Book Reviews

Editor: Nicholas Felstead

THE LAW OF CIVIL PENALTIES

Reviewed by Lucy Cameron

The Law of Civil Penalties, edited by Deniz Kayis, Eloise Gluer and Samuel Walpole, Federation Press, 2023, 313pp: ISBN 97881760024611. Hardcover $180.

Five years ago, while working as judges' associates at the Federal Court, Deniz Kayis, Eloise Gluer and Samuel Walpole noticed the absence of a single text setting out the principles underpinning the imposition of civil penalties.[1] In an effort to fill that gap, they have now invited a selection of authors to contribute 15 essays articulating the law of civil penalties and reflecting upon areas for further development. In doing so, the editors firmly instruct us that the law of civil penalties is a doctrinal subject worthy of greater attention.

The editors have a keen sense of timing. The work arrives in the wake of the High Court of Australia's decision in *Australian Building and Construction Commissioner v Pattinson* (*Pattinson*),[2] which lies at the heart of the collection.[3] For some authors, *Pattinson* simply confirms the distinct nature of civil penalty regimes. With the core principles settled and the line between the imposition of civil penalties and criminal sentencing sharply drawn, it is time to sit down to the task of refining and developing the law. For other authors, the law seems decidedly less clear, and these essays are pervaded by a sense of unease about the plurality's reasoning and uncertainty about the future ahead. The result is an orchestral quality to the text – almost every chapter reharmonises *Pattinson* and its implications, and a chorus of "the sole purpose is deterrence" is met with a refrain of objections (some loud, others chiming a little more softly) relating to the purpose for which civil penalties are imposed and the analytical tools deployed by judges to arrive at what is determined to be the appropriate amount.

Tim Begbie KC leads with "The Purpose of Civil Penalties (Or 'The Road to Deterrence')". Beginning in the 1970s, he tells the tale of how we arrived at "a fork in the road",[4] where the courts were forced to make a choice between imposing civil penalties according to established principles of punishment, or to achieve deterrence.[5] With that question now resolved by the High Court, Begbie seeks to direct future travellers on the road ahead by building upon guidance in *Commonwealth v Director, Fair Work Building Industry Inspectorate* (*Agreed Penalties*),[6] *Australian Building and Construction Commissioner v Construction, Forestry, Mining and Energy Union* (*Non-Indemnification Case*),[7] as well as *Pattinson*. Throughout the essay, complex legal arguments are distilled into easily digestible prose, and one can see how Begbie might have been instrumental in the *Pattinson* victory on behalf of the Australian Building and Construction Commission. There are a few instances where one might pause and ask: "But what about…?" For instance, when explaining how analytical tools of criminal law sentencing might be re-appropriated in the civil penalty context, Begbie explains: "A hammer is an obviously useful tool for building; but hammers are, with appropriate modification, also useful for activities that have nothing to do with building, as in testing reflexes and the working of a piano."[8] If given the opportunity,

[1] Deniz Kayis, Eloise Gluer and Samuel Walpole (eds), *The Law of Civil Penalties* (Federation Press, 2023) xvii.

[2] *Australian Building and Construction Commissioner v Pattinson* (2022) 274 CLR 450; [2022] HCA 13.

[3] *Australian Building and Construction Commissioner v Pattinson* (2022) 274 CLR 450; [2022] HCA 13; *Pattinson v Australian Building and Construction Commissioner* (2020) 82 FCR 580; [2020] FCAFC 177.

[4] Kayis, Gluer and Walpole, n 1, 2.

[5] Kayis, Gluer and Walpole, n 1, 2.

[6] *Commonwealth v Director, Fair Work Building Industry Inspectorate* (2015) 258 CLR 482; [2015] HCA 46.

[7] *Australian Building and Construction Commissioner v Construction, Forestry, Mining and Energy Union* (2018) 262 CLR 157; [2018] HCA 3.

[8] Kayis, Gluer and Walpole, n 1, 14.

some authors of subsequent chapters might complain courts are in fact applying analytical tools (the hammer) to the same underlying contravening conduct (either the building, or the piano).[9] This example demonstrates the thought-provoking nature of the essay, and its role in setting the stage for the remainder of the collection. Begbie also emphasises the need for practitioners to do more to consider and explain why each penalty is necessary for deterrence in a given case.

