



FINANCIAL COUNSELLORS'
ASSOCIATION OF NSW INC



Submission to NSW Social Programs for Energy consultation

12 December 2025

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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.

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

Council on the Ageing NSW

The Council on the Ageing NSW (COTA NSW) is the peak body for people aged over 50 in NSW. We are an independent, member-based, non-government organisation focused on the needs, health and wellbeing of older people in NSW.

We advocate with and on behalf of older people in NSW, to ensure their needs and concerns are addressed in policies and critical decision-making.

Ethnic Communities Council of NSW

The 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.

Financial Counsellors' Association of NSW Inc

The Financial Counsellors' Association of NSW Inc (FCAN) is the peak membership body that represents and supports Financial Counsellors in NSW. 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.

NSW Council of Social Service

NSW Council of Social Service (NCOSS) is the peak body for non-government organisations in the health and community services sector in NSW. NCOSS works to progress social justice and shape positive change toward a NSW free from inequality and disadvantage. We are an independent voice advocating for the wellbeing of NSW communities. At NCOSS, we believe that a diverse, well-resourced and knowledgeable social service sector is fundamental to reducing economic and social inequality.

The Physical Disability Council of NSW

The Physical Disability Council of New South Wales (PDCN) is the peak advocacy organisation for people with physical disabilities in NSW. We work to build futures with choice for people living with physical disabilities, advocate for disability inclusion across Government and business, and drive systemic reform around accessibility. Our work is helping to build an inclusive NSW where the aspirations of people living with physical disabilities can be realised.

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.

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.

Tenants Union of NSW

The Tenants' Union of NSW is the peak body representing the interests of tenants in New South Wales. We are a Community Legal Centre specialising in residential tenancy law and policy, and the main resourcing body for the state-wide network of Tenants Advice and Advocacy Services (TAASs) in New South Wales. The TAAS network assists more than 25,000 tenants, land lease community residents, and other renters each year. We have long-standing expertise in renting law, policy and practice.

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Recommendations

Recommendation 1

That tightening or simplifying language or wording in the Code should not come at the expense of consumers, and language should be assessed according to the risk of unintended consequences for consumers.

Recommendation 2

That eligibility for the NSW Energy Rebate for Households should be based on demonstrated residency, rather than being a named account holder.

Recommendation 3

That where a customer is eligible for the NSW Energy Rebate for Households, the retailer should advise them that they are eligible for an additional payment if they are a dual fuel home.

Recommendation 4

That DCCEE work with disability advocates such as the Physical Disability Council of NSW and people with lived experience to ensure that the life support equipment list is kept up to date.

Recommendation 5

That DCCEE consider options for medical declaration forms to remain valid for people with permanent needs, with simpler 'check-in' processes.

Recommendation 6

That medical declaration forms be able to be completed by a pharmacist or registered nurse.

Recommendation 7

Eligibility for the NSW Energy Rebate for Families and Seniors should be linked to residency not on being an account holder.

Recommendation 8

That the word 'consider' be removed from 49.1 to align with the AER Hardship Policy Guideline and ensure all EAPA recipients are offered hardship support by default.

Recommendation 9

That 49.4 is strengthened with the addition of language such as:

'ensuring that the customer has had time to consider what they can afford, that the retailer has taken into account the customer's income and expenses, and that the customer is aware that they can negotiate the payment amount.'

1. Introduction

The Justice and Equity Centre (JEC), Council on the Ageing NSW, Ethnic Communities Council of NSW, Financial Counsellors' Association of NSW, NSW Council of Social Service, the Physical Disability Council of NSW (PDCN), Sydney Community Forum, Tenants' Union of NSW and St Vincent de Paul Society NSW welcome the opportunity to respond to the NSW Department of Climate Change, Energy, the Environment and Water's (DCCEEW) consultation of the Social Programs for Energy (Core Programs) Code (the Code).

We understand that this update is the first step in ongoing reforms proposed to energy rebates and the Energy Accounts Payment Assistance (EAPA) scheme. Accordingly, we do not address issues of wider reform here - such as proportional rebates and models of central rebate provision, which is our recommended model for rebate delivery.

