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**REGULATORY  
INFORMATION NOTICE  
UNDER DIVISION 4 OF  
PART 1 OF CHAPTER 2  
THE NATIONAL GAS  
(JURISDICTION) LAW**

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**ISSUED BY THE**

**AUSTRALIAN  
ENERGY REGULATOR**

**TO**

**[ENTITY NAME FULL]  
(ABN [ABN])**

**Australian Energy Regulator  
Level 20  
175 Pitt Street  
Sydney NSW 2000**

**Telephone: (02) 9230 9133**

**NATIONAL GAS ([Jurisdiction]) LAW**

**DIVISION 4 OF PART 1 OF CHAPTER 2**

**SECTION 48**

**REGULATORY INFORMATION NOTICE**

**TO PROVIDE INFORMATION AND PRODUCE DOCUMENTS**

TO: [Entity contact]  
[Entity contact title]  
[Entity name full] (ABN [ABN])  
[Address]

The Australian Energy Regulator (**AER**) considers it reasonably necessary for [Entity name full] (*[Entity name short]*) (ABN [ABN]), being a *scheme pipeline service provider* for the purposes of section 46 of the *National Gas ([Jurisdiction]) Law (NGL)* who provides pipeline services in the [state/territory] of [Jurisdiction], to prepare and to provide the information in the manner and form specified in this Regulatory Information Notice (**notice**), which is information the **AER** requires for the performance or exercise of a function or power conferred on it under the *NGL* or the *National Gas Rules (NGR)*.

**MATTERS THE SUBJECT OF THIS NOTICE**

This *notice* sets out the requirements that must be complied with and the information that must be prepared and provided to the **AER** by [*Entity name short*], for the purposes of the **AER**:

- (a) undertaking a review of the current approach to estimating the cost of corporate income tax under clause 87A of the *NGR* and consistent with clause 74 of the *NGR*; and
- (b) setting the benchmark efficient levels of the corporate income tax building block for forthcoming access arrangement decisions,

in respect of the *pipeline services* it provides by way of a *covered pipeline* operating in the [state/territory] of [Jurisdiction].

Pursuant to section 48(1)(a), 53(1)(a) and (b), 54(a) and (b), 55(a) and (c) of the *NGL*, the **AER** requires [Entity name short] to:

- (a) prepare the information in the manner and form specified in this *notice*; and

- (b) provide the said information electronically to the *AER* via the *AER*'s secure file transfer service, (or by alternative means as agreed with the *AER*) on or before 5:00 pm Australian Central Standard Time on [due date].

Pursuant to section 55(d) of the *NGL* [Entity name short] is required to verify, using the statutory declaration in Appendix A to this *notice*, the information specified in this *notice*.

Pursuant to section 53(1)(c) of the *NGL*, the reasons for the information required in this *notice* to be prepared and provided in the manner and form specified are set out at Appendix B to this *notice*.

## **INTERPRETATION**

In this *notice*, including the Schedules and Appendices to this *notice*, unless the contrary intention appears:

- the singular includes the plural and the plural includes the singular;
- expressions such as “includes” or “for example”, in any form, are not words of limitation;
- a reference to any corporation, whether expressly identified or not, includes a reference to any representatives of that corporation; and
- words printed in italics will have the meaning given in Appendix D of this *notice*.

DATED: \_\_\_\_\_ 2018

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Warwick Anderson  
General Manager - Network Finance and Reporting  
**Australian Energy Regulator**

## SCHEDULE 1

### REGULATORY INFORMATION NOTICE UNDER DIVISION 4 OF PART 1 OF THE NATIONAL GAS ([JURISDICTION]) LAW ISSUED TO

[ENTITY NAME FULL] (ABN [ABN])

#### GENERAL REQUIREMENTS

##### 1. PREPARE AND PROVIDE INFORMATION

1.1 Prepare and provide the information required in Schedule 2 completed in accordance with:

- (a) This *notice* and
- (b) The instructions provided in Appendix C.

##### 2. CONFIDENTIAL INFORMATION

- 2.1 This clause applies to any information [Entity name short] provides in response to schedule 1.
- 2.2 If [Entity name short] wishes to make a claim for confidentiality over any of [Entity name short form]'s information, provide details of that claim in accordance with the requirements of the *AER's Confidentiality Guideline*, as if it extended and applied to that claim for confidentiality.
- 2.3 Prove any details of a claim for confidentiality in response to paragraph 2.2 at the same time as making the claim for confidentiality.

