

29 May 2020

Treasury
Langton Cres
Parkes ACT 2600

By email: data@treasury.gov.au



Dear Sir or Madam,

Submission to Consumer Data Right – energy sector draft designation instrument

The Public Interest Advocacy Centre (PIAC) is an independent, non-profit legal centre based in New South Wales. Established in 1982, PIAC tackles systemic issues that have a significant impact upon people who are marginalised and facing disadvantage. We ensure basic rights are enjoyed across the community through litigation, public policy development, communication and training. The Energy + Water Consumers' Advocacy Program represents the interests of low-income and other residential consumers, developing policy and advocating in energy and water markets.

PIAC has been involved in the application of the Consumer Data Right (CDR) to energy and welcomes the opportunity to provide input to the draft designation instrument for energy.

PIAC supports greater engagement in the electricity market by those customers who wish to do so. However, greater engagement must not be an obligation on consumers. Disadvantaged and vulnerable consumers who are less engaged, either by choice or circumstance, must not be penalised for lack of engagement and should still receive fair and reasonable energy services.

We, therefore, support introducing the CDR to the energy sector, which can facilitate improved access to useful data for consumers and their agents. It may provide numerous benefits, ranging from the simpler and more informative comparison of energy retail products (including different tariff structures) to the better sizing of distributed energy systems to household usage.

In order to capture these benefits, it is essential that the CDR for energy is open and usable by as many people as possible and that the opportunities to use such services are as easy as possible. It should be no more complicated or time-consuming for a consumer to access their information via a trusted third party than from an energy retailer directly, and this should be reflected in the arrangements for a third party accessing energy data on behalf of a customer.

The CDR in the energy sector must reflect the unique characteristics of energy products, retail relationships and energy data as opposed to the equivalent relationships in the banking sector. For instance, there may be multiple people at a premises who are directly affected by the choice of retail product in addition to the account holder (such as other family members or housemates). Limiting authorisation ability for energy data to the account holder as is proposed for the banking sector would exclude these other members of a household from making use of the CDR and unnecessarily restrict the potential benefits to consumers.

Where prudent (such as for less sensitive data like energy usage data) PIAC supports a model consistent with what is currently available on the Energy Made Easy and Victorian Energy Compare websites to automatically extract

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meter data for retail product comparisons. This allows energy usage data to be obtained without requiring personally identifying information of the account holder and instead allows a family member or housemate to also access this data and compare energy retail products.¹

PIAC recommends that the application of the CDR to energy data allows for such a model to access and authorise access to less sensitive data such as energy usage data.

Continued engagement

PIAC looks forward to continuing to engage with Treasury, the ACCC and other stakeholders in implementing the CDR for energy.

Yours sincerely,

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¹ These require only the postcode, National Metering Identifier (NMI) and current retailer to automatically import the usage data to provide customised retail price comparison.