for the sale and supply of energy at two or more premises, in some cases dozens or hundreds of premises. Read together with the AER's proposed approach to presenting Tier 1 and Tier 2 information, clauses 58 and 59 require the Tier 1 information for every premises to be presented on a per-site basis, resulting in the Tier 1 and Tier 2 information being repeated for each premises. For such a customer, that repetition makes the bill long and difficult to navigate. The first page becomes a directory of site identifiers, which crowds out the key information the Tier 1 framework is designed to make prominent, and sits uncomfortably with the design principles in Part 3, which require white space, reduced clutter and prominence for key information. Our retailer clients' multisite customers themselves have told them that a bill built this way is harder to work with than a single, consolidated presentation of their site details.

C.2 The draft guidelines already treat multisite billing differently, but not for Tier 1 information

The draft guidelines, consistent with the existing Better Bills Guideline, already recognise that single bills covering multiple premises warrant different treatment. Clause 22(b) provides that a better offer message is not required where the customer receives a single bill in respect of the sale and supply of energy at two or more premises.

Circumstances where a better offer message is not required

22. A retailer is not required to provide a *better offer message* where:

- a) the customer's estimated annual usage determined for the purpose of identifying a *deemed better offer* would result in the customer no longer being a small customer;
- b) the customer receives a single bill in respect of the sale and supply of energy at two or more premises;
- c) it is the customer's final bill;
- d) the customer receives the sale and supply of energy under *Ergon Energy's* standing offer pursuant to section 22A of the National Energy Retail Law (Queensland).

Source extract 3: AER, Draft AER Retail Guidelines (June 2026), p 11, clause 22 (circumstances where a better offer message is not required) (ref [1]). Highlighted: the existing multisite carve-out from the better offer requirements, retained in clause 22(b) of the draft guidelines.

Clause 70(d) similarly relieves retailers from providing the plan summary under clause 62(a) and the bill notification information under clause 73 for these customers.

Exceptions

70. Notwithstanding anything else in this guideline:

- a) Where a law (other than this guideline) requires certain information to be included in a bill in a specified location, the information must be included in the location specified by the relevant law. However, where no location in the bill is specified, the information must be included as additional information.
- b) To meet a customer's accessibility needs, a retailer may adjust the form of Tier 1 information and Tier 2 information for that customer. However, it must maintain the location of Tier 1 information and Tier 2 in accordance with clauses 58 and 61.
- c) A retailer may include information relating to the occurrence of and available assistance for natural disasters, pandemics and emergencies as 'Tier 1 information'.
- d) A retailer is not required to provide the plan summary under clause 62(a) or the *bill notification* information required under clause 73 where the customer receives a single bill in respect of the sale and supply of energy at two or more premises.

Source extract 4: AER, Draft AER Retail Guidelines (June 2026), p 21, clause 70 (exceptions) (ref [1]). Highlighted: clause 70(d) exempts multisite single-bill customers from the plan summary and bill notification requirements, demonstrating that the draft already accommodates multisite billing elsewhere.

There is, however, no equivalent flexibility for the presentation of supply address and NMI details. Despite those existing exceptions, the draft guidelines provide no equivalent flexibility for the presentation of the supply address and NMI details. The policy rationale for the existing carve-outs applies with equal force here: for a multisite customer, the individual site identifiers are reference data, not key information, and the customer is typically a sophisticated account holder who manages sites through schedules and portals rather than the first page of a bill. We recognise the AER's concern that separating Tier 1 information from the corresponding Tier 2 information may make a bill harder to follow, and that its present expectation is that each premises' Tier 1 and Tier 2 information be presented together. Clause 25A is, at its heart, a customer-comprehension objective; for these sophisticated multisite customers, however, comprehension is best served not by duplicating the full Tier 1 and Tier 2 detail for every site, but by consolidating the site identifiers into a single Tier 1 table, followed by the Tier 2 detail for each premises. That is the presentation these customers have requested because it assist with their comprehension.

