



Draft National Energy Retail Amendment (Improving consumer confidence in retail energy plans) Rule 2025

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

Draft National Energy Retail Amendment (Improving consumer confidence in retail energy plans) Rule 2025

1 Title of Rule

This Rule is the *Draft National Energy Retail Amendment (Improving consumer confidence in retail energy plans) Rule 2025*.

2 Commencement

Schedules 1 and 2 of this Rule commence operation on 1 July 2026.

Schedule 3 of this Rule commences operation on [26] June 2025.

3 Amendment to the National Energy Retail Rules

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

4 Amendment to Schedule 1 of the National Energy Retail Rules

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

5 Savings and Transitional Amendment to the National Energy Retail Rules

The National Energy Retail Rules are amended as set out in Schedule 3.

Schedule 1 Amendment to the National Energy Retail Rules

(Clause 3)

[1] Rule 32 Payment methods (SRC and MRC)

After subrule 32(1), insert a new subrule 32(1A) as follows:

- (1A) A retailer must provide a small customer at least one method of payment, which is commonly used and accessible, for which no charges are imposed (whether by the retailer or payment service provider).

Note

The Commission proposes to recommend this as a Tier 2 civil penalty provision.

[2] Rule 45A Definitions

In rule 45A, insert the following definition in alphabetical order:

fixed price period contract means a market retail contract that provides that the retailer will not increase tariffs for a period of time expressed in relation to the contract start date.

[3] Rule 46 Tariffs and charges

In subrule 46(3), omit "The retailer" and substitute "Subject to rule 46AA, the retailer".

[4] Rule 46 Tariffs and charges

In paragraph 46(4)(a), omit "five" and substitute "20".

[5] Rule 46 Tariffs and charges

In paragraph 46(4B)(a), omit "10" and substitute "20".

[6] New Rule 46AA Timing of variations to tariffs, charges and fees

After rule 46A, insert a new rule 46AA as follows:

46AA Timing of variations to tariffs, charges and fees

- (1) Subject to subrule (2), a retailer must not increase tariffs, charges or fees payable by a customer under a market retail contract unless the increase takes effect for that customer on a single date within the month of July.

Note:

The Commission proposes to recommend this as a Tier 2 civil penalty provision.

- (2) A retailer must not increase tariffs, charges or fees payable by a customer under a fixed price period contract more frequently than once every 12 months, where the first 12 month period commences on the date that the fixed price period contract commences.

Note:

The Commission proposes to recommend this as a Tier 2 civil penalty provision.

- (3) The restrictions in subrule (1) and (2) do not apply:
- (a) in respect of an increase to a tariff or charge that is a direct result of a tariff reassignment by the distributor pursuant to clause 6B.A3.2 of the *NER*; or
 - (b) with respect to a tariff or charge that continually varies in relation to the prevailing spot price of energy. For the avoidance of doubt this exemption from the restrictions in subrule (1) and (2) does not apply with respect to any tariffs and charges that do not so vary, forming part of the same market retail contract.

[7] Rule 46B Energy rates – discounting practices

In paragraph 46B(4)(b), omit "at least" and substitute "more than".

[8] Rule 46C Conditional discounts

In subrule 46C(2), omit "A term or condition of a market retail contract has no effect to the extent that it:" and substitute "Where a term or condition of a market retail contract:".

[9] Rule 46C Conditional discounts

In subrule 46C(2), omit paragraph (b) and substitute:

- (b) such term or condition is inconsistent with subrule (1),
the retailer must apply the conditional discount to each payment under the market retail contract notwithstanding the customer's failure to satisfy the relevant payment condition.

[10] Rule 48A Retailer notice of benefit change - market retail contracts

In paragraph 48A(3)(e) after "small customers in their area;" omit "and".

[11] Rule 48A Retailer notice of benefit change - market retail contracts

In paragraph 48A(3)(f) omit "contract." and substitute "contract; and".

[12] Rule 48A Retailer notice of benefit change - market retail contracts

After paragraph 48A(3)(f), insert a new paragraph as follows:

- (g) if applicable, the new tariffs and charges payable under the contract from the benefit change date in accordance with rule 48C.

[13] Rule 48B Benefit change notice guidelines

In paragraph 48B(2)(c)(i) after ";" omit "and".

[14] Rule 48B Benefit change notice guidelines

After paragraph 48B(2)(c)(ii), insert a new paragraph as follows:

- (iii) understand the tariffs and charges the small customer will pay if the small customer remains on its existing market retail contract following the benefit change date; and

[15] New Rule 48C Tariffs following benefit change

After rule 48B, insert new rule 48C as follows:

48C Tariffs following benefit change

For a market retail contract with a benefit change, after the benefit change date the retailer must not charge the small customer an energy rate higher than the retailer's standing offer prices.

Note:

The Commission proposes to recommend this as a Tier 2 civil penalty provision.

