



# Joint Submission to the AEMC Improving the application of concessions to bills consultation paper

12<sup>th</sup> March 2025

Justice and Equity Centre  
ABN 77 002 773 524  
[www.jec.org.au](http://www.jec.org.au)

Gadigal Country  
Level 5, 175 iverpool St  
Sydney NSW 2000  
Phone + 61 2 8898 6500  
Email [contact@jec.org.au](mailto:contact@jec.org.au)



## About the Justice and Equity Centre

The Justice and Equity Centre is a leading, independent law and policy centre. Established in 1982 as the Public Interest Advocacy Centre (PIAC), we work with people and communities who are marginalised and facing disadvantage.

The Centre tackles injustice and inequality through:

- legal advice and representation, specialising in test cases and strategic casework;
- research, analysis and policy development; and
- advocacy for systems change to deliver social justice.

## Energy and Water Justice

Our Energy and Water Justice work improves regulation and policy so all people can access the sustainable, dependable and affordable energy and water they need. We ensure consumer protections improve equity and limit disadvantage and support communities to play a meaningful role in decision-making. We help to accelerate a transition away from fossil fuels that also improves outcomes for people. We work collaboratively with community and consumer groups across the country, and our work receives input from a community-based reference group whose members include:

- Affiliated Residential Park Residents Association NSW;
- Anglicare;
- Combined Pensioners and Superannuants Association of NSW;
- Energy and Water Ombudsman NSW;
- Ethnic Communities Council NSW;
- Financial Counsellors Association of NSW;
- NSW Council of Social Service;
- Physical Disability Council of NSW;
- St Vincent de Paul Society of NSW;
- Salvation Army;
- Tenants Union NSW; and
- The Sydney Alliance.

### Contact

Alana West  
The Justice and Equity Centre  
Level 5, 175 Liverpool St  
Sydney NSW 2000

T: +61 2 8898 6500

E: [awestjec.org.au](mailto:awestjec.org.au)

Website: [www.jec.org.au](http://www.jec.org.au)

The Justice and Equity Centre office is located on the land of the Gadigal of the Eora Nation.

## **Sydney Community Forum**

Sydney Community Forum is a regional community development organisation that has worked towards social justice, inclusion, and sustainability outcomes for disadvantaged and marginalised communities in Sydney since 1974. Since 2017, in collaboration with the Sydney Alliance, we have worked closely with migrant community leaders through the Voices for Power project to highlight the climate justice and energy equity related issues, concerns and priorities of migrant communities in Western and South-Western-Sydney.

## **Ethnic Communities Council of NSW**

ECCNSW is the peak body for all culturally and linguistically diverse communities in NSW. It undertakes a range of activities on behalf of its members and has maintained an energy advocacy officer who operates across the National Energy Market (NEM) for nearly two decades.

## **Combined Pensioners and Superannuants Association**

CPSA is a non-profit, non-party-political membership association that promotes the rights and interests of pensioners of all ages, older people on low incomes and self-funded retirees. Founded in 1931, our aim is to improve the standard of living and well-being of CPSA's constituents.

## **Consumer Action Law Centre**

Consumer Action is an independent, not-for profit consumer organisation with deep expertise in consumer and consumer credit laws, policy and direct knowledge of people's experience of modern markets. We work for a just marketplace, where people have power and business plays fair. We make life easier for people experiencing vulnerability and disadvantage in Australia, through financial counselling, legal advice, legal representation, policy work and campaigns. Based in Melbourne, our direct services assist Victorians and our advocacy supports a just marketplace for all Australians.

## **People With Disability Australia**

PWDA is Australia's national peak disability organisation, representing the 1 in 6 Australians with disability. We are the leading disability rights advocacy and representative organisation and the only national cross-disability organisation representing the interests of people with all kinds of disability. We are a not-for-profit and non-government organisation, and our membership is comprised of people with disability and organisations primarily constituted by people with disability, including the PWDA Board and many members of our staff.

## **Financial Counsellors' Association of NSW**

The Financial Counsellors' Association of NSW Inc (FCAN) is the peak membership body that represents and supports NSW Financial Counsellors. FCAN represents the financial counselling sector to advocate for suitable regulation and products to protect the financially vulnerable and to prevent people and families from experiencing financial hardship.

