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Department of Prime Minister and Cabinet
Australian Government
Canberra ACT 2600

By email: datalegislation@pmc.gov.au

Data Sharing and Release Legislation

Energy Consumers Australia is the national voice for residential and small business energy consumers. Established by the Council of Australian Governments Energy Council (the Energy Council) in 2015, our objective is to promote the long-term interests of energy consumers with respect to price, quality, reliability, safety and security of supply.

We appreciate the opportunity provided by the Department of Prime Minister and Cabinet to comment on the *Data Sharing and Release Legislation: Issues Paper for Consultation* (the Paper).

In the recently released Retail Electricity Price Inquiry report the Australian Competition and Consumer Commission observed that:

*'The approach to policy, regulatory design and promotion of competition in this sector has not worked well for consumers. Indeed, the National Energy Market (NEM) needs to be reset.'*¹

Energy Consumers Australia agrees with this assessment. In our role of promoting the interests of consumers we have identified that the delivery of affordable energy services requires the delivery of individualised services through an optimised energy system.

The nature of the energy system is changing. Different types of generation are being installed in the grid together with 'grid scale' storage including Snowy 2.0. Elsewhere households and businesses are investing in their own generation and storage systems and are increasingly looking to participate in demand response initiatives.

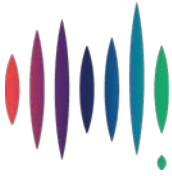
Delivering on affordable, individualised and optimised energy services requires both access to real time transactional data but also to system wide data for the development of policy and for research and development of solutions to meet unfolding system needs. Were the National Electricity Market to have been truly national and not privatised, the data sets held by the businesses in the sector would have been subject to the proposed Data Sharing and Release Legislation (the Legislation). As it is the data held by the Snowy Hydro and its retail subsidiaries (Red and Lumo) will be covered by the Legislation.

In recognition of the role data will play the Australian Government has committed \$19.4 million funding to support the CSIRO to develop the Energy Use Data Model (EUDM), a 'big data' project that will improve energy forecasting and planning for the future.² However, to date it appears that the EUDM has not extracted significant data sets.³

¹ <https://www.accc.gov.au/regulated-infrastructure/energy/electricity-supply-prices-inquiry/final-report>

² <https://www.energy.gov.au/government-priorities/energy-data/energy-use-data-model>

³ <https://eudm.csiro.au/>



It would seem that given the importance of the energy transition now underway and the preparedness of the Australian Government to invest in accessing energy data that the Legislation could at least facilitate the access to this data.

There would appear to be two additions to the scope of the Legislation that would make this possible.

The first is to create a provision in the Legislation that would enable a State or Territory to implement the framework by reference to the Commonwealth legislation. A consistent approach to data sharing and release by States and Territories within domains where there is already a high degree of coordination would appear to be beneficial. In the specific context of energy data, the relevant National Energy Laws are all Acts of the South Australian Parliament. Were these to be amended to apply the Legislation to energy data it would ensure it was available for government owned entities.

The second consideration is how to provide coverage of the Legislation to data sets that are no longer held by Government (though they historically were). It would be appropriate for the Legislation to include coverage of privately held data sets where the entity that holds the data has some specific licence to operate in the market.

For example, all the telecommunications carriers are expressly licenced. Data they hold should be available. (As an historic example, when Telstra was privatised the Commonwealth lost its access to the details of the boundaries of Telstra's telephone exchanges. In developing the 'mybroadband' dataset⁴ the Commonwealth had to contract with Telstra for this data.)

Similarly, in the electricity sector data held by generators, retailers and networks all operate by benefit of being 'registered market participants' and/or under explicit licences. If the Legislation included a provision that data held by organisations that operate under licence or registration and where those entities or similar entities had previously been government owned this would enable the framework to apply to energy data.

Energy Consumers Australia notes that these recommendations may be beyond the scope of the Cabinet approval under which the Legislation is being drafted. However, we believe they are sufficiently significant that if possible they should be included in the current drafting.

Otherwise Energy Consumers Australia has no specific comments to add in relation to the specific issues relating to streamlining, roles and responsibilities and the National Data Commissioner.

Thanking you again for the opportunity to comment on the Paper. If you have any questions please contact David Havyatt on 02 9220 5500 or at david.havyatt@energyconsumersaustralia.com.au.

Yours sincerely,

Rosemary Sinclair AM
Chief Executive Officer

⁴ <https://data.gov.au/dataset/mybroadband>