

Real-time data for consumers draft determination

23 October 2025

Justice and Equity Centre
ABN 77 002 773 524
www.jec.org.au

Gadigal Country
Level 5, 175 Liverpool St
Sydney NSW 2000
Phone + 61 2 8898 6500
Email contact@jec.org.au



About the Justice and Equity Centre

The Justice and Equity Centre is a leading, independent law and policy centre. Established in 1982 as the Public Interest Advocacy Centre (PIAC), we work with people and communities who are marginalised and facing disadvantage.

The Centre tackles injustice and inequality through:

- legal advice and representation, specialising in test cases and strategic casework;
- research, analysis and policy development; and
- advocacy for systems change to deliver social justice.

Energy and Water Justice

Our Energy and Water Justice work improves regulation and policy so all people can access the sustainable, dependable and affordable energy and water they need. We ensure consumer protections improve equity and limit disadvantage and support communities to play a meaningful role in decision-making. We help to accelerate a transition away from fossil fuels that also improves outcomes for people. We work collaboratively with community and consumer groups across the country, and our work receives input from a community-based reference group whose members include:

- Affiliated Residential Park Residents Association NSW;
- Anglicare;
- Combined Pensioners and Superannuants Association of NSW;
- Energy and Water Ombudsman NSW;
- Ethnic Communities Council NSW;
- Financial Counsellors Association of NSW;
- NSW Council of Social Service;
- Physical Disability Council of NSW;
- St Vincent de Paul Society of NSW;
- Salvation Army;
- Tenants Union NSW; and
- The Sydney Alliance.

Contact

Jan Kucic-Riker
The Justice and Equity Centre
Level 5, 175 Liverpool St
Sydney NSW 2000

T: +61 2 8898 6500

E: jkucicriker@jec.org.au

Website: www.jec.org.au

The Justice and Equity Centre office is located on the land of the Gadigal of the Eora Nation.

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Recommendations

Recommendation 1

That the Commission consider measures (through rules or guidelines) to make it transparent which meters require upgrade or replacement to be real-time-data enabled.

Recommendation 2

That the Commission introduce regulations disclosing the charges retailers may impose for meter retrofits or replacements to enable real-time data access, to ensure these costs are efficient, reflect only the necessary costs, and are subject to appropriate oversight.

Recommendation 3

That the Commission expand the proposed civil penalty provisions to apply not only where retailers or MCs charge for real-time data access when not permitted, but also where the MC or retailer proposes an inefficient or unreasonable upgrade pathway.

Recommendation 4

That the Commission require retailers to provide vulnerable customers with access to real-time data at no charge where their existing meter, installed prior to 2028, does not meet the new minimum specifications, recognising the critical role of real-time data in supporting energy affordability and empowerment for these consumers.

Recommendation 5

That the Commission clarify and demonstrate how it assesses and determines whether competition in metering services is functioning effectively, including identifying the metrics and outcomes that have been (and will be) used to assess market performance and trigger future reviews if competition fails to deliver consumer benefits.

Recommendation 6

That the Commission clarify the intended purpose and scope of the metering platform under the National Electricity Rules, including whether its role extends beyond billing and settlement, and establish governance arrangements to ensure any expanded functionality maintains technical and commercial neutrality.

Recommendation 7

That the Commission affirm consumers' rights to access and oversee all data captured by their meter to ensure they remain the primary and default beneficiaries of their energy data and can make informed decisions about its use.

Recommendation 8

That the Commission require real-time data to be made available in an interoperable and accessible format to ensure third parties can translate raw data into meaningful outputs for consumers, supporting diverse use cases and reducing the burden on consumers to interpret technical data.

Recommendation 9

That the Commission ensure the retailer-led framework for consumer access to real-time data utilises the CDR framework, or mirrors it (and its protections and principles) as closely as possible, including adopting equivalent privacy, security, and data governance protections to promote consistency and avoid fragmentation in the energy data ecosystem.

Recommendation 10

That the Commission establish robust standards for obtaining, maintaining and ending consumer consent to access real-time data, including clear guidance on what constitutes valid consent and how it should be obtained, consistent with the consent requirements and limitations under the CDR.