## **Queensland Council of Social Service**

QCOSS is Queensland's peak body for the social service sector. Our vision is to achieve equality, opportunity, and wellbeing for all Queenslanders.

## **ACT Council of Social Service**

ACTCOSS is the peak body for the community sector in the ACT – advocating for social justice in our territory and representing not-for-profit community organisations. ACTCOSS advocates for better outcomes for ACT energy consumers through the ACT Energised Consumers Project.

## **St Vincent de Paul Society NSW**

The St Vincent de Paul Society NSW is a lay catholic organisation whose vision is to create a more just and compassionate society. Members provide help and support to people at risk of homelessness or experiencing disadvantage in all sorts of ways.

**Contents**

- Recommendations .....2**
- 1. Introduction.....3**
- 2. Consumer experience of energy concessions .....4**
  - 2.1 Scope of issues with concession and rebate access..... 4
  - 2.2 Extent of gap between eligibility and access ..... 5
  - 2.3 Impact of failure to consistently apply rebates and concessions ..... 6
- 3. Response to proposed rule change.....6**
  - Expand beyond new customers..... 6
  - Regular, flexible communication..... 7
  - Civil penalties..... 7
  - Information campaigns ..... 7
  - Improvement of language used ..... 8
  - Jurisdictional information ..... 8
  - Permanent concession option ..... 8
  - Concession holder in the household..... 8
  - Principles ..... 9
- 4. More durable reforms.....10**
  - Automating concessions and rebates..... 10
  - Introducing retailer duty of care ..... 11
  - Complementary reforms ..... 11
- 5. Continued engagement .....12**
- 6. Further resources .....12**

# Recommendations

## **Recommendation 1**

---

*The final rule incorporates additional measures to:*

- *Require retailers to “regularly and proactively seek information from all consumers on their households’ eligibility for energy concessions or rebates”, with defined examples of when this should be undertaken (including for consumers with debt and payment issues, when payment arrangement or retail deal change requests are made, alongside other key touch-points with consumers);*
- *Prescribe a periodic requirement for retailers to seek information from all customers on their eligibility for concessions or rebates. For example, a requirement to check at minimum once every 12 months (with retailers encouraged to check more regularly);*
- *Apply civil penalties for breaches to the proposed requirement;*
- *Implement a process to assess language and terminology. This should involve consultation with consumer and community organisations to provide guidance on how best to communicate with consumers about concessions and rebates, including the terminology used;*
- *Require retailers to provide jurisdiction-specific concession and rebate information to consumers, and ensure staff training and systems are capable of doing so effectively;*
- *Require retailers to develop systems and approaches which enable identification of name and details mismatch issues, and discretion to resolve them where possible;*
- *Require retailers to create systems that allow for identification and recording of permanent concession holders; and*
- *Require development of retailer systems capable of applying concessions or rebates to an account if anyone living in the home is eligible for a concession or rebate, not only the account holder. This may involve work with jurisdictions to ensure adjustment in eligibility criteria.*

## **Recommendation 2**

---

*The AEMC provide advice to the Energy and Climate Ministerial Council that upgrading government and retailer systems to facilitate automated application of energy concessions and rebates is an urgently needed reform that should be prioritised in their forward work plan.*

## **Recommendation 3**

*That the AEMC, alongside other energy market bodies and Energy Ministers, consult on and implement a retailer duty of care to act in the best interests of the consumer in the delivery of good consumer outcomes in access to energy as an essential service.*

# 1. Introduction

The Justice and Equity Centre, Sydney Community Forum, Consumer Action Legal Centre, People with Disability Australia, Financial Counsellors Association of NSW, Ethnic Communities Council of NSW, Combined Pensioners and Superannuants Association, St Vincent de Paul Society NSW, Queensland Council of Social Service and Australian Capital Territory Council of Social Service welcome the opportunity to respond to the AEMC's consultation paper on *Improving the application of concessions to bills: rule change proposal*.

We strongly support comprehensive reforms to the National Energy Retail Rules (NERR) intended to reshape the retail market and materially improve outcomes for all consumers.

