

14 August 2025

Mr Geoffrey Rutledge  
Chief Executive Officer  
Australian Energy Market Commission  
GPO Box 2603  
Sydney NSW 2000

Online via: [www.aemc.gov.au](http://www.aemc.gov.au)

Dear Mr Rutledge

**Re: Improving the application of concessions to bills draft rule determination - RRC0063**

Thank you for the opportunity to comment on the draft rule determination on improving the application of concessions to bills.

The comments contained in this submission reflect the feedback of the Energy & Water Ombudsman NSW (EWON), Energy & Water Ombudsman South Australia (EWOSA), and Energy and Water Ombudsman Queensland (EWOQ). We are the industry-based external dispute resolution schemes for the energy and water industries in New South Wales, South Australia and Queensland.

We have collectively reviewed the draft determination and have only responded to those matters that align with issues customers raise, or with each respective organisation's operations as they relate to the draft determination.

If you require any further information regarding our submission, please contact Dr Rory Campbell, Manager Policy & Systemic Issues (EWON) on 02 8218 5266, Mr Antony Clarke, Policy and Governance Lead (EWOSA) on 08 8216 1861, or Mr Jeremy Inglis, Manager Policy and Research (EWOQ) on 07 3212 0630.

Yours sincerely



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**Improving the application of concessions to bills draft rule determination - RRC0063**

Energy and Water Ombudsmen (EWO) have long advocated that there is a critical need to improve awareness and access to energy concessions to help consumers access the support they are entitled to and are overwhelmingly supportive of the intent of the rule change.

We note the draft determination proposes two rule changes that will work together to improve the likelihood that consumers will be alerted to their eligibility for concessions and rebates, and receive helpful, jurisdiction-specific information. Specifically, the draft rules would require retailers to, at the time a consumer signs up to an energy plan:

1. Ask consumers about their eligibility for concessions or rebates
2. Provide jurisdiction-specific information on concessions and rebates.

This applies to both standard and market retail contracts for all new customers, including those with prepayment meters.

Whilst most retailers already ask customers at the point of sign up about their eligibility for concessions and rebates under the existing requirements, we acknowledge the addition of provision (1A) in Rule 19 of the *National Energy Retail Rules* (NERR) will ensure an appropriate minimum standard is in place to ask customers about their eligibility, as well the current requirement to provide relevant information.

The material change under the proposed rule change is the provision of *jurisdiction-specific information* to a consumer, which could help them connect the availability of concessions to their own circumstances. This includes information about all applicable government funded energy charge rebates, concessions or relief schemes available in the jurisdiction of the small customer. We agree this may help some consumers understand what is available and how to access it.

Whilst EWOs welcome any enhancements to facilitate the improved application of concessions on customers' bills, the scope of these changes, in our view, is minimal and therefore unlikely to result in any substantial improvements in the short term. We are disappointed that, despite our advocacy for supplementary information provisions at additional touchpoints throughout the customer journey in which eligibility information could be provided, such as when switching, the Commission has formed the view that '*additional contact obligations would not improve consumer outcomes*'.

We strongly disagree with this view and reiterate the need for retailers to proactively promote and seek information from customers through a range of communication channels and customer touchpoints, outside initial sign up, where a considerable amount of complex information is already provided. Adding communication requirements outside of initial sign up also accounts for situations where customers become eligible for government concessions and rebates after they have signed up with their existing retailer.

We acknowledge however, the challenges highlighted by retailers during consultations on the range of process and system issues, and privacy and data implications for a transfer specific obligation, which was considered to improve the portability of concessional information when switching. Also, the feedback on the cost implications of the one-time outreach proposal to require retailers to contact all existing customers to ask about their eligibility at the time the rule came into effect. We consider the upfront cost impediment argument may be more than offset by the financial benefits that can accrue from greater affordability assistance and decreased debt.

