

11 October 2018

Commissioner Sarah Court  
Australian Competition & Consumer Commission  
23 Marcus Clarke Street  
CANBERRA ACT 2601

By email: [ACCC-CDR@accc.gov.au](mailto:ACCC-CDR@accc.gov.au)

*Sarah*  
Dear Commissioner Court

### Consumer Data Right (CDR) Rules Framework

We acknowledged the need for a phased approach to commence the CDR in banking by July 2019. It appears reasonable that Phase I will be for a limited set of data holders, the big four banks, and for a simple, but useful, data set to be available. What cannot be restricted is accredited data recipients. The big four provide financial services to over 80 per cent of small businesses so it is critical that the minimal viable product (MVP) allow all licenced providers of financial services to be accredited data recipients.

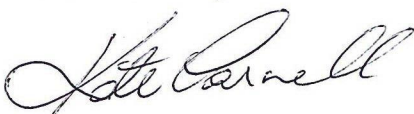
In setting the rules for data recipient accreditation we strongly advocate for acknowledgement of the criteria already met to hold another accreditation issued by you such as an Australian credit licence. To hold a credit licence you must have dispute resolution services and insurances. The CDR rules should not require a potential data recipient to obtain additional insurances or provide evidence of processes and procedures already required and monitored by you under another accreditation.

As small businesses will be also data recipients we ask you to consider a tiered structure for application fees. The fee to reflect the size of the recipient or the size of its customer base. It is imperative that it is recognised that the resources of a large finance provider are far greater than the resources of a smaller, regional, partnership operating as credit representatives. A key intent of the CDR is to open competition in banking so the rules and costs must ensure data recipient accreditation is streamlined and affordable.

We recognise the complexities around the rules for consent to use data for joint or complex accounts. The paper discusses joint accounts for consumers but does not specifically address the operation of business accounts. During the webinar in October it was indicated that the MVP may not apply to joint accounts pending an analysis of the quantum of such accounts. For the MVP to be of value to small businesses the rules for consent, where there is more than one signatory, must be in place. We would support the view that consent should reflect the authorisations for transfer of money from an account.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Jill Lawrence on [REDACTED]

Yours sincerely



**Kate Carnell AO**  
Australian Small Business and Family Enterprise Ombudsman