We broadly support the proposed amendments and have focussed on targeted recommendations to better deliver on DCCEEW's intent to improve outcomes for households in need of assistance. This submission should be read in conjunction with verbal feedback provided by JEC at the information session on 25 November, 2025.

2. Overall changes

We broadly support the intent of this update of the Code to:

- streamline application processes,
- implement measures to prevent the loss of rebates when switching retailers,
- improve mechanisms to ensure rebates continue for eligible consumers, and
- reduce instances where rebates are otherwise inadvertently removed from accounts.

We look forward to updates on progress of these efforts and consideration of whether further amendments or wider changes to the Code may be necessary.

We also welcome the additional retailer requirements to inform their customers about the rebates (as included at 8.1 of the Code), which should help increase rebate accessibility and access.

While we appreciate efforts to clarify and simplify the Code, we are concerned that specific changes may have an unintended impact on expectations for NSW households. For instance, the addition of the word 'reasonably' at 15.1.2 and 26.2.3 would appear to lower the standard of services for consumers. As a rule, clarity for retailers should not come at the expense of consumers.

Recommendation 1

That tightening or simplifying language or wording in the Code should not come at the expense of consumers, and language should be assessed according to the risk of unintended consequences for consumers.

3. NSW Energy Rebate for Households

We welcome the renaming of the Low-Income Household Rebate to the NSW Energy Rebate for Households. We have previously highlighted the potentially stigmatising impact of the words ‘low income’ and the fact that many households may prefer not to identify (or wish to identify) with such terminology. We also note the importance of terminology in framing – and sometimes narrowing the purpose of the rebates. The proposed name, ‘NSW Energy Rebate for Households’ retains a more appropriately neutral and broad framing which enables ongoing reform to ensure the rebate meets the needs of NSW households.

However, we retain concerns regarding the implementation of eligibility. Specifically, we remain concerned that the person eligible for this rebate must be an energy account holder. As discussed at the information session, we have consistently documented issues arising from the requirement for the person eligible for a rebate and the person named as an account holder to be the same in order to have the rebate benefit applied to the account. Rebate recipients are often the most vulnerable members of a household. While rebates are designed to support eligible individuals in accessing energy, these recipients should receive assistance with their energy costs without being required to assume full responsibility for the account by being listed as the account holder.

We recommend DCCEEW incorporate changes to enable a rebate to be applied to an account if it can be demonstrated anyone living permanently in the home is eligible for a rebate, as occurs currently for the Life Support Rebate.

Recommendation 2

That eligibility for the NSW Energy Rebate for Households should be based on demonstrated residency, rather than being a named account holder.

We recommend further measures to ensure eligible NSW households are sufficiently informed about additional rebates they are eligible for. Specifically, that retailers be required to let their customer know that they are eligible for an additional payment if they are a dual fuel household, regardless of whether that consumer has an electricity and gas account with that retailer.

Recommendation 3

That where a customer is eligible for the NSW Energy Rebate for Households, the retailer should advise them that they are eligible for an additional payment if they are a dual fuel home.

4. NSW Energy Rebate for Medical and Life Support

We welcome the improved access to assistance for people who require medical heating and cooling, improving alignment with the current NSW Life Support Rebate.

Noting DCCEEW work with health stakeholders to ensure that the life support equipment list remains reflective of community needs, we recommend DCCEEW work with the PDCN to ensure

the voices of disability advocates and people with lived experience are included and shape outcomes in this consultation.

Recommendation 4

That DCCEEW work with disability advocates such as the PDCN and people with lived experience to ensure that the life support equipment list is kept up to date.

In research on life support equipment users, the Australian Energy Foundation found that only 0.5% of respondents to their survey indicated that their medical condition is temporary.¹ This indicates it is overwhelmingly likely that people's life support equipment needs are permanent. Accordingly, medical professionals should be able to indicate lifelong need for life support equipment/medical heating/cooling. This would be administratively efficient and minimise administrative burden – and cost to access medical services - on vulnerable people and their carers.

