

**Review of the ACT's Water and Sewerage
Pricing Framework**

ISSUES PAPER

November 2014

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1. Preface

This Issues Paper has been produced to assist those considering making a submission to the Review of the ACT's Water and Sewerage Pricing Framework. It provides background information to the Review, including the intended scope of the work and the major issues to be considered during the Review. It also poses some questions that parties may wish to address within their submissions.

Submissions do not need to address all of the questions set out in this Issues Paper. Submissions may also raise additional matters not covered in the Issues Paper, but which are considered relevant to the Review. While parties making submissions are encouraged to provide evidence to support their views, submissions do not need to be extensive documents.

A final report of the Review will be provided to the ACT Government in February 2015.

Peter Grant
Review of the ACT's Water and Sewerage Pricing Framework
November 2014

2. Key information about the Review

This document outlines:

- how to make a submission;
- the Terms of Reference for the Review; and
- the issues on which the Review is seeking feedback and information.

2.1 Key dates

Release of Issues Paper:	24 November 2014
Submissions due by:	12 December 2014
Final report to Government:	February 2015

2.2 Contacts

For further information please contact:

Review Secretariat:	Ms Nicole Wong (02) 6207 0275
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2.3 How to make a submission

Any interested party may make a submission to the Review. Submissions should be in written form, and where possible, it is preferred that they are provided electronically.

The Review will post all public submissions on its Review website.

Written submissions should be emailed to frameworkreview@act.gov.au, or alternatively can be sent to:

Review of the ACT's Water and Sewerage Pricing Framework

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Review Secretariat

Economic and Financial Group

Chief Minister, Treasury and Economic Development Directorate

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3. Terms of Reference

As part of the Government's response to the ACT Auditor-General's Performance Audit Report titled *The Water and Sewerage Pricing Process, Report No. 2/2014*, the Government committed to introduce improvements to the independent pricing framework for regulated water and sewerage services in the Territory.

The Government is commissioning a review of the ACT's price regulation framework for water and sewerage services, in order to inform the Government's consideration of options for achieving an improved framework.

The review will examine the current framework for water and sewerage pricing in the ACT and within this context, provide comment and recommendations on:

- the governance and administrative arrangements for the provision of independent pricing for regulated water and sewerage services in the Territory, including consideration of both the current model and other potential options;
- all relevant legislation related to the pricing framework for regulated water and sewerage services, in particular the *Independent Competition and Regulatory Commission Act 1997* (ICRC Act);
- whether the ACT would benefit from a set of principles for conducting pricing investigations for regulated water and sewerage services, and outline the principles to be included; and
- any other matters considered relevant to improving the pricing framework.

The review will also consider other possible frameworks for the determination of water and sewerage prices in the Territory.

Consultation: The review should seek the views of key stakeholders and other interested parties in the community. A public call for submissions, as well as ongoing consultation with key stakeholders, would facilitate this outcome.

4. Background Information

4.1 ACT Auditor-General's Performance Audit

During the 2013-14 financial year, the ACT Auditor-General undertook a performance audit of the water and sewerage pricing process undertaken by the Independent Competition and Regulatory Commission (ICRC), in relation to prices for regulated water and sewerage services provided by ACTEW Corporation Limited (now known as Icon Water Limited)¹ from 1 July 2013.

In April 2014, at the time of the release of the Auditor-General's report, the ACT Government's Media Release made the following comments directly relevant to the review of water and sewerage pricing framework:

"It is important that the ACT community has confidence that the process for determining the price for water and sewerage is independent, transparent and efficient."

*".... The ACT Government will now undertake a comprehensive review of the legislative, governance and administrative arrangements of the ICRC in relation to their pricing process, and where appropriate, introduce improvements to that process."*²

The final report of the audit, titled *The Water and Sewerage Pricing Process, Report No. 2/2014*, made a number of recommendations in relation to areas in which improvements could be made to the overall pricing framework. The Review will not consider all of the recommendations of the Auditor-General, as some have been addressed in alternative ways. The recommendations of the Auditor-General that are to be considered within the Review, as well as the Government's response at the time of the Audit are outlined below.

Figure 1: Key Recommendations of the Auditor-General to be considered by this Review

Overall Recommendation

The ACT Government should review the water and sewerage price setting framework including legislative, governance and administrative arrangements.