The package of seven rule changes<sup>1</sup>, of which this rule change is a part, respond to issues our organisations have been consistently raising with regulators, governments and other stakeholders over many years. This is not the first time that attempts have been made to address many of these issues. Previous failures to make material change and improvement have stemmed from a narrow focus on specific manifestations of a problem, rather than the underlying cause. For instance, seeking to prevent unreasonable discounting, rather than examining the more fundamental market structures which entrench a fundamental information and power imbalance between consumers and retailers. Broadly this approach has resulted in 'shifting' how the problem manifests rather than resolving underlying issues, seeing us regularly required to resolve a new manifestation of the problem. We see this process (when taking the rule change package as a whole) as an opportunity to take a different, more fundamental and more enduring approach.

Energy services are essential and are critical enablers of health, wellbeing and social and economic inclusion. As organisations representing the interests of consumers and communities, we are acutely aware of the importance of concessions and rebates in assisting households to affordably access those services. Concessions and rebates are crucial contributors to more equitable consumer outcomes and the avoidance of energy payment difficulty, debt and disconnection.

We support this rule change as an interim measure but note that it is incapable of meaningfully improving consistency of access to concessions and rebates. We strongly recommend that the Commonwealth government – in cooperation with state and territory jurisdictions, energy market bodies and other stakeholders - urgently prioritise more comprehensive reform to automate access to concessions and rebates, alongside the implementation of a retailer duty of care<sup>2</sup>.

Upgrade of government interfaces and systems, in conjunction with reforms to automate access to energy rebates and concessions is required to resolve the persistent issues this rule change recognises, and which were extensively documented as part of the GameChanger process.

---

<sup>1</sup> See our other submissions to the package: The Justice and Equity Centre et al. 2025, [Submission to the AEMC on Delivering more protections for energy consumers: changes to retail contracts](#); The Justice and Equity Centre et.al, 2025, [National Energy Retail Amendment \(Assisting Hardship Customers\) Rule Change](#); The Justice and Equity Centre et al. 2025, Submission to the AEMC on Improving the Ability to Switch to a Better Offer (sent to the AEMC and publication forthcoming – request a copy from the JEC).

<sup>2</sup> These measures are explored in detail in later sections of this submission

Implementing a retailer duty of care will complement this reform (and others proposed as part of this package of rule changes) by ensuring good outcomes for consumers are prioritised, and made the primary responsibility of retailers as providers of an essential service.

Our submission provides context and evidence on consumer experience of energy concessions and rebates. This is followed by our feedback on the proposed rule change, and feedback on more enduring reforms.

## **2. Consumer experience of energy concessions**

There is consistent evidence, established over the long term, that energy concessions and rebates are not consistently reaching those who need them, or those who are eligible for them<sup>3</sup>. This is a critical failure to promote the interests of all consumers and should be a priority for reform. For eligible households, energy concessions and rebates are crucial enablers of improved equity and affordability in access to essential energy services.

### **2.1 Scope of issues with concession and rebate access**

Our organisations, through research, frontline services and community engagement, have documented the experience of consumers and the importance of concessions and rebates for many disadvantaged households. We have likewise documented the poor outcomes resulting from concessions and rebates failing to reach those who need and are eligible for them.

Financial counsellors consistently report frustrations with failures relating to concessions and rebates, including:

- Concessions and rebates not being correctly applied by retailers at sign-up,
- Concessions and rebates dropping off from the bills of eligible customers. Often those impacted are now presenting in financial distress.
- Consumer switching resulting in extended periods without concession or rebate support, and
- Relatively minor issues with name, address and customer detail matching resulting in inability to access concessions and rebate support.

People impacted by domestic and family violence, poor mental health, disability, low and fixed incomes, carers and other disadvantaged cohorts who are eligible for concessions and rebates are consistently presenting to financial counsellors and community service workers with their energy concessions and rebates not applied or having dropped off after a period of time for no apparent reason. A key contributor is likely to be retailer systems which are not robust enough to effectively handle concessions and rebates and ensure they are always applied to eligible accounts.

