

## Submission

**6<sup>th</sup> March 2023**

Senate Standing Committee on Economics  
PO Box 6100  
Parliament House  
Canberra ACT 2600

### **Re: Inquiry into the Treasury Laws Amendment (Consumer Data Right) Bill 2022**

Dear Secretariat,

The Australian Communications Consumer Action Network (**ACCAN**) thanks the Senate Standing Committee on Economics (**the Committee**) for the opportunity to provide feedback to the *Treasury Laws Amendment (Consumer Data Right) Bill 2022 (the Bill)* inquiry.

ACCAN is the peak body that represents consumers on communications issues including telecommunications, broadband and emerging new services. ACCAN provides a strong unified voice to industry and government as we work towards communications services that are trusted, inclusive and available for all.

ACCAN supports amending the *Competition and Consumer Act 2010 (Cth) (CCA)* to extend the Consumer Data Right (**CDR**) framework to enable action initiation. Extending the CCA to cover action initiation through an Accredited Action Initiator (**AAI**) may provide significant benefits to consumers. ACCAN has previously detailed our support for action initiation in the Treasury's Exposure draft legislation to enable action initiation in the Consumer Data Right.<sup>1</sup>

Australian consumers are increasingly experiencing cost of living pressures, information asymmetries in telecommunications markets and are time poor. In the telecommunications sector, an AAI enabled CDR may:

- Enable consumers to change telecommunications plans more easily, improving competition in the telecommunications market.
- Save consumers time and money by allowing them to more easily compare plans.

Any future roles performed by an AAI enabled CDR must ensure that consumers' privacy is safeguarded through comprehensive data security measures. Ensuring that CDR data related to Domestic and Family Violence (**DFV**) and financial hardship is protected is crucial to protecting consumers using the CDR. An AAI enabled CDR should be designed to protect consumers

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<sup>1</sup> ACCAN, 2022, *Consumer Data Right - Exposure draft legislation to enable action initiation*, Available at: <https://accan.org.au/accans-work/submissions/2025-cdr-enable-action-initiation>

experiencing DFV. ACCAN has previously advocated for extensive privacy and data security as part of any future CDR developments.<sup>2</sup>

**A CDR supported by AAI will allow consumers to change telecommunications plans more easily, contributing to a more competitive telecommunications market**

By enabling consumers to use AAIs to request actions to an action service provider (ASP), a CDR will allow consumers to switch telecommunications plans more effectively. Decreasing barriers to consumers switching providers incentivises providers to compete on the quality of their offering. For consumers who may incur a significant time cost in switching telecommunications or lack the digital literacy skills to do so, an AAI enabled CDR will assist them in attaining a more affordable telecommunications offering.

**A CDR supported by an Independent Plan Comparison Tool (IPCT) can save consumers time and money**

CDR will ensure that service providers supply the market with up-to-date, machine-readable information on their products. This information can then be used to support an IPCT for telecommunications sector. An IPCT would help to decrease the information asymmetries that telecommunications consumers face and allow consumers to find independent and complete information about voice, data, and broadband products and services.<sup>3</sup>

**An AAI enabled CDR should not impose additional fees to ensure maximum utilisation and benefit for consumers**

Consumers should not be subject to additional fees for using an AAI enabled CDR to change their telecommunications services. Ensuring that an AAI enabled CDR does not impose additional fees on consumers is crucial to its effectiveness and widespread adoption. Should a cost be associated with accessing AAI enabled CDR services it would likely dissuade consumers from using the service.

**Consumers using an AAI enabled CDR service should have confidence in its security measures**

ACCAN supports the extension of privacy safeguards to AAIs and ASPs.<sup>4</sup> Wherever possible, the most comprehensive privacy protections should apply to the CDR data used by AAIs and ASPs. Ensuring that consumer data is protected when consumers interact with AAI and CDR services is crucial as in order to see significant uptake of the CDR, consumers must trust that their data will be adequately safeguarded.

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<sup>2</sup> ACCAN, 2022, *Submission by the Australian Communications Consumer Action Network to the Treasury and Data Standards Body, CDR rules and standards design paper*, p.10, Available at: <https://accan.org.au/ACCAN%20CDR%20rules%20and%20standards%20design%20paper%20for%20telecommunications%20sector%20FINAL.pdf>

<sup>3</sup> ACCAN, 2023, *Pre-Budget Submission 2023-2024*, p.8, Available at: <https://accan.org.au/accans-work/submissions/2055-pre-budget-submission-2023-2024>; ACCAN, 2022, *The Future of Broadband Policy Position*, p.10, Available at: <https://accan.org.au/accans-work/policy-positions/1999-the-future-of-broadband>

<sup>4</sup> The Parliament of the Commonwealth of Australia, 2022, *Treasury Laws amendment (consumer data right) bill 2022 Explanatory Memorandum*, p.31-32, Available at: [https://parlinfo.aph.gov.au/parlinfo/download/legislation/ems/r6950\\_ems\\_8554d9e8-6126-4d11-ac3c-0ef16cece05ce/upload\\_pdf/JC008246.pdf;fileType=application%2Fpdf](https://parlinfo.aph.gov.au/parlinfo/download/legislation/ems/r6950_ems_8554d9e8-6126-4d11-ac3c-0ef16cece05ce/upload_pdf/JC008246.pdf;fileType=application%2Fpdf)

The CDR regime:

- Should be designed with safeguards in place to not place consumers at greater risk of DFV through its use. This can be achieved through consideration and consultation of how end users and authorised representations interact with the CDR.<sup>5</sup>
- Prohibit DFV perpetrators from its use due to the sensitive nature of CDR data.<sup>6</sup>
- Impose substantial penalties for the access or misuse of CDR data by DFV perpetrators.

It is crucial that any future services established as part of a CDR should be inclusive and accessible. An AAI enabled CDR may enable consumers to change telecommunications plans more easily, contribute to a more competitive telecommunications marketplace, and save consumers time and money. An AAI enabled CDR should be accompanied by comprehensive privacy protections to ensure consumers trust the operation of the service.

We thank the Committee for the opportunity to provide this submission. Should you wish to discuss any of the issues raised in this submission, please do not hesitate to contact me at [con.gouskos@accan.org.au](mailto:con.gouskos@accan.org.au).

Yours sincerely,  
Con Gouskos  
Policy Officer

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***The Australian Communications Consumer Action Network (ACCAN) is Australia's peak communication consumer organisation. The operation of ACCAN is made possible by funding provided by the Commonwealth of Australia under section 593 of the Telecommunications Act 1997. This funding is recovered from charges on telecommunications carriers.***

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<sup>5</sup> ACCAN, 2022, *Submission by the Australian Communications Consumer Action Network to the Treasury and Data Standards Body, CDR rules and standards design paper*, p.11, Available at: <https://accan.org.au/ACCAN%20CDR%20rules%20and%20standards%20design%20paper%20for%20telecommunications%20sector%20FINAL.pdf>

<sup>6</sup> ACCAN, 2022, *Submission to Consumer Data Right - Exposure draft legislation to enable action initiation*, p.2, Available at: <https://accan.org.au/files/Submissions/2022/ACCAN%20CDR%20Action%20Initiation%20Exposure%20Draft%20October%202022%20FINAL.pdf>