

BALLOT DRAFT OF FATAL-FLAW REVIEW VERSION

AASB Standard

AASB 2019-X
[Month] 2019

**Amendments to Australian Accounting
Standards – Implementation of
AASB 1059**



Australian Government

**Australian Accounting
Standards Board**

Obtaining a copy of this Accounting Standard

This Standard is available on the AASB website: www.aasb.gov.au.

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ACCOUNTING STANDARD

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BASIS FOR CONCLUSIONS

Australian Accounting Standard AASB 2019-X *Amendments to Australian Accounting Standards – Implementation of AASB 1059* is set out in paragraphs 1 – 7. All the paragraphs have equal authority.

Preface

Standards amended by AASB 2019-X

This Standard makes amendments to AASB 16 *Leases* (February 2016) and AASB 1059 *Service Concession Arrangements: Grantors* (July 2017).

The AASB received feedback from some public sector stakeholders regarding issues applying the modified retrospective method to measure the Grant of a Right to the Operator (GORTO) liability stated in paragraph C4(c) of AASB 1059. Stakeholders also commented that, since mandatory application of AASB 1059 has been deferred by 12 months to annual periods beginning on or after 1 January 2020, it would be possible for some service concession arrangements to be captured by AASB 16 prior to the application of AASB 1059, particularly those service concession arrangements that are currently recognised under AASB 117 *Leases*. Stakeholders expressed a view that applying AASB 16 for one year to service concession arrangements could be onerous.

The AASB considered stakeholders' feedback and decided to amend AASB 16 and AASB 1059 to address these issues. The AASB also decided to make editorial amendments to the implementation guidance accompanying AASB 1059.

Main features of this Standard

Main requirements

This Standard makes amendments to AASB 16 and AASB 1059 to:

- (a) change the modified retrospective method for measuring the Grant of a Right to the Operator (GORTO) liability set out in paragraph C4(c) of AASB 1059 so that the GORTO liability is initially measured based on the current replacement cost of the service concession asset at the date of initial application adjusted to reflect the remaining concession period relative to the total period of the arrangement, rather than relative to the remaining economic life of the service concession asset;
- (b) modify AASB 16 to provide a practical expedient to grantors of service concession arrangements so that AASB 16 would not need to be applied to assets that would be recognised as service concession assets under AASB 1059; and
- (c) include editorial amendments to the implementation guidance.

Application date

This Standard applies to annual periods beginning on or after 1 January 2020, with earlier application permitted.

Accounting Standard AASB 2019-X

The Australian Accounting Standards Board makes Accounting Standard AASB 2019-X *Amendments to Australian Accounting Standards – Implementation of AASB 1059* under section 334 of the *Corporations Act 2001*.

Dated ... [date]

Kris Peach
Chair – AASB

Accounting Standard AASB 2019-X Amendments to Australian Accounting Standards – Implementation of AASB 1059

Objective

- 1 This Standard amends AASB 16 *Leases* (February 2016) and AASB 1059 *Service Concession Arrangements: Grantors* (July 2017) to amend transitional relief relating to service concession arrangements and incorporate editorial amendments.

Application

- 2 The amendments set out in this Standard apply to entities and financial statements in accordance with the application of AASB 16 and AASB 1059 set out in AASB 1057 *Application of Australian Accounting Standards* (as amended).
- 3 This Standard applies to annual periods beginning on or after 1 January 2020. Earlier application of this Standard is permitted.
- 4 This Standard uses underlining, striking out and other typographical material to identify some of the amendments to a Standard, in order to make the amendments more understandable. However, the amendments made by this Standard do not include that underlining, striking out or other typographical material. Amended paragraphs are shown with deleted text struck through and new text underlined. Ellipses (...) are used to help provide the context within which amendments are made and also to indicate text that is not amended.