#### **Information mismatch issues**

As noted above, minor Information mismatch across energy retailer and government service systems, or information formatting issues (resulting from cultural differences in naming practices) often impact access to rebates and concessions. Indeed, these issues are most likely to impact

---

<sup>3</sup> See section 6 of this submission "Further resources"



specific cohorts of people experiencing disadvantage, including First Nations households<sup>4</sup> and culturally and linguistically diverse households. Name and address mismatches seem particularly prevalent, and impacted consumers are often left with no avenue through which to resolve the problem. This is due to responsibility being impossible to determine between retailers and governments, with no discretion for redress. The following case study is indicative of issues being experienced by customers impacted by information mismatch:

Members of the local Aboriginal community having their NSW Government LIHR removed because the suburb identified on concession card, drivers' license, and by their Landlord/real-estate agent differed. This is not due to a mistake by the residents but as their houses are on the border of 3 suburbs and/or are located on an un-gazetted/non-public road, the address has been recorded by different organisations as a different suburb. Despite several calls to the electricity provider, Local Aboriginal Land Council, managing Real Estate Agent, Centrelink and a letter to Services Australia it is still not remedied and it is not clear how to fix it.<sup>5</sup>

Information mismatch issues require comprehensive reform measures to government systems and interfaces between governments and retailers, as well as mechanisms for discretion to address issues where they arise.

### **Consumer application issues**

This process rightly focuses on retailer responsibility to enable more effective concession and rebate access. However, the magnitude of issues with eligible consumers not accessing rebates and concessions is in substantial part caused by issues experienced by consumers themselves. This is crucial to understand in recognising the importance of automation to improved outcomes.

Previous JEC research<sup>6</sup> found that eligible people do not apply for energy concessions or rebates for a range of reasons including:

- They are not aware what is available, or are not aware the supports are intended for them;
- They believe they are already receiving supports where they are not;
- Inability to understand the phone conversation and engage effectively with the energy provider;
- General lack of awareness of how to access rebates or concessions;
- Shame or other issues of cultural perception and discomfort regarding requesting rebate and concession support, particularly from the Government; and
- They assume rebates and concessions are received automatically when they get the pension.

## **2.2 Extent of gap between eligibility and access**

The consistent gap between those eligible for concessions and rebates, and those receiving them, is well established in all jurisdictions, over a number of years.

---

<sup>4</sup> *Ibid*, p.10 and pp.22-23

<sup>5</sup> *Ibid*. pg.10

<sup>6</sup> All Sustainable Futures & PIAC, 2022, [Analysis of the Save4Good Program](#)

The Consumer Policy Research Centre undertook concessions research in 2022 which found that between 38% and 19% of households across NEM jurisdictions who are eligible for energy rebates and concessions were not receiving them<sup>7</sup>.

While not all jurisdictions provide publicly available data on energy concession and rebate uptake by eligible households, the NSW Energy Social Programs Annual Report for 2022-23 found that approximately 32% of likely eligible customers did not receive the main energy rebate (the Low Income Household Energy Rebate – LIHER) and 50% of eligible customers did not receive the gas rebate.

### 2.3 Impact of failure to consistently apply rebates and concessions

When those who need and are eligible for concessions and rebates don't receive them, the impacts are significant and can often be long lasting. The impacts of failed rebate and concessions access mirror those of payment difficulty and debt, though to a greater degree. These impacts are well documented including through a range of recent work and submissions by the consumer and community organisation<sup>8</sup>. These impacts include:

- Stress from juggling expenses and worrying about being disconnected;
- Additional costs, through late fees, disconnection fees, reconnection fees etc, as well as from having to turn to credit products to make ends meet;
- Going without the energy needed for health, well being and social and economic inclusion, in order to keep energy bills as low as possible;
- Going without other essentials, such as medicines and food, in order to afford to pay their energy bill.

Given the scope of the gap between eligibility and access, the harm impact for consumers not accessing rebates and concessions, and the mix of systemic/structural and circumstantial issues which contribute to this issue, comprehensive reforms beyond those considered in this process are required.

## 3. Response to proposed rule change

Our organisations support the intent of the rule change to improve the consistency of concession and rebate applications to bills. We regard the proposed rule change as an interim measure to be pursued while more fundamental measures allowing automation are progressed. Notwithstanding our support, we contend there is scope for the proposed solution to be strengthened.

### Expand beyond new customers

The rule change should not only apply to new customers but all customers. People's eligibility for concessions will change over time, and customers not previously eligible for a concession or

---

<sup>7</sup> CPRC, 2022, [Mind the gap: Identifying the gap between energy concessions eligibility and concessions received](#), p.4.

<sup>8</sup> The Justice and Equity Centre, 2024, [Powerless: Debt and Disconnection](#); The Justice and Equity Centre et al. 2024, [Joint Submission to the AER Review of Payment Protections in the National Energy Customer Framework](#) and AER and Sydney Community Forum, 2024, [Consultation summary: Voices for Power listening session](#)

rebate will become eligible. Further, it is evident that not all currently eligible concession and rebate recipients are receiving them, meaning there is likely a significant portion of existing customers who are eligible for concessions and rebates not currently receiving them. Crucially, evidence of people ‘dropping off’ concessions and rebates indicates ongoing measures are required.

