



Part of Energy Queensland

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Secretariat
Energy Ministers Coordination
Department of Industry, Science, Energy and Resources
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Dear Secretariat

Consumer Data Right for Energy – NEL/NER amendments

Ergon Energy Corporation Limited (Ergon Energy) and Energex Limited (Energex), as distribution network service providers (DNSPs) operating in Queensland, welcome the opportunity to provide comment to the Secretariat for Energy Ministers in response to its consultation *Consumer Data Right for Energy – NEL/NER amendments*.

Following a review of the draft amendments to the National Electricity Law (NEL) (as set out in the Schedule to the *National Electricity (South Australia) Act 1996*) and the National Electricity Rules (NER), Ergon Energy and Energex provide the following drafting comments:

National Electricity Law Amendments (Consumer Data Right)

New section 90AA(1)(b): Subsection (b) refers to “metering data” and “NMI Standing Data” which are specifically defined in the NER but are not defined in the *National Electricity (South Australia) Act 1996* (the Act). Where the Act uses other terms defined in the NER, a definition that refers to the NER definition is included in Section 2 (Definitions) of the NEL. We suggest the inclusion of the following new defined terms in Section 2 of the NEL which follow the drafting conventions already adopted in section 2:

metering data means metering data within the meaning of the Rules;

NMI Standing Data means NMI Standing Data within the meaning of the Rules;

National Electricity Amendment (Consumer Data Right) Rule 2021

New Rule 3.7E: This new rule refers to “CDR data” and “CDR provisions” which are specifically defined in the NEL but are not defined in Chapter 10 (Glossary) of the NER. Where the NER uses other terms defined in the NEL, a definition that refers to the NEL definition is included in Chapter 10 (Glossary) of the NER. We suggest the inclusion of the following new defined terms in Chapter 10 (Glossary) of the NER which follow the drafting conventions already adopted in the Glossary:

CDR data

Has the meaning given in the *NEL*.

CDR provisions

Has the meaning given in the *NEL*.

Alternatively, to avoid the reader having to refer to the NEL and then to the CDR legislation, definitions similar to those inserted by the NEL could be used:

CDR data

Has the same meaning as in the *Competition and Consumer Act 2010* (Cth).

CDR provisions

Has the same meaning as in the *Competition and Consumer Act 2010* (Cth).

The above new defined terms would then need to be italicised where they are used in new rules 3.7E and 8.6A and clauses 7.11.1(d)(2) and 7.15.5(c)(5b).

Additional considerations

In addition to the above drafting considerations, Ergon Energy and Energex support the deletion of clause 7.15.5(f) which appears to imply that the *Privacy Act 2009* (Cth) should cut across the data access rights under the NER. In our view, the deletion of this clause will remove some of the barriers to, or confusion around, sharing NMI details.

Ergon Energy and Energex also suggest that to create efficiencies and provide better customer service section 7.15.5(d) should be amended to allow customers to access their NMI standing data directly from their retailer rather than the DNSP. Currently DNSPs provide data to customers under the Metering Data Provision Procedures in accordance with the *Privacy Act 2009* (Cth). Where the DNSP cannot identify the customer as being a current account holder at the premises, a Customer Details Reconciliation request is sent to the current financially responsible market participant (FRMP) to confirm the customer requesting the data is a current account holder at the premise, prior to providing the data. Distribution businesses are reliant on the FRMP to provide customer information, which may be out of date and can hinder the efficient completion of any response.

Finally, we suggest that if market participants other than AEMO become responsible for this data, the data and formatting should be clearly defined. Consideration should also be given to the cost implications of system updates required for the provision of this data and adherence to formatting rules, which will increase DNSP operating expenditure and will ultimately be borne by customers.

Should the Energy Ministers require additional information or wish to discuss any aspect of this submission, please contact either myself, on 0409 239 883 or Laura Males on 0429 954 346.

Yours sincerely

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