[16] Division 7A Customer retail contracts - conditional fees

In Division 7A, omit the heading and substitute:

Division 7A Customer retail contracts - fees and charges

[17] Rule 52A Definitions

Omit rule 52A including the heading, and substitute:

52A Restrictions on fees and charges

- (1) Subject to subrules (2) and (3), a retailer may only include a charge or fee other than an energy rate in a contract with a small customer if such charge or fee does not exceed a reasonable estimate of the costs incurred, or likely to be incurred, by the retailer as a result of providing the customer the service to which that charge or fee relates.

- (2) A retailer must not require a small customer to pay any charge or fee other than the energy rate if such customer is:
 - (a) a hardship customer;
 - (b) a customer referred to in rule 33(1)(b);
 - (c) receiving a rebate, concession or relief under any government funded energy charge rebate, concession or relief scheme;
 - (d) an *affected customer*; or
 - (e) on a payment plan.
- (3) A retailer must not charge a fee for a *meter* read where that *meter* read is for the purposes of commencing or terminating a customer retail contract or a deemed customer retail arrangement.
- (4) A retailer must not charge a customer a fee for establishing an account with the retailer upon entry into a customer retail contract.
- (5) This rule applies in relation to standard retail contracts and market retail contracts.

Note

The Commission proposes to recommend this rule 52A as a Tier 2 civil penalty provision.

[18] Rule 52B Conditional fees

Omit rule 52B including the heading and the note, and substitute:

52B [Deleted]

[19] Rule 64 Required information

Omit paragraph 64(1)(a) and substitute with the following paragraph:

- (a) all applicable prices, charges and benefits to the customer (to the extent both are not otherwise part of prices), in what circumstances such prices and charges are payable, early termination payments and penalties, *security deposits*, service levels, concessions or rebates, billing and payment arrangements, and when and how any of these matters may be changed (including the earliest time that the retailer may increase tariffs and charges pursuant to rule 46AA, and, where relevant, when changes to prices will be notified by the retailer to the customer);

[20] Rule 73 Waiver of late payment fee for hardship customer

Omit rule 73, including the heading and the note, and substitute:

73 **[Deleted]**

[21] Rule 115 **De-energisation for non-notification by
move-in or carry-over customers**

Omit rule 115, including the heading, and substitute:

115 **[Deleted]**

**Schedule 2 Amendment to Schedule 1 of the National
Energy Retail Rules**

(Clause 4)

**[1] Schedule 1 Model terms and conditions for standard
retail contracts**

In clause 8.2(a) of Schedule 1, omit "10" and substitute "20".

**[2] Schedule 1 Model terms and conditions for standard
retail contracts**

In clause 8.2(a1) of Schedule 1, omit "five" and substitute "20".

Schedule 3 Savings and Transitional Amendment to the National Energy Retail Rules

(Clause 5)

[1] Part 12B Rules consequential on the making of the National Energy Retail Amendment (Regulating conditional discounting) Rule 2020 No. 1

In Schedule 3 Part 12B, after rule 2, insert:

Note:

See Part 20, rule 5.

[2] Part 20 2025 Savings and Transitional Rules

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

Division 2 Rules consequential on the making of the National Energy Retail Amendment (Improving consumer confidence in retail energy plans) Rule 2025

4 Definitions

In this Division:

Amending Rule means the *National Energy Retail Amendment (Improving consumer confidence in retail energy plans) Rule 2025*.

effective date means 1 July 2026.

new rule 48C means rule 48C of the Rules as in force on and from the effective date.

5 Amending rule applies to new and existing contracts from effective date

- (1) Notwithstanding Part 12B, rule 2 of this Schedule 3, the amendments in Schedules 1 and 2 of the Amending Rule apply in respect of customer retail contracts (whether entered into before or after the effective date) from the effective date.
- (2) For the avoidance of doubt, in relation to market retail contracts where a benefit change date occurred prior to the effective date, new rule 48C applies only from the effective date.

6 Variation date - standard retail contracts

- (1) Retailers must amend their standard retail contracts as required by schedule 2 of the Amending Rule by the effective date.
- (2) Alterations made under subrule (1) must take effect on and from the effective date.

7 Retailers must notify customers of changes

- (1) Retailers must, in accordance with this rule, notify customers under customer retail contracts that will be affected by the application of Schedule 1 of the Amending Rule.
- (2) The notice in subrule (1) must be given:
 - (a) in writing; and
 - (b) no earlier than 40 business days and no later than 20 business days before the effective date.
- (3) The notice in subrule (1) must:
 - (a) include a description of the effect of the Amending Rule on the customer; and
 - (b) comply with the requirements in the benefit change notice guidelines (to the extent they are relevant).

8 AER guidelines

- (1) The AER must, by the effective date, 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 benefit change notice guidelines made under rule 48B(1); and
 - (b) the AER Retail Pricing Information Guidelines.
- (2) For subrule (1), the AER must proceed in accordance with the retail consultation procedure.