



EnergyAustralia

LIGHT THE WAY

29 March 2022

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Dear Ms Whitehouse,

EnergyAustralia is one of Australia's largest energy companies with around 2.4 million electricity and gas accounts in NSW, Victoria, Queensland, South Australia, and the Australian Capital Territory. EnergyAustralia owns, contracts, and operates a diversified energy generation portfolio that includes coal, gas, battery storage, demand response, solar, and wind assets. Combined, these assets comprise 4,500MW of generation capacity.

EnergyAustralia has been involved in the development of the *National Customer Code for Energy Comparators and Energy Moving Services* (the Code). We are also a member of the Code's council as an industry representative.

Overall, we support the intent of the Code to set standards of practice for Energy Comparator and Energy Moving Services (Third Parties) which will drive better and fairer customer outcomes.

There are differences between the Code and the mandatory code of conduct for Third Parties recommended by the Australian Competition and Consumer Commission in its 2017 Retail Electricity Pricing Inquiry report (the Mandatory Code). However, we still consider the Code provides some value to customers and will assist in filling the regulatory gap in today's retail energy market, in the absence of a more comprehensive Mandatory Code.

However, today's market is changing. From 15 November 2022, the Consumer Data Right (CDR) will provide Third Parties better data to support energy plan comparisons and recommendations to customers (if they become an Accredited Person under the CDR regime). Prominent Third Parties which operate in the energy market today, such as Finder and iSelect, are already Accredited Persons or have plans to become one.

In the future, the CDR regime will evolve beyond data sharing to introduce Action Initiation. Under Action Initiation, the Consumer Data Right will be expanded to enable Accredited Persons, with a consumer's consent, to initiate actions. In the energy sector, this is intended to cover streamlined switching between energy retailers, and potentially fully automated switching.

- Streamlined switching could mean enabling electronic lodgement of applications in standardised forms by Accredited Persons on behalf of consumers.

- Fully automated switching is a stronger concept where an Accredited Person would manage the entire switching process on the consumer's behalf, including having the power to switch the consumer on their behalf whenever a better deal is identified.

In this future version of the CDR, it will be critical to ensure that Accredited Persons/Third Parties act in the best interests of the consumer when undertaking Action Initiation, and that any new risks to the consumer are addressed. The CDR regime is expected to contain some protections, but sector-specific and other legal obligations will still play a role.

We believe a Mandatory Code might be warranted when Action Initiation is introduced, and it should be re-considered when Treasury starts consultation on reforming the CDR framework for Action Initiation.

If you have any questions in relation to this submission, please contact me (Selena.liu@energyaustralia.com.au or 03 9060 0761).

Yours sincerely,

Selena Liu
Regulatory Affairs Lead