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Attention: Energy Social Programs

NSW Department of Climate Change, Energy, the Environment and Water

By Email Only: strategicprojects.esp@planning.nsw.gov.au

12 December 2025

Dear Sir or Madam,

NSW Social Programs for Energy (Core Programs) Code- Schedule 1

AGL Energy (AGL) welcomes the opportunity to provide feedback to the New South Wales Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) in response to the NSW Social Programs for Energy (Core Programs) Code (the Code).

AGL's detailed feedback is set out within Appendix A attached herewith. Only clauses that AGL has feedback on have been included.

AGL reaffirms its support for the NSW Government's Social Programs for Energy and the ongoing improvements to the Code that underpin these initiatives. However, we wish to highlight our concern regarding the proposed commencement of changes. The energy sector is already preparing for significant regulatory reforms in 2026, which involves substantial system upgrades. While we appreciate many of the proposed amendments, the current commencement date for the consolidated programs set out in the Code risk placing undue compliance pressure on industry alongside 13 other impending rule changes commencing in July 2026, notably the Australian Energy Market Commission's energy retail consumer reform rule changes. AGL therefore urges the NSW Government to consider extending the commencement timeframe for the consolidated programs from 1 November 2026 to January 2027. This will allow sufficient time to ensure system changes are fit for purpose, well considered, and implemented effectively for both customers and industry.

AGL would additionally welcome clarification on whether NSW DCCEEW intends to provide communications about the upcoming Code changes in 2026, and what expectations it has on industry for informing customers prior to the commencement of the changes next year.

If you have any questions in relation to this submission, please contact Emma Holloway, Manager Policy & Market Regulation at eholloway@agl.com.au.

Yours sincerely,

A handwritten signature in black ink that reads 'Liam Jones'.

Liam Jones
Senior Manager Policy and Market Regulation



Appendix A – AGL’s Feedback

NSW Social Programs for Energy (Core Programs) Code- Schedule 1

Obligation	Clause(s)	AGL Feedback
PART 2. PROVISIONS ABOUT PROGRAMS GENERALLY		
Division 1. Information requirements	cl.8 Information about programs	<p>Overall, AGL supports this provision and can confirm it already complies with most of the requirements in its current processes. However, while AGL appreciates NSW DCCEW’s intent behind the proposed changes to information requirements for sellers, we note there may be misalignment with the Australian Energy Market Commission’s (AEMC) rule changes,¹ commencing in July 2026. Under the AEMC’s rules, retailers will be required to inform customers about available state-specific rebates/relief at sign-up for an energy contract or when switching contracts.</p> <p>In comparison, proposed changes to the Code will require sellers to provide access information about a program when entering a contract for sale of energy. This is not exactly aligned as the above offers a broader amount of information, whereas this appears to provide information regarding the access to a program, and not what is available to a customer.</p> <p>Consequently, AGL is concerned that this may cause some confusion for sellers regarding what information they provide and how they sequence providing information about the potential programs when a customer joins AGL or likewise switches a product.</p>
Division 2. Rebate Applications	cl.10 Application	<p>AGL acknowledges the drafting of cl.10.3 aims to protect customers upon application for assistance during this transitional period, however, we hold concern about the discrepancies between a seller’s and NSW DCCEW’s definitions for when an application is made, and how this will operate in practice.</p> <p>For example, when AGL receives an application for the life support rebate, we consider the application date to be the date we receive a completed application. However, the newly proposed wording of the Code implies the application date would begin once a customer contacts a retailer advising them of their intent to apply.</p> <p>While we appreciate the drafting has purposefully been left open to assist parties during this transitional period for the Social Programs, this may create some inconsistency for customers. Therefore, it would be helpful for sellers to be given assurance that liability for this issue will not apply during this period until further amendments are made to address potential interpretation issues.</p> <p>AGL simultaneously holds concern for back payments for eligible customers as we only accept an application once verification checks have been completed. If there is significant delay between a customer making an application and providing documentation to support their application, this could result in substantial back payments for customers. While we</p>

¹ Australian Energy Market Commission, Improving the application of concessions to bills, final retail rule determination, 25 September 2025, Australian Energy Market Commission, <https://www.aemc.gov.au/rule-changes/improving-application-concessions-bills>.



appreciate the change accommodates differing industry processes, we encourage the NSW DCCEEW to implement a 12-month limit, similar to Victoria's Department of Energy, Environment and Climate Action policy.² This would incentivise customers to complete applications promptly and ensure they receive relevant assistance, regardless of whether their application start date has been recorded.

AGL also notes that clause 10.5 may create ambiguity with the introduction of rebates for Families and Seniors. Sellers manage accounts differently; some offer joint accounts while others sole accounts or both. A sole account typically refers to a financially responsible person named on the bill, who may also have a representative listed for contact purposes but not as an account holder. Joint accounts, on the other hand, involve two financially responsible individuals. Generally, rebates can only be applied to account holders for verification purposes.

For example, AGL does not offer joint accounts (due to financial, safety, privacy, and account structure considerations) and only verifies one financially responsible person. We do not maintain concession information for multiple individuals. Consequently, only the account holder can receive a rebate. Only in limited circumstances can minor changes be made on behalf of the account holder e.g., making payments.