In the second chapter, "What's in the Box? Instinctive Synthesis in the Determination of Civil Penalties", Justice Robert Bromwich and Anna Holtby impose a mathematical rigour to a topic that by its very nature does not involve the application of mathematical formulae. The chapter charts the history of instinctive synthesis in criminal sentencing, before turning to its civil penalty counterpart and its function in present day decision-making. The authors toy with the notion of dispensing with the black box of instinctive synthesis in a civil penalty context altogether, noting the Full Court has foreshadowed the possibility of a mathematical or two-stage approach to civil penalty quantum determination.[10] While eventually concluding there is value in retaining instinctive synthesis in a civil context for the same reasons it is mandatory in criminal sentencing, the authors echo Begbie's call for more explicit reasoning as to why a penalty is necessary for deterrence and encourage judges to engage in transparent exposition of the various integers of a civil penalty quantum determination.

Chapter 3 might be announced with a clash of cymbals. In "Proportionality by Another Name in the Imposition of Civil Penalties", Tim Game SC and Surya Palaniappan critique the approach of the plurality of the High Court in *Pattinson*. In contrast to Chapter 1, these authors insist that, while deterrence might be the primary objective of civil penalties, it has never been regarded as the sole objective. For Game and Palaniappan, it is difficult to justify the continued relevance of other concepts derived from criminal law sentencing such as totality, consistency, parity, and course of conduct, while rejecting any role for the notion of proportionality. The authors argue there might be a continued role for proportionality as a check and balance on the penalty to be imposed in a civil penalty proceeding, even in the context of pursuing effective deterrence. Regardless of which side of the argument is preferred, the essay is an engaging counterpoint to Chapter 1 – and other chapters in the collection also debating these issues[11] – and serves to highlight the importance of the topics addressed in this book.

Justice Michael O'Bryan and Alice Lloyd in Chapter 4, "Agreed Penalties and the Court's Discretion", set out to test the content and legal character of the agreed penalty principle.[12] The authors first remind us of the "halting path" to judicial acceptance of the principle through an account of its contentious role in civil penalty proceedings prior to the High Court decision in *Agreed Penalties*.[13] The essay then turns to the question of whether, and to what extent, the principle limits a court's discretion to determine an appropriate penalty in the circumstances of a given case. The essay is a thoughtful and serious reflection upon another feature of the determination of civil penalties where courts have departed from criminal sentencing procedure. It reflects upon the distinction between a legal rule and guidance as to the exercise of discretionary powers. It also serves as an apt reminder, in the wake of recent decisions such as *Volkswagen Aktiengesellschaft v Australian Competition and Consumer Commission*[14] and *Australian Competition and Consumer Commission v Uber BV*,[15] that agreed penalties have a significant role to play in civil penalties litigation but should not be assumed to provide a guaranteed result.

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[9] See Kayis, Gluer and Walpole, n 1, Chs 3, 5 and 14.

[10] Kayis, Gluer and Walpole, n 1, 40, citing *Australian Competition and Consumer Commission v Reckitt Benckiser (Australia) Pty Ltd* (2016) 340 ALR 25, [175]; [2016] FCAFC 181.

[11] Kayis, Gluer and Walpole, n 1, Chs 3, 5, 10, 14.

[12] Kayis, Gluer and Walpole, n 1, 71. See *Commonwealth v Director, Fair Work Building Industry Inspectorate* (2015) 258 CLR 482, [58] (French CJ, Kiefel, Bell, Nettle and Gordon JJ); [2015] HCA 46.

[13] Kayis, Gluer and Walpole, n 1, 83.

[14] *Volkswagen Aktiengesellschaft v Australian Competition and Consumer Commission* (2021) 284 FCR 24; [2021] FCAFC 49. It is noted that O'Bryan J was a member of the Full Court for this decision. Special leave to appeal this decision to the High Court was denied: *Volkswagen Aktiengesellschaft v Australian Competition and Consumer Commission* [2021] HCATrans 194.

[15] *Australian Competition and Consumer Commission v Uber BV* [2022] FCA 1466.

