



23 August 2020

Customer Data Right Branch
Australian Competition and Consumer Commission

Dear ACCC

Consumer Data Right – Energy rules framework consultation

Thank you for the opportunity to comment on this consultation to adapt the Customer Data Right (CDR) Rules to the energy sector.

The Energy & Water Ombudsman NSW (EWON) investigates and resolves complaints from customers of electricity and gas providers in NSW, and some water providers. Our comments are informed by our investigations into these complaints, and through our community outreach and stakeholder engagement activities.

The consultation paper proposes to make rules that align energy sector internal dispute resolution (IDR) requirements with existing requirements as set out in the National Energy Retail Law and Victorian Energy Retail Code. It is also considering whether additional rules are needed to align energy sector IDR requirements with those in the banking sector.

In our view, the recently released IDR Regulatory Guidance issued by ASIC, after extensive consultation with industry, consumers, and the Australian Financial Complaints Authority, represents better practice. It sets a higher benchmark for banks than energy companies have under current energy laws. In particular, it requires better promotion by financial institutions of both IDR and external dispute resolution (EDR) options for customers, leading to customers being better informed about their rights. Accordingly, EWON recommends the IDR requirements for the energy CDR be aligned with that of the banking sector.

The current consultation explicitly excludes EDR, noting that Treasury is considering the appropriate EDR arrangements for the CDR in energy. EWON, in collaboration with other jurisdictional energy ombudsman schemes, will continue to engage with Treasury to deliver EDR arrangements that promote the best outcomes for customers.

If you would like to discuss this matter further, please contact me or Rory Campbell, Manager Policy and Research, on (02) 8218 5266.

Yours sincerely

A handwritten signature in black ink that reads "Janine Young".

Janine Young
Ombudsman
Energy & Water Ombudsman NSW

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