### **Regular, flexible communication**

Retailers should be *regularly* and proactively seeking information from all customers on their eligibility for concessions or rebates, not confining this to sign-up. Repetition, or getting information at an appropriate moment can be the difference in reaching people, and reaching them when they are most receptive to the information. Customers are provided a considerable amount of complex information at sign-up, which may limit the efficacy of being asked about concession and rebate eligibility **only** in that moment.

We recommend the AEMC prescribe a minimum period at which retailers must proactively seek information from all customers on their eligibility for concessions or rebates. For example, a requirement to check at minimum once every 12 months (with retailers encouraged to check more regularly at key decision or attention points – for instance when changing payment arrangements, plans, or making other inquiries).

There is no single point at which it will be most effective for retailers to proactively seek information from customers about concessions and rebates. Retailers should be proactively seeking this information through a range of communication channels and customer touch-points. At a minimum, retailers should be checking eligibility for customers with accumulated debt, persistent payment issues, or who have inquired about discounts or other supports. This is already encouraged but is not being consistently practiced.

### **Civil penalties**

Civil penalties should be applied for breaches to the proposed requirements. Concessions and rebates are a critical enablers of access to affordable energy for disadvantaged households. Retailers not applying concessions and rebates to eligible households can result in people experiencing payment difficulty, debt and disconnection. The seriousness of harm for consumers should be reflected in the application of penalties for failing to act to avoid that harm.

### **Information campaigns**

Information campaigns can be employed by retailers, governments and other stakeholders about energy concessions and rebates and do have value. However, there have been repeated attempts to improve information (by governments, community organisations, and industry associations) without material and long-lasting impact.

Information must not be seen as sufficient or an alternative to retailer requirements and longer-term reforms enabling automation. While not knowing about concessions and rebates is a barrier for some consumers, our organisations understand that many consumers know they are eligible for concessions and rebates but other barriers are preventing their access. Many of these are systemic issues outside of the control of consumers, and will not be resolved by information campaigns.

## **Improvement of language used**

The language used by retailers when providing information about concessions and rebates is often confusing, inconsistent and occasionally alienating. We have previously raised issues with the term ‘hardship’ which can often be used in conversations on concessions and rebates.<sup>9</sup> Many concessions and rebates are labelled with pejorative or prejudicial language which is similarly problematic (such as ‘low income’). Further, financial counsellors report a disconnect between the official names for concessions and the more colloquial names that people understand. E.g. “Commonwealth Seniors Health Card” compared to “Gold Card”. A comprehensive assessment of naming and language usage to identify more effective and inclusive terminology is required.

## **Jurisdictional information**

As acknowledged in the consultation paper, there are differences across NEM jurisdictions in what concessions and rebates are available and differences in specific requirements for retailer processes. The final form of this proposed rule change will need to accommodate jurisdictional differences, including referring to both concessions and rebates to ensure effective inclusion of NSW.

Retailers should be required to provide regular and proactive communications with state-specific information for customers. This will require retail systems to both identify consumers by jurisdiction and ensure up to date staff training to match correct information and assistance to customers jurisdictions. The intent must be to implement a ‘no wrong door’ principle, and reduce the friction involved in accessing concessions and rebates.

## **Permanent concession option**

A component of the final rule change should be implementation of processes to register a ‘permanent concession/rebate eligibility’. This will avoid many eligible rebate and concessions-holders experiencing loss of access and any requirement to re-apply. It should also reduce administrative burdens on retailers in the longer term.

This could be accomplished through requiring retailers to create a new category of rebate/concession recipient where someone on a permanent concession or rebate (eg. aged pension, disability pension) is registered as ‘permanent’ and is not required to regularly confirm their concession or provide information. We would further recommend the AEMC investigate the possibility of this information being included in the retailer transfer information when a person switches to a new retailer.

