

# General Regulatory Information Order

For gas pipeline service providers

**FINAL DECISION**

**June 2024**

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**Amendment record**

Version	Date	Pages
1.0	June 2024	14

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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.
- 1.4.3 Service Providers must ensure their annual response is consistent with the applicable AER Guidelines, including the AER Compliance Procedures and Guidelines made pursuant to section 64F of the NGL.

## 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.
- 1.5.2 This Order commences on 1 July 2024.

## 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 5.1 and 5.2 of this Order.

## 1.7 Referring to this Order

- 1.7.1 This Order may be cited as the *Annual Compliance Order (ACO)*.

## 1.8 Structure to this Order

- 1.8.1 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 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 response template required for Service Providers to populate.
- **Appendix B** contains a glossary of definitions used in this Order.

## 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, 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.

2.1.2 A submission may be password protected if the password is provided to 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 5 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.



## **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 - Response template, or as otherwise specified by the AER.

## 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
  - b) identify any policy or operating instructions that are used to direct the compilation and preparation of information required to respond to the Order, and
  - c) be consistent with the applicable AER Guidelines, including the AER Compliance Procedures and Guidelines made pursuant to section 64F of the NGL.

### 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 response template which contains a column that must be used by the Service Provider to meet the requirements of section 4 of this Order.

## 5 Assurance requirements

### 5.1 Statutory declaration requirements

- 5.1.1 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.
- 5.1.2 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, including the AER Compliance Procedures and Guidelines made pursuant to section 64F of the NGL, and
  - d) is consistent, to the extent possible, with historical information previously provided to the AER.

### 5.2 Form of the statutory declaration

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

- 5.2.2 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.

## **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 Appendix A - Response template 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 – Response template

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

## 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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