

# General Regulatory Information Order

For gas pipeline service providers

**CONSULTATION DRAFT**

February 2024

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# 1 Gas pipeline Order framework

## 1.1 Purpose of this Order

- 1.1.1 This General Regulatory Information Order (Order) requires a specific class of regulated service providers to provide the Australian Energy Regulator (AER) with information annually.
- 1.1.2 The AER requires this information to perform or exercise its functions and powers under the National Gas Law (NGL) or the National Gas Rules (NGR).
- 1.1.3 The Order is made pursuant to section 48(1)(b) of the NGL.

## 1.2 Specified class of person to which this Order applies

- 1.2.1 This Order applies to the following specified class of regulated service providers:
  - service providers of scheme and non-scheme pipeline services provided by a transmission pipeline, and
  - service providers of scheme and non-scheme pipeline services provided by a distribution pipeline.
- 1.2.2 For the avoidance of doubt, this Order does not apply, in part or in whole, to:
  - any person belonging to the specified class where that person has been granted a conditional or unconditional exemption under section 58 of the NGL.
- 1.2.3 Throughout this Order we refer to the specified class as 'Service Providers'.

## 1.3 Reasons for issuing this Order

- 1.3.1 The AER considers it is reasonably necessary for the performance or exercise of its functions and powers under the NGL for Service Providers to provide, prepare and maintain information in the manner and form specified in this Order.
- 1.3.2 The functions and powers of the AER are specified under section 27 of the NGL. These include (under sub-section 27(1)(a)) to monitor compliance by persons (including AEMO) with the NGL, the Regulations and the NGR, including compliance with an applicable access arrangement, an access determination and a ring-fencing decision.
- 1.3.3 In addition to the monitoring of compliance of persons and Service Providers under the NGL, the NGR and the Regulations, the AER may also use this information to investigate breaches or possible breaches of provisions under section 27(1)(b). However, this Order is not made solely for this purpose.
- 1.3.4 The AER considers that the information that it receives in response to this Order will enable it to perform its functions and powers under sections 27(1)(a), 63A and 63B of the NGL and contribute to the achievement of the national gas objective.
- 1.3.5 The AER has had regard to the likely costs that may be incurred by an efficient Service Provider in complying with the Order (as required by s.48(2)(b)) in considering that it is reasonably necessary to make the Order.

## 1.4 Responding to this Order

- 1.4.1 Service Providers must comply with all the Order requirements in preparing, providing and maintaining their annual responses to the AER.
- 1.4.2 Service Providers must submit their annual response to the AER using the AER file sharing service, AER information portal or other method agreed by the AER.

## 1.5 Annual response date

- 1.5.1 Service Providers must provide to the AER the information and documentation specified in this Order by doing the following:
  - provide the information and documentation covering the 12-month period ending 30 June of that year (Compliance Period),
  - provide the information and documentation by 5 pm A.E.D.T. on 31 October of that year, or where this day falls on a weekend or a public holiday, by 9 am A.E.D.T. on the next business day after 31 October, and
  - provide the information and documentation to the nominated contact officer as outlined by the AER in correspondence provided from time to time about the annual compliance process.

## 1.6 Annual information to be provided to the AER

- 1.6.1 In addition to the requirements under section 1.4, the information and documentation provided must answer information requests contained in the Appendix A to this Order. Service Providers should refer to Appendix A for guidance in addressing the information and documentation requests contained in this order. Appendix A also contains the relevant references to the NGL and the NGR for each question.
- 1.6.2 Information and documentation provided must be verified by way of a statutory declaration as outlined per clauses 5.5 and 5.6 of this Order.

## 1.7 Structure to this Order

- 1.7.1 This Order is structured as follows:
  - **Section 1** sets out the purpose of this Order.
  - **Section 2** sets out the general requirements which apply under this Order.
  - **Section 3** identifies the data required from Service Providers.
  - **Section 4** identifies the supporting information required from Service Providers in the basis of preparation.
  - **Section 5** identifies the supporting information required from Service Providers to meet the audit and assurance requirements which apply under this Order.
  - **Section 6** sets out information around the interpretation and definitions which apply to this Order.

- **Appendix A** contains the Service Provider Information Order template required for Service Providers to populate.
- **Appendix B** contains a glossary of definitions used in this Order.