#### ASSURANCE REQUIREMENTS

##### 3. STATUTORY DECLARATION

- 3.1 An officer of [Entity name short] is required to complete a statutory declaration form appropriate for the jurisdiction in which the officer resides as set out in Appendix A of this *notice*.

## SCHEDULE 2

### REGULATORY INFORMATION NOTICE UNDER DIVISION 4 OF PART 1 OF THE NATIONAL GAS ([JURISDICTION]) LAW ISSUED TO

[*ENTITY NAME FULL*] (ABN [ABN])

#### GENERAL REQUIREMENTS

##### 1. GROUP STRUCTURE

1.1 Provide a diagram illustrating the group holding structure of the *scheme pipeline service provider*, including:

- (a) any related stapled entities;
- (b) its *downstream associated entities*<sup>1</sup>; and
- (c) *upstream equity participants*<sup>2</sup>

as at 30 June 2018, or its most recent financial year end.

For completeness the group structure diagram should indicate:

- (d) The nature of the vehicle (e.g. trust, company, partnership)
- (e) Where entities are stapled (contractually or otherwise)
- (f) The existence of partnership arrangements including any *Limited Partnerships*
- (g) The jurisdiction in which the entity is a resident for tax purposes
- (h) Entities which are members of an Australian *Tax Consolidated Group* (where relevant)
- (i) In the case of trusts, the Trustee entity
- (j) Whether the entity is classified as a *Managed Investment Trust* (MIT)

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<sup>1</sup> For the purpose of this notice, “*downstream associated entities*” refers to “associates” of the *scheme pipeline service provider* as that term is defined in section 318 of the *Income Tax Assessment Act 1936*, however only to the extent that the *scheme pipeline service provider* has a direct or indirect controlling interest in that entity of greater than 10 per cent.

<sup>2</sup> For the purpose of this notice, “*upstream equity participants*” includes any entities which have a direct or indirect equity interest in the *scheme pipeline service provider* of greater than 10 per cent. This would include a total participation interest as defined in section 960–180 of the *Income Tax Assessment Act 1997*, but only to the extent that the participation interest is greater than 10 per cent. Direct and indirect interests held by a foreign entity in the *scheme pipeline service provider* only need to be disclosed to the extent the foreign entity has a direct interest in an Australian resident vehicle. For the avoidance of doubt, an equity interest for these purposes would also include a partner’s interest in a partnership.

- (k) Where the entity is a government owned confirmation that it is subject to the *National Tax Equivalent Regime (NTER)*
- 1.2 Confirm whether there have been any changes to the group structure since 30 June 2018 or its most recent financial year end.
- 2. FINANCING ARRANGEMENTS**
- 2.1 Provide the *debt to equity ratio* (including external and internal/related party debt) of the *scheme pipeline service provider* and any related stapled entities holding direct interests in the network assets (e.g. Asset Trust and/or Partnership), any of its *downstream associated entities* or any of its *upstream equity participants* (the latter on a best endeavours basis) as at 30 June 2018 (or its most recent financial year end).
- 2.2 Provide the following details for all financing arrangements (except those classified as equity for income tax purposes) of the *scheme pipeline service provider* and any related stapled entities that hold direct interests in the network assets, e.g. the Asset Trust/Partnership) and any of its *downstream associated entities* which were in place in at 30 June 2018 (or its most recent financial year end), including:
- (k) Outstanding principal in respect of each arrangement and the interest rate as set out in the agreement(s) for the arrangement thereon, and
- (l) Counterparties to the arrangement where they are associates as defined in section 318 of the Income Tax Assessment Act 1936 (*ITAA 1936*).
- 2.3 To the extent the *scheme pipeline service provider* and any related stapled entities that hold a direct interest in the *covered pipeline* (e.g. the Asset Trust/Partnership) are treated as a transparent vehicle for tax purposes (e.g. partnership or flow through trust) provide details requested in item 2.2 of this schedule, where practically possible on a best endeavours basis, of all financing arrangements (except those classified as equity for income tax purposes) for *upstream equity participants* in those vehicles.
- 2.4 Identify and list those entities in the group structure referred to in item 1.1 of this schedule that were inward or outward investors for the purpose of the thin capitalisation regime in Division 820 of the Income Tax Assessment Act 1997 (*ITAA 1997*), as at the end of the latest income year for which a tax return has been lodged.
- 2.5 For those entities listed in response to item 2.4 of this schedule, confirm the following to the extent the information is not already disclosed in the latest tax return (including international dealings schedule) lodged as provided in response to item 3.1 of this schedule:
- (a) Whether any exemption from the thin capitalisation rules apply in respect of the latest lodged tax return.

