



Australian Government



Australian  
**Small Business and  
Family Enterprise**  
Ombudsman

17 September 2021

Consumer Data Right Division  
Treasury  
Langton Crescent  
PARKES ACT 2600

*via email: data@treasury.gov.au*

Dear Sir/Madam

**Consumer Data Right (CDR) rules amendments (version 4) exposure draft**

We support the expansion of the CDR to the energy sector. Similarly to the provision of telecommunication services, the sale and supply of electricity is essential to the operations of the more than 2.3 million small business in Australia<sup>1</sup>. Small businesses will benefit from having better access to their data to identify energy deals that best suit their circumstances. However in line with the premise of the currently running CDR Strategic Assessment, that implementation of the CDR be guided by focusing on consumer value, we would encourage a greater emphasis on consumer experience in applying the CDR to the energy sector.

We support CDR electricity consumers, particularly time poor small businesses, having their existing energy retailer as their primary contact point for functions other than external dispute resolution. However consumers should be able to access their CDR data for at least the past two years whether or not they have changed retailers within that period. We also suggest the role of the energy retailer, as the primary contact point for CDR consumers, be that of a steward of the consumer's data rather than a controller of it.

From the perspective of small businesses as CDR electricity consumers, it is also preferable there be a single contact point for external dispute resolution. The current proposal is that in some circumstances the CDR electricity consumer would need to approach the Australian Financial Complaints Authority and in other circumstances the relevant state energy Ombudsman schemes. Not only is having different bodies handling external dispute resolution potentially confusing for consumers there is the risk that over time processes and outcomes will diverge, leading to inequitable outcomes.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Mike Kearney on 02 6213 7443 or at michael.kearney@asbfeo.gov.au.

Yours sincerely

**The Hon Bruce Billson**  
Australian Small Business and Family Enterprise Ombudsman

<sup>1</sup> ASBFEO: Small Business Counts 2020