Recommendation 11

That the Commission regulate the charges MCs levy for access to real-time or advanced power quality data, to ensure costs are limited to only the efficient cost of accessing and transferring the data itself (that is, the marginal cost of data access), to ensure consumers do not inefficiently pay multiple times for data through both retail and network charges.

Recommendation 12

That the Commission introduce a requirement for retailers to proactively inform consumers whether their meter is capable of providing real-time data, including at the time of installation, upgrade, or replacement, and through ongoing customer communications such as billing or account notices.

Recommendation 13

That the Commission require all participants seeking access to real-time data to be accredited, and establish clear compliance and enforcement mechanisms applicable to both accredited data recipients and MCs to ensure secure data access and uphold consumer privacy and cybersecurity protections.

Recommendation 14

That the Commission require metering entities to become members of Ombudsman schemes, or in any case require MSPs to comply with reasonable information requests from retailers, not limited to ombudsman-related complaints.

Acronyms list

Acronym	Full name
AEMC	Australian Energy Market Commission
CDR	Consumer Data Right
CER	Consumer Energy Resources
DNSP	Distribution Network Service Provider
EWCAP	Energy and Water Consumers' Advocacy Program
LMRP	Legacy Meter Replacement Plan
MC	Metering Coordinator
MSATS	Metering Settlement and Transfer Solutions
MSP	Metering Service Provider
NER	National Electricity Rules

1. Introduction

The Justice and Equity Centre (JEC) welcomes the opportunity to respond to the Australian Energy Market Commission's (AEMC) real-time data for consumers draft determination (the Draft). This process is essential to ensuring metering and data frameworks promote the interests of all consumers by supporting the efficient operation of the energy system and enabling fairer, more flexible services that meet people's needs.

In this context, we support the Draft's reaffirmation of the core objective of this rule change: that all consumers should have access to real-time data as part of their electricity service. Universal access to real-time data is essential to enabling broader participation in, and a more equitable distribution of, the benefits flowing from the energy transition.

We welcome several aspects of the Draft, including the proposed resolution for real-time data, provisions for local access, and the shortened timeframe to implement minimum service specification (min spec) changes. These represent important and meaningful improvements on earlier proposals.

However, there remain several critical issues with the proposed changes which we contend must be addressed in the finalised rule to ensure metering and data frameworks fulfil their role in promoting the interests of consumers.

The persistence of structural flaws

We maintain that many of the challenges in designing a real-time data framework stem from a fundamentally flawed industry structure. Specifically, the decision to transfer responsibility for metering from distribution network service providers (DNSPs) to metering service providers (MSPs). We have consistently prosecuted this position throughout this and prior processes relating to metering and data.¹

The introduction of 'competition' in metering services – better characterised as creating new, unregulated entities for the provision of metering and metering services to retailers – has failed to accelerate the transition to smart meters and has produced a series of problems which have required further processes to resolve. Stakeholders are still grappling with the consequences of this decision over a decade later. While we understand these decisions are not up for consideration in this process, there are critical lessons relevant to this process which must be learned from this fundamental mistake. Most importantly, where and how to target and guide competition to ensure it is effective and contributes to good outcomes for consumers.

As we outlined in response to the metering regulation review, we contend the current metering and data framework centres on the misconception that metering is a 'choice' product, rather than essential system infrastructure. The resulting structure has created a complex web of entities and relationships that obscure accountability, misalign responsibilities and incentives, and hinder transparency – particularly in relation to cost recovery, the handling of data, and the ability to

¹ Appendix A provides links to our previous submissions to relevant metering and meter data process.

manage risks and costs related to remediation. These are the issues that this process – and likely many more in the future – must attempt to resolve.

Critical issues unresolved in the Draft

The decision to fundamentally maintain the existing industry structure, while deemed expedient in the short-term, stands to create more problems in the long-term. The Draft identifies some of the near-term problems but overlooks those we consider are very likely to arise in the future.

