

20 May 2022



Secretariat  
Statutory Review of the Consumer Data Right  
The Treasury  
Langton Crescent  
PARKES ACT 2600

Dear Secretariat

**Consultation – *Statutory Review of the Consumer Data Right***

Energy Queensland Limited (Energy Queensland) welcomes the opportunity to provide comment to Treasury in response to its Statutory Review of the Consumer Data Right (CDR).

This submission is provided by Energy Queensland, on behalf of its related entities, including:

- Distribution network service providers, Energex Limited and Ergon Energy Corporation Limited;
- Retailer, Ergon Energy Queensland Pty Ltd; and
- Affiliated contestable business, Yurika Pty Ltd and its subsidiaries including Yurika Telecommunications.

Energy Queensland provides responses to Treasury's consultation questions in the attached response template.

Should Treasury require additional information or wish to discuss any aspect of this response, please contact me on 0438 021 254 or Laura Males on 0429 954 346.

Yours sincerely

A handwritten signature in black ink that reads "C. G. Martin".

Charmain Martin  
**Acting Manager Regulation**

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**Encl:** *Energy Queensland comments to consultation questions*

Issues Paper - Question	EQL Response
<p>Question One</p> <p>Are the objects of Part IVD of the Act fit-for-purpose and optimally aligned to facilitate economy-wide expansion of the CDR?</p>	<p>In Energy Queensland's view the objects in section 56AA of the <i>Competition and Consumer Act 2010</i> (Cth) are more suited to assisting a consumer to select a product as currently drafted. They do not necessarily address the use by product providers (e.g. mortgage or credit card providers) of customer data to provide a mortgage offer or acceptance of an application for a credit card. Greater transparency would need to be provided around where the product provider sources the data to decide whether to offer a mortgage and what data from the CDR sources are appropriate inputs to such a decision. Safeguards would also need to be in place to ensure that the data is accurate and to allow a customer to challenge a decision made automatically using such data. In this regard, a mortgage broker acts as a human interface between the lender and the consumer and is better equipped than a consumer to challenge a decision made by a computer.</p>
<p>Question Two</p> <p>Do the existing assessment, designation, rule-making and standards-setting statutory requirements support future implementation of the CDR, including to government-held datasets?</p>	<p>Energy Queensland provides no comment.</p>
<p>Question Three</p> <p>Does the current operation of the legislative settings enable the development of CDR-powered products and services to benefit consumers?</p>	<p>It is suggested by the Australian Government that the key advantages of the CDR in the energy sector are that it will encourage greater competition and deliver innovative retail products for customers. While this may be true in a deregulated market, not all jurisdictions operating in the National Electricity Market have been deregulated. For example, regional Queensland remains a regulated market where the notified prices set by the Queensland Competition Authority are subsidised, which ultimately removes both competition and the emergence of innovative retail products. Consequently, while it may be the intent of the CDR to encourage competition and new energy products, jurisdictional restrictions mean that the CDR is simply a compliance and cost burden with limited (if any) benefits for regional Queensland customers.</p>

<p>Question Four</p> <p>Could the CDR legislative framework be revised to facilitate direct to consumer data sharing opportunities and address potential risks?</p>	<p>Energy Queensland provides no comment.</p>
<p>Question Five</p> <p>Are further legislative changes required to support the policy aims of CDR and the delivery of its functions?</p>	<p>Energy Queensland provides no comment.</p>
<p>Other feedback not covered in the responses above.</p>	<p>Section 56EC – Relationship with other laws.</p> <p>In Energy Queensland’s view, it is difficult for consumers to understand whether their rights to privacy are protected and can therefore be enforced under the CDR regime or whether the <i>Privacy Act 1988 (Cth)</i> would apply. The switching on and off of <i>Privacy Act</i> provisions under section 56EC(4) is at best complicated and at worst confusing.</p> <p>We suggest it would be preferable for the CDR to have its own (stand-alone) legislation which references the <i>Privacy Act</i>, and which incorporates specific additional protections for CDR. Rather than adding to the <i>Competition and Consumer Act</i>, it could operate more succinctly with its own Act, similar to the Renewable Energy Target scheme.</p>