## **Concession holder in the household**

We have consistently documented issues arising from requiring the concession or rebate holder to be the account holder in order to have the benefit applied to the account. Often, concession holders are the most vulnerable person in a household and can be incapable or otherwise unable to set up an account or hold one in their name. Concessions and rebates are intended to support

---

<sup>9</sup> See The Justice and Equity Centre et.al, 2025, [National Energy Retail Amendment \(Assisting Hardship Customers\) Rule Change](#); The Justice and Equity Centre et al. 2024, [Joint Submission to the AER Review of Payment Protections in the National Energy Customer Framework](#); and AER and Sydney Community Forum, 2024, [Consultation summary: Voices for Power listening session](#)

access to energy for eligible recipients, they can be impacted by energy costs without being the named account holder.

We recommend the AEMC incorporate a change to allow a concession or rebate to be applied to an account if it can be demonstrated anyone living permanently in the home is eligible for a concession or rebate.

This approach has been enabled for the NSW life support energy rebate, which is applied to an account if there is a person living in the home who requires life support equipment<sup>10</sup>, demonstrating that such an approach is practical and has precedent.

## Principles

We recommend the AEMC incorporate the following principles into the final rule:

- Retailers are responsible for ensuring consumers eligible for concessions and rebates have them consistently applied to their bills;
- The burden of responsibility for verification should be on the retailer;
- Verification systems should enable discretion. If there is an administrative barrier to application that is unresolvable by the consumer, but is identifiable by the retailer (e.g. address mismatch or naming convention issue), the retailer should have scope to exercise discretion to benefit the consumer by providing special-case systems to facilitate application of the concession or rebate where it can be reasonably determined they should be eligible;
- There is no wrong door. Retailers should regularly and proactively seek information from consumers as to whether they are eligible for concessions and rebates when and where consumers engage with retailers including on bills, in-person, phone calls, chatboxes and digital apps and accounts;
- Supporting infrastructure should be improved, including retailer call-wait times, avenues for in-person support, access to interpreters and culturally-safe customer service.<sup>11</sup>

## Recommendation 1

---

*The final rule incorporates additional measures to:*

- *Require retailers to “regularly and proactively seek information from all consumers on their households’ eligibility for energy concessions or rebates”, with defined examples of when this should be undertaken (including for consumers with debt and payment issues, when payment arrangement or retail deal change requests are made, alongside other key touch-points with consumers);*

---

<sup>10</sup> Service NSW, [Apply for the NSW Life Support Energy Rebate \(retail customers\)](#)

<sup>11</sup> AER and Sydney Community Forum, 2024, [Consultation summary: Voices for Power listening session](#)

- *Prescribe a periodic requirement for retailers to seek information from all customers on their eligibility for concessions or rebates. For example, a requirement to check at minimum once every 12 months (with retailers encouraged to check more regularly);*
- *Apply civil penalties for breaches to the proposed requirement;*
- *Implement a process to assess language and terminology. This should involve consultation with consumer and community organisations to provide guidance on how best to communicate with consumers about concessions and rebates, including the terminology used;*
- *Require retailers to provide jurisdiction-specific concession and rebate information to consumers, and ensure staff training and systems are capable of doing so effectively;*
- *Require retailers to develop systems and approaches which enable identification of name and details mismatch issues, and discretion to resolve them where possible;*
- *Require retailers to create systems that allow for identification and recording of permanent concession holders; and*
- *Require development of retailer systems capable of applying concessions or rebates to an account if anyone living in the home is eligible for a concession or rebate, not only the account holder. This may involve work with jurisdictions to ensure adjustment in eligibility criteria.*

## **4. More durable reforms**

### **Automating concessions and rebates**

As discussed throughout this submission, many of the barriers to eligible consumers having concessions and rebates applied correctly and consistently to their accounts are systemic and cannot be resolved by the consumer. We acknowledge that some barriers are not able to be solved by energy retailers alone, and that governments also have a responsibility to address systems interface issues.

We strongly recommend that the Commonwealth government – in cooperation with state and territory jurisdictions, energy market bodies and other stakeholders - urgently prioritise more comprehensive reform to automate application of energy concessions and rebates

We understand that automation of concessions and rebates will likely be a complicated system upgrade process, but complexity must not be used to justify accepting continued poor outcomes for consumers. Concessions and rebates are a crucial enabler of affordable and equitable access to essential energy services, and all eligible consumers should be receiving the benefits to which they are entitled.