Amendments to AASB 16

- 5 Paragraph AusC4.1 is added as follows:

AusC4.1 Notwithstanding paragraphs C3 and C4, a public sector entity is not required to apply this Standard to assets previously accounted for under AASB 117 that would be classified as service concession assets in accordance with AASB 1059 *Service Concession Arrangements: Grantors*. The entity shall continue to apply its existing accounting policy to these assets until AASB 1059 is applied.

Amendments to AASB 1059

- 6 Paragraph C4, paragraphs IG10 and IG13 in the accompanying implementation guidance and paragraphs IE42–IE43 in the accompanying illustrative examples are amended as follows:

C4 If a grantor elects to apply this Standard retrospectively in accordance with paragraph C3(b), the grantor shall:

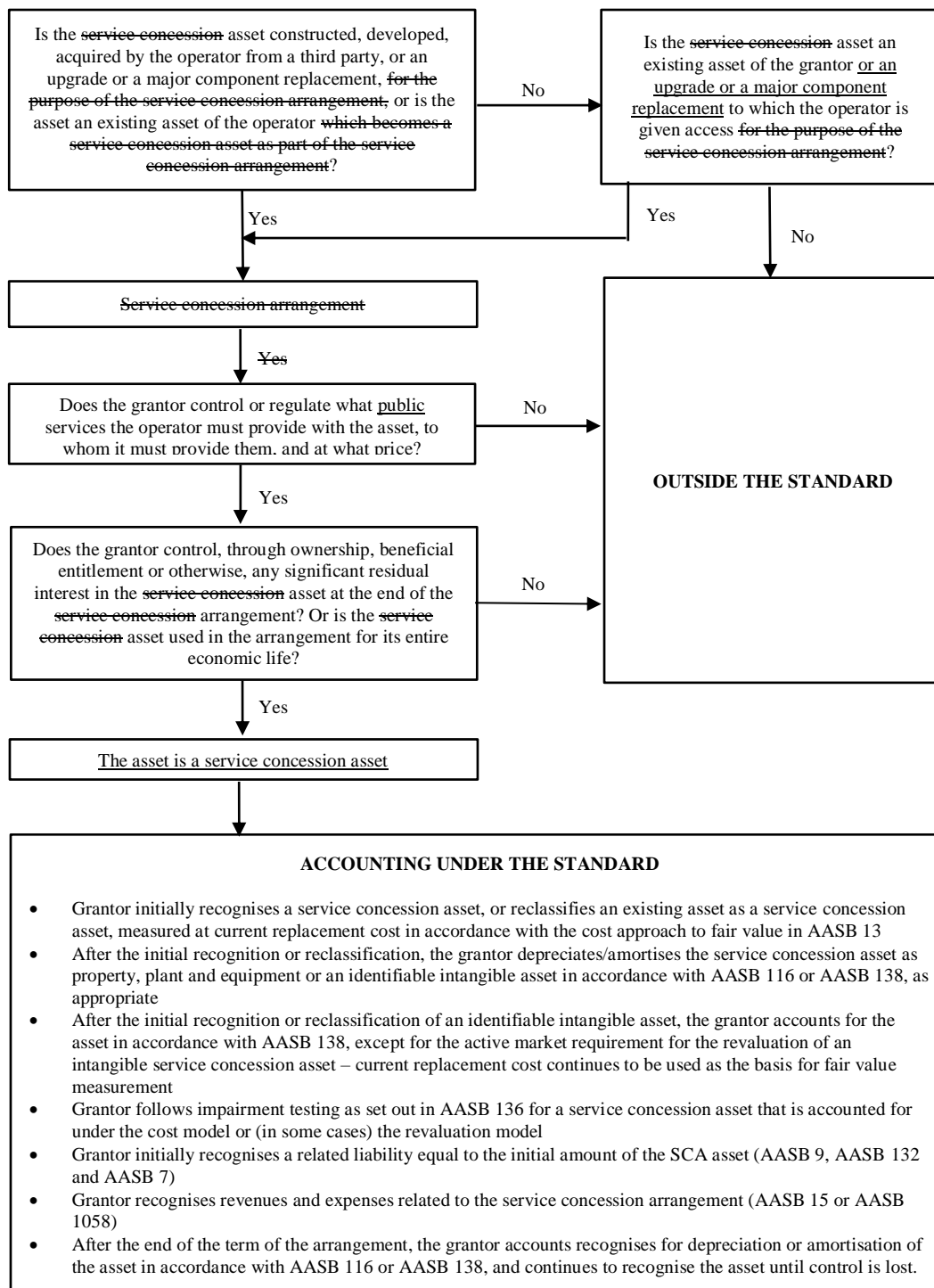
 - (a) ...
 - (c) measure a liability representing the unearned portion of any revenue arising from the receipt of a service concession asset under the grant of a right to the operator model at the fair value (current replacement cost) of the related service concession asset at the date of initial application, adjusted to reflect the remaining period of the service concession arrangement