While an account may have a nominated contact person, these are treated as such from a customer 'hierarchy' and system relationship management perspective and we therefore do not have a viable avenue to manage rebates for these contacts in the same way as the primary customer. If this approach were taken, it risks exposing retailers and government to increased fraudulent activity that could harm customer safety.

We recognise this differs from Services Australia's approach and other retailer practices. However, manually addressing this issue, if not resolved by Services Australia's online portal, would be a time-consuming compliance exercise, which may delay assistance for customers. Therefore, AGL would greatly appreciate a guidance note from NSW DCCEEW confirming that this is not a requirement at this time.

AGL appreciates this is a complex issue for the NSW Government to resolve given industry variation. We encourage further conversation with the sector to explore future policy solutions.

Division 2. Rebate Applications

cl.11 Preparation of seller forms for NSW Energy Rebate for Households and NSW Energy Rebate for Families and Seniors

AGL notes a seller may establish a standard form for the consolidated programs: *Rebate for Households and NSW Energy Rebate for Families and Seniors*. While we appreciate the intent to promote harmonisation in the application process to improve efficiency, we do not support this proposal and instead, assert that retailers should retain the discretion to maintain separate application forms and assess eligibility independently. Shifting the onus of assessing the programs together onto retailers will likely pose procedural challenges for industry, including development of new application forms, verification procedures and staff training to assess the different demographic specifications for the two cohorts.

While we understand this is not a strict expectation for industry to assess these two programs together, for avoidance of any doubt, AGL would appreciate the guidance to clarify that this is not a requirement or expectation from the NSW Government.

² Victorian Government, Victorian concessions: A guide to discounts and services for eligible households in Victoria, Department of Families, Fairness and Housing, July 2022, Victorian Government, <https://services.dffh.vic.gov.au/sites/default/files/2022-07/Victorian%20concessions%20guide%20to%20discounts%20and%20services%202022.pdf>.



Division 4.
Provisions: Program
payments and seller
payments

cl. 21 Sellers to
deliver program
payments to
approved
customers

AGL notes cl 21.2 states a *program payment is to be applied to the account when the seller is notified by the Department and should appear on the next bill issued by the seller.* This appears to conflict with cl. 51 of the Code, which requires a seller to credit the approved EAPA amount to a customers' account within two days of the customer being approved, and not 'when notified' as drafted in the proposed amendments. AGL encourages NSW DCCEW to amend the draft Code to clarify expectations around payment to customers.

Due to sellers' varying billing cycles, AGL supports consistency within the Code for payments to align with this cl. 21.2 rather than cl. 51. This would assist industry during this transitional period while it is preparing and making appropriate arrangements to accommodate for impending operational changes to the Social Programs in NSW.

PART 3 Provisions about specific programs: NSW Energy Rebate Households

Division 1. NSW
Energy Rebate for
Households

cl. 37 Application
information

AGL appreciates clause 37 allows for some flexibility for verification purposes. However, we hold concern that the current drafting, while open, may still limit the application of Unique Identification Numbers, used by the Department of Veteran Affairs, as it is not strictly deemed as a customer number in some systems. While AGL is unable to speak on behalf of other retailers, we encourage NSW DCCEW to consider including the following language: *"unique identifier numbers"* in the Code to offer broader application. If the counterfactual remains, retailers may be restricted from appropriately verifying eligible customers from receiving assistance they may be entitled to e.g., Seniors Concession.

It is also worth noting clause 37.1 requires sellers to obtain all application information across all channels, compared to previous iterations that only required this action when preparing an application form. This type of information capturing and reporting will be an onerous change for retailers as well as difficult to comply to by 1 July 2026. Current systems do not support for this type of interaction i.e., capturing details from every customer conversation across all channels beyond a contact note, particularly for interactions in call centres. As this information is typically captured in bulk, extracting it would be a manual and time-consuming exercise for retailers without significant system upgrades, which could take a period of 6-12 months to implement. Auditing such interactions, especially via phone, would be equally burdensome.

Considering the current impending regulatory changes in the energy market, as mentioned above, it will be challenging for industry to make the necessary overhaul to its systems in the timeframe provided. Consequently, AGL does not support this change at this time. We encourage the NSW Government to consider implementing this change during the next review of the Code to allow for a smooth transition for customers and avoid any unintended consequences, such as failing to appropriately process customer applications.

Division 2. NSW
Energy Rebate for
Medical and Life
Support

cl.39 Eligibility
Criteria

AGL notes eligibility for the Medical and Life Support rebate now requires a customer to demonstrate evidence of medical or life support equipment being used at a property.

While we understand the intent behind this drafting, AGL holds concerns about the risks this requirement will impose at an operational level. For example, customers who rely on household appliances for their health i.e., to balance their body temperature due to poor circulation, will in fact not



rely on life support or equipment but on a household appliance. Therefore, declaration for equipment may be challenging for them to obtain.