We do note a range of additional recommendations have been proposed by the Commission to further support the uptake of concessions and rebates through providing advice to governments and working closely with the other market bodies such as the Australian Energy Regulator (AER) and will address those separately in our response.

In regard to the proposed implementation timeframe of 1 July 2026, we support this date and agree it makes sense to align these changes with any modifications retailers may need to make to their sign-up processes in response to the *Improving consumer confidence in energy retail plans rule change*.

### **Further recommended actions on concessions**

We agree with the Commission's findings that the current barriers identified for consumers accessing concessions are too diverse and complex for rule changes alone to solve and requires multi-dimensional solutions. We strongly support the key recommendation for the Department of Climate Change, Energy, the Environment and Water (DCCEEW) to facilitate next steps on the AER's Game Changer recommendation to automate the application of concessions as a matter of priority. We agree automation is the most effective long-term solution as it removes the onus on consumers to provide their eligibility information. In the interim, we note the other recommended actions the draft determination offers that could improve the application of concessions to bills, including:

- *Jurisdictions* - to work towards harmonising concession application requirements
- *AER* - to develop guidance for retailers on communicating with consumers about concessions, and update the Better Bills Guideline and Exempt Selling Guideline to increase information provision to consumers
- *Services Australia* - with the support of jurisdictions, to provide more detailed, jurisdiction specific information about concessions to consumers when they receive new or updated concession cards.
- *Retailers* - to streamline how consumers add concession details to their account. For example, through a dedicated phone line or easy-to-find page in a customer's online account.
- *DCCEEW* - to facilitate the establishment of a cross-agency forum with jurisdictions, Services Australia and retailers to collaboratively address other barriers to concession access, in particular verification challenges and other process barriers.

We will address each of these recommendations individually. In addition, we have provided further commentary on how eligible consumers who are not account holders can be prevented from accessing concessions, either through jurisdictional rules or retailer processes.

### **Jurisdictions should harmonise concessions application requirements**

As acknowledged in the draft determination, there is a lack of harmonisation across jurisdictions on concessions, particularly in relation to application requirements and processes, and eligibility criteria, which creates ongoing barriers to consumers accessing concessions. This includes differences in the information that is required to verify, how often verification needs to be checked and circumstances in which forms need to be filled out. We support the Commission's draft Recommendation (2) that DCCEEW work with jurisdictions to facilitate discussions on increased harmonisation of jurisdictional concessions. We note this recommendation extends to harmonising application processes for customers in embedded networks and similarly support this.

## **The AER should develop guidance and update guidelines**

Recent research from Energy Consumers Australia<sup>1</sup> and Financial Counselling Australia<sup>2</sup> identified inconsistent approaches across the sector to providing support for consumers experiencing vulnerability, including the provision of information on concessions and rebates. This points to an urgent need for change to support energy retailers to take a consistent proactive approach.

Introducing industry guidance on how best to inform customers about the availability of concessions and rebates and ask about eligibility would be a valuable first step and we strongly support this recommendation for the AER to develop such advice. Consistent with the work the AER has recently completed which provides guidance to retailers for notice to small customers for smart meter installation, the guide could offer a range of information including consistent scripting/mandated information to be shared to ensure customers understand both what concessions or rebates are available to them and how to provide their eligibility information. It could also provide direction on accessibility communication standards such as the use of simple language, avoidance of jargon, abbreviations and acronyms, the use of pictures/photos of relevant concession cards, and the availability of additional resources or information including in other languages.

We also endorse the additional recommendations for:

- retailers to inform customers at the point of sign up that any concession will not automatically transfer from the previous retailer; and
- amendments to the *Better Bills Guideline* to require retailers to include information on the first and final bills that concessions do not automatically transfer.

These changes would further complement the AEMC's proposed rule changes and increase the touchpoints to which consumers are provided information about concessions to sign up, first bill and final bill.

To ensure alignment and improve awareness of concessions among embedded network customers, we agree a recommendation to the AER to apply the rule changes to relevant exempt sellers by updating the Retail Exempt Selling Guideline is needed.