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## 2 General requirements

### 2.1 Preparation of information provided to the AER

2.1.1 Prepare all information required under this Order in a manner and form that is in accordance with the requirements which:

- is in an electronic format,
- if submitted as a standalone file, is not protected, and allows for precedents and dependants to be traced,
- for information provided as a written response, is fully searchable, in text readable format and is capable of text selection and a 'copy and paste' function being applied to it (all document files must be provided in Microsoft Word or PDF), and
- for information required in the data workbooks, is provided in a form agreed with the AER.

### 2.2 Maintaining information provided under the Order

2.2.1 Service Providers must maintain all information used to prepare the annual responses required under this Order for a period of 7 years from the date the information is submitted to the AER.

### 2.3 Confidentiality claims

2.3.1 If a Service Provider makes a claim for confidentiality over any information provided in response to this Order, it must:

- comply with the requirements of [AER's Confidentiality Guideline](#), as if it extended and applied to responses to this Order,
- provide, in addition to a confidential version of any information, a version of the information that may be published by the AER, and
- highlight all information that is subject to a confidentiality claim, and if that information is being reported in response to the requirements of section 3 of this Order, it must be highlighted using a methodology agreed by the AER.

### 2.4 Resubmission of information provided under the Order

2.4.1 If a Service Provider wishes to amend, or is required to resubmit information provided under this Order it must notify the AER of the proposed resubmission, and:

- identify the information which is to be resubmitted,
- provide the reason for the resubmission, and
- advise whether the resubmitted information results in a material change in its response to the Order.

2.4.2 If the AER agrees that information should be resubmitted, a Service Provider must update the relevant information as directed by the AER.

2.4.3 If a Service Provider resubmits information which results in a material change to its response to this Order, the AER may request that it provides assurance over this information by:

- verifying the resubmitted information by way of a statutory declaration in accordance with section 5 of this Order, and/or
- providing the necessary audit report and assurance report, as applicable for the resubmitted information, prepared in accordance with the requirements set out in section 5 of this Order.

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### **3 Regulatory template requirements**

#### **3.1 Requirement to provide information specified in data workbooks**

- 3.1.1 Service Providers must prepare and provide the AER the information required in the data workbook attached in Appendix A Service Provider Information Order Template, or as otherwise specified by the AER.

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## 4 Basis of preparation

### 4.1 Overview

- 4.1.1 Service Providers must prepare and submit a basis of preparation with each annual response to this Order. The basis of preparation must:
- a) enable auditors, assurance practitioners and the AER to clearly understand how the Service Provider has complied with the requirements of this Order, and
  - b) identify any policy or operating instructions that are used to direct the compilation and preparation of information required to respond to the Order.

### 4.2 General instructions

- 4.2.1 For each response the basis of preparation must:
- a) describe the source of the information provided,
  - b) document the methodology (if any) used to transform the source data to meet the requirements of Order,
  - c) list the assumptions used in applying the methodology noted under (b),
  - d) classify the information as actual information or estimated information or a NULL response,
  - e) where estimated information is provided: (i) explain why actual information cannot be provided; and (ii) why the estimated information provided is the Service Providers best estimate,
  - f) where a NULL response is provided explain why the information requirement is not relevant to the Service Provider, and
  - g) explain any changes in the information sources or methodology that have occurred in the reporting period.
- 4.2.2 The basis of preparation may contain additional material if the Service Provider considers it could assist a user to gain an understanding of the information presented in the data workbook.
- 4.2.3 Appendix A contains a template which must be used by the Service Provider to meet the requirements of section 4 of this Order.

## 5 Assurance requirements

### 5.1 Audit and/or assurance reports

- 5.1.1 When requested by the AER, audits and reviews required under this Order must be conducted in compliance with Australian Auditing and Assurance Standards, as developed by the Auditing and Assurance Standards Board.
- 5.1.2 When undertaking an audit or review on the information presented by a Service Provider, as required under section 3 of this Order, an auditor or assurance practitioner must opine or attest by reference to the Service Provider's basis of preparation, prepared in accordance with section 4 of this Order.

### 5.2 Provision of audit and assurance reports

- 5.2.1 When requested, the Service Provider must provide the AER with the audit reports and/or assurance reports as applicable, prepared in accordance with the requirements set out in this section 5.
- 5.2.2 The Service Provider must provide all reports from the auditor to its management arising from the audit or review engagements.