- (b) What method was chosen in determining *Maximum Allowable Debt* (e.g. safe harbour, arms-length debt or worldwide gearing) in the latest lodged tax return?
- (c) The *maximum allowable debt* amount and *adjusted average debt amount* as defined under Division 820 of the *ITAA 1997* and as disclosed in the latest lodged tax return.

### **3. INCOME TAX RETURNS, PAYMENTS AND CALCULATIONS**

- 3.1 Provide a copy of any income tax returns lodged (including schedules) by the *scheme pipeline service provider*, whether Federal or *NTER*, in the last five (5) years or period of existence if less than 5 years.
- 3.2 Where the *scheme pipeline service provider* is a member of a *tax consolidated group* provide tax calculations for the *scheme pipeline service provider* on a stand-alone basis to the extent these calculations have already been prepared (e.g. these calculations already exist), which reconcile to the *scheme pipeline service providers* net profit before tax and support the latest income tax return lodged by the Head Company of the tax consolidated group in the last 5 years or period of existence if less than 5 years.
- 3.3 Where the *scheme pipeline service provider* is part of a stapled entity arrangement also provide the income tax returns lodged for the other stapled entities that hold direct interests in the network asset (i.e. the Asset Trust/Partnership) in the last 5 years or period of existence if less than 5 years.<sup>3</sup>
- 3.4 Provide the following information in respect of the last 5 years (or period of existence if less than 5 years):
  - (a) If the *scheme pipeline service provider* is held in a company structure, or taxed as a company under Division 6C of the *ITAA 1936*, provide income tax paid (including any withholding tax) to the Australian Tax Office (*ATO*) by the *scheme pipeline service provider*.
  - (b) If the *scheme pipeline service provider* is held in a flow through vehicle (e.g. *trust* or partnership), please provide details of income tax paid (including *withholding tax*) to the *ATO* by the *scheme pipeline service provider* (and any related stapled entities that hold direct interests in the network assets, e.g. the Asset Trust/Partnership), any of its *downstream associated entities*, or any of its *upstream equity participants* (the latter on a best endeavours basis).
- 3.5 In respect of the latest income tax return lodged only, provide the statement of taxable income which shows all permanent and temporary tax adjustments including opening

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<sup>3</sup> For clarification, we are not requesting tax return information for upstream stapled entities (e.g. holding trusts).

and closing balances (and any working papers supporting the adjustments made with respect to capital expenditure for accounting or tax purposes) that reconciles taxable income to net *profit before tax* for the *scheme pipeline service provider* (and any related stapled entities that hold a direct interest in the network assets), and any of its *downstream associated entities*.

3.6 Provide details of any Research & Development (R&D) tax incentive claims made by the *scheme pipeline service provider* and any related stapled entities in respect of expenditure incurred in respect of *regulated assets* for the last 5 years (or period of existence if less than 5 years), including a summary of the quantum of the expenditure per each of the registered R&D activities, and a description of that activity.

**4. ASSET BASES** Confirm the amount of assessable income which has been recognised by the *scheme pipeline service provider* (and any related stapled entities, e.g. the Asset Trust/Partnership) for income tax purposes in respect of *customer contributions* and gifted assets in respect of tax returns lodged during the last 5 years, or period of existence if less than 5 years.

4.2 If the *scheme pipeline service provider* is a member of a *tax consolidated group* confirm whether there has been any reset of the tax cost base of *regulated assets* as a consequence of the tax consolidation rules during the last 10 years. Please state if either and/or both of the following has occurred:

- (a) Step up in tax value of assets
- (b) Step down in tax value of assets

4.3 If either a step up and/or down in the tax value of *regulated assets* has occurred and is noted in response to item 4.2 of this schedule, quantify the total gross increase or decrease in the tax cost base of depreciable assets (where possible, split between regulated and unregulated assets). If there has been more than one event resulting in a resetting of the tax cost bases, please provide the total gross increase or decrease attributable to each separate event.

