



**ENERGY
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Ms Kate O'Rourke
First Assistant Secretary
Consumer Data Right Division
Department of the Treasury
Langton Cres, Parkes ACT 2600

By email: data@treasury.gov.au

Consumer Data Right rules amendments published on 17 August 2021

Dear Ms O' Rourke

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.

The Consumer Data Right (CDR) for energy is an important development for realising the objective of promoting the long-term interests of consumers, because energy consumption data is a foundation for optimising consumers' energy products and service around price and other consumer needs and values.

Energy Consumers Australia welcomes the opportunity to provide feedback on the Treasury's draft CDR Rules and Regulations published on 17 August 2021. Our comments focus on two issues: first, our support for the requirement to provide consumers access to their historic metering data; and second, the need to amend the External Dispute Resolution approach to be consumer focused.

Support for providing consumers with access to their historic energy data

Energy Consumers Australia supports the requirement to provide consumers with access to their historic metering data – even if the consumer has changed retailers – for two primary reasons. First, maintaining effective competition in the retail market requires consumers to have access to all their energy data. Energy consumption data is the key piece of information for determining how best to manage a consumer's energy provision – it provides irreplaceable insight into which retail offers are most suitable and how best to manage a consumer's exposure to energy prices. In short, energy data is valuable, and if a consumer's access to their own historic data is limited to the data held by their current retailer, it provides a disincentive to switch retailers.

Secondly, access to greater historical data improves the effectiveness of products and services built to help consumers manage their energy consumption. Australia leads the world in consumer adoption of rooftop solar; nearly 30% of Australian households own a solar system today and many more consumers are expected to adopt the technology in the coming years.¹ Batteries and flexible appliances (e.g., water heaters and pool pumps) can help a consumer make better use of the energy they generate to increase the value of their solar system with no loss of consumer comfort.

¹ <https://www.bloomberg.com/news/articles/2021-08-30/households-could-soon-become-australia-s-biggest-power-source>



The ability of such “smart” devices to effectively manage a consumers energy use, however, depends on the devices (or a third-party who manages them) understanding the consumer’s energy consumption habits. Consumers’ energy data is the quantification of their energy habits and is essential to building the most effective energy management products. More historic data improves understanding of a consumer’s habits because it captures more circumstances (e.g., extreme weather) that significantly affect energy use. In short, providing consumers access to as much historic energy data as possible is key to consumers managing their energy most effectively.

The CDR is expected to complement key reforms proposed recently by the Energy Security Board and the Australian Energy Regulator, specifically related to the improved integration of “distributed energy resources” (DER – consumers rooftop solar, batteries, and smart, flexible appliances) and greater participation of consumers and their devices in the wholesale energy markets. By providing greater access to historic data, the CDR will better align with these other reforms underway.

Amend the External Dispute Resolution approach to be consumer focused

As the submission by the joint Energy & Water Ombudsman (across several jurisdictions) makes clear, the proposed External Dispute Resolution option creates an unnecessary additional level of complexity for customers who, in the future, experience dissatisfaction with accredited data recipients which are not energy retailers, but which chose to enter the CDR energy market. In particular, the proposed option will make effective dispute resolution more complex and confusing for consumers who will be required to put their energy complaints to different External Dispute Resolution offices depending on the complaint’s scope. Such an approach is simply not a positive consumer experience.

Accordingly, we encourage Treasury to find a better solution to External Dispute Resolution than the proposed approach. The joint Energy & Water Ombudsman’s concept of requiring entities which enter the energy market through the CDR to become members of energy Ombudsman offices seems like a good approach, though we have not considered it carefully against other potential alternatives.

Thank you for your willingness to consider our perspectives on a couple of the issues raised by the proposed CDR amendments. Again, we think the CDR for energy is an important steppingstone to improve long-term outcomes for consumers, and we encourage you to provide consumers with as much access to their energy data as is practicable.

Yours sincerely,

Brian Spak
Director, Energy System Transitions