

30 July 2021

Secretariat
Treasury
Langton Crescent
Parkes ACT 2600



Submitted via email 30 July 2021: data@treasury.gov.au

Dear Secretariat

Competition and Consumer (Consumer Data Right) Rules 2020 with proposed amendments

Energy Queensland Limited (Energy Queensland) welcomes the opportunity to provide comments to Treasury on the *Competition and Consumer (Consumer Data Right) Rules 2020 with proposed amendments*.

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.

Energy Queensland notes a possible numbering drafting error. The definition of “trusted adviser” refers to rule 1.10B but there is no rule 1.10B. Instead, the new rules jump from rule 1.10A (Types of Account) to rule 1.10C (Trusted advisers). We believe that the new sections 1.10C (Trusted Advisers) and 1.10D (Meaning of sponsorship arrangement, sponsor and affiliate) should be renumbered 1.10B and 1.10C and any cross references amended accordingly.

Energy Queensland also notes that the new definition of “trusted adviser” includes a number of advisers including accountants, lawyers and financial advisers. If this were to be applied to the energy sector, a key group of advisers – energy consultants – is unlikely to fall within the definition unless they happen to be a consulting arm of an accountancy firm. This means that energy consultants will need to become accredited to access data. This appears to be anti-competitive particularly as many energy consultants are small partnerships or sole traders.

Furthermore, in relation to the definition of “trusted adviser”, the definition of relevant legal professionals limits the recipient to lawyers who have an Australian State or Territory practising certificate. In Energy Queensland’s view the definition should also extend to registered foreign lawyers and foreign qualified in-house lawyers to support customers who are multi-nationals.

Should Treasury require additional information or wish to discuss any aspect of this letter, please contact me on 0467 782 350 or Laura Males on 0429 954 346.

Yours sincerely

A handwritten signature in black ink that reads "Trudy Fraser".

Trudy Fraser
Manager Regulation

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