## **5. TAX DEPRECIATION**

5.1 Provide the tax fixed asset register which supports the capital allowance balances reported in the last lodged tax return for the *scheme pipeline service provider* and any related stapled entities that hold a direct interest in the network assets (e.g. the Asset Trust/Partnership).<sup>4</sup> This should include without limiting the information to be provided:

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<sup>4</sup> If the *scheme pipeline service provider* is a member of a tax consolidated group, provide the tax fixed asset register which includes the *scheme pipeline service provider's* assets, which has been reflected in the income tax return disclosures for the Head Company of that tax consolidated group.



- (a) Description of the asset;
- (b) *Effective life* of the asset;
- (c) Depreciation method applied;
- (d) Depreciation claimed; and
- (e) Starting cost, including the starting cost determined under Division 58.

To the extent this information can be separated into regulated and non-regulated assets operated by the *scheme pipeline service provider* provide the information only for the *regulated assets* in an excel template.

- 5.2 Provide the balance of any low value pools carried forward by the *scheme pipeline service provider* and any related stapled entities that hold direct interests in the network assets (e.g. the Asset Trust/Partnership) as at the end of the income year for which the latest tax return has been lodged.
- 5.3 Provide existing documentation of *capitalisation policies* of the *scheme pipeline service provider* and any related stapled entities that hold direct interests in the network assets (e.g. Asset Trust/Partnership) for tax purposes which provides guidelines for distinguishing when expenditure should be classified as capital, or immediate deductible on revenue account (e.g. repairs and maintenance), and the identification of functional assets.
- 5.4 Provide a summary which identifies the total quantum of expenditure which is included in the regulatory fixed asset register (e.g. reported actual capex for regulatory purposes), but has been treated as immediately deductible for income tax purposes (e.g. refurbishments, overheads), in respect of income in the past 5 years, or period of existence if less than 5 years.

## **6. STAMP DUTY ON ASSET PRIVATISATIONS AND ASSET SALES**

- 6.1 To the extent the *scheme pipeline service provider* (and any related stapled entities) holds assets that have been privatised, please confirm the tax treatment of any stamp duty payable as a consequence of the privatisation (and the quantum of duty paid) by the *scheme pipeline service provider* (and any related stapled entities that acquired a direct interest in the scheme pipeline) including but not limited to circumstances where any stamp duty payments have been:
  - (a) treated as immediately deductible pursuant to section 25-20 of the *ITAA 1997*, or
  - (b) added to the cost base of depreciable assets (directly or through application of the *Allocable Cost Amount (ACA)* calculation and allocation methodology).

## 7. ATO ENGAGEMENT, REVIEWS AND AUDITS

7.1 Provide a summary<sup>5</sup> of any non-routine engagement between the *ATO* and the *scheme pipeline service provider* and any related stapled entities (e.g. Asset Trust/Partnership)<sup>6</sup>, any of its *downstream associated entities*, or any of its *upstream equity participants* (the latter on a best endeavours basis) during the last 5 years (or period of existence if less than 5 years), including identifying whether the following is applicable:

- (a) Reviews such as streamlined review, pre-lodgement compliance review, annual compliance agreement review.
- (b) Audits.
- (c) *NTER* lodgement visits.
- (d) Other engagements such as, advanced pricing arrangement, tailored compliance engagement, private binding ruling or tailored advice.

7.2 Where *ATO* has provided a formal clearance letter, outcomes letter, or position paper in respect of any of the engagements noted in item 7.1 of this schedule, provide a copy of this.

7.3 State whether the *scheme pipeline service provider* and any related stapled entities (e.g. the Asset Trust/Partnership), any of its *downstream associated entities*, or any of its *upstream equity participants* has entered into a Tax Deed with the *ATO* (excluding any tax debt deed).

Yes

No

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<sup>5</sup> Note, we are not asking for any actual correspondence with the regulatory authorities to be provided, but a summary of the relevant *ATO* compliance engagements, reviews, and audit activity.

<sup>6</sup> If the *scheme pipeline service provider* is a member of a *tax consolidated group*, please provide this information only to the extent it is relevant to the tax calculations of the *scheme pipeline service provider*.

## APPENDIX A

### NATIONAL GAS ([JURISDICTION]) LAW

#### SECTION 55(d)

#### STATUTORY DECLARATION

An officer of [*Entity Name short*] is required to complete a statutory declaration form appropriate for the jurisdiction in which the officer resides.