A prominent issue the Draft does not resolve is the matter of control over the metering platform itself. While we welcome the Commission’s recognition that metering coordinators (MCs) “exclusive control may confer a competitive advantage in the market for CER services”, we disagree this issue falls outside the scope of the current rule change. Once recognised, it is not reasonable to finalise the rule without addressing such a significant concern – particularly one with far-reaching implications for competition, consumer outcomes, and the equitable integration of consumer energy resources (CER).

We acknowledge this is a potentially contentious issue and that resolving it may impose costs on existing entities. We however disagree that this issue was unforeseeable or unmanageable under the current process. Stakeholders, including ourselves, raised this issue prior to the initiation of this rule change and repeatedly throughout this process. We maintain that this issue should be considered as part of this process.

We are extremely concerned that excising this issue from the current rule change process will repeat mistakes of the past and render the issue significantly harder to address in future reforms. Delaying a response to this issue risks entrenching anti-competitive dynamics as ‘business-as-usual’ and deepening the structural disadvantages already present in the market. This ultimately comes at a cost to consumers who face higher prices, reduced access to innovative metering services, and missed opportunities to benefit from improved integration of CER.

In light of these concerns, our submission is structured around key themes arising from the Draft, including access arrangements for consumers and third parties, registered participant access, data formatting and interoperability, consent and privacy protections, dispute resolution, pricing and cost recovery, and broader concerns relating to industry structure and governance. Each section includes targeted recommendations to strengthen the Draft and ensure it delivers on its stated purpose.

2. Minimum service specification changes

We support the proposed amendment to Table S7.5.1.1 of Chapter 7 of the National Electricity Rules (NER), requiring all new smart meters installed from 1 January 2028 to include both wired and wireless functionality for accessing real-time data.

We welcome the inclusion of both wired and wireless solutions. As outlined in our previous submissions, wired connections offer a low-cost, secure, and technically and commercially neutral means of enabling real-time data access.

These requirements are essential to improving interoperability and expanding effective and durable access to real-time data. To better understand the current landscape, we seek clarity on three key points:

- What proportion of existing smart meters are currently capable of providing real-time data access?
- What proportion of meters slated for deployment under upcoming LMRPs (prior to 2028) will support real-time data?
- What is the relative proportion of existing meters, and meters to be deployed prior to 2028 which can be 'real time data enabled' without replacement (that is, with a low-cost intervention or add-on)?

The Draft states that “approximately 15 percent of consumers across New South Wales, the Australian Capital Territory, South Australia, and Queensland would have access to real-time data, at no charge, by the conclusion of the accelerated meter rollout in 2030.” However, it is unclear from this figure whether the consumers who secure access to real-time data at no charge are exclusively those receiving meters installed after 2028, or whether some consumers who receive upgraded meters prior to 2028 may (or could) also be included.

We are concerned that the proposed application of the rule diverges from its stated intent – to ensure all consumers have access to real-time electricity data – by not extending coverage to meters in embedded networks. Exempting consumers in embedded networks from these provisions not only undermines the objective but also deepens the structural disadvantage these consumers already face. This issue is particularly material in New South Wales, where a significant share of residential consumers reside in embedded networks.

The Draft estimates that enabling real-time data access would cost between \$50 (for installations retrofitted with a current transformer) and \$700 (for sites requiring a meter replacement). Oakley Greenwood’s cost-benefit analysis assumes 25 percent of sites could be retrofitted, with the remainder requiring full replacement. However, the criteria for determining whether a retrofit or replacement is necessary remain unclear and the basis for this assumption equally so. Given the difference in relative cost – between a cost which could potentially be reasonably absorbed and recovered broadly across consumers, and one which would have material impact on consumers – this is a critical consideration in resolving the treatment of metering which is not real-time-data capable.

Importantly, this ambiguity leaves consumers reliant on retailers to assess metering upgrade pathways and associated costs. In the absence of regulation or transparency, households are being asked to trust entities which are already among the least trusted service providers². Retailers also have a potential incentive to misrepresent the necessity of an upgrade or inflate associated costs, further undermining consumer confidence.

Likewise, the proposed civil penalty provisions for MCs and retailers who charge for meter upgrade, replace or access to real-time data when not required or permitted should be expanded.

