



# **Competition and Consumer (Consumer Data Right—Recognised External Dispute Resolution Schemes) Instrument 2021**

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I, Jane Hume, Minister for Superannuation, Financial Services and the Digital Economy, and Minister for Women’s Economic Security, having considered the matters in subsection 56DA(3) of the *Competition and Consumer Act 2010* and having arranged for the Information Commissioner to be consulted, make the following instrument.

Dated 12 November 2021

Jane Hume  
Minister for Superannuation, Financial Services and the Digital Economy  
Minister for Women’s Economic Security

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## Part 1—Preliminary

### 1 Name

This instrument is the *Competition and Consumer (Consumer Data Right—Recognised External Dispute Resolution Schemes) Instrument 2021*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under the *Competition and Consumer Act 2010*.

### 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

### 5 Definitions

Note: Paragraph 13(1)(b) of the *Legislation Act 2003* has the effect that expressions have the same meaning in this instrument as in the *Competition and Consumer Act 2010* as in force from time to time.

In this instrument:

**banking sector** means the sector designated by the *Consumer Data Right (Authorised Deposit-Taking Institutions) Designation 2019*.

**energy sector** means the sector of the Australian economy that is designated by the *Consumer Data Right (Energy Sector) Designation 2020*.

**the Act** means the *Competition and Consumer Act 2010*.

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## **Part 2—Recognised external dispute resolution schemes**

### **6 Recognised external dispute resolution schemes—banking sector**

- (1) Under subsection 56DA(1) of the Act, the external dispute resolution schemes listed in subsection (2) are recognised for the resolution of disputes in the banking sector relating to the operation of the consumer data rules, or Part IVD of the Act, and involving one or more of the persons covered by paragraph 56DA(1)(b) of the Act.
- (2) For the purposes of subsection (1), the scheme operated by the Australian Financial Complaints Authority Limited is listed.

### **7 Recognised external dispute resolution schemes—energy sector**

- (1) Under subsection 56DA(1) of the Act, the external dispute resolution schemes listed in subsection (2) are recognised for the resolution of disputes in the energy sector relating to the operation of the consumer data rules, or Part IVD of the Act, and involving one or more of the persons covered by paragraph 56DA(1)(b) of the Act.
- (2) For the purposes of subsection (1), the schemes operated by the following bodies are listed:
  - (a) Australian Financial Complaints Authority Limited;
  - (b) Energy and Water Ombudsman (NSW) Limited;
  - (c) Energy and Water Ombudsman (Victoria) Limited;
  - (d) Office of the Energy and Water Ombudsman (Queensland);
  - (e) Energy and Water Ombudsman (SA) Limited.

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## **Schedule 1—Repeals**

### ***Competition and Consumer (External Dispute Resolution Scheme— Banking Sector) Instrument 2019***

#### **1 The whole of the instrument**

Repeal the instrument.