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

1. I am an officer, for the purposes of the National Gas ([Jurisdiction]) Law (*NGL*) of [*Entity name full*] (ABN [*ABN*]) (*[Entity name short]*), a *scheme pipeline service provider* for the purposes of section 46 of the *NGL*. I am authorised by [*Entity name short*] to make this statutory declaration as part of the response of [*Entity name short*] to the Regulatory Information Notice dated [*insert issue date*] (*notice*) served on [*Entity name short*] by the Australian Energy Regulator (*AER*).
2. I say that the actual information (as defined in the *notice*) provided in [*Entity name short*]'s response to the *notice* is, to the best of my information, knowledge and belief:
  - (a) in accordance with the requirements of the *notice*; and
  - (b) true and accurate.
3. Where it is not possible to provide actual information to comply with the *notice*, [*Entity name short*] has, to the best of my information, knowledge and belief, made its best endeavours to:
  - (a) provide [*Entity name short*]'s best estimate of the information in accordance with the requirements of the Notice; and
  - (b) provide the basis for each estimate, including assumptions made and reasons why the estimate is the best estimate.

## APPENDIX B: STATEMENT OF REASONS

### NATIONAL GAS ([JURISDICTION]) LAW

#### SECTION 53(1)(c)

#### STATEMENT OF REASONS

This statement of reasons explains why the *AER* considers it reasonably necessary for the information described in this *notice* to be provided and prepared in the manner and form specified.

The functions and powers of the *AER* are specified under section 27 of the *NGL*. Under section 27(1)(e) of the *NGL*, the *AER*'s functions and powers include *AER* economic regulatory functions and powers.<sup>7</sup> Under section 27(1)(f) of the *NGL*, the *AER*'s functions and powers include to prepare and publish reports on the financial and operational performance of service providers in providing *pipeline services* by means of *covered pipelines*.

The estimated cost of corporate income tax is one of the 'building blocks' considered by the *AER* when determining the total revenue in approving or making a full access arrangement.<sup>8</sup> In particular, under clause 76(c) of the *NGR*, the *AER* determines the estimated cost of corporate income tax for each regulatory year of the access arrangement period in accordance with clause 87A of the *NGR*. Clause 87A of the *NGR* provides that the estimated cost of corporate income tax of a service provider must be estimated in accordance with the formula specified therein. Under clause 74(2) of the *NGR*, a forecast or estimate must be arrived at on a reasonable basis and represent the best forecast or estimate possible in the circumstances.

On 15 May 2018, the *AER* commenced a review into the approach to estimating tax for regulated energy networks. The *AER* had received preliminary advice from the Australian Tax Office (*ATO*) that there appeared to be material differences between the tax allowances set by the *AER* and the actual tax payments made to the *ATO* by regulated networks. The *ATO* note also identified a number of drivers for the discrepancy between regulatory tax assessments and tax payments. The Federal Minister for the Environment and Energy asked the *AER* to provide an initial report in June 2018, and its final report and recommendations by December 2018.

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<sup>7</sup> *AER* economic or regulatory function or power relevantly means a function or power performed or exercised by the *AER* under the *NGL* or the *NGR* that relates to the economic regulation of pipeline services provided by a service provider by means of, or in connection with, a scheme pipeline that relates to an applicable access arrangement decision (Section 2 of the *NGL*).

<sup>8</sup> *NGL*, s.40 and *NGR* cl.76.

Accordingly, the *AER* needs to obtain detailed information relating to [Entity name short] and its scheme pipeline services in order to prepare and publish a report on the financial performance of *scheme pipeline service providers* in relation to the tax allowance set by the *AER*. The *AER* considers that, in order to examine whether there is a difference between the historical estimate costs of corporate income tax and actual tax payments, and the drivers causing any such difference, the *AER* requires detailed information on actual corporate income tax paid by [Entity name short], values of the tax asset base and other relevant tax information required by this *notice*. This information is also required to inform the *AER*'s setting of the benchmark efficient levels of corporate income tax building block for forthcoming access arrangement determinations. Much of this information is held by [Entity name short] and is not publicly available.

In addition, section 48 of the *NGL* requires the *AER* to exercise its powers in relation to service and making of regulatory information instruments in a manner that will or is likely to contribute to the achievement of the *National Gas Objective (NGO)*. Section 28, in turn, requires the *AER* to perform or exercise its economic regulatory functions and powers in a manner that will or is likely to contribute to the achievement of the *NGO*. Section 28(2)(a) of the *NGL* requires the *AER* to take into account the revenue and pricing principles set out in section 7A of the *NGL* when exercising a discretion in approving or making those parts of an access arrangement relating to a reference tariff. The *AER* considers that serving this *notice* to will or is likely to contribute to the achievement of the *NGO*.