As this is part of the eligibility assessment this could lead to some customers failing to meet requirements even though they are in fact eligible. If NSW Government does not issue guidance on this matter, sellers could unintentionally mislead customers into seeking additional and unnecessary medical assessment from a medical practitioner, leading to further costs for this cohort. Alternatively, customers who are eligible for, and require financial support may go without.

AGL asks for NSW DCCEEW to provide a carve out for these customers as well as offer a guidance note to support and clarify rules for industry in these circumstances to ensure customers receive medical benefits they may be entitled to.

Division 2. NSW Energy Rebate for Medical and Life Support

cl.40 Medical declaration

AGL considers clause 40.2 could be further simplified to apply the validity of a medical declaration form for customers to a period of four years, unless a medical practitioner has approved the declaration for an unspecified period due to their condition. This would align current processes to the proposed amendments to the upcoming AEMC changes to Life Support Rules under the National Electricity Rules.

Creating a blanket assessment requirement every four years will reduce ambiguity for parties and assist with the efficient processing of applications for customers to ensure they continue to receive their medical and life support concession.

AGL also supports the amalgamation of the application form with the Life Support energy services application form to reduce procedural burden and streamline services for customers in future.

Division 2. NSW Energy Rebate for Medical and Life Support

cl.43 Notification to approved customers

AGL seeks clarity on clause 43.3 and if it will apply to Medical Energy Rebate customers. Presently, customers who receive a Medical Energy rebate do not have an expiration date for their declarations and therefore do not receive notifications as a result. Accordingly, AGL asks NSW DCCEEW to omit this from the Code.

Aside from technical amendments, AGL encourages the NSW Government to align the proposed changes to the Code with AEMC's impending changes to the National Energy Customer Framework (NECF) Life Support rules. It will be particularly important to engage AEMC on changes to definitions under s7 of the National Energy Customer Framework.

Division 2. NSW Energy Rebate for Families and Seniors

cl.45 Program start date

Please refer to AGL's comments on clauses 10 & 37 above.

Beyond operational considerations, AGL is concerned about the proposed commencement dates of 1 November 2026 and 1 December 2026. While we appreciate NSW DCCEEW's grace period for retailers to prepare for the consolidation of programs and customer transitions, we believe the timeframe remains challenging in the current regulatory environment.

AGL supports many of the changes to the Code; however, implementing the necessary system upgrades and procedural changes during this period will be difficult. This is due to wider overlapping requirements resulting from the Australian Energy Market Commission's energy retail consumer reform rule changes,³ many of which commence 1 July 2026. AGL is concerned that even with the grace period provided, retailers will be implementing new requirements under duress, leaving room for error and consequently

³ Australian Energy Market Commission, Integrating Consumer-Centric Innovation into Retail Energy Pricing: Final Determination, Australian Energy Market Commission, 12 June 2025, <https://www.aemc.gov.au/sites/default/files/2025-06/ICCIREP%20-%20Final%20determination.pdf>.



placing customers at risk of failing to be processed for concessions. To mitigate these risks, AGL encourages the NSW Government to consider extending the commencement date to 1 March 2027.

AGL acknowledges a longer implementation period carries risk to customers and therefore one approach to address this could include issuing customers with a one-off corrective payment (blanket payment) for the period of 1 December 2026 to 1 March 2027. A similar approach was successfully applied under the Commonwealth Government's Energy Bill Relief Fund. This would help address the possible associated risk but will also reduce potential future error.

Alternatively, NSW DCCEW could maintain current processes until 30 December 2026, with assistance from retailers by foregoing administrative fees. Again, this would ensure customers receive entitlements during the interim and allow industry the necessary time to transition systems and procedures. This approach will require further operational considerations, and therefore, we recommend further engagement to achieve the best possible outcome for all parties.

Division 2. NSW Energy Rebate for Families and Seniors cl.46 Eligibility Criteria

Clause 46 requires a customer to hold a Commonwealth Seniors Healthcare Card or be a recipient of the Commonwealth Family Tax Benefit in the previous or current financial year. Currently, NSW DCCEW manages the application process, including eligibility checks, and then communicates outcomes to retailers. However, the proposed change for retailers to now make these assessments would introduce a significant compliance onus on retailers that is likely to introduce some practical challenges, particularly as the program rebates are currently administered separately. For example, the primary data source for determining eligibility for a customer is the Customer Reference Number (CRN), which retailers can use to verify entitlements in the CCeS portal. Ideally, the same CRN should identify rebates, but doing so will require updates to existing processes to manage the varying scale of outcomes effectively. This is further complicated by the ask for retailers to accept multiple CRNs for different household members who may be eligible.

Additional complexities also arise because Family Tax Benefit operates differently from other card-based entitlements, which retailers are less familiar with.

AGL asks NSW DCCEW to provide flexibility to retailers for how they may assess customers in the regulations for issues regarding CRNs outlined above.

We additionally ask for further detail to be provided on how to approach assessments, including examples of how to approach different case scenarios for assessing customers such as their use of Family tax information to authenticate for a rebate. We ask that this be provided in a detailed guidance note to support industry.

As this type of verification will be more complex than others, AGL would also appreciate further education for industry on how this option will apply in practice. Therefore, further engagement between government and industry on this matter would be welcome.