In Chapter 5, Justin Gleeson SC and Kunal Sharmat in "Course of Conduct and Totality in Civil Penalties" take another swipe at the plurality judgment in *Pattinson*, albeit this time with a particular focus on deploying the concepts of course of conduct and totality in a civil penalty context. The focus of the essay is on different approaches to the application of these concepts, and the need for a more principled approach to be taken. In respect of what such an approach ought to look like, the authors advocate for the view expressed by Edelman J in *Pattinson*, that general considerations of "just deserts" were wrongly excluded from civil penalty jurisprudence, and the concepts of course of conduct and totality have been too far removed from their criminal origins.[16] The chapter concludes by calling for legislative change and, by reference to approaches taken in comparator jurisdictions, makes a strong case for a more structured approach to the calculation of civil penalties.[17]

Next, Professor Pamela Hanrahan in "Regulators' Enforcement Discretions and Civil Penalties" considers how civil penalty litigation works in the context of dual-track, or even tri-track, models of regulation. Hanrahan examines how and why regulators select civil penalty proceedings over other enforcement options for the same conduct: a choice she describes as a different "fork in the road".[18] As Hanrahan notes, "choosing the right pathway is important both in treating the regulated person fairly and justly, and in maintaining public confidence in the regulator and the regulatory framework".[19] There are, according to Hanrahan, three groups of factors influencing this choice: those relating to principle (Pt III), pragmatism (Pt IV), and governance (Pt V). While not expressly stating a view in respect of the legitimacy of any of these factors, the essay recommends the establishment of a specialist civil enforcement agency to instigate and maintain civil penalty proceedings across Commonwealth regimes. Until then, Hanrahan urges regulators to ensure that such decisions are made "carefully and responsibly" and in a way that is "meaningfully scrutinised".[20]

In Chapter 7, "What Must an Accessory Know? Determining the Limits of Accessorial Liability under Civil Penalty Regimes", Sarida Derrington grapples with the murky state of the law around when one party will be held liable as an accessory for another's contravening conduct. The essay focuses upon the established principle that an accessory must have actual knowledge of "essential matters" making up a primary contravention. After considering how this test has been applied in different civil penalty contexts,[21] Derrington argues that current divergence in approach is indicative of a need for more explicit legislative guidance informed by consideration of values and policy underpinning the concept of accessorial liability. Derrington them makes suggestions for legislative reform and a new conceptual model to promote a more unified and coherent approach to the "essential matters" test. In an area of law that is likely on the cusp of significant change, this essay is worth reading to understand what those changes might look like, or at least a very powerful argument as to what they should look like.[22]

Dr Vicky Comino, in "Civil Penalties, Company Directors and Penalty Privilege", continues a sustained attack on evidentiary and procedural hurdles for financial regulators in civil penalty proceedings. While earlier chapters emphasise the ease of proving liability for civil penalty contraventions relative to criminal proceedings, Comino contends the task of the regulator is made difficult by the availability of penalty privilege for individual respondents and uncertainty relating to the burden of proof, and calls upon Parliament to resolve these difficulties.[23] At the same time, Comino suggests that use of pecuniary penalties and disqualification orders in civil regulation of the financial sector is more consistent with a

[16] Kayis, Gluer and Walpole, n 1, 107.

[17] Kayis, Gluer and Walpole, n 1, 107–108.

[18] Kayis, Gluer and Walpole, n 1, 109.

[19] Kayis, Gluer and Walpole, n 1, 109.

[20] Kayis, Gluer and Walpole, n 1, 125.

[21] Kayis, Gluer and Walpole, n 1, 127.

[22] For another excellent overview of divergent authorities regarding the "essential matters" test, see Myles Bayliss and Alexander Tate, "Case Note: Yorke v Lucas" (2023) 31 AJCCL 265.

[23] Kayis, Gluer and Walpole, n 1, 152–153. See also 161–162.

punitive model of regulation.[24] As this essay makes clear, there are live and important questions as to what regulators are doing to address contravening conduct, and the ease with which they ought to be able to do it.

In Chapter 9, "Pecuniary Penalties under the Privacy Act: Damage and Deterrence", Dr Katharine Kemp and Melissa Camp engage in an in-depth analysis of the civil penalty regime under the *Privacy Act 1988* (Cth). The authors anticipate greater use of this regime for privacy breaches in the future, and so set out to deliver an essential back-pocket guide to the operation of the regime and recent proposals for legislative reform.[25] The essay is a well-researched reminder of the importance of context – the authors illustrate how general civil penalty principles may be applied within a particular statutory regime, and raise novel arguments specific to privacy breaches, particularly in relation to forms of harm.[26]