Government Response:

Agreed.

The Government will introduce improvements to the independent price regulation framework in the ACT. When formulating the improvements, the Government will consider the Territory's legislative, governance and administrative arrangements.

¹ See section 4.2 for further information on Icon Water Limited.

² http://www.cmd.act.gov.au/open_government/inform/act_government_media_releases/barr/2014/release-of-the-auditor-generals-performance-audit-the-water-and-sewerage-pricing-process

Recommendation

The ACT Government should review and amend the *Independent Competition and Regulatory Commission Act 1997* to clarify the relationship between Part 3 (Investigations) and Part 4 (Price directions) of the Act.

Government Response:

Agreed.

The issues that have arisen during the water and sewerage pricing process and consequently highlighted in this report have shown that clarifications to the drafting and structure of the Independent Competition and Regulatory Commission Act 1997, in particular in relation to Parts 3 and Part 4, are required.

Recommendation

The ACT Government, in consultation with key stakeholders, should develop a set of principles for the conduct of water and sewerage pricing investigations in the ACT. The principles should include:

- a) a requirement to clearly identify the nature and purpose of stakeholder consultation documents prepared by the ICRC. At a minimum, the principles should require that a draft report and proposed price direction must comply with, and represent, any requirements of a final report and final price direction;
- b) guidance with respect to the prioritisation of objectives that are sought from the water and sewerage pricing investigation;
- c) guidance with respect to administrative processes to be conducted as part of the investigation, in order to facilitate open and timely communication of key issues, findings and conclusions at early stages of the process;
- d) protocols for the provision of information required, including outlining the type and nature of information to be provided by ACTEW as the regulated entity; and
- e) protocols for the resolution of disputes between the regulator and the utility being regulated during a water and sewerage price investigation, specifically with respect to disputes in relation to administrative processes associated with the investigation.

Government Response:

Agreed.

The Government considers that there needs to be increased clarity around the process related to future water and sewerage pricing investigations. The Government will consider the issues identified in this recommendation within the broader improvement of the water and sewerage pricing framework for the ACT envisaged in the Government's examination of options to improve the system. The Government intends that the new system will incorporate the suggestions in this recommendation.

4.2 Entities involved in the water and sewerage pricing process

This section outlines the key entities involved in the pricing framework for water and sewerage services in the ACT.

Icon Water Limited (formerly known as ACTEW Corporation Limited)

On 28 October 2014, ACTEW Corporation Limited registered a change of name to Icon Water Limited. While the shorthand descriptor 'ACTEW' is still used throughout this document (and in other related reports and documents), this should now be read as referring to Icon Water Limited.

ACTEW is a wholly publicly owned Territory Owned Corporation, which is incorporated under, and subject to, the provisions of the *Corporations Act 2001 (Commonwealth)*. It is also a corporation subject to the provisions of the *Territory-owned Corporations Act 1990 (ACT)*. There are two shareholders in ACTEW, being the Chief Minister and Treasurer respectively, on behalf of the Australian Capital Territory.

ACTEW is the sole provider of regulated water and sewerage services to customers in the ACT, and also provides, under agreement, bulk water to Queanbeayan City Council. ACTEW also owns and maintains key assets related to water and sewerage provision, including: Googong, Cotter, Bendora and Corin Dams; water treatment plants at Mount Stromlo and Googong; the Fyshwick sewerage treatment facility; the Lower Molonglo Water Quality Control Centre; and the Murrumbidgee to Googong Water Transfer Pipeline.

Independent Competition and Regulatory Commission

The *Independent Competition and Regulatory Commission Act 1997* (ICRC Act) established the ICRC as a statutory body. The ICRC is largely self funded, and provides its services in relation to pricing determinations following a formal request from the Government (through the issuing of Terms of Reference).

The key functions of the ICRC include regulating prices in regulated industries (water and electricity), regulating access to infrastructure services and investigating competitive neutrality complaints. The ICRC is also responsible for the licensing of utility services, as well as ensuring compliance with any conditions related to licenses. The ICRC, in undertaking its functions in relation to water and sewerage services provided by ACTEW to the ACT community, sets the maximum prices that ACTEW can charge customers for these services.