We encourage DCCEEW to look for ways to enable medical declaration forms to remain valid for the life of the person who requires the equipment. This may be implemented with a requirement for retailers to 'check in' with the household to see whether the person with energy medical needs still resides at the home. This process would be a simple 'assertion' of the ongoing needs, not a 're-verification' process. This would shift the onus - and administrative cost and burden - from the vulnerable person, to the better resourced retailer.

Recommendation 5

That DCCEEW consider options for medical declaration forms to remain valid for people with permanent needs, with simpler 'check-in' processes.

To improve access to medical declarations and ensure they are not a barrier to accessing supports, we recommend enabling pharmacists and registered nurses to complete medical declarations. People with life support/medical equipment needs – or their carers - are likely to have access to a pharmacist and possibly a registered nurse in a GP or specialist practice, who could verify their needs. This greater accessibility is particularly important for people in regional areas where access to medical services is limited and often involves cost and delay.

Recommendation 6

That medical declaration forms be able to be completed by a pharmacist or registered nurse.

Once the Australian Energy Market Commission makes a rule *Improving life support processes*, further work may be appropriate to align this rebate with the life support register.

¹ Australian Energy Foundation (AEF), *Better outcomes for energy consumers using life support equipment at home* (2021) 61.

5. NSW Energy Rebate for Families and Seniors

We welcome enabling access to this rebate for families currently in receipt of the Family Tax Benefit (FTB). We anticipate that this will better assist families with immediate cost of living expenses.

We remain concerned that the person eligible for this rebate must be an account holder. As discussed above in relation to the 'NSW Energy Rebate for Households', rebates are intended to support access to energy for eligible recipients, these people should be assisted with their energy costs without being liable for the whole account by being named as an account holder.

We recommend DCCEEW incorporate a change to allow a rebate to be applied to an account if it can be demonstrated anyone living permanently in the home is eligible for a rebate, as occurs currently for the Life Support Rebate.

Recommendation 7

Eligibility for the NSW Energy Rebate for Families and Seniors should be linked to residency not on being an account holder.

6. EAPA

The Code should make it explicit that consumers who are deemed eligible for EAPA must be assumed eligible for their retailer's hardship program, and automatically be offered the opportunity for this support. We recommend that DCCEEW strengthen the language at 49.1 in the Code by removing the word 'consider' to ensure that all households eligible for EAPA (and even those awaiting assessment) are offered additional support through a hardship program. This would enable people the choice not to take up the offer but would ensure the default is that the offer would be made available.

This would also better align with the requirement in the *AER Hardship Policy Guideline* where retailers are expected to consider relief grant or other emergency assistance recipients as eligible to join their hardship program. EAPA recipients are under no obligation to join their retailer's hardship program, but we argue that under the *AER Hardship Policy Guideline*, they already should be eligible and updating the Code would remove ambiguity and clearly establish retailer responsibility.

Recommendation 8

That the word 'consider' be removed from 49.1 to align with the AER Hardship Policy Guideline and ensure all EAPA recipients are offered hardship support by default.

JEC's research, [Powerless](#), showed that unaffordable and unmanageable payment plans are a significant issue for households. The research shows that adhering to unaffordable plans can leave people without enough money to afford medicine and food. The Code is an important tool in ensuring more affordable plans, given that it defines an 'affordable payment plan' is one the

'customer agrees is manageable'. We strongly support this intent, but given the scale of the problem, contend it should be strengthened.

JEC's research reveals that people often agree to payment plans that aren't affordable because they feel threatened – in response to disconnection threats – or otherwise are not aware, or don't feel capable of negotiating with their retailer. There is an inherent power imbalance. Accordingly, 49.4 in the Code should be strengthened to ensure DCCEE's intent is better delivered. This could be achieved with a change of language such as the addition of the words:

'ensuring that the customer has had time to consider what they can afford, that the retailer has taken into account the customer's income and expenses, and that the customer is aware that they can negotiate the payment amount.'

Recommendation 9

That 49.4 is strengthened with the addition of language such as:

'ensuring that the customer has had time to consider what they can afford, that the retailer has taken into account the customer's income and expenses, and that the customer is aware that they can negotiate the payment amount.'