



National Energy Retail Amendment (Assisting Hardship Customers) Rule 2025 No 2

The Australian Energy Market Commission makes the following Rule under the National Energy Retail Law as applied by:

- (a) the *National Energy Retail Law (South Australia) Act 2011* of South Australia;
- (b) the *National Energy Retail Law (ACT) Act 2012* of the Australian Capital Territory;
- (c) the *National Energy Retail Law (Adoption) Act 2012* of New South Wales;
- (d) the *National Energy Retail Law (Tasmania) Act 2012* of Tasmania;
- (e) the *National Energy Retail Law (Queensland) Act 2014* of Queensland; and
- (f) the *Australian Energy Market Act 2004* of the Commonwealth.

Anna Collyer
Chairperson
Australian Energy Market Commission

National Energy Retail Amendment (Assisting Hardship Customers) Rule 2025 No 2

1 Title of Rule

This Rule is the *National Energy Retail Amendment (Assisting Hardship Customers) Rule 2025 No. 2*.

2 Commencement

Schedule 2 of this Rule commences operation on 26 June 2025.

Schedule 1 of this Rule commences operation on 30 December 2026.

3 Amendment to the National Energy Retail Rules

The National Energy Retail Rules are amended as set out in Schedule 1.

4 Savings and Transitional Amendment to the National Energy Retail Rules

The National Energy Retail Rules are amended as set out in Schedule 2.

Schedule 1 Amendment to the National Energy Retail Rules

(Clause 3)

[1] Rule 3 Definitions

In Rule 3, insert the following definition in alphabetical order:

billing guideline means the guideline made by the AER in accordance with rule 25A.

[2] Rule 25A Billing guideline

In paragraph 25A(1) omit "guideline (billing guideline)" and substitute "*billing guideline*".

[3] Rule 25A Billing guideline

In rule 25A, omit all references to "billing guideline" and substitute "*billing guideline*".

[4] Rule 25A Billing guideline

In paragraph 25A(4)(a)(iii) after ";" omit "and".

[5] Rule 25A Billing guideline

In paragraph 25A(4)(b) omit "may take into account any other matters that the AER considers relevant to the bill objective" and substitute:

- (b) must include a definition of the term 'deemed better offer' which takes into account the following:
 - (i) the lowest cost energy offer available to a small customer;
 - (ii) a small customer's energy usage history;
 - (iii) any non-financial benefits of energy offers available to a small customer; and

[6] Rule 25A Billing guideline

In rule 25A after paragraph 25A(4)(b) insert new paragraph (c):

- (c) may take into account any other matters that the AER considers relevant to the bill objective.

[7] Rule 70A Definitions

In rule 70A, insert the following definition in alphabetical order:

deemed better offer has the meaning given to that term in the *billing guideline*.

[8] Rule 75 Hardship program indicators

In paragraph 75(2)(c), after "hardship policies." insert "and the Rules;".

[9] Rule 75 Hardship program indicators

After paragraph 75(2)(c), insert new paragraphs (d) and (e):

- (d) purchase of energy by hardship customers at prices relative to the relevant standing offer price; and
- (e) uptake of the lowest cost energy offers available to hardship customers.

[10] New Rule 75C Offering hardship customers a deemed better offer

After rule 75B, insert new rule 75C as follows:

75C Offering hardship customers a deemed better offer

A retailer must offer a customer a deemed better offer that is lower cost than the customer's existing customer retail contract (if available):

- (a) when the customer becomes a hardship customer; and
- (b) when the retailer is required to inform the customer of the availability of a deemed better offer under the *billing guideline*.

[11] New Rule 75D Financial benefits for hardship customers

After rule 75C, insert new rule 75D as follows:

75D Financial benefits for hardship customers

- (1) At all times where a hardship customer is not purchasing energy under the deemed better offer referred to in rule 75C, a retailer must provide the hardship customer with a financial benefit calculated in accordance with subrule (2):
 - (a) at the time the retailer is required to inform the customer of the availability of a deemed better offer under the *billing guideline*; and
 - (b) at the time the hardship customer is issued their final bill.

Note

The AEMC proposes this subrule is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations).

- (2) The financial benefit provided under subrule (1) must be of at least equivalent monetary value to the benefit the customer would have received,

during the period they are a hardship customer, if that customer were purchasing energy under the deemed better offer referred to in rule 75C.

[12] Rule 166 Contents of retail market performance report — retail market overview

In paragraph 166(1)(a), omit "customers; and" and substitute "customers;".

[13] Rule 166 Contents of retail market performance report — retail market overview

In paragraph 166(1)(b), omit "and".

[14] Rule 166 Contents of retail market performance report — retail market overview

In paragraph 166(1)(c), omit "; and" and substitute ";".

[15] Rule 166 Contents of retail market performance report — retail market overview

In paragraph 166(1)(d), omit "and".

[16] Rule 166 Contents of retail market performance report — retail market overview

In paragraph 166(1)(e), omit "." and substitute "; and".

[17] Rule 166 Contents of retail market performance report — retail market overview

After paragraph 166(1)(e), insert new paragraph 166(1)(f) as follows:

- (f) a report covering the hardship program indicators in rule 75(2).

Schedule 2 Savings and Transitional Amendment to the National Energy Retail Rules

(Clause 4)

[1] Schedule 3 Savings and Transitional Rules

In Schedule 3, after Part 20, Division 1 insert:

Division 2 Rules consequential on the making of the National Energy Retail Amendment (Assisting Hardship Customers) Rule 2025

3 Definitions

- (1) In this Division:
Amending Rule means the *National Energy Retail Amendment (Assisting Hardship Customers) Rule 2025*.
- (2) Italicised terms used in this Division have the same meaning as in Schedule 1 of the Amending Rule.

4 AER guidelines

- (1) The AER must, by 30 September 2026, review and if necessary update and publish the guidelines made by the AER under these Rules or *the Law*, to take into account the Amending Rule including:
 - (a) the *billing guideline* made by the AER under rule 25A; and
 - (b) the AER Performance Reporting Procedures and Guidelines under section 286 of *the Law*.

5 AER Reporting

- (1) The AER is not required to include the additional matters to be included in a retail market performance report under the Amending Rule until the retail market performance report prepared in respect of the 12 month period commencing on 1 July 2027.

[END OF RULE AS MADE]