The ACT Government

The Treasurer, who currently has the legislative responsibility for the ICRC Act, acts as the referring authority for the ICRC. In this capacity, the Treasurer is responsible for issuing formal

Terms of Reference, in order to allow the ICRC to undertake water and sewerage pricing reviews.

The Chief Minister, Treasury and Economic Development Directorate is responsible for:

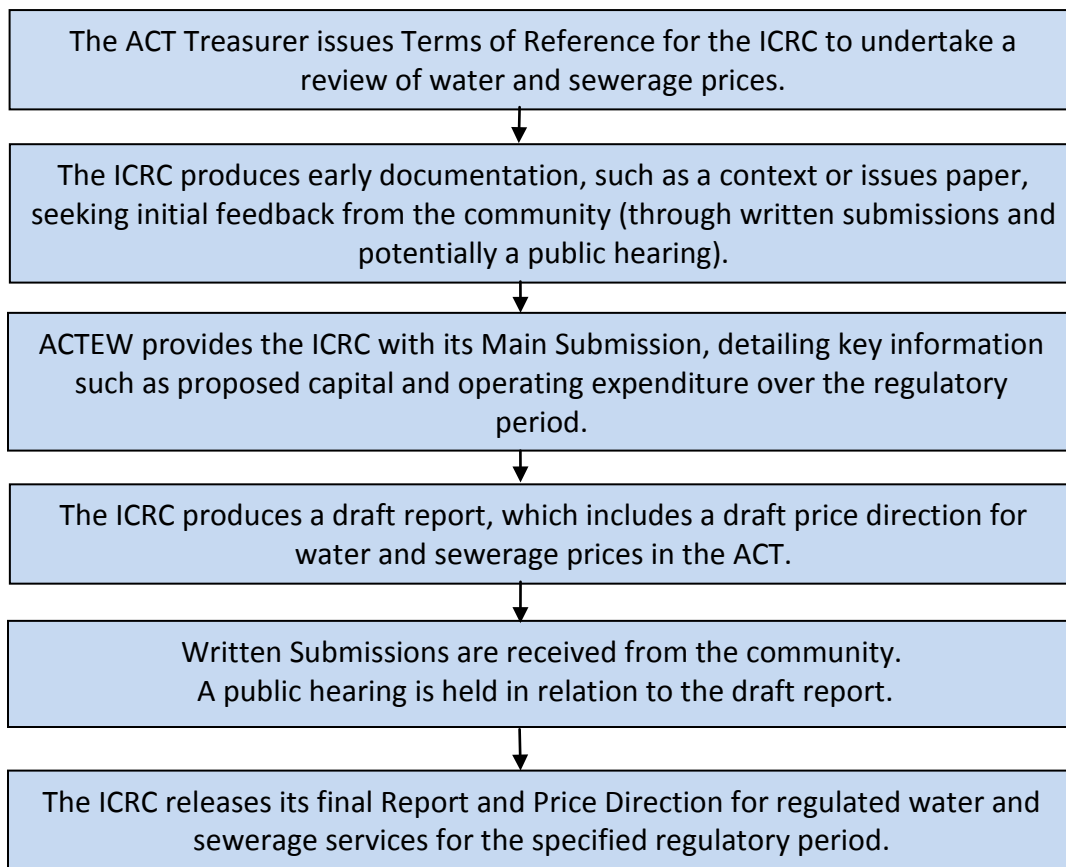
- coordinating the development and delivery of economic policy across the ACT Government, including providing strategic advice to the Chief Minister and Treasurer;
- providing policy advice to the ACT Government in relation to the pricing of water and sewerage services, including a responsibility for the development and coordination of Government submissions to such processes; and
- supporting the voting shareholders of ACTEW, through the Shareholder Management Unit.

The Environment and Planning Directorate (EPD) is responsible for the coordination of and development of ‘water and water efficiency programs’, including the water security policy. EPD also has a role within technical regulation of utilities providing electricity, natural gas, water and sewerage services to the ACT Community.

4.3 The regulated water and sewerage pricing process

Below is an outline of the steps encompassed within the current process for the setting of prices in the ACT for regulated water and sewerage services.