C.3 Recommendation

We recommend that clause 70 be extended so that, where a customer receives a single bill in respect of the sale and supply of energy at two or more premises, the retailer may present the supply address and metering identifier for all premises together as a table within the Tier 1 information, followed by the Tier 2 information for each premises, rather than reproducing the Tier 1 information for each premises in turn. Presenting the supply address and NMI details in a single Tier 1 table allows customers to identify all premises at a quick glance, reducing duplication and making it easier to navigate directly to the Tier 2 information for the relevant premises. This keeps the Tier 1 page focused and readable while still providing the full supply address and NMI details for every premises. Where a consolidated format of this kind is not appropriate for a particular bill, it should in any event be capable of approval through the general alternative compliance mechanism we propose at Recommendation 1, on the retailer demonstrating the consumer benefit consistent with the bill objective in rule 25A(3).

If the AER is not prepared to permit this presentation expressly, the same outcome should at least be capable of approval under the alternative compliance mechanism proposed in Recommendation 1, where the retailer can demonstrate that the presentation better achieves the bill objective for multi-site customers

Recommendation 2: Permit the supply address and NMI details for a customer billed for two or more premises on a single bill to be presented together as a table within the Tier 1 information, followed by the Tier 2 information for each premises, rather than requiring the Tier 1 information for each premises to be presented separately; or, failing that, make such a consolidated multisite format capable of approval under the alternative compliance mechanism in Recommendation 1.

PART D: "RE-USE" OF PLAN NAMES (CLAUSES 25(A)(I) AND 19(F))

Clause 25(a)(i) of the draft guidelines requires that, for retailers who re-use plan names, plan names must be followed by the date the plan commenced in (Month-YYYY) format. Clause 19(f) imposes a corresponding requirement in the better offer message where the deemed better offer has the same plan name as the customer's current plan.

Part 5. Plan information

This Part (together with Parts 1, 2 and 3) is the 'AER Retail Pricing Information Guidelines' made in accordance with sections 61 of the National Energy Retail Law. The purpose of this Part is to establish requirements for retailers in the presentation of standing offer prices and market offer prices.

Plan information objective

23. The objective of *plan information* is to help customers understand and differentiate between the key features of standing and market offers, to enable them to choose the best plan for them.
24. For the avoidance of doubt, nothing in this Part affects the operation of the Australian Consumer Law.³

Plan information

25. *Plan information* includes, but is not limited to:
- a) plan identity and availability, which must include the plan name and plan ID
 - i) for retailers who re-use plan names, plan names must be followed by the date the plan commenced in the following format: (Month-YYYY)
 - b) pricing structure and variability
 - c) charges, rates, tariffs and *energy payments*
 - d) fees, discounts, incentives and rewards
 - e) contract terms and customer obligations
 - f) a link to plan information documents.

Source extract 5: AER, Draft AER Retail Guidelines (June 2026), p 12, clause 25 (plan information) (ref [1]).

Highlighted: the dating requirement for re-used plan names in clause 25(a)(i). "Re-use" is not defined in the draft guidelines.

"Re-use" is not defined. The evident purpose of the requirement is to distinguish successive versions of a plan marketed under the same name, where a customer must actively switch to the new version to receive the new pricing. We support that purpose.

However, a number of retailers operate variable pricing structures under which prices vary from time to time under the same continuing plan, in accordance with the contract, and customers are not required to take any action to receive the new pricing. If each price variation were treated as commencing a new plan, the retailer would need to update the plan name at every variation. That would impose an administrative burden with no corresponding consumer benefit, and a freshly dated plan name could positively mislead customers by suggesting a new product where nothing has changed except a price variation of which the customer has already been notified under the applicable rules.

Recommendation 3: Define "re-use" of plan names, for example as offering a plan under a name that the retailer has previously used, or concurrently uses, for a different plan, and clarify that a variation of prices under an existing plan does not of itself commence a new plan for the purposes of clauses 19(f) and 25(a)(i).

PART E: DEEMED BETTER OFFER AND STANDARDISED STATEMENT 6, TREATMENT OF CONDITIONAL PLANS

E.1 Which plans are in scope of the deemed better offer assessment?

Clause 16 requires a retailer, in assessing whether a **deemed better offer** is available, to compare the annual total cost of the customer's current plan against the annual total cost of "each generally available plan applicable to the customer", having regard to the customer's annual usage history, and to disregard the value of any non-financial benefits and any discount that applies only because the customer acquires another good or service. Clause 19(e) separately contemplates that a deemed better offer may be "subject to conditions or eligibility criteria".

