



**ENERGY  
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Daniel McAuliffe  
Manager  
Data Economy Unit  
The Treasury  
1 Langton Cres  
Parkes ACT 2603

By email: [data@treasury.gov.au](mailto:data@treasury.gov.au)

Dear Mr McAuliffe

### **Consumer Data Right Amending Legislation**

Energy Consumers Australia appreciates the opportunity to comment on the *Treasury Laws Amendment Bill: Amendments of the Consumer Data Right* (the Bill) and the associated Explanatory Material. Since early 2017 we have been pursuing mechanisms to enable consumers to authorise third parties to access their usage data for the purpose of providing a service to the consumer. We have embraced the opportunity presented by the economy-wide Consumer Data Right (CDR) for the clarity and flexibility it provides.

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. As we outlined in our submission to the Australian Competition and Consumer Commission's (ACCC) draft rules framework<sup>1</sup>, our research shows that consumers' highest priority remains affordability and the area of least satisfaction is current value for money. At the same time household and business consumers are more confident in their ability to make choices than they are in the support they get to make those choices through easily understood information or tools to manage their energy use. We therefore see the CDR for energy as an important development for realising the objective of promoting the long-term interests of consumers.

The Bill primarily amends the legislation by relocating the function of sector designation and rule-making from the ACCC to the Treasury. The two other substantive changes are clarifying the ability of CDR entities (either data holders or data recipients) to engage agents to perform functions on their behalf and deeming that Commonwealth entities that are specified as data holders or gateways have the functions necessary to do so.

Energy Consumers Australia supports the draft legislation.

We understand that the legislation is being introduced in conjunction with additional CDR funding announced in the *JobMaker Plan — Digital Business Plan* as part of the 2020-21 Commonwealth Budget. The relocation of the designation and rule making function allows the opportunity for these to be aligned with other digital initiatives of the Commonwealth. We support this approach.

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<sup>1</sup> <https://energyconsumersaustralia.com.au/publications/submission-to-the-acc-energy-rules-framework-consultation-paper-on-consumer-data-right-for-energy>



The ACCC as both enforcement agency and rule making has the opportunity and incentive to prioritise enforcement over delivering real value to consumers from access to their data. In our submission to the ACCC's Draft Rules for the CDR for Energy we identified our concern that the ACCC had restrained the Privacy Impact Assessment from considering an alternative authentication framework for AEMO held data.

The only approaches to authentication that the ACCC obtained PIA input on for use of data held by AEMO – household consumption, meter standing data and DER register data – is applying inappropriate requirements for this data. This data is primarily an attribute of the house not the account holder. We argued that the approach to authentication need not be different to the 'resident model' used by the two energy comparison websites provided by governments.<sup>2</sup>

It is not our expectation that the change in responsibility will necessarily result in a change of approach. We do, however, believe the consideration would have been better conducted by Treasury. Our concern now is that the transfer of the functions from the ACCC to Treasury could introduce further delays. We are, however, encouraged by the work we know the ACCC and Treasury are engaged in to facilitate this transfer.

We similarly support the other two substantive changes, especially the clarification on the use of agents. One of the use cases we have identified is for estimating the benefits from self-consumption of installing solar panels. The small solar providers will be better able to realise this opportunity through a bureau service offering the calculation of the outcome rather than needing to get accredited and obtain the data themselves.

If you have any inquiries on this submission please contact Jacqueline Crawshaw, Acting Director, Advocacy & Communications at [jacqueline.crawshaw@energyconsumersaustralia.com.au](mailto:jacqueline.crawshaw@energyconsumersaustralia.com.au).

Yours sincerely,

Lynne Gallagher  
Chief Executive Officer (Interim)

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<sup>2</sup> <https://www.energymadeeasy.gov.au/> and <https://compare.energy.vic.gov.au/>