Figure 2: Broad outline of the current water and sewerage pricing process



5. Issues to be considered by the Review

5.1 *Governance and administrative arrangements*

A key focus of the Review will be an examination of the current arrangements for independent pricing of regulated water and sewerage services in the ACT. The Review will examine the strengths and weaknesses of these arrangements, both in their own right and by reference to the arrangements applying in other jurisdictions.

Central to the rationale for the current regulation of water and sewerage service pricing in the ACT is the fact that ACTEW is the monopoly provider of potable water and sewerage service to the ACT community. Under the current regulatory model, regulation of prices provides a mechanism to ensure that consumers are protected from the misuse of monopoly powers in a way which could produce prices well above the efficient level.

The Review is required to consider the governance and administrative arrangements for the current regulatory framework. Within a broad consideration of this issue, a key focus will be on consideration of the cost effectiveness of the current arrangements, in which the ACT maintains its own independent regulatory body. The Auditor-General report concluded that the overall costs of the review undertaken by the ICRC to set prices from 1 July 2013 was around \$6.3 million, which reflects the direct costs incurred by the ICRC in undertaking the review and the costs incurred by ACTEW.³ Clearly, this represents a significant cost for the setting of prices for water and sewerage services, which is ultimately borne by the ACT community.

Therefore, the Review will consider whether the current arrangements for regulating water and sewerage prices are the most cost effective and efficient way to provide these services. This will include consideration of potential alternative models appropriate to the scale and market circumstances of the ACT, such as directly contracting a regulator in a larger jurisdiction to undertake pricing regulation on behalf of the ACT. The Review seeks comment from interested parties in relation to this issue, in particular in relation to ways to improve the cost effectiveness of the current regulatory model.

What steps could be taken to improve the cost effectiveness of the current regulatory model?

Are there alternative models for providing independent pricing services for regulated water and sewerage services that may be able to provide the required services in a more cost effective manner?

Does it remain appropriate, on a cost effectiveness basis, for the ACT Government to maintain its own independent pricing authority?

³ACT Auditor-General 2014, *Performance Audit: The Water and Sewerage Pricing Process*, pp.14-15.

The consideration of the current administrative and governance arrangements will also focus on a broad review of the current processes and administrative arrangements in the ACT for regulated water and sewerage pricing. The Review would welcome general comments in relation to the overall governance and administrative arrangements for water and sewerage pricing in the ACT.

Are the current governance and administrative arrangements for the determination of regulated water and sewerage prices appropriate?

What parts of the current administrative and governance arrangements work well, and what areas are in need of improvement?

What steps could be taken to improve the administrative and governance arrangements for independent price regulation in the ACT?

Are the roles of the different entities involved within the regulated water and sewerage pricing sphere appropriately defined? If not, what changes should be considered?

5.2 *Legislation review*

The second main focus of the Review is to examine the relevant legislation related to the pricing framework for regulated water and sewerage services.

This work will focus upon a review of the provisions of the *Independent Competition and Regulatory Commission Act 1997* (ICRC Act), which is the key current legislative framework for the pricing of water and sewerage services. However, the Review may, if appropriate, undertake some limited consideration of other legislation, where it is directly relevant to the water and sewerage pricing process. A list of key legislation is provided in Section 7 of this issues paper.

In a broad sense, the provisions of the ICRC Act have operated well since its introduction in 1997. However, there are a number of issues that have been identified in relation to the provisions establishing the legislative framework for water and sewerage pricing, such as:

- The Auditor-General's Report highlighted concerns regarding the lack of clarity about the relationship between Parts 3 and 4 of the ICRC Act - in particular, between the operation of, and interactions between Section 15 (Nature of Industry References), Section 16 (Terms of Industry References) and Section 20 (Directions about Prices), in relation to the regulatory period for price determinations.⁴
- During the ICRC's process to set regulated water and sewerage prices from 1 July 2013, there were clear discrepancies in expectations held by stakeholders as to what the draft

⁴ ACT Auditor-General 2014, *Performance Audit: The Water and Sewerage Pricing Process*, p.19.

report should contain, in particular in relation to whether it should reflect the requirements of a Final Report (as outlined in Parts 4 and 4A of the ICRC Act).⁵

This process also presents an opportunity for a broader reconsideration of the ICRC Act and how it currently operates. The Review would also welcome feedback on any other aspects of the legislation related to the water and sewerage pricing framework that should be considered and reviewed at this time.