The next chapter, "Deterring Homo Economicus: Civil Penalties in Competition Law", by Dr Ruth CA Higgins SC, is perhaps the most ambitious of the lot. Higgins seeks to isolate the cause of disquiet in certain jurisprudence post-*Pattinson* and then to still it. With echoes of Begbie's analysis in Chapter 1, the author explains how retributivist notions (such as the act of actual punishment when imposing a penalty) may continue to have an instrumental, even if not purposive, role within a deterrent paradigm. From a position planted firmly within that paradigm, the essay examines the efficacy of the civil penalty regime for prohibitions on restrictive trade practices in Pt IV of the *Competition and Consumer Act 2010* (Cth) (*CCA*) to deter contraveners. Higgins suggests a need for greater certainty to ensure severe penalties in the *CCA* translate into deterrence, and calls for more transparent judicial reasoning when determining the quantum of civil penalties. The inquiry is also used as a platform to interrogate the role of rational economic theory underpinning Pt IV, suggesting a need for more realistic models of deterrence theory reflected in both the legislation and the regulator's approach to enforcement. While the author engages with unique features of the statutory regime, such as the "carrot" of the authorisation process accompanying the "stick" of civil penalties, this chapter is not only for competition lawyers – the rich analysis of general civil penalty principles and underlying theories of deterrence make it a rewarding read for any practitioner.

In Chapter 11, Deb Mayall considers the relationship between different remedies for breaches of the *Australian Consumer Law* in "Civil Penalties and Other Remedies in the Consumer Law Context". The focus of the essay is on clarifying the law regarding the extent to which payment of compensation might result in a judge awarding a reduced civil penalty amount. After first considering when and how the fact of compensation payments might be taken into account as a relevant factor by a judge determining an appropriate penalty,[27] the essay engages in detailed consideration of the statutory requirement to preference a compensation order over a civil penalty order where the defendant does not have sufficient financial resources to make both payments.[28] In her analysis of this requirement, Mayall makes a strong case for interpreting it to mean preference in "a temporal sense",[29] rather than reduction of the penalty amount.[30] The essay is an important reminder of the place of civil penalties as just one of the remedial options in the regulatory toolkit, alongside others that might have different purposes such as compensation or prevention rather than deterrence, and the ways in which they might interact.

In Chapter 12, Nicholas Simoes da Silva and Matt Corrigan in "Civil Penalties in the Financial Services Sector" emphasise that it is not enough to assume severe penalties will achieve deterrence in financial services regulation. The authors draw upon a database of civil penalties in Australian financial services legislation before imploring legislators to pay more attention to the research literature on effective

[24] Kayis, Gluer and Walpole, n 1, 157–158.

[25] See Attorney-General's Department, *Privacy Act Review Report* (16 February 2023); Commonwealth, *Government Response to Privacy Review Act Report* (28 September 2023).

[26] See Kayis, Gluer and Walpole, n 1, 174–178.

[27] See Kayis, Gluer and Walpole, n 1, 210–212.

[28] *Australian Consumer Law*, s 227.

[29] Kayis, Gluer and Walpole, n 1, 216.

[30] Kayis, Gluer and Walpole, n 1, 216.

regulation of financial services. The authors raise several concrete recommendations for reform, including eliminating low-level offences, ensuring that "dual-track" provisions have a distinguishing fault element, and adjusting penalty amounts to the seriousness of the contravening conduct. This is an at times dense but rewarding read, informed by rigorous and research-based analysis.

In Chapter 13, Anna Reynolds, Tom Webb, Oscar Luke and Matt Floro, in **"**Civil Penalties in Federal Environmental Regulation", examine factors relevant to effective deterrence of contraventions of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (*EPBC Act*) in jurisdictions across Australia, with a particular focus on barriers to enforcement action. The chapter serves as a guide to the civil penalty regime in the *EPBC Act* as well as anticipated legislative reform, including the establishment of an independent Commonwealth Environmental Protection Agency (EPA). In this important field of regulation, lawmakers and practitioners alike would do well to pay attention to some of the recommendations made in this chapter, such as the importance of ensuring that the proposed Commonwealth EPA is "sufficiently independent, well-resourced and institutionally robust to enforce civil penalty provisions without fear or favour".[31]

In Chapter 14, Philip Boncardo and Ben Bromberg, in "Civil Penalties in Industrial Law", join the refrain of *Pattinson* dissidents, albeit with a specific focus on its implications in an industrial law context.[32] Boncardo and Bromberg provide a comprehensive account of the particular features of litigating under industrial relations laws in Australia, and do not shy away from discussing how changes in government may come to bear upon civil penalty regimes in the industrial relations context. The essay provides an engaging account of the historical relationship between industrial relations regulation and civil penalty litigation.