Therefore, the *AER* considers that the information and documents required by this *notice* are reasonably necessary for the performance or exercise of its functions and powers under the *NGL* and *NGR*.

## APPENDIX C:

### PREPARATION INSTRUCTIONS

#### 1. PROVISION OF ADDITIONAL INFORMATION

- 1.1 [Entity name short] may provide additional detail beyond the minimum requirements if [Entity name short] considers it may assist a user to gain an understanding of the information prepared in response to this notice.

#### 2. INFORMATION ALREADY PROVIDED

- 2.1 The Australian Energy Regulator wrote to [Entity name short] on 17 August 2018 to request the voluntarily provision of certain tax information. The AER letter requested a number of items in its letter that are similar to items requested in schedule 2 of this notice, specifically:

- (a) Group structure: items 1.1, 1.2
- (b) Income tax returns, payments and calculations: items 3.1, 3.2, 3.3
- (c) Tax depreciation: items 5.1, 5.3, 5.4
- (d) ATO engagement, reviews and audits: items 7.1, 7.2, 7.3

- 2.2 This clause applies where [Entity name], in response to the letter referred to clause 2.1 of this appendix, has already provided the information requested in schedule 2 of this notice, and [Entity name] does not intend to make any alteration to this previously provided information. In this case:

- (e) [Entity name] is not required to resubmit the information and should state ‘already provided’ in its response to this notice.
- (f) The document register described in item 6.1 of this appendix should identify the location of that previously provided information, including file names where relevant.

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#### 3. DISAGGREGATION OF INFORMATION AND ESTIMATES

- 3.1 This clause applies to any information provided in response to schedule 2 where information pertaining to a specific covered pipeline was not directly available, and as a result [Entity name short] had to estimate the information pertaining to a specific covered pipeline from aggregated information relating to the overall taxpaying entity,

where this includes multiple covered pipelines and/or unregulated activities. In this case:

- (g) Explain the circumstances where [*Entity name short*] information is not directly available and therefore must provide an estimate, why an estimate was required including why it was not possible for [*Entity name short*] to use actual information.
- (h) Any such response should also include a high level description of the allocation principles adopted to disaggregate the information and allocate it across each covered pipeline and/or unregulated activities.
- (i) Where the same allocation principles are adopted for multiple items included in schedule 2, it is sufficient to describe them once and then refer back to this description as relevant.
- (j) Any such response should include an explanation why the allocation principles provides the best estimate of the reported information relative to alternative allocation approaches.

#### **4. BEST ENDEAVOURS**

4.1 This clause applies to any information provided in response to items in Schedule 2 where there is explicit reference to a ‘best endeavours’ basis. In this case:

- (a) Any such response should also include a brief explanation of why it was not possible for [*Entity name short*] to use actual information in responding to this item.
- (b) Any such response should also include a brief description of the approach used or assumptions made in preparing the ‘best endeavours’ basis information, and why this approach was chosen.

#### **5. ELECTRONIC FILE FORMATS**

5.1 The information requested in Schedule 2 is to be provided in electronic file formats suitable for the type of information as indicated::

- (a) Responses to requirements specifying financial or tax information including adjustments, calculations and formulae to be provided in the *AER*’s preferred format of an excel spreadsheet, specifically responses to:
  - (i) Financing arrangements: items 2.1, 2.2(b), 2.5(c)
  - (ii) Income tax returns, payments and calculations: items 3.1, 3.2, 3.3, 3.4 (a) and (b), 3.5, and 3.6.

- (iii) Tax cost base and tax reporting: items 4.1 and 4.3
  - (iv) Tax depreciation: items 5.1 (in either .xlsx or .csv format), 5.2 and 5.4.
  - (v) Asset privatisations and asset sales: items 6.1 (a) and (b)
- (b) For all other responses to requirements not specified under paragraph 2.1(b)(i) to (iv) provide in an either a Microsoft Word or PDF document format, so long as the PDF document is capable of text selection and a 'copy and paste' function being applied to it.