Do the current objectives for the determination of water and sewerage pricing, as outlined within the ICRC Act, remain appropriate?

Does the current legislation provide an adequate framework for ensuring that an appropriate balance can be achieved between consumer protection, the needs of the community, and the needs of the regulated provider of water and sewerage services?

Are the current provisions of the ICRC Act establishing the requirements for the form and content of a draft report for a pricing determination appropriate and sufficiently clear?

Are the current provisions around the process for undertaking a review of an ICRC pricing determination appropriate and efficient?

What other parts of the ICRC Act should be reconsidered and possibly revised, in order to improve the overall arrangements for setting prices?

Are there any other parts of the current legislative framework related to the water and sewerage pricing process that should be reviewed within this process?

5.3 Principles for the conduct of pricing investigations

The final key area of focus of the Review is on the potential to develop a set of principles for conducting pricing investigations for regulated water and sewerage services. The Review has been asked to consider this option, and if it recommends implementing such an arrangement, to outline the key principles that should be included.

The Review will consider this on two levels – firstly, the application of principles related to the administrative aspects of the pricing process (as recommended by the Auditor-General), and secondly, the potential value of developing principles more closely related to the pricing process.

Administrative Principles

The Auditor-General identified in her report that there may be a role for the introduction of documented principles in relation to the administration of the regulated water and sewerage

⁵ ACT Auditor-General 2014, *Performance Audit: The Water and Sewerage Pricing Process*, pp.41-42.

pricing process in the ACT.⁶ This recommendation for the development of principles was in response to what was seen as a lack of certainty and clarity within the process.

The Review will consider a number of the specific issues identified by the Auditor-General, including whether greater certainty is required in relation to:

- the nature and purpose of consultation documentation prepared by the ICRC during the review process;
- protocols in relation to the provision of information required by the regulator from the utility during the pricing investigation;
- protocols for dispute resolution during the price investigation process; and
- the overarching prioritisation of key objectives within the pricing investigation.

The Review seeks feedback in relation to whether such administrative principles should be introduced, and if so, what they should encompass.

Is there a need for administrative principles in relation to the water and sewerage pricing process? If so, what should the focus of these principles be?

What would be the appropriate form of any administrative principles – should they be incorporated into legislation, or be policy based? If policy based, by whom should they be determined?

What protocols for the provision of information would be appropriate in relation to the water and sewerage pricing process?

What (if any) additional protocols or principles are required in relation to disputes that may occur during the undertaking of a water and sewerage pricing process?

What would be the advantages and disadvantages of introducing administrative principles?

Pricing Principles

In addition to the consideration of administrative principles, the Review will also consider whether there would be benefit to the ACT from the introduction of more formal pricing principles, in relation to the pricing determination process itself.

Section 20(2) of the ICRC Act stipulates a number of considerations to which the ICRC must have regard in undertaking a water and sewerage pricing investigation - including a range of economic, environmental and regulatory objectives. As some of these objectives conflict, balances need to be struck and trade-offs made. As a consequence, as noted by the Auditor-General “the investigation and price determination process is therefore open to wide difference of opinion, interpretation and emphasis.”⁷

⁶ ACT Auditor-General 2014, *Performance Audit: The Water and Sewerage Pricing Process*, p.20.

⁷ ACT Auditor-General 2014, *Performance Audit: The Water and Sewerage Pricing Process*, p.8.

In theory, a set of pricing principles could offer stronger guidance and greater certainty for the parties involved in water and sewerage price investigations, as well as greater clarity on issues of possible contention in future price investigations. Two recent examples from other jurisdictions are cited below. That said, some important issues would need to be addressed before any such set of principles could be adopted. These include: the level of detail in which any principles would be cast; by whom the principles would be determined; possible implications for the independence of the ICRC; and whether principles would be codified in legislation, or issued in the context of a particular pricing investigation.