## **Services Australia should provide more detailed information on rebates and concessions**

In the current climate where more and more consumers are enduring a prolonged and broad-spectrum cost of living crisis, we agree the promotion and dissemination of concessional information needs to extend beyond retailers to achieve any real change.

We agree Services Australia, the agency responsible for managing and distributing concessions cards, is ideally placed to intervene in this space. We overwhelmingly support Recommendation (4) suggesting Services Australia provide information directly to consumers about what concessions or rebates they become eligible for when they receive new or renewed concession cards. This information should incorporate details about all relevant rebates and concessions (not just energy) within the specific jurisdiction as well as offer guidance about the actions customers need to take to be eligible (ie. notify their retailer/embedded network operator that they are now eligible for a concession or the need to update their eligibility information following renewal or updates). This information could be made available in a factsheet which is sent out with all new or revised cards as well as published online. We further agree with stakeholder feedback that consumers may be more responsive to information provided by a government agency such as Services Australia.

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<sup>1</sup> Understanding and measuring energy hardship in Australia Consumer Energy Report Card – Energy Consumers Australia - July 2025

<sup>2</sup> Rank the Energy Retailer 2025 Report – Financial Counsellors Australia – July 2025

## **Jurisdictions should increase information provision**

Recognising that consumers are eligible for concessions for a variety of reasons, not just through a Services Australia card, we support the overarching Recommendation (5) for jurisdictions to work with agencies who communicate with eligible consumers to determine how they could contact those consumers to raise awareness of their eligibility.

## **Jurisdictions, Services Australia and retailers should establish a cross-agency forum**

Energy Ombudsman offices have long called for a stronger alignment between social supports and the energy market, and we would readily welcome the formation of a cross-agency forum involving jurisdictions, Services Australia and retailers to further explore the recommendations proposed in the draft rule change and facilitate coordinated change. We agree it could be initially facilitated by DCCEEW through the ETEWG consumer protections sub-working group.

Once established, we concur priority should focus on the issues identified in the Recommendation (6) for exploration including:

- Establishing a process mechanism to resolve verification issues in a timely and efficient manner to access concessions and verify renewed cards
- Addressing the impacts of Services Australia's explicit informed consent (EIC) requirements and collaboration between Services Australia and retailers to:
  - develop more adaptable scripting to check eligibility, potentially with input from the AER to align with any guidance developed per the Recommendation (3).
  - cross checking and automatic application of any missing concessions to the second fuel account for an existing customer (where dual fuel exists).
- Allow for flexibility for change of address
- Ongoing verification for permanent concessions and consideration of introducing permanent eligibility criteria for these customers whose eligibility will not change.

The importance of such collaboration is highlighted in the case studies provided in Attachment A of examples where customers have missed out on eligible concessions due to:

Case study A: concessions dropping off due to an administrative error between Concessions SA and the retailer and a subsequent change of address. The case study further highlights the lack of awareness on relevant concessions or rebates the customer was eligible for until the Energy Ombudsman intervened.

Case study B: Address mismatch.

## **Retailers should make it easy for customers to add concessions details**

Retailers are in the ideal position as the primary point of contact and source of information for energy customers to improve the lack of awareness about energy concessions by actively promoting information and ensuring the application/eligibility process is accessible and easy to navigate. While there are varying approaches across the industry, we agree that generally retailers could do more.

Introducing strategies, such as those identified in the draft rule determination including providing dedicated, easy to find information on retailer apps and online account portals where customers can add their concessional details or having a dedicated phone line should be considered. To optimise consumer understanding of concessions, retailers should also consider the accessibility of the information provided and ensure it is easily available, in simple language and available in multi-lingual formats.

Accordingly, we provide support for Recommendation (7), which encourages retailers to consider how they can lower barriers for customers to add eligibility details to their account during the life of their contract.