### 5.3 Class of person to conduct audits or reviews

- 5.3.1 The audit or review of actual or estimated financial information must be conducted by a registered auditor of the state in which the Service Provider is based, or a person who:
- a) is a registered company auditor who is a member of Chartered Accountants Australia and New Zealand (CA or FCA) or of CPA Australia (CPA or FCPA) that holds a Certificate of Public Practice,
  - b) is independent from the Service Provider and any related party of the Service Provider – that is, not a principal, member, shareholder, officer, or employee of the Service Provider or a related party,
  - c) is appointed for the purposes of expressing an opinion or conclusion on the audit or review requirements outlined in section 5 of this Order,
  - d) has experience in conducting financial, performance, operation or quality assurance audits and conducting data sampling in the gas industry,
  - e) understands the definitions, procedures and methodologies specified in the NGR and/or this Order that have been used in the preparation of the information the subject of the audit or review, and
  - f) is available to discuss issues relating to the audit or review with the Service Provider and the AER, including where an audit report or assurance report is critical of, or highlights deficiencies in, the audited financial information and/or non-financial information.
- 5.3.2 The review of non-financial information may be conducted by a person who is an assurance practitioner as defined in ASAE 3000 Assurance Engagements Other than

Audits or Reviews of Historical Financial Information and satisfies the requirements set out above.

## 5.4 Review of non-financial information

5.4.1 The review of the non-financial information must:

- a) comply with ASAE 3000 Assurance Engagements Other than Audits or Reviews of Historical Financial Information,
- b) include an assurance report as to whether or not anything has come to the auditor's attention that causes it to suggest that the non-financial information does not, in all material respects, present fairly in accordance with the requirements of this Order and Service Provider's basis of preparation, and
- c) list all tables and sub-tables within scope of the assurance engagement.

## 5.5 Statutory declaration requirements

5.5.1 The Order requires a company officer of the Service Provider to attest to the completeness and quality of the information provided in response to the Order, in accordance with the requirements of this section 5.

5.5.2 When attesting to the quality of the historical information provided the officer of the Service Provider should take into account relevant factors including (but not limited to) whether historical information provided in response to this Order:

- a) meets the requirements of this Order,
- b) is based on assumptions, which are identified in response to section 4 of this Order, and are justified and supported by evidence,
- c) is consistent with applicable AER Guidelines, and
- d) is consistent, to the extent possible, with historical information previously provided to the AER.

## 5.6 Form of the statutory declaration

5.6.1 An officer of the Service Provider is required to complete a statutory declaration form appropriate for the jurisdiction in which the officer resides.

5.6.2 In completing the form, the officer must make a declaration in the following terms:

I am an officer, for the purposes of the National Gas ([relevant jurisdiction]) Law, of [Name of the Service Provider] in its capacity as a Service Provider (ABN XX XXX XXX XXX) for the purposes of the NGL. I am authorised by [the Service Provider] to make this statutory declaration as part of its response to the General Regulatory Information Order dated [date] (Order) served on [the Service Provider] by the Australian Energy Regulator (AER).

I say that the actual information (as defined in the Order) provided in [the Service Provider]'s response to the Order is, to the best of my information, knowledge, and belief: in accordance with the requirements of the Order; and true and accurate.

Where it is not possible to provide actual information to comply with the Order, [the Service Provider] has, to the best of my information, knowledge, and belief:

- provided its best estimate of the information in accordance with the requirements of the Order, and
- provided the basis for each estimate, including assumptions made and reasons why the estimate is the best estimate, given the information sought in the Order.

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## 6 Interpretation and Definitions

### 6.1 Interpretation

6.1.1 In this Order unless the contrary intention appears:

- a) the singular includes the plural, and the plural includes the singular,
- b) the words “shall” and “must” indicate mandatory requirements,
- c) expressions such as “includes” or “for example”, in any form, are not words of limitation,
- d) a reference to any corporation, whether expressly identified or not, includes a reference to any representatives of that corporation, and
- e) a reference to any legislation, legislative instrument or other instrument is a reference to that legislation or instrument as in force from time to time.

### 6.2 Terms used in this Order

6.2.1 The terms used in this Order and in the data workbook are defined in Appendix B to this Order, or have the meaning given in the NGL or NGR if that term is not defined in this Order.

## Appendix A – General Regulatory Information Order Template

The template can be found on the [AER website](#).

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## Appendix B – Definitions

Term	Definition
Actual information	Information that is completely known to the service provider, and does not involve any estimation
AER	Australian Energy Regulator
Gas Law	National Gas Law
Gas Rules	National Gas Rules
Order	This General Regulatory Information Order.
Regulations	The regulations made under Part 3 of the National Gas (South Australia) Act 2008 of South Australia that apply as a law of this jurisdiction.

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