The interaction of these provisions is unclear. In our view they should not be: a plan the customer cannot presently access is not meaningfully "applicable to the customer" and presenting it as a deemed better offer would undermine the credibility of the message. The final guidelines should state this expressly and should also clarify how financial credits and conditional discounts are to be valued in the comparison. In addition, retailers seek certainty about plans that are offered only to new customers and are not available to existing customers: the final guidelines should confirm whether such acquisition-only plans fall within the "conditions or eligibility criteria" referred to in clause 19(e), and whether they may accordingly be excluded from the deemed better offer calculation methodology in clause 16.

E.2 Standardised statement 6

The same scoping question arises with greater force under standardised statement 6 in Part 8. That statement commits the retailer, where a hardship customer does not transfer to an identified cheaper plan, to provide financial credit of the same value the customer would have saved, for the duration of the customer's time in the hardship program.

We want to check you have the right energy plan**What we will do**

When you join our hardship program, we will talk to you about your energy use and whether you are on the right plan.

If there is a cheaper energy plan for you, we will:

- explain why the plan is better for you; and
- ask if you'd like to transfer to the new plan for free.

If you don't decide to transfer, we will provide you with a financial credit to the same value you would save if you did transfer for the duration of your time in our program.

We will only talk to you about energy plans we can offer.

Source extract 6: AER, Draft AER Retail Guidelines (June 2026), pp 36 and 37, standardised statement 6 (ref [1]).

Highlighted: the financial credit commitment, and the statement that the retailer will only discuss plans it can offer. The provisions from which the credit is calculated do not state whether conditional or eligibility-restricted plans are included in the assessment.

Because the credit is an ongoing financial obligation, retailers need certainty about the plans against which it is calculated. If conditional plans the customer is ineligible for were included, retailers could owe credits pegged to plans the customer could never actually access. We recommend the final guidelines confirm that the "right plan" check and the associated credit are assessed against generally available plans for which the customer is eligible, consistent with the clarification sought above for clause 16.

Recommendation 4: Clarify that plans subject to conditions or eligibility criteria that the customer does not meet (including plans offered only to new customers and not available to existing customers) are excluded from the deemed better offer assessment under clause 16 and from the plan check and financial credit under standardised statement 6, and explain how conditional financial benefits are to be valued.

PART F: NON-COMMODITY CHARGES, BULK HOT WATER AND AIR CONDITIONING

We note that the Independent Pricing Regulatory Tribunal is currently consulting on billing guidelines pertaining to jurisdictional derogations that came into effect on 1 July 2026 in New South Wales. We recommend that the AER consider the implications of this jurisdictional derogation and ensure in so far as is possible consistency between the work completed by each regulatory body.

CONCLUSION

We support the consolidation of the retail guidelines and the AER's shift towards principles-based regulation. The recommendations in this submission are modest in drafting terms but would materially improve the workability of the final guidelines: a general alternative compliance pathway for bill contents,

practical flexibility for multisite billing, and clearer definitions where enforceable obligations currently turn on undefined or ambiguous terms.

We would welcome the opportunity to discuss this submission. Please contact Connor James, Principal, Compliance Quarter, at [REDACTED].

REFERENCES

- [1] AER, AER Retail Guidelines 2026 - Draft (5 June 2026). <https://www.aer.gov.au/system/files/2026-06/AER%20Retail%20Guidelines%202026%20-%20Draft%20-%20Australian%20Energy%20Regulator%20-%20Jun%202026.pdf>
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- [3] AER, Retail guidelines review - Consultation paper (12 November 2025). <https://www.aer.gov.au/system/files/2025-11/Retail%20guidelines%20review%20-%20Consultation%20paper%20-%20Nov%202025.pdf>
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- [6] AER, Retail Exempt Selling Guideline (version 7, August 2025). [https://www.aer.gov.au/system/files/2025-08/Retail%20Exempt%20Selling%20Guideline%20\(version%207\)%20-%20August%202025.pdf](https://www.aer.gov.au/system/files/2025-08/Retail%20Exempt%20Selling%20Guideline%20(version%207)%20-%20August%202025.pdf)