In Queensland, the Queensland Competition Authority (QCA) released a *Statement of Regulatory Pricing Principles* in August 2013.⁸ The QCA's principles set out at a high, strategic level, the broad principles that are to apply during their regulation of the water, rail and port industries in Queensland. In particular, the principles outline the QCA's key considerations around the central concepts of economic efficiency, fairness and regulatory governance, including specifying high level criteria for how these key concepts will be used to evaluate pricing levels and structures within their pricing investigations. These principles also affirm that the central goal of regulation undertaken by the QCA should be to achieve economic efficiency.

On a more detailed level, in New Zealand, the NZ Commerce Commission (NZCC) (the regulator of airport services, gas pipeline services and electricity distribution and transmission) is required under section 52R of the *Commerce Act 1986 (NZ)*⁹, to develop formal 'Input Methodologies' for key parts of the regulatory decision making process.¹⁰ The Input Methodologies are designed to promote certainty for suppliers and consumers in relation to the rules, requirements and processes associated with the setting of prices for industries regulated by the NZCC. The NZCC is required to outline its approach to determining key inputs within the price determination process, such as: appropriate allocation of costs; valuation of assets; treatment of taxation; determining the appropriate cost of capital; and information requirements. These methodologies do not lock in decisions in relation to these key parameters, but create certainty around the methodology used by the NZCC in the process of determine them within a price review.

The Review will undertake a broad consideration of whether there may be some benefit from introducing some form of pricing principles in the ACT, either at the higher strategic level or at a more detailed level. The Review would welcome feedback on the potential for introducing pricing principles, and whether this would be beneficial in the context of the ACT.

⁸ Queensland Competition Authority 2013, *Statement of Regulatory Pricing Principles*, [http://www.qca.org.au/getattachment/239b5385-ad9f-4717-8fce-ec437111dbc6/Statement-of-Regulatory-Pricing-Principles-\(Aug-20.aspx](http://www.qca.org.au/getattachment/239b5385-ad9f-4717-8fce-ec437111dbc6/Statement-of-Regulatory-Pricing-Principles-(Aug-20.aspx)

⁹ *Commerce Act 1986 (NZ)* <http://www.legislation.govt.nz/act/public/1986/0005/latest/DLM1685457.html>

¹⁰ NZ Commerce Commission 2014, *Input Methodologies*, <http://www.comcom.govt.nz/regulated-industries/input-methodologies-2/>

Would there be a benefit to the ACT from introducing pricing principles? Is there a need for greater guidance and predictability in relation to the methods, processes and priorities used for independent price regulation in the ACT?

What form should pricing principles take? For example, how broad or detailed should they be, by whom should they be determined, and how could they be changed if necessary?

If pricing principles were to be introduced, what key issues should they address?

If introduced, what guidance should principles provide in relation to the objectives of water and sewerage pricing investigations?

Should any principles be codified in legislation, or alternatively be issued in the context of a particular pricing investigation?

What would be the advantages and disadvantages of introducing pricing principles? Would there be any implications for the independence of the ICRC?

5.4 Other possible pricing frameworks

The Review has also been asked to consider other possible frameworks for determining water and sewerage prices in the Territory.

A good starting point for consideration of this issue is the Productivity Commission's (PC's) 2011 report into Australia's urban water sector.¹¹ Within this report, the PC considered whether independent price regulation remains appropriate for urban water service providers.

Following detailed consideration of this issue, the PC recommended that State and Territory Governments should move away from regulatory price setting, and instead implement a light handed, price monitoring regime, which would monitor the prices set by the firms responsible for providing water and sewerage services to the community.

The PC contended that independent regulatory price setting should only continue to be applied when it could be clearly demonstrated that price monitoring, with associated appropriate governance arrangements, would not be able to prevent misuse of market power by service providers.¹²

Clearly, a move away from independent prices would represent a significant shift from current practice across Australia, and indeed in many other countries. It would also represent a shift

¹¹ Productivity Commission 2011, *Australia's Urban Water Sector*, Report No 55, <http://pc.gov.au/projects/inquiry/urban-water/report>

¹² Productivity Commission 2011, *Australia's Urban Water Sector*, Report No 55, <http://pc.gov.au/projects/inquiry/urban-water/report>, p.323.

away from the provisions of the 2004 *Intergovernmental Agreement on a National Water Initiative*, in which Governments agreed to the use of independent bodies to set prices for water storage and delivery by government water service providers.¹³

This review therefore seeks feedback in relation to the broad issue of the appropriate mechanism for setting prices for potable water and sewerage services provided by ACTEW to the ACT community, and whether independent price regulation remains the best approach.

