



## **SUBMISSION**

# **Australian Energy Regulator Better Regulation Program**

## **Response to the Draft Confidentiality Guideline**

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## **UNITINGCARE AUSTRALIA**

UnitingCare Australia is the Uniting Church's national body supporting community services and advocacy for children, young people, families, people with disabilities and older people.

The UnitingCare network is one of the largest providers of community services in Australia, providing services and supports to more than 2 million Australians each year in urban, rural and remote communities. The network employs 35,000 staff and 24,000 volunteers.

UnitingCare Australia works with and on behalf of the UnitingCare network to advocate for policies and programs that will improve people's quality of life. UnitingCare Australia is committed to speaking with and on behalf of those who are the most vulnerable and disadvantaged for the common good.

Energy is an essential services and with increased costs has become a financial burden on growing numbers of households and consumers in Australia. Uniting care is concerned for these people and advocates strongly for appropriate energy regulation.

Uniting Care Australia's energy vision is that by 2030 energy in Australia will be plentiful, renewable and affordable for all citizens

UnitingCare Australia commends the AER on the work undertaken to develop this guideline and others that are part of the better regulation suite of guidelines. The intent of the AER, to actively and meaningfully engage consumer perspectives, has been greatly appreciated and the willingness and helpfulness of staff has been exemplary.

## Intent

### **We strongly support the intent of the confidentiality guideline**

(which ensures that all stakeholders have access to as much information as is possible to enable sound regulatory decisions to be made for network regulatory determinations.)

### **Guideline Section 3 – manner in which an NSP make confidentiality claims**

UnitingCare Australia strongly supports the proposed two-step process and in particular, believes that the intent to involve stakeholders prior to the lodgement of confidential information is a laudable approach. This approach, as we understand it, will enable consumer interests as well as network business and the Regulator to work through the materiality of any confidentiality claims and determine the best approach. This should maximise the amount of information that is available to consumers and enable them to participate as meaningfully as possible in regulatory decision making.

**The template is sound and we support the template as proposed.**

## Confidentiality Categories

Whilst we recognise the reasons for the categories that have been proposed as “confidential categories”, we are not convinced by the ‘market sensitive cost inputs’ category, and are fearful that this could be used to reduce adequate disclosure of established costs to consumers. We trust the AER to apply the confidentiality guideline to ensure that market sensitive cost inputs that are claimed are genuinely market sensitive.

**We accept the confidentiality category of “Personal Information” as appropriate and consistent, as we understand it, with the privacy act.**

## Process for Lodging Confidential Information

Again, we are supportive of the approach that the guideline proposes including the requirement for a public version of a document containing sensitive information to be made available in the same form as the ‘full version’, with the confidential information redacted.

We also strongly support a ‘case by case’ approach being taken, and support the guideline proposals outlining with how the AER will deal with both:

- Information that a business submits as confidential which is accepted by the AER as confidential, and
- Information submitted by a business as confidential that the AER does not regard as confidential.

## Links with Other Better Regulation Work Streams

We note that Confidentiality intersects with some of the other “Better Regulation” work streams and guidelines and note these, certain that the AER will ensure consistency across these different guidelines.

1. Market sensitive cost inputs. This element of the confidentiality guideline has some relationship with the expenditure forecasting - category analysis draft guideline and we appreciate the increased transparency that will come about as a result of category analysis data being collated, benchmarked and made public.
2. Consumer engagement work stream. We note that there is the potential for network service providers to consult with consumers prior to lodging a reset, then to subsequently use consumer input alongside information that may have been deemed confidential and not available to consumers during consultation. We want to be certain that consumer input will not be used where that input may have been obtained with confidential information withheld, implicitly or explicitly.
3. Shared assets. We have noted in our submission regarding the “Shared Asset Draft Guideline” that it is important that the AER obtains information from NSPs regarding revenue from shared asset arrangements, as well as data about any costs involved with obtaining that revenue. This issue may have some intersection with confidentiality issues.

## Summary

**Uniting Care Australia supports the draft confidentiality guideline, as circulated in August 2013.**