



Australian Government



Australian
**Small Business and
Family Enterprise**
Ombudsman

30 July 2021

Consumer Data Right Division
Treasury
Langton Cres
PARKES ACT 2600

via email: data@treasury.gov.au

Dear Sir / Madam

Consumer Data Right (CDR) rules amendments (version 3) – Exposure Draft

Advice from the Australian Securities & Investments Commission¹ and analysis commissioned by the Australian Taxation Office² supports messaging from this office to the over 2.3 million small businesses in Australia³ about the benefits of maintaining strong relationships with trusted advisers such as accountants, tax agents and solicitors.

In light of this, it is critical that the CDR Scheme not create a barrier between the ongoing relationship of CDR consumers and their trusted advisers. We suggest the following:

- It should be at the discretion of the CDR consumer, and not the accredited person, which, if any, of the consumer's trusted advisers are given access to the consumer's CDR data.
- That having the trusted advisers prove for the purposes of the CDR Scheme that they meet pre-existing regulatory and professional obligations is redundant. The consumers would have already accepted the trusted advisers' suitability by way of a contract or letter of engagement.
- That the CDR Scheme mirror the Motor Vehicle Service and Repair Information Sharing Scheme and put boundaries around the time, cost and acceptable conditions for accredited persons to supply CDR data to trusted advisers.

We are also concerned about the cumulative regulatory burden being created for small businesses. We suggest dashboard information be kept to summary or exception reporting and the annual renewal of disclosure consent for trusted advisers be on an opt-out basis.

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

¹ <https://asic.gov.au/about-asic/news-centre/news-items/covid-19-what-to-do-if-your-sme-is-struggling-financially/> accessed 26 July 2021

² <https://www.ato.gov.au/About-ATO/Research-and-statistics/In-detail/General-research/Small-business-engagement-research-2017/> accessed 26 July 2021

³ ASBFEO – Small Business Counts 2020 report - <https://www.asbfeo.gov.au/resources/small-business-counts>