² See [ECA Energy Consumer Sentiment Survey June 2024](#), p. 7

These provisions should also apply where the meter already meets the new minimum specifications and where the MC or retailer proposes an unnecessary, inefficient or unreasonable upgrade pathway.

In this context, we question the rationale for further reducing the minimal regulatory oversight of these charges proposed in the Directions paper. The Draft assumes consumers will actively compare upgrade options, assess pricing, and switch providers to secure fair outcomes. This assumption is unrealistic, bordering on absurd. If consumers are not actively switching retailers to realise significant savings on their overall energy bills, it is implausible to expect them to shop around for efficient pricing on real-time data access, which constitutes an obscure subset of that bill.

Moreover, the Draft does not propose any criteria or mechanisms to assess whether charges passed on by metering service providers are necessary and reasonable. This is unacceptable. Consumers must have confidence that charges for enabling real-time data are necessary, fair, and efficient – regardless of their energy provider and without needing to navigate a complex market.

This is especially important given that “consumers do not generally have control over what type of meter is installed, or when.” To address this, the final determination should make more expansive provisions to clarify where upgrade or replacement is required, provide guidance on what constitutes a reasonable charge for enabling real-time data access and empower the AER to oversee these charges and enforce compliance where unreasonable costs or practices are identified.

Recommendation 1

That the Commission consider measures (through rules or guidelines) to make it transparent which meters require upgrade or replacement to be real-time-data enabled.

Recommendation 2

That the Commission introduce regulations disclosing the charges retailers may impose for meter retrofits or replacements to enable real-time data access, to ensure these costs are efficient, reflect only the necessary costs, and are subject to appropriate oversight.

Recommendation 3

That the Commission expand the proposed civil penalty provisions to apply not only where retailers or MCs charge for real-time data access when not permitted, but also where the MC or retailer proposes an inefficient or unreasonable upgrade pathway.

3. Arrangements for charges associated with real-time data

The Draft proposes to permit retailers to charge customers with meters installed before 2028 who request a retrofit or replacement to meet the new minimum specifications.

We support the provisions that limit this charge to one per premises and require retailers to offer customers the option to pay either as a lump sum or in instalments.

However, we question the assertion that charges to enable a real-time data stream “would reflect the reasonable costs the MC would incur,” given that consumers have no visibility into the contracts negotiated between retailers and MCs, nor the actual costs of metering or metering services. As outlined above, some level of regulatory oversight is necessary to ensure these charges are transparent, reflective only of necessary costs, and efficient. It is not reasonable to assume that competitive dynamics will ensure efficiency or good outcomes.

Arrangements for vulnerable consumers

We do not support the proposal to allow retailers to charge vulnerable customers³ for access to real-time data where their existing meter, installed prior to 2028, does not meet the new minimum specifications. Priority access to real-time data would give these customers greater visibility of their energy use and enable potentially important tools to help manage and reduce their bills.

Vulnerable customers require targeted support to manage their energy bills, and access to real-time data is a critical tool in that effort. Providing this access at no charge would empower them (and Governments or other service providers supporting them) to better understand and implement measures to reduce their energy use, leading to fairer and more equitable outcomes.

Recommendation 4

That the Commission require retailers to provide vulnerable customers with access to real-time data at no charge where their existing meter, installed prior to 2028, does not meet the new minimum specifications, recognising the critical role of real-time data in supporting energy affordability and empowerment for these consumers.

Flawed benefits assessments

While we welcome the Commission’s broader reforms to improve access to energy management tools for vulnerable customers, we do not consider the cost-benefit analysis of real-time data accurately reflects the full range of benefits.

The analysis considers the benefits to non-CER customers primarily through an ‘eyeball’ response where customers intentionally adjust their behaviour based on the visual presentation of real-time data. Oakley Greenwood estimates this could reduce annual electricity consumption by around 6 percent, which – given the criteria relate only to the least significant potential benefits – we consider a reasonable assumption.