What are the advantages and disadvantages of the current regulated pricing approach to the provision of pricing for water and sewerage services in the ACT?

Could the protection of consumer interests (a key objective of regulated pricing), be achieved under a price monitoring regime?

What would be the advantages and disadvantages of a price monitoring regime?

What other potential options are there for setting water and sewerage prices for potable water and sewerage services provided by ACTEW? What are the advantages and disadvantages of such approaches to pricing?

5.5 Other matters

The Terms of Reference for the Review also includes scope for the consideration of other matters considered relevant to the water and sewerage pricing framework in the ACT. The Review would welcome feedback from stakeholders and members of the community on other issues that should be considered as part of the overall examination of the water and sewerage pricing framework.

Are there other matters directly related to the water and sewerage pricing framework, but not explicitly discussed within the Terms of Reference, that should be considered by the Review?

¹³ *Intergovernmental Agreement on a National Water Initiative* 2004, http://www.nwc.gov.au/_data/assets/pdf_file/0008/24749/Intergovernmental-Agreement-on-a-national-water-initiative.pdf

6. Invitation to contribute to the Review

All interested members of the community are strongly encouraged to provide a submission addressing issues relevant to the Review which concern them. This document is designed to provide background information on the Review, and to set out in broad terms some of the key issues that will need to be considered in responding to the Review's Terms of Reference.

The Review will attempt to consider all submissions made throughout the process. It is requested that Submissions in response to this Issues Paper be made by 12 December 2014.

While comprehensive submissions will be welcome, submissions do not need to cover all the issues and questions set out within this Issues Paper – they may be limited to specific issues of interest or matters of concern. Submissions may also cover issues and questions not raised within the Issues Paper, but which are directly related to the Terms of Reference.

Submissions Provided "In Confidence"

All written submission received will be published on the Review's website, unless it is considered that publication is not in the public interest, for instance due the inclusion of information that is confidential in nature or for some other stated reason.

Anyone making a submission should be aware that the Review's documents are subject to the *Freedom of Information Act 1989 (ACT)*. While the Review will respect the wishes of those making submissions "in confidence", the application of that Act in any particular case is ultimately outside the control of the Review. Anyone wishing to make a submission in confidence is asked to contact the Review Secretariat before doing so.

Matters submitted as confidential must be clearly marked "CONFIDENTIAL" either in part or in full, with the reasons why. Where material is only confidential in part, a separate submission should also be provided with the confidential material removed.

7. Key legislation related to the ACT water and sewerage pricing framework

The follow list outlines key pieces of legislation that are central to the current regulatory framework for the provision of water and sewerage pricing in the ACT:

- The ***Independent Competition and Regulatory Commission Act 1997 (ACT)***, which establishes an an independent commission to regulate pricing, access and other matters in relation to regulated water and sewerage services;
- The ***Utilities Act 2000 (ACT)***, which regulates the provision of certain gas, electricity, water and sewerage utility services in the Territory (see also various regulatory instruments);
- The ***Water Resources Act 2007 (ACT)***, which provides for the sustainable management of the water resources of the Territory (see also *Water Resources Regulation 2007 (ACT)*).
- The ***Auditor-General Act 1996 (ACT)***, which provides the ACT Auditor-General with powers to conduct performance audits at any time;
- The ***Freedom of Information Act 1989 (ACT)***, which gives members of the public rights of access to Government Documents, subject to certain exemptions (see also *Freedom of Information Regulation 1991 (ACT)*);
- The ***Public Interest Disclosure Act 2012 (ACT)***, which is designed to enable people to raise concerns about significant wrongdoings in the public sector without fear of reprisal; and
- The ***Territory Records Act 2002 (ACT)***, which imposes on the ACT Government, as well as the Independent Competition and Regulatory Commission and ACTEW (as a Territory-owned corporation) obligations in relation to record creation, keeping, protection, preservation, storage and disposal or and access to its records (see also *Territory Records Regulation 2009 (ACT)*).

The latest versions of the legislation mentioned above can be found on the ACT Legislation register, at www.legislation.act.gov.au.