Justice and Equity Centre

Facilitating electric vehicle charging infrastructure under Commonwealth grants

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About the Justice and Equity Centre

The Justice and Equity Centre stands for a society that is fair and free from discrimination and disadvantage. Established in 1982 as the Public Interest Advocacy Centre (PIAC), we use the law and policy advocacy to challenge injustice and inequality. We do this 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 acknowledges and pays respects to the Gadigal as the Traditional Owners of the land on which our office stands.

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1. Introduction

The Justice and Equity Centre (JEC) welcomes the opportunity to respond to the Australian Energy Market Commission' (AEMC) Facilitating electric vehicle charging infrastructure under Commonwealth grants rule change Draft Determination (Draft).

We do not support the draft and have serious concerns that it would expand the role of DNSPs in planning and delivering EV charging in a way which does not promote the interests of energy consumers.

We broadly support measures enabling the efficient uptake of electric vehicles (EV), and the efficient deployment of EV charging infrastructure (EVCI).

We acknowledge such measures should include Commonwealth Government action to support the rollout of EVCI, whether through planning measures, or financial support for commercially unviable sites.

We also recognise there is an appropriate role for DNSPs, particularly in enabling efficient charging infrastructure deployment – through transparency, efficient connections and support for interoperability – and ensuring EVCI supports efficient network utilisation.

However, we reiterate key arguments contained in our prior submission[1] and note our responses to the AER review of ring-fencing guidelines[2] and AEMC Energy Network Regulation Review – Package 1[3], in highlighting the risks of DNSP involvement as envisioned. In addition, and with reference to the Draft, we are concerned that the Draft Rules[4]:

- see costs unfairly recovered from all energy consumers;
- involve an ongoing consumer cross subsidy for OPEX;
- are not likely to contribute to the National Electricity Objective, and
- define the Program to which they refer with insufficient precision.

We respond to these issues in detail in the remainder of this submission and recommend the AEMC amend its draft accordingly.

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1 https://jec.org.au/publication/submission-in-response-to-the-aemcs-facilitating-electric-vehicle-charging-infrastructure-under-commonwealth-grants-rule-change-consultation-paper/ (Prior Submission).

2 https://jec.org.au/publication/submission-in-response-to-aers-review-of-the-ring-fencing-and-shared-asset-guidelines/ (Submission to AER review of Ring-fencing and shared asset guidelines)

3 https://jec.org.au/publication/submission-in-response-to-the-aemcs-electricity-review-package-1-consultation-paper/ (submission to AEMC ENRR package 1)

4 AEMC, Draft National Electricity Amendment (Facilitating EV charging infrastructure rollout under Commonwealth grants) Rule 2026, https://www.aemc.gov.au/sites/default/files/2026-09/draft_national_electricity_amendment_facilitating_ev_charging_infrastructure_rollout_under_commonwealth_grants_rule_2026_-_for.pdf (Draft Rules).

2. Cross-subsidies from electricity consumers to EV users

We do not support an approach which involves a cross subsidy from electricity consumers to EV users. We do not consider this promotes the interests of energy consumers.

The AEMC says that the total subsidy under the Commonwealth Accelerating Electric Vehicle Charging Program will be provided in a ratio of 30% Commonwealth Grant: 70% electricity consumer subsidy.

Our preference is for any required subsidy to come from Commonwealth funding in full. Should a consumer contribution within the electricity framework be required, this should be recovered only from consumers using the EV charging infrastructure[5]. The Draft puts in place a cross subsidy from general electricity consumers to EV users which we regard as inappropriate. The Draft would result in electricity consumers that do not use the EVCI being charged for a service they do not receive. This is fundamentally contrary to the consumer interest and risks setting a dangerous precedent.

The Draft Rules must be amended to ensure Program activities are defined not as standard control services (recovered from all network users), but rather as alternative control services (service-specific charges for users receiving the service) where any related expenditure is recovered only from users of EVCI infrastructure.[6]

3. Required ongoing OPEX subsidy

Regardless of how any DNSP-related costs are classified, we have serious concerns regarding the treatment of ongoing OPEX for EVCI assets.

We understand the Draft requires consumers to provide an ongoing OPEX subsidy for uneconomic EVCI assets beyond the end of the Program. This includes a subsidy up to the 'Program asset expiry date'.

Further, there is no provision guiding the OPEX treatment of these assets following the 'Program asset expiry date'. To the extent any Program assets remain on a DNSP regulated asset base (i.e. are not sold), and remain uneconomic, consumers would carry the costs of this ongoing OPEX subsidy.

These issues raise serious questions regarding the accuracy of the cost sharing ratio used throughout the Draft. This also calls into question the AEMC's analysis of net economic benefits and assessments that suggest any ongoing general consumer 'subsidy' would not be material.

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5 See further, Prior Submission.

6 See draft rule 11.1XX.2(a), Draft Rules. Additional amendments to the Draft Rules may be required.

4. No proven net economic benefit from DNSPs being the provider of last resort of kerbside AC charging

There is no clear demonstration of benefit from DNSP involvement as a provider of last resort.

The Draft highlights that the AEMC themselves are not convinced of the net economic benefit of DNSPs taking on the role of provider of last resort for kerbside AC charging. This should either justify the AEMC redrafting the definition of 'Program activities' to exclude this activity, or requiring assurance from the Commonwealth that costs incurred through this activity will be fully subsidised by the Commonwealth.

Failure to make this amendment will mean that the rule change does not satisfy the requirements of section 88(1) of the National Electricity Law,[7] that the rule change will or is likely to contribute to the achievement of the National Electricity Objective. Specifically, it will not lead to efficient investment, use and operation of electricity services.

5. The definition of Program is insufficiently precise

As drafted, the definition of Program is insufficiently precise. The definition in the Draft would continue to apply where the Commonwealth choose to extend the program beyond the $40 million grant and announced end date of June 2029.[8]

Any extension of the scheme would materially alter the analysis of costs and benefits of the rule change, particularly if there is no change to address the issues we have highlighted in this submission. The AEMC justifies the rule change on the basis that its impacts are "time and scope-limited in nature"[9].

We recommend the definition of Program be amended to limit its potential scope, in addition to other substantive changes to minimise risks to energy consumers.

6. Continued engagement

We welcome the opportunity to meet with the AEMC project team and other stakeholders to discuss these issues in more depth. Please contact Jan Kucic-Riker at jkucicriker@jec.org.au regarding any further inquiries.

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7 See *National Electricity (South Australia) Act 1996* (S.A.), Schedule – National Electricity Law, (National Electricity Law).

8 https://www.dcceew.gov.au/energy/transport/driving-the-nation-fund/accelerating-electric-vehicle-charging-program

9 AEMC, Draft National Electricity Amendment (Facilitating EV charging infrastructure rollout under Commonwealth grants) Rule 2026, p. v.