However, we question the decision to quantify this benefit using wholesale costs rather than retail prices. The analysis should reflect the actual savings consumers are likely to realise, including

³ This includes hardship customers, non-hardship customers experiencing payment difficulty, and experiencing family violence.

avoided network charges⁴. Calculating benefits based on retail prices would provide a more realistic and meaningful estimate of the value of real-time data to non-CER customers.

4. Enabling an efficient market for metering services

The Draft states that “competition between MCs is essential to ensure the market for metering services remains efficient.” We disagree with this assessment. While competition may theoretically contribute to various forms of economic efficiency, in this case it should not be treated as the sole (or even primary) indicator of an efficient market.

Competition amongst MCs is not meaningful for consumers

As we noted in our submission to the Pricing Review⁵, competition is not an end in itself. Markets should be structured and evaluated based on their likely capacity to deliver outcomes such as affordability, accessibility, and equity in energy services. Competition can be a feature of effectiveness, but it is not synonymous with it. Indeed, effective markets can exist without competition, and ostensibly competitive markets (such as that for metering) can fundamentally fail to deliver meaningful consumer benefits.

In this context, the presence of competition between MCs for retail contracts does not necessarily indicate that the metering services market is delivering good outcomes for consumers. The criteria retailers are likely to seek in agreements with MCs do not necessarily align with those most important to, or beneficial for, consumers. Fundamentally, retailers – and any competition amongst MCs for their contracts – cannot be assumed to drive efficiency or good consumer outcomes in metering and data.

Competition issues with the privileged role of MCs

We welcome the Draft’s acknowledgment that “MCs’ exclusive control of the smart meter may give them a competitive advantage in the market for CER services” and that “this creates barriers for third parties to compete on a level playing field.”

It does not follow that “any existing competitive advantage MCs may have through cheaper access to real-time data would be eroded” under the draft rule. While the Draft makes material progress on concerns related to preferential access to real-time data, it does not address the equally critical issue of control of the functionalities embedded in the meter, or effective control of the wider sale and use of data enabled by the meter. The data produced by the meter and its role as a platform for managing CER are distinct issues and should not be conflated. Advancing one does not imply progress on the other.

To quote from our earlier submission:

The key competition concern is not only that third parties are at a disadvantage because they lack free universal access to real-time data, but that MSPs have an

⁴ We acknowledge that under a revenue cap framework, network charges are displaced rather than offset. However, the Commission should not assume that this displacement affects all customers equally, nor that it is inherently inefficient or undesirable.

⁵ See [JEC submission to AEMC Pricing Review Discussion Paper](#), pp. 8-10.

unfair advantage due their exclusive ability to build functionality into the meter and control CER integrated with and attached to the meter. That is, their actions can create physical as well as financial barriers to effective competition.

Put differently, the issue is not only that third parties lack means to obtain visibility of real-time data or replicate in-built smart meter functionality, because it may be possible to install parallel devices which can do so. The issue is that MSPs get preferential (and lower cost) access to this visibility and functionality by virtue of their privileged (and unrelated) position and ownership of the relationship between the consumer and the meter. We do not consider that creation of MSP roles to undertake metering services was ever intended to create an unfettered platform for commercial advantage, which the proposed framework would allow and enable.

The Paper also overlooks that access to real-time data only represents one cost for a third party. In contrast, the MSP can leverage bespoke control software, internal relays to control CER, and meter communications to/from the site for their commercial purposes at no additional cost. MSPs also benefit from their ability to spread their CER control costs across all consumers whereas a third party incurs these costs on a per-site basis. Most importantly, MSPs benefit from the fact they can make the decisions to implement capability according to their own terms, with no transparency over how their costs are incurred or recovered from the consumer.

To this end, the Commission must provide a more substantive demonstration of how it has assessed and determined whether competition in metering services is working as intended and delivering good outcomes for consumers. This guidance should ideally serve as a basis for the final decision in this process. In any case, such an assessment should serve as a trigger for a future review should the market bodies determine that competition is not delivering the outcomes consumers seek.

Recommendation 5

That the Commission clarify and demonstrate how it assesses and determines whether competition in metering services is functioning effectively, including identifying the metrics and outcomes that have been (and will be) used to assess market performance and trigger future reviews if competition fails to deliver consumer benefits.