## **Recommendation 2**

---

*The AEMC provide advice to the Energy and Climate Ministerial Council that upgrading government and retailer systems to facilitate automated application of energy concessions and rebates is an urgently needed reform that should be prioritised in their forward work plan.*

### **Introducing retailer duty of care**

Our organisations recommend the introduction of an explicit retailer duty of care and responsibility to act in the best interests of the consumer in the delivery of good consumer outcomes in access to energy as an essential service. This would support a principle that retailers are responsible for ensuring consumers are receiving the concessions and rebates they are entitled to, and that particularly those experiencing payment difficulty do not experience worse outcomes as a result.

Energy is an essential service and retailers do (and should) have a 'duty of care' to their customers in providing that service. Making this duty more explicit is demonstrably in the long-term interests of consumers. Enshrining this duty, and responsibility for customer outcomes, would put the onus on retailers to demonstrate they have fulfilled their duty and acted to deliver the good outcomes understood and agreed upon by their customer.

The onus of proof would be on retailers to show how they made every effort contribute to a good outcome for the consumer. Where defined 'poor outcomes' occur (such as the accumulation of certain levels of debt, or threats of disconnection) the onus would be on the retailer to demonstrate they have still fulfilled their duty and done everything possible to avoid that outcome. This is particularly important in relation to making all efforts to ensure consumers receive the concessions and rebates they need and are eligible for.

A duty of care would incorporate proactive and culturally sensitive communication (both preventative and supportive).

There are different interpretations of what an explicit retailer duty of care would entail, and its implementation will require deep consultation with consumer and community organisations to ensure intended improved, positive outcomes for consumers. An explicit retailer duty of care should complement and strengthen, not replace, a regulatory framework for the energy retail market. As we detailed in consultations with the AER, this should involve prescription and robust principles, alongside strong monitoring and enforcement mechanisms.

## **Recommendation 3**

*That the AEMC, alongside other energy market bodies and Energy Ministers, consult on and implement a retailer duty of care to act in the best interests of the consumer in the delivery of good consumer outcomes in access to energy as an essential service.*

### **Complementary reforms**

Concessions and rebates are intended to improve equity in the affordability of energy services. Delivery on this intent is undermined or counteracted by a range of measures which unfairly and inequitably add costs to consumer energy bills. In order to more effectively deliver on the intent of concessions and rebates and maximise the impact of rebate and concessions budgets on

improved consumer outcomes, we recommend a range of complementary reforms. These include:

- A coordinated Commonwealth and jurisdictional review of eligibility for energy concessions and rebates to ensure they reach a wider range of consumers in need;
- Consistent implementation of more equitable and effective percentage-based concessions and rebates across all jurisdictions;
- Coordinating electrification and home energy upgrades support policies with concessions and rebate eligibility criteria to provide more significant, long-term assistance identified rebate and concession cohorts;
- A review of cost recovery for environmental and efficiency schemes to implement more equitable cost recovery arrangements, including removing exemptions for large-users and transmission connected entities and/or removing some or all costs from bills, and recovering them from Government budgets; and
- Reviewing the cost recovery arrangements for large transmission investments and Renewable Energy Zone infrastructure, and implementing more equitable cost-recovery shares.

## 5. Continued engagement

Our organisations welcome the opportunity to meet with the AEMC, Energy Ministers and other stakeholders to discuss these issues in more depth.

## 6. Further resources

The following resources provide consistent evidence, established over the long term, that energy concessions and rebates are not consistently reaching those who need them, or those who are eligible for them.

- Australian Council of Social Service et al. 2022, [\*Reforming electricity concessions to better meet need\*](#)
- AER and Sydney Community Forum, 2024, [\*Consultation summary: Voices for Power listening session\*](#)
- Consumer Action Law Centre, 2024, [\*Energy Assistance Report: Keeping the Lights on – How Victoria’s energy policies are impacting Victorian households\*](#)
- Consumer Policy Research Centre, 2022, [\*Mind the gap: Identifying the gap between energy concessions eligibility and concessions received\*](#)
- The Justice and Equity Centre, 2024, [\*Powerless: Debt and Disconnection\*](#)



- Melbourne Institute: Applied Economic and Social Research & The Energy Charter, 2024, [\*Insights into energy concession awareness and energy-related behaviours among concession card holders in Australia\*](#)
- Public Interest Advocacy Centre, 2018, [\*Close to the Edge: A Qualitative & Quantitative Study\*](#)