5.2 Where information requested in Schedule 2 is provided in multiple electronic files, each must be given a meaningful file name in the form:

[[Entity name short]]-[Author]-[Title]-[Date]-[Public/Confidential], where:

- (a) **Author** is the author of the file if not [*Entity name short*];
- (b) **Title** provides a meaningful description of the content of the document, with limited reliance on acronyms or cross references, for example "Appendix A" is not meaningful, whereas "Appendix A - consolidated group interest tax expense allocation method" is;
- (c) **Date** is a relevant date associated with the file, generally the date the document was created;
- (d) **Public/confidential** identifies if the file in its entirety can be published (public), or if it contains any information which is the subject of a claim for confidentiality in accordance with paragraph 2 of this Schedule (confidential).

## 6. DOCUMENT REGISTER

6.1 [*Entity name short*] must prepare and provide a document register that describes the following:

- (a) The RIN section
- (b) The requirement of the RIN section
- (c) The name of the electronic file or files in the format specified under Appendix B, paragraph 2.1(b) provided in response to the requirement or requirements.
- (d) Whether the document contains confidential information.
- (e) The date the document was generated.



## APPENDIX D

### DEFINITIONS

<i>Adjusted average debt amount</i>	<b>As defined under Division 820 of under ITAA 1997</b>
<i>AER</i>	Australian Energy Regulator
<i>Asset</i>	A resource controlled by an entity as a result of past events from which future economic benefits are expected to flow to the entity.
<i>ATO</i>	Australian Tax Office
<i>capitalisation policy</i>	The basis on which the service provider classifies costs as either capital expenditure or immediately deductible expense.
<i>Confidentiality guideline</i>	The <i>AER</i> 's, 'Better Regulation: Confidentiality Guideline', 29 November 2013 as updated or amended by the <i>AER</i> from time to time.
<i>covered pipeline</i>	As defined by the NGL.
<i>Debt-to-equity ratio</i>	Total debt divided by total equity, as disclosed in the relevant entity's financial statements
<i>Downstream associated entity</i>	"associates" of the scheme pipeline service provider as defined in section 318 of the <i>Income Tax Assessment Act 1936</i> .
<i>Effective life</i>	As defined under section 995.1 under ITAA 1997
<i>[Entity name short]</i>	[Entity name full] [ABN] in its capacity as a <i>scheme pipeline service provider</i> .
<i>ITAA 1936</i>	<i>Income Tax Assessment Act 1936</i>
<i>ITAA 1997</i>	<i>Income Tax Assessment Act 1997</i>
<i>Limited Partnerships</i>	As defined under section 995.1 under ITAA 1997
<i>Managed Investment Trust (MIT)</i>	has the meaning given by section 275-10 of ITAA 1997
<i>Maximum allowable debt</i>	Has the meaning as defined under Division 820 of ITAA 1997
<i>NGL</i>	National Gas Law – means the National Gas Law as applied in [Jurisdiction].
<i>National Gas Objective (NGO)</i>	Means the objective set out in section 23 of the NGL
<i>National Tax Equivalent Regime (NTER)</i>	An administrative arrangement under which relevant taxation laws will be applied notionally to the NTER entities as if they were subject to those laws.
<i>NGR</i>	National Gas Rules – means the rules, as defined in the NGL.

<b><i>Notice</i></b>	The regulatory information notice to which this document is an appendix.
<b><i>pipeline services</i></b>	As defined in the NGL.
<b><i>net profit before tax</i></b>	The profit of entity after deducting the costs directly or indirectly incurred by the entity when producing revenue through ordinary activities. This does not include income tax expenditure
<b><i>regulated assets</i></b>	Refers to assets that form part of the capital base as prescribed in the NGR.
<b><i>revenue</i></b>	The gross inflow of economic benefits during the period arising in the course of the ordinary activities of an entity when those inflows result in increases in equity, other than the increases relating to contributions from equity participants.
<b><i>scheme pipeline</i></b>	As defined under section 2 of the NGL
<b><i>scheme pipeline service provider</i></b>	As defined in section 43 of the NGL
<b><i>service provider</i></b>	Has the meaning given by section 8 of the NGL and in this <i>notice</i> refers to [Entity name short form]
<b><i>tax consolidated group</i></b>	A consolidated group which has the meaning given by section 703-5 of <i>ITAA 1997</i>
<b><i>upstream equity participants</i></b>	Any entities that have a direct or indirect equity interest in the scheme pipeline service provider of greater than 10 per cent. This would include a total participation interest as defined in section 960-180 of the <i>Income Tax Assessment Act (ITAA)1997</i> , but only to the extent that the participation interest is greater than 10%.