In the final contribution, "The Next Chapter: Civil Penalties as a Tool to Improve Political Conduct in Australia", Glenn Owbridge PSM and Nicholas Felstead consider what future civil penalty regimes might look like. The essay begins by identifying norms and behaviours of political conduct of democratic value, announcing that a civil penalty regime is the "best way to establish and preserve these norms",[33] then setting out to model such a regime. The authors go to impressive lengths to consider how the model might be actualised, down to nominating the recently established National Anti-Corruption Commission as the administering body, and tackling potential constitutional impediments. The chapter is a high-spirited and thought-provoking way of dealing with a serious and important topic. The authors' passion for the subject, and readiness to experiment with different legal mechanisms and potential counterarguments is infectious, all in the name of a need "to better govern those who would govern us".[34] It is hoped others will take up their challenge to engage in healthy debate around the role of civil penalties in preserving democratic values.[35]

In conclusion, to echo what was said in the foreword by Hon Robert French AC, responsible for the list of facts and circumstances relevant to civil penalty determination known as the "French Factors",[36] the collection is a timely and valuable publication.[37] The editors and contributors have covered a breadth of recent and important developments in the law of civil penalties that are deserving of greater academic attention. The collection is recommended reading for anyone with an interest in the law of civil penalties.

[31] Kayis, Gluer and Walpole, n 1, 260.

[32] Kayis, Gluer and Walpole, n 1, 261.

[33] Kayis, Gluer and Walpole, n 1, 281.

[34] Kayis, Gluer and Walpole, n 1, 281.

[35] Kayis, Gluer and Walpole, n 1, 299.

[36] *Trade Practices Commission v CSR Ltd* [1991] ATPR 41-076.

[37] Kayis, Gluer and Walpole, n 1, v.

CUSTOMER DATA SHARING FRAMEWORKS: TWELVE LESSONS FOR THE WORLD

Reviewed by Rob Nicholls*

Customer Data Sharing Frameworks: Twelve Lessons for the World, by Anton Didenko, Natalia Jevglevskaja and Ross P Buckley, Routledge, 2024, 136 Pages and 3 B/W Illustrations: ISBN 9781032538983. Hardcover $103.

This book provides an introduction to customer data sharing frameworks. These include such systems as "open banking" and "open energy", but the volume expands the scope to "open everything". That is, the application of customer data sharing frameworks to the whole of the economy.

The first chapter of this readable and short book provides a typology of customer data sharing frameworks. It suggests that the first customer data sharing regimes (*CDS 1.0*) rely on pre-existing laws such as privacy law and competition law. It distinguishes these from the second form of customer data sharing frameworks, *CDS 2.0*, which are purpose-built to facilitate customer data sharing in a single sector. Open banking in the United Kingdom would fit into this element of the taxonomy. The authors then propose the final form of customer data sharing framework, *CDS 3.0* frameworks, that apply on a cross-sectoral and economy-wide basis. The book argues that, at the time of writing, Australia's Consumer Data Right (CDR) is the only fully operational *CDS 3.0* framework. The authors also point out that the Australian CDR is a working example of a gradual, sector-by-sector progression towards an economy-wide customer data sharing regime. They expect that most *CDS 3.0* frameworks will follow a similar journey.

The second chapter examines the different regulatory approaches that can be applied to *CDS 3.0*. These range from voluntary and facilitative models to formal prescriptive legal frameworks. The authors demonstrate the need for prescriptive regimes in order to address the risks of market concentration facilitated by *CDS 3.0*. They identify the potential emergence of large technology platforms known as data aggregators. This chapter also examines the legal boundaries of *CDS 3.0* platforms in the context of existing law, including competition, consumer, privacy, and information security laws.

Chapter 3 defines the scope of a *CDS 3.0* framework. It affects how the *CDS 3.0* regime is structured and the form of the process of developing and sustaining an effective and efficient *CDS 3.0*. The authors argue that it also involves identifying and understanding the main factors preventing wider adoption of *CDS 3.0* as well as the features of such a system that may improve its long-term viability.

