

Economics Legislation
Answers to questions on notice
Climate Change, Energy, the Environment and Water Portfolio

Inquiry: Competition and Consumer Amendment (Australian Energy Regulator Separation) Bill 2025

Question No: IQ25-000013

Hearing Date: 12 August 2025

Division/Agency: National Energy Transformation Division

Topic: AER data collection

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Question Type: Spoken

Senator Hume asked:

Senator HUME: I was fascinated to hear Ms Savage's evidence that the AER is one of the Commonwealth's largest data holders, or data collators. I want to understand whether that data is something that the department either has access to now or would get access to or could use in policy development because of this change.

Ms McGrath: I don't think it would change our ability to access information. I can't—

Senator HUME: Do you access it now?

Ms McGrath: I think I'd have to take that on notice.

Mr Minchin: We'd have to take that on notice, yes.

Ms McGrath: It may well be a—we're part of a large group. In terms of energy group, I'm sure there are some that may approach AER about data, but we're not aware yet.

Mr Minchin: But I would note that, as an independent regulator, there are checks and balances there too in terms of accessing data. We can take that on notice.

Answer:

1. There are no arrangements where raw or disaggregated data collected by the Australian Energy Regulator (AER) is directly provided to the Department of Climate Change, Energy, the Environment and Water (DCCEEW).
2. Subsections 44AAF(3A) and (3B) of the *Competition and Consumer Act 2010* authorise disclosure of information to a Department (including DCCEEW) if the AER forms the view that the information will assist the Department to perform their functions or powers.
3. The proposed legal separation of the AER from the Australian Competition and Consumer Commission will not change this.