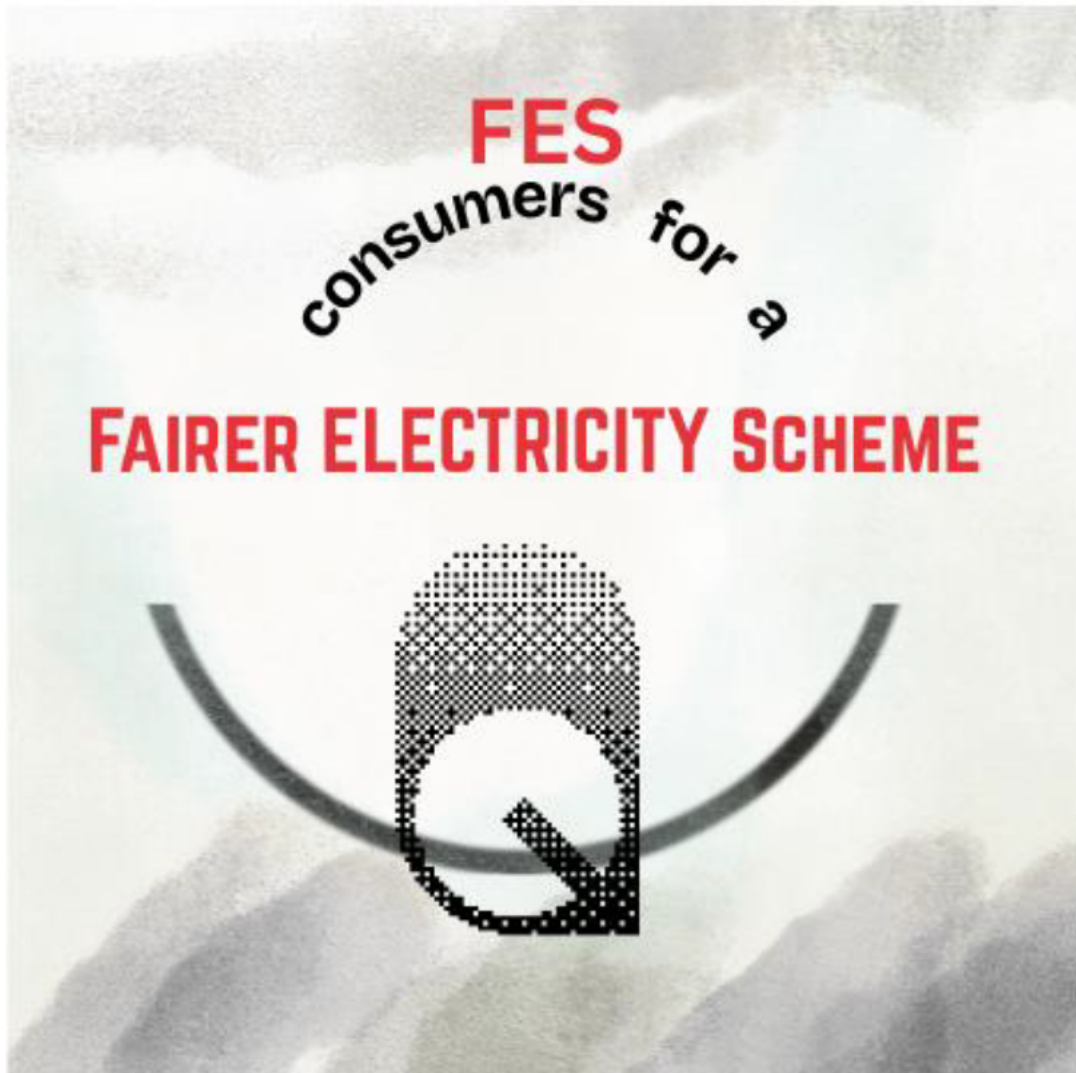




Steve Schiffmann
Consumer Representative



EXECUTIVE SUMMARY

The complexity of the market charges presented to consumers has increased by each retailer being able to change the published Network Regulated Charges to any figure they feel is appropriate, and, to change the rate billing hours to any they determine. Neither of these freedoms benefit consumers. Indeed, it makes comparing electricity quotes near impossible.

The latest statement from the Federal Government adds additional complexity and confusion to the retail market : ***We have announced the Solar Sharer Offer (SSO) initiative, which would introduce a generally available electricity offer with a daily \$0/kWh window during a specific period of the day.***

The AER Retail Guidelines, June 2026, do little or nothing to improve the ability of consumers to understand their bills, or to be able to accurately compare multiple offers from retailers.

The following documents provides 7 (seven) questions that are submitted for your action, based on an analysis of your June AER Retail Guidelines Report of June 2026.

