20 May 2022

Public Interest Advocacy Centre

Ms Elizabeth Kelly PSM
Secretariat, Statutory Review of the Consumer Data Right
The Treasury

By email: CDRstatutoryreview@treasury.gov.au

Dear Ms Kelly,

Statutory Review of the Consumer Data Right: Issues paper

The Public Interest Advocacy Centre (PIAC) is an independent, non-profit legal centre based in New South Wales. Established in 1982, PIAC tackles systemic issues that have a significant impact upon people who are marginalised and facing disadvantage. We ensure basic rights are enjoyed across the community through litigation, public policy development, communication and training. The Energy + Water Consumers' Advocacy Program represents the interests of low-income and other residential consumers, developing policy and advocating in energy and water markets.

PIAC welcomes the opportunity to respond to the Statutory Review of the Consumer Data Right (CDR): Issues paper. PIAC considers that changes to the CDR during its implementation have undermined its initial intent to create rights for consumers to control their own data for their benefit. We are concerned the new focus on creating markets for usable data is eroding the effectiveness of consumer control and protection and increasing opportunities for significant consumer harm.

PIAC supports the submissions made by the Financial Rights Legal Centre ('Financial Rights') and the Consumer Policy Research Centre (CPRC). We agree with Financial Rights that safety, security and consumer control must be the priority for the CDR and we support their call for broad legislative reforms to achieve this.

In energy, an appropriately structured CDR has the potential to give consumers the right to access their data and authorise its wider use for their benefit, while being protected from its misuse. The CDR as it is currently being implemented is increasingly prioritising market development and utility for potential data recipients, over the interests of consumers and protecting against consumer harms. This does not reflect the original intent of the CDR and risks exacerbating existing consumer vulnerabilities.

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Continued engagement
PIAC would welcome the opportunity to meet with the Secretariat and other stakeholders to discuss these issues in more depth.

Yours sincerely

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