

Our ref: 0743-1608241381-172

28 August 2020

Australian Competition and Consumer Commission

Level 17

2 Lonsdale Street

Melbourne Vic 3000

By web portal: <https://consultation.accc.gov.au/consumer-data-right/energy-rules-framework-consultation/>

Dear ACCC,

Re: Consultation Paper – Consumer Data Right – Energy Rules Framework

Thank you for the opportunity to respond on the Australian Competition and Consumer Commission's (ACCC) *Consultation Paper – Consumer Data Right: Energy rules framework (Consultation Paper)*.

The Energy and Water Ombudsman Queensland (EWOQ) provides a free, fair and independent dispute resolution service for small electricity and gas customers across Queensland and water customers in South East Queensland who are unable to resolve a dispute with their supplier.

This submission is based on our experience as an external dispute resolution scheme dealing with residential and small business energy customer complaints in Queensland.

EWOQ notes the introduction and ongoing development of the Consumer Data Right (CDR) in the energy sector with great interest. As the Consultation Paper notes, Treasury is currently considering the appropriate external dispute resolution (EDR) scheme arrangements for the CDR in energy – and we are conscious that EWOQ and other energy ombudsman schemes are part of those considerations. If EWOQ is to participate in this arrangement, legislative changes must be made. I note that changes of this kind were considered in our recent legislation review submission to the Queensland Government. I refer to these submissions available at the link below¹ to support our position should Treasury proceed in this direction.

As EDR is not considered in detail in the Consultation Paper, our primary interest lies in the comments regarding internal dispute resolution (IDR) options, and our submission is focused on that issue.

¹ Submission by EWOQ dated 31 January 2020. Available at: https://www.dnrme.qld.gov.au/_data/assets/pdf_file/0010/1478359/energy-water-ombudsman-qld.pdf.

We have seen in advance the submission made by the Energy and Water Ombudsman of New South Wales (**EWON**), and concur with their view that the recently updated IDR Regulatory Guidance issued by the Australian Securities and Investment Commission (**ASIC**)² sets a higher benchmark for banks than the current energy laws across Australia do for energy companies. This is particularly true in relation to the requirements for the provision of information regarding the availability of IDR and EDR to customers.

Whilst we fully support the improvement of IDR processes in energy companies, we note the significant resources and costs necessary to achieve compliance with this regulatory guidance, particularly for smaller retailers in the current environment. It may also be challenging for retailers to implement and manage different IDR processes requirements for different products and services in their organisations.

As stated in your paper, currently energy retailers are required to comply with Australian Standard AS/NZ 10002- 2014 (Customer satisfaction—Guidelines for complaints handling in organizations). This Standard is about to commence a review (starting in September 2020) and this may provide an alternative option to implementing the regulatory guidance regime. In my role as Chair of the Standards Committee I will work with the Committee members to oversee the updating of the Standard, including consideration of any issues identified that will assist in improving the IDR process across all aspects of complaints and disputes within energy retailers. This Standard is widely used in organisations in Australia and may also be suitable for use by other organisations involved in the future CDR regime rollout.

If you require any further information regarding our submission, please contact Ms Lyndal Bubke, Principal Policy Officer on [REDACTED] or [REDACTED].

Yours sincerely



Jane Pires

Energy and Water Ombudsman Queensland

² ASIC, *RG:165 Licensing: Internal and external dispute resolution*, 30 July 2020. Available at: <https://asic.gov.au/regulatory-resources/find-a-document/regulatory-guides/rg-165-licensing-internal-and-external-dispute-resolution/>.