We have also attached our initial investigation into the retail market by our Group of 22 small retail consumers in the Hunter Valley of New South Wales, over a period of 12 months and would appreciate consideration and response to these concerns.

It is disappointing to read the June AER Retail Guidelines, and find the majority of the document relates to Hardship Policies, but nothing that would give a small consumer any confidence that the AER understands the specific issues confronting small consumers.

Yours sincerely,



Steven Schiffmann, Chair

Fairer Electricity Scheme (FES)

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We acknowledge receipt of the AER Retail Guidelines published June 2026, and have the following comments and observations:

A. Retailer Staff

DEFINITION: *A person who has the authority or ability to act on behalf of the retailer. This includes the retailer's employees, independent contractors, sub-contractors, and agents representing the retailer in business, including call centre and marketing personnel.*

Question 1. Can you explain why “hidden” and “undisclosed” commissions are allowed in the retail energy sector?

Under Australian criminal law, accepting a hidden bribe or undisclosed commission to manipulate a client's choice is treated as a criminal offense.

B. Design principles objective.

6. *The objective of the design principles is to ensure retailers act fairly and honestly when presenting prescribed information in communications with customers.*
7. *Retailers must act in accordance with the objective.*

*Note: Clauses 6 and 7 are intended to operate so that wherever retailers are required to develop and send communications in line with these design principles, they do so in a way that is honest and fair. These clauses support a shift to **principles-based regulation** in the context of an evolving energy market, which brings a **heightened risk of gaps in protections for customers** and a need for more general overarching obligations.*

Question 2. Can you explain why a policy enforcement allows “ a heightened risk of gaps in protection for customers”?

Question 3. If a retailer presents information that is honest and fair but is presented in a way that will mislead the consumer into believing they are receiving a “better deal”, is that not deceptive?

It is interesting to note that the AER state that retailers must act fairly and honestly, but it would appear that deceptive and misleading activities are not considered important.

For example: The retailer provides new pricing that is different in structure to other retailers, and states that this is their best deal, this could be considered fair and honest but also misleading as there is no comparison on a like for like.

Retailer 1.	Network charge	-	\$1.02/day
	Peak	-	6.00am to 10.00am, 3.00pm to 9.00pm
	Off Peak	-	10.00am to 3.00pm
	Shoulder	-	9.00pm to 6.00am
Retailer 2.	Network charge	-	\$4.20/day
	Peak	-	5.00am to 11.00am, 2.00pm to 10.00pm
	Off Peak	-	11.00am to 2.00pm
	Shoulder	-	10.00pm to 5.00am

Question 4. How does the AER reconcile the two different communications from the two Retailers shown above?

Part 8 – Hardship Policies (16 pages)

Comment: It is extraordinary that AER spend 16 pages on hardship policies, but very little on ensuring that consumers are able to protect themselves from misleading and deceptive practices by retailers.

Annual Usage History

The consumption or export of electricity or gas by a small customer at the customer's current premises over the 12 month period preceding the communication date. Where the retailer does not have 12 months of metering data for the customer at the customer's current premises, the retailer must estimate the customer's consumption and export (as applicable) of electricity or gas during a 12 month period having regard to any relevant information that is available to the retailer (and must have regard to any metering data obtained during the 12 month period preceding the bill issue date).

Question 5. No retailer will provide a written quote for the supply of electricity based on specific annual data, hours of usage, and detailed requests from consumers. Why are retailers allowed to behave this way?

Deemed Better Offer

A generally available plan offered by the retailer to a customer that:

- is applicable to the customer at the time of calculation;*
- will remain applicable to the customer for a reasonable time following the communication date;*
- has the lowest annual total cost compared to the customer's current plan, calculated having regard to the customer's annual usage history; and*
- is at least \$50 (incl. applicable taxes) lower in annual total cost than the customer's current plan, excluding any non-financial benefits and any discounts that apply only because the customer acquires another good or service;*
- does not have as a precondition or condition that the customer have or maintain an affiliation or membership with an entity that is unrelated to the retailer.*

Question 6. If retailers refuse to quote in a similar fashion, on detailed annual figures and provide pricing in a similar way to other retailers, how is this fair and honest?

Energy Made Easy

These clauses set out retailer obligations about submitting information to Energy Made Easy. The purpose of Energy Made Easy is to assist small customers to compare the standing offer price available to that customer and market offer prices that are generally available to classes of small customers.(4) It is intended as a guide only. (5)

A difference between information made available under Energy Made Easy and a retailer's standing offer price, market offer price or any variation to those prices does not affect the operation of that retailer's prices or variations. (6)

Question 7. How can AER, the Government and other Authorities claim that by using the Energy Made Easy website will result in a "better" offer for consumers when it cannot compare accurately?

