

24 October 2022



Future Directions Unit
Consumer Data and Digital Division
Treasury
Langton Cres
Parkes ACT 2600

Email: data@treasury.gov.au

Dear Secretariat

Consultation – Consumer Data Right - Exposure draft legislation to enable action initiation

Energy Queensland Limited (Energy Queensland) welcomes the opportunity to provide comment to Treasury in response to its *Consumer Data Right - Exposure draft legislation to enable action initiation* consultation.

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 suggestions are limited to drafting improvements which are outlined below:

- **Section 5 of Bill:** We consider there is a misleading grammatical error in the proposed new section 56ACA(b). As such, we recommend it should instead read:
(b) For each of those action types—the classes of data holders, of CDR data, that are to be action service providers for that type of action.
- **Section 40 of Bill:** We suggest, in new section 56BHA(g), the word “such” is left out in this instance without losing the intent that it refers to approvals under rules implemented under section 56BHA.
- **Section 49 of Bill:** In new paragraph 56BI(1)(ca), should the two references to “the initiator” be to “the accredited action initiator”?
- **Section 49 of Bill:** In new paragraph 56BI(cb), should the two references to “the provider” be to “the action service provider”?
- **Section 56 of Bill:** An amendment is required to remove the full stop at the end of section 56BK(2)(d). Also, in terms of layout, the “; or” should sit on the line above the new paragraph (e).

- **Section 62 of Bill:** An amendment is required to remove the full stop at the end of section 56BN(1)(c)(ii). Also, in terms of layout, the “; or” should sit on the line above the new paragraph (iii).
- **Section 64 of Bill:** An amendment is required to remove the full stop at the end of section 56BO(1)(b). Also, in terms of layout, the “; or” should sit on the line above the new paragraph (c).
- **Section 66 of Bill:** There appear to be missing words in new section 56BZD(4). We suggest the words “the Tribunal may” or “the Commission may” be inserted before “have regard to”.
- **Section 66 of Bill:** In new section 56BZE(2)(a), should the reference to “the provider” be “the action service provider”?
- **Section 71 of Bill:** An amendment is required to remove the full stop at the end of section 56EC(51)(b). Also, in terms of layout, the “; or” should sit on the line above the new paragraph (c).

- **Section 73 of Bill:** The new paragraph 56ED(1)(d) is not grammatically correct or very clear. We suggest it could be amended to read:

(d) **asis** an action service provider for a type of CDR action, **to whom CDR data** has been or may be disclosed ~~CDR data~~ under the consumer data -rules;

- **Section 75 of Bill:** The introductory paragraph of the new 56ED(6) is not grammatically correct or very clear. It could be amended to read:

(6A) If the CDR entity is a person **to whom**, as an action service provider for a type of CDR action, **CDR data** has been or may be disclosed ~~CDR data~~ under the consumer data rules, the CDR entity’s policy must contain the following information:

- **Section 86 of Bill:** The introductory paragraph of the new 56ER(1B) is not grammatically correct or very clear. We suggest amending to read:

(1B) The Information Commissioner may assess whether an action service provider for a type of CDR action, **to whom CDR data** has been or may be disclosed ~~CDR data~~ under the consumer data rules, is maintaining and handling the CDR data in accordance with:

- **Section 89 of Bill:** The introductory paragraph of the new 56ER(1B) is not grammatically correct or very clear. Also, in terms of layout, the “or” should sit on the line above the new paragraph (d). We suggest amending to read:

(d) an action service provider for a type of CDR action, **to whom CDR data** has been or may be disclosed ~~CDR data~~ under the consumer data rules;

- **Section 90 of Bill:** The new paragraph (c) is not grammatically correct or very clear. An amendment is required to remove the full stop at the end of paragraph (b). Also, in terms of layout, the “or” should sit on the line above the new paragraph (c). We suggest amending to read:

(c) an action service provider for a type of CDR action, **to whom CDR data** has been or may be disclosed ~~CDR data~~ under the consumer data rules.

- **Section 92 of Bill:** The new paragraph 56ET5(b)(iv) is not grammatically correct or very clear. We suggest amending to read:

(iv) in the case of a complaint about an act or practice of an action service provider for a type of CDR action, to whom CDR data has been or may be disclosed CDR data under the 5 consumer data rules—the action service provider is the respondent; and

- **Section 93 of Bill:** The new paragraph 56ET5(d)(iv) is not grammatically correct or very clear. We suggest amending to read:

(iv) a paragraph that states that an act or practice of an action service provider for a type of CDR action, to whom CDR data has been or may be disclosed CDR data under the consumer data rules, has breached a privacy safeguard; and

- **Section 114 of Bill:** The first reference to “Data Recipient Accreditor” in section 56CJ(1) also needs to be replaced with “CDR Accreditor”. Section 114 of the Bill only deals with the reference to “Data Recipient Accreditor’s”.
- **Section 120 of Bill:** To align with the new definition introduced in the previous paragraph, we suggest that the including “designated”, such that it reads:

“information within those classes of designated information”.

- **Section 125 of Bill:** Should there be a reference to where the new definitions are to sit alphabetically in the definitions already contained in subsection 56AO(5)?
- **Section 128 of Bill:** An amendment is required to remove the full stop at the end of section 56AR(5)(b), and consequently, this may also involve amending the title of section 128 to refer to “subsection 56AR(5)(b)”. Also, in terms of layout, the “; or” should sit on the line above the new paragraph (c).
- **Section 129 of Bill:** An amendment is required to remove the full stop at the end of paragraph (c) of the definition of “CDR entity” and replace it with a semi-colon. The new paragraph (d) should appear on a new line.
- **Section 141 of Bill:** Should new subsections (1A) and (1B) be placed after rather than before subsection (1)? If so, sections 140 and 141 should be replaced with the following new sections 140, 141 and 142 and all subsequent sections be renumbered.:

Section 149 of Bill: An amendment is required to remove the full stop at the end of paragraph (c) of the definition of “CDR entity” and replace it with a semi-colon. The new paragraph (d) should appear on a new line.

Should Treasury require additional information or wish to discuss any aspect of this response, please contact me on [REDACTED] or [REDACTED] on [REDACTED].

Yours sincerely,



Alena Christmas
Acting Manager Regulation

Telephone: [REDACTED]

Email: [REDACTED]