Ensuring the role the metering and MCs is appropriately defined

Further complicating matters is the ambiguity of NER Chapter 7, which governs the use of the metering platform. The final determination should clarify the intent of these rules – specifically, whether the metering platform (and the functions of the parties managing it) is intended primarily for billing and settlement.

If the Commission considers the rules permit a broader scope for the metering platform's role, it must clarify its expectations for how this expanded role should be limited and governed. Robust governance is essential to uphold both technical and commercial neutrality, and to ensure that the provision of metering services is aligned with the long-term interests of consumers.

The metering platform must not become a tool for leveraging monopoly power or commercial advantage by the parties responsible for its operation. The fact that these parties compete for contracts does not, on its own, provide sufficient protection for consumers or guarantee fair outcomes. Without clear rules and oversight, there is a real risk that control over the platform will be used to entrench market power and restrict innovation, to the detriment of consumers.

Recommendation 6

That the Commission clarify the intended purpose and scope of the metering platform under the National Electricity Rules, including whether its role extends beyond billing and settlement, and establish governance arrangements to ensure any expanded functionality maintains technical and commercial neutrality.

5. Access to real-time data

We support the proposed definition of real-time data as:

Measurements of voltage (in volts), current (in amperes) and phase angle made available by one or more measurement elements in a type 4 or type 4A metering installation at a resolution of no less than once per second in accordance with the requirements of the real-time data procedures

This definition is broadly appropriate for the identified use cases. However, it raises concerns regarding access and usage rights to other data captured by the meter. These risks could be mitigated by affirming consumers' rights to control (or at minimum, access and oversee) all data collected by their meter, regardless of whether it is specifically defined or not. Establishing such rights would help ensure that consumers remain the primary beneficiaries of their energy data, enabling greater transparency, accountability, and value from the services built on that data.

Recommendation 7

That the Commission affirm consumers' rights to access and oversee all data captured by their meter to ensure they remain the primary and default beneficiaries of their energy data and can make informed decisions about its use.

We are concerned about the proposal to allow up to five seconds of latency between real-time data being sent and received by an external device. This latency may compromise use cases involving CER orchestration, which require data at a minimum frequency of 1Hz.

We support the proposal to classify real-time data as affected customer information, which would strengthen protections for people experiencing family violence. This classification would require retailers to acquire the consent of the affected person(s) before disclosing or providing access to real-time data to any other person. This critical protection will help ensure real-time data is not used to perpetrate family violence and/or financial abuse.

Finally, while the Draft appropriately clarifies that real-time data refers to raw, unvalidated values, the rules should ensure this data is made available in an interoperable and accessible format.

This would enable translation into meaningful insights tailored to the customer's specific use case, without placing the burden of interpretation solely on the consumer.

Recommendation 8

That the Commission require real-time data to be made available in an interoperable and accessible format to ensure third parties can translate raw data into meaningful outputs for consumers, supporting diverse use cases and reducing the burden on consumers to interpret technical data.

Access arrangements for consumers and third parties

We welcome the proposal to require retailers to facilitate consumer access to real-time data. This represents a meaningful shift away from the MSP-centric approach proposed in the Directions Paper, and toward a more consumer-focused model.

However, we are disappointed by the proposal to manage access to real-time data through a bespoke, retailer-led framework rather than integrating it into the Consumer Data Right (CDR) framework. This approach risks undermining the CDR's role as a unified framework for sharing energy data and contributes to a fragmented data ecosystem – where historical energy data is governed by the CDR, while real-time data is subject to a separate retailer-controlled process.

We do not accept the premise that real-time data is materially different from other forms of energy data in a way that justifies deviation from the CDR framework. We understand that the decision to depart from the CDR is predicated on the complexities involved in designating MCs as data holders, which would require reopening the CDR designation instrument for the energy sector.

We do not agree this is sufficient justification and note that alternative solutions could include retaining retailers as the 'data holder', with MC's acting as contracted agents fulfilling relevant functions on their behalf. This requires consideration of the appropriate structure of relationships and processes, which are complicated but not insurmountable. Regardless, the administrative challenge should not override the broader policy objective of creating a coherent, consumer-centric data regime.

