



19 August 2022

Ms Anthea Harris
Chief Executive
Energy Security Board
Level 15, 60 Castlereagh St
Sydney NSW 2000

Via email: info@esb.org.au

Dear Ms Harris

Data Strategy Initial Reforms Consultation Paper June 2022

Thank you for the opportunity to comment on the Data Strategy Initial Reforms Consultation Paper.

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.

EWON has a strong interest in the development of energy policy that will generate positive consumer outcomes and reduce complaints. EWON reiterates its support for the Data Strategy as a comprehensive and cohesive strategy to take Australia's energy system into the next decade and beyond, at a time when increasing diversification in the network will inevitably lead to greater complexity. Marshalling that complexity and ensuring that it does not result in poor consumer outcomes is rightly a priority for the Energy Security Board – and EWON strongly supports these efforts.

EWON recognises that the consultation paper covers initial steps in what will ultimately be a suite of incremental reforms. EWON looks forward to commenting further as incremental reforms, along with more extensive framework overhauls, progress.

We have only commented on one question in our capacity as the dedicated external dispute resolution body for energy consumer complaints in NSW, and as a stakeholder, data user and data holder in the energy sector.

Question 1 – What is the appropriate scope for Class A Bodies?

Energy ombudsman data access – dispute resolution functions

The proposed reforms intend to include energy ombudsmen as Class A Bodies and this submission focuses on the appropriate scope from that perspective. We note the reforms make no change to the existing provisions in s54C(2) of the National Electricity Law (NEL) and in s91GC(2) of the National Gas Law (NGL). The existing provisions enable an energy ombudsman to request data from

the Australian Energy Market Operator (AEMO) in circumstances where the information is reasonably required by an energy ombudsman to resolve a dispute, and where the information is not end-use consumer information. The consultation paper identified that a number of existing data-sharing provisions in the NEL, NGL and other frameworks, have not been practical to implement, and this has been the case in EWON's experience. The ESB's proposal of the Class A/Class B Body approach will remove implementation issues and allow EWON to access AEMO data directly when anomalies are identified in data provided to EWON by retailers and networks, which are preventing EWON from effectively progressing or resolving a complaint investigation.

Energy ombudsman data access – other functions

The proposed reforms do not include energy ombudsman access to AEMO data for functions other than dispute resolution, such as policy and research activities. It is feasible that there may be circumstances in which broader energy ombudsman access to AEMO data, similar to the access of the other proposed Class A Bodies, could be of consumer benefit with respect to energy ombudsman work in the policy and research space. EWON's work in this area, such as the investigation of systemic issues, aims to reduce complaints, strengthen consumer protection frameworks and improve public trust in the energy retail market. However, our view is that there is not a strong need for this broader access, because:

- EWON's traditional contribution towards energy policy is as a data-holder
- EWON's access to industry data insights from other Class A bodies will be improved by the proposed reforms.

Our work in the policy and research space is driven by insights and trends drawn from our own complaints data. Our front-line services mean that EWON receives unique information from customers and scheme participants (retailers and network service providers) shared via the process of resolving disputes. As such, EWON holds valuable data, which is not available elsewhere, about current and historical issues and trends in energy. In turn we share this with regulators and decision-makers to inform their energy policy decisions.

While we will only continue accessing AEMO data for the purpose of resolving complaints, we note that facilitating data-sharing between AEMO and other Class A Bodies such as the Australian Energy Regulator (AER) and the Australian Energy Market Commission (AEMC) will enhance the quality, accuracy and coherence of energy sector information available from regulators and decision-makers via, for example, their consultations on reforms and rule changes.

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



Janine Young
Ombudsman
Energy & Water Ombudsman NSW