### **Further input on eligibility rules for households**

We welcome the Commission's further consideration of the issues raised by stakeholders, which relate to the current gap where not all consumers who are eligible for concessions or rebates are receiving them on their energy bill. This happens when the eligible card holder is not the energy account holder, which is common in a range of circumstances including:

- Living in a share house
- Where a consumer is unable to, or it is inappropriate to hold a financial account (eg. someone with a mental health condition)
- People in temporary accommodation
- Multigenerational households

Energy Ombudsman office often field enquiries of this nature from customers who are missing out on concessions or rebates. Case study C, highlighted in Attachment A, is an example of such.

We acknowledge that jurisdictions set differing rules on this issue and support the Commission's approach to review this issue broadly and make recommendations where appropriate, including the draft recommendations proposed at the outset for:

1. Jurisdictions to allow eligible consumers to access concessions on the electricity bill for their primary residence.
2. The AER to develop guidance for retailers on:
  - Improving their systems so they can apply concessions where the account holder is not the eligible party (and it is allowed by jurisdictions)
  - Communicating with customers who are the account holder but are not the eligible party.

# Attachment A

## CASE STUDY A

### Missed concessions and rebates for South Australian customer

A customer established an account with his retailer in early 2021. In mid-2021, he became eligible for and received the state government concession on his electricity account.

In early 2022, the concession ceased to be applied to customer's electricity account, but he did not realise the concession had ceased to be applied until mid-2023. He contacted the retailer, but his enquiries went unanswered. The customer changed address in mid-2024 and established an account with the same retailer for the new address. He did not receive the concession at the new property and contacted the retailer again to question the missing concession on the bills.

The customer contacted EWOSA after he had contacted the retailer and Concessions SA to address the missing concession. He wanted the retailer to apply the missing concession and provide payment assistance for the remaining balance of his account.

The retailer initially advised our office that the application of the concession was outside of its scope and that the customer needed to address the issue through Concessions SA. We contacted the retailer and Concessions SA with the customer's consent. We received advice that the concession had not been applied to the customer's bills for his previous address due to an administrative error. We received further advice that the customer may have been eligible for a Medical Heating and Cooling Rebate and to receive Energy Relief Grants that had not been applied and that he could register and receive backdated concessions for the account at the new address. We put the customer in direct contact with Concessions SA to facilitate assessment and make the eligible payments direct to him. We also asked the retailer to assess whether the customer was eligible to receive payment assistance through their hardship program.

The retailer applied \$800 backdated concessions to the customer's accounts. The retailer also provided a \$500 credit to his account balance as a gesture of goodwill for the inconvenience and level of service he had received. The retailer provided payment assistance to the customer through its hardship program for the remaining account balance.

## CASE STUDY B

### Vulnerable Queenslanders missing out on concessions due to address mismatch

A customer sought assistance from EWOQ after noting his pension concession and government rebates had not been applied to his bill, which currently stood at \$1500. Additionally, he had applied for the HEEAS grant but had not received any updates. The underlying cause appeared to be a mismatch between the address on his pension card and his current residence, complicating the application of concessions and rebates. The customer suffered from medical conditions, including dementia, which affected his ability to recall prior discussions.

The matter was referred to the customer's retailer as part of EWOQ's Referral to Higher Level process for review and action.

## CASE STUDY C

**NSW concession card holder not able to receive rebate**

A customer advised that she had been attempting to access the Low-Income Household Rebate on behalf of a resident of the supply address. The resident had a range of vulnerabilities that impacted their capacity to be the account holder. The customer, therefore, had the account in their name instead, to help the resident manage. The resident had an eligible concession card, but the customer did not. The retailer advised that it was unable to apply the Low-Income Household Rebate in these circumstances, due to the account holder and concession holder not being the same person. The customer was unhappy with EWON's advice that the retailer appeared to be following correct procedure, and did not wish to change to an alternative arrangement such as putting the account in the resident's name and instead having the customer as an authorised person to help manage the account.