The next two chapters examine the perspectives of both service providers and customers. Service providers facilitate the exchange of customer data. It is the customers whose data circulates within the *CDS 3.0* ecosystem. The authors review the main factors affecting the motivation of service providers to participate in *CDS 3.0*. They then examine the customer perspective and argue that customer trust is the key factor impacting customer participation in *CDS 3.0* frameworks. The volume identifies five enablers of customer trust:

(1) accreditation;
(2) information security and privacy;
(3) customer redress;
(4) customer empowerment; and
(5) customer experience and awareness.

Chapter 6 examines enforcement as a critical component of *CDS 3.0* frameworks. It explains why ease of enforcement of customer rights is crucial in a *CDS 3.0* ecosystem and highlights the limitations of relying on mandatory insurance as a regulatory tool.

Chapter 7 proposes a regulatory framework that facilitates agility for *CDS 3.0* frameworks. This allows them to be responsive to emerging and unexpected risks and not constrained by sectoral limitations. The authors also identify some performance metrics and evaluation criteria for *CDS 3.0* frameworks.

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The final chapter draws conclusions in the form of twelve key lessons for the development of *CDS 3.0* frameworks informed by the discussion in earlier parts of the book.

The authors are leading writers in the field of customer data sharing. All are academics at the UNSW School of Law and Justice. Anton Didenko is a Senior Lecturer and Natalia Jevglevskaja is a Research Fellow. Ross Buckley is the KPMG Law – King & Wood Mallesons Professor of Disruptive Innovation, and a Scientia Professor at UNSW. All three have a significant number of journal publications and conference papers published in this area and the team represents a group of the premier academics in this space. The book has a foreword by Dr Scott Farrell, one of the leading thinkers in the development of the Australian CDR.

One of the challenges of the idea behind customer data sharing frameworks is that it is not an obvious concept on an economy-wide basis. The idea that schemes which reduce comparison costs are beneficial to consumers is reasonably well-understood. But there are comparison websites for many goods and services which are not based on customer data sharing frameworks. It is also not intuitive that the existence of comparison systems in a competitive sector is likely to reduce consumer switching costs. Partly, this is because comparison websites cannot achieve this. However, customer data sharing frameworks can have this effect. When industry associations claim that customer data sharing frameworks will either be too costly or too complex, this indicates that the fear of increased competition is at play. Part of this competitive benefit to consumers is the reduced comparison costs, part from reduced switching costs. The book provides some evidence of this in sectors, such as telecommunications in Australia, where an oligopoly is attempting to resist the Australian CDR via an industry association.

The major contribution of the book is making clear the value of customer data sharing frameworks in an economy-wide context. Although the writing team members are all academics, the book is very accessible. As a consequence, it will be valuable to a wide audience. This audience includes policy makers, regulators, regulatory advisors, lawyers, academics, and perhaps most importantly, strategists in the businesses which will be affected by customer data sharing frameworks. The volume points out that retail loyalty schemes are built on precisely the consumer data that works well in customer data sharing frameworks. If loyalty schemes could be ported, price and service level competition would improve in every sector where loyalty programs increase customer "stickiness".

The secondary title of the book is the "twelve lessons" which are presented in the final chapter. These are lessons for the world beyond Australia and reflect some of the teething problems that have occurred in Australia during the implementation of the Australian CDR. In particular, the issues and challenges faced in Australia in extending the Australian CDR beyond the financial services sector. That is, the application of the Australian CDR as a *CDS 3.0* application. Many of the lessons are consumer focused. This is both to be expected and surprising. It would be expected that there should be implementation lessons from the application of a consumer-oriented regime. However, and surprisingly, some of the lessons are those which might be expected in the transition from a *CDS 1.0* to a *CDS 2.0* framework. Some important lessons offered relate to the interaction of customer data sharing frameworks and other laws and regulations as well as the need for such frameworks to recognise the distinctive needs of different types of consumer. The most critical lessons are the ones that enable the economy-wide benefits of customer data sharing frameworks. These are that such frameworks need to be mandatory and driven by a policy agency, not a regulatory body.

The authors have made compelling, accessible, and apposite arguments as to why customer data sharing frameworks should work and do work. Applying the lessons in the final chapter will assist jurisdictions beyond Australia to create the consumer and economy-wide benefits that can flow from the frameworks. They also provide support for policy makers and business strategists in the further deployment of the Australian CDR into the wider economy.