Should the Commission proceed with a retailer-led access framework, it must ensure this framework aligns with and leverages existing CDR processes and protections to the greatest extent possible.

Recommendation 9

That the Commission ensure the retailer-led framework for consumer access to real-time data utilises the CDR framework, or mirrors it (and its protections and principles) as closely as possible, including adopting equivalent privacy, security, and data governance protections to promote consistency and avoid fragmentation in the energy data ecosystem.

Consumers must retain control over who can access the real-time data generated by smart meters installed at their premises. We therefore support the draft determination requiring any party seeking access to a customer's real-time data to obtain that customer's consent and for this consent to be limited and governed to standards consistent with the CDR.

This safeguard should be strengthened by establishing robust standards for obtaining consent, including clear guidance on what constitutes valid consent and how it should be obtained and limited. These standards should be consistent with those already established under the CDR.

Recommendation 10

That the Commission establish robust standards for obtaining, maintaining and ending consumer consent to access real-time data, including clear guidance on what constitutes valid consent and how it should be obtained, consistent with the consent requirements and limitations under the CDR.

Access arrangements for registered participants

The Draft proposes granting all registered participants access to real-time data, subject to customer consent. This marks a departure from existing arrangements, where some participants access other types of energy data without explicit customer consent. The rationale for requiring consent in this case is the potential impact on customer infrastructure such as Wi-Fi networks. While we consider this a reasonable precaution, the Commission should weigh the potential costs of this approach against the benefits of broader data visibility, which could enhance system efficiency and deliver greater value to all consumers.

We are concerned the current proposal does not adequately address the issue of efficient pricing for data access, particularly for DNSPs. Under the existing industry structure, DNSPs must commercially negotiate with MCs to access real-time data. This arrangement results in consumers effectively paying multiple times for their data – once through retail charges for metering services, and again through DNSP cost pass-throughs to acquire data whose cost is indistinguishable from what they've paid through their retail charges.

Improving access to real-time data would significantly enhance visibility of the low-voltage network, which is essential for integrated distribution system planning, kerbside EV charging infrastructure, and the effective integration of distribution-connected batteries.

It is unclear why DNSPs are not afforded greater visibility of this data, particularly when other reform measures are aimed at improving the availability of DNSP data relating to their network utilisation. Under the accelerating smart meter deployment rule change, DNSPs are granted access to basic power quality data⁶ updated once daily. However, meters capable of providing this data can often support more frequent updates, even if they fall short of full real-time standards.

DNSPs should be granted improved access to data to support the safe and efficient operation of the distribution system, as well as enable wider reforms improving the visibility of network utilisation and operation.

⁶ Basic power quality data consists of the same data points as real-time data, but is only provided once daily.

Recommendation 11

That the Commission regulate the charges MCs levy for access to real-time or advanced power quality data, to ensure costs are limited to only the efficient cost of accessing and transferring the data itself (that is, the marginal cost of data access), to ensure consumers do not inefficiently pay multiple times for data through both retail and network charges.

The Draft outlines that MCs will be responsible for enabling access to real-time data, given their exclusive right to modify physical metering infrastructure and interact with meter software and communications systems. We support the proposal that real-time data access solutions be designed to allow control to be transferred between MCs. To ensure interoperability and prevent vendor lock-in, MCs should be explicitly prohibited from developing solutions that rely on proprietary software or hardware that cannot be accessed or managed by other MCs.

Informing customers when real-time data is accessible

We do not support the proposal to exclude an obligation on retailers to proactively inform customers about the availability of real-time data. Consumers must be notified about their meter's real-time data capabilities, whether or not their meter is currently capable of providing such data. Omitting this requirement risks limiting consumer awareness and uptake of real-time data services, resulting in missed opportunities for consumer and system benefit. It also undermines any incentive for retailers to maximise the number of their meters which are real-time-data capable.

The assumption that retailers will voluntarily inform customers mirrors the flawed logic underpinning the Power of Choice reforms. Namely, that consumers view meters as a product of interest or choice. In practice, most consumers are unaware of their meter's capabilities and do not seek out this information. Expecting them to understand the difference between a 'smart meter' and a 'real-time data-enabled smart meter' and seek out that information without explicitly being provided it, is unrealistic.

We also find the suggestion that third parties will inform consumers implausible. The Draft rule does not provide third parties with visibility of which meters are and are not real-time data capable. As a result, the burden falls on consumers to inquire about these services and determine whether their meter supports them. This expectation is unreasonable.

To the extent that registered participants have visibility of meter capabilities, this information should be made available to consumers and third parties. This could be operationalised through enhancements to the Metering Settlement and Transfer Solutions (MSATS) and updates to billing guidelines.

Good regulatory practice places the responsibility for disclosure on the party holding the information. When consumer decisions and outcomes depend on that information, providing it should be a mandatory obligation. Greater transparency around metering capability would empower consumers, support the integration and management of CER, and help build trust and social licence for real-time data services.

Recommendation 12

That the Commission introduce a requirement for retailers to proactively inform consumers whether their meter is capable of providing real-time data, including at the time of installation, upgrade, or replacement, and through ongoing customer communications such as billing or account notices.

Accreditation requirements to access and manage real-time data

We support the proposal to impose accreditation requirements on participants seeking access to real-time data. This is a critical safeguard to ensure that cybersecurity and privacy protections are upheld, and to foster consumer trust in data-enabled energy services.

The Draft outlines that MCs will be responsible for facilitating secure access to real-time data. While we welcome this measure, the Commission should clarify how compliance with these obligations will be monitored and enforced. Enforcement provisions should apply not only to accredited real-time data recipients but also to MCs, given their central role in managing access.

Clear compliance mechanisms are essential to ensure accountability and to prevent misuse or mishandling of sensitive consumer data. The Commission should consider establishing a framework for auditing, reporting, and sanctioning breaches of accreditation or access protocols.

Recommendation 13

That the Commission require all participants seeking access to real-time data to be accredited, and establish clear compliance and enforcement mechanisms applicable to both accredited data recipients and MCs to ensure secure data access and uphold consumer privacy and cybersecurity protections.

Dispute resolution

Consumers must have clear and accessible pathways to raise complaints and resolve disputes related to real-time data services and other energy services. To support consistent and effective resolution, relevant information should be readily accessible to the parties involved in the complaint or dispute.

This objective is best achieved through the inclusion of MCs as members of energy ombudsman schemes, as this would provide consumers with a direct and transparent avenue for resolving disputes involving metering services. The Draft instead proposes requiring MSPs to comply with information requests from retailers, rather than making them parties to ombudsman schemes. We do not regard this as sufficient or likely to be effective and strongly recommend the Commission reconsider requiring metering entities become members of ombudsman schemes.

If the Commission proceeds with its proposed approach, we recommend broadening the obligation on MSPs to respond to retailer requests beyond those specifically related to ombudsman complaints. This would help prevent disputes from arising in the first place by ensuring MSPs respond to any reasonable request for information or assistance from retailers.

This approach would reduce the burden on ombudsman schemes and improve the efficiency of dispute resolution processes, while maintaining consumer protections.

Recommendation 14

That the Commission require metering entities to become members of Ombudsman schemes, or in any case require MSPs to comply with reasonable information requests from retailers, not limited to ombudsman-related complaints.

6. Continued engagement

We welcome the opportunity to meet with the AEMC project team and other stakeholders to discuss these issues in more depth. Please contact Jan Kucic-Riker at jkucicriker@jec.org.au regarding any further inquiries.

Appendix A

The below list of resources provides further background into our long-held and evolving positions on metering and metering services as an enduring consumer advocate on these matters.

Review of the regulatory framework for metering services

[PIAC submission to the Consultation Paper](#)

[PIAC submission to the Directions Paper](#)

[PIAC submission to the Draft Determination](#)

Accelerating smart meter deployment

[PIAC submission to the Draft Determination](#)

[JEC submission to the Direction Paper](#)

Real time data for consumers

[JEC submission to the Consultation Paper](#)

[JEC submission to the Directions Paper](#)