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relative to the ~~remaining economic life of the asset~~ total period of the arrangement, less any related financial liabilities measured in accordance with paragraph (b);

(d) ...

IG10 The diagram below summarises the accounting for assets (other than goodwill) and service concession arrangements in accordance with AASB 1059.



IG13 The table below compares the key features of various common types of arrangements for private sector participation in the provision of public services. This table presents simple arrangements, however the classification of an arrangement as a construction contract with a service outsourcing

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contract, lease, service concession arrangement, or sale or privatisation will depend on the specific terms and conditions of the arrangement.

Features	Construction contract with service outsourcing contract ¹	Lease ² (grantor is lessor)	Service concession arrangement ³	Sale/Privatisation ⁴
Determining whether arrangement is within the scope of AASB 1059 (paragraphs 2, IG2)	<i>Conclusion</i> (based on analysis below) – Outside the scope of AASB 1059 and grantor controls the asset.	<i>Conclusion</i> (based on analysis below) – Depending on terms of arrangement, can be outside or within the scope of AASB 1059.	<i>Conclusion</i> (based on analysis below) – Within the scope of AASB 1059 and grantor controls the asset.	<i>Conclusion</i> (based on analysis below) – Outside the scope of AASB 1059 and grantor does not control the asset.
Operator provides public services related to the asset on behalf of the grantor and is responsible for at least some of the management of the asset <u>the management of at least some of the public services</u> (paragraph B10)?	Operator provides construction services, not public services . Operator provides management of asset <u>public services</u> and related services as predetermined by the grantor .	Operator involvement in the management of the asset <u>public services</u> and related services varies , depending on the lease terms (ie operator may have full involvement or be limited to facility management pre-determined by the grantor <u>that is not a significant component of the public services provided by the asset</u>).	Operator involved in management of service concession asset <u>public services provided by the asset</u> that is not predetermined by grantor (ie operator has discretion <u>as to how the asset is managed</u> the public services are provided and managed).	Operator does not provide public services on behalf of the grantor , despite any protective rights of the grantor.
...

Example 10: Transition – measuring the liability under the grant of a right to the operator model at the date of initial application

...

IE42 This example illustrates the approach set out in paragraph C4(c) to measuring a liability under the grant of a right to the operator model at the date of initial application. The liability related to the grant of a right to the operator is required to be measured at the fair value (current replacement cost) of the related service concession asset at the date of initial application, adjusted to reflect the remaining period of the service concession arrangement relative to the ~~remaining economic life of the asset~~ total period of the arrangement, less any related financial liabilities.

IE43 Assuming that the service concession arrangement in this example does not also give rise to a financial liability for the grantor, the information needed for measuring the liability is illustrated in the following table:

Table 10 Estimates at the date of initial application

Parameter	Amount or period
Fair value (current replacement cost) of the service concession asset	CU1,200
Remaining economic life of the asset <u>Total period of the arrangement</u>	20 years
Remaining service concession period	10 years
Apportionment for the liability re grant of rights to the operator	$CU1,200 \times 10/20 = CU600$

Commencement of the legislative instrument

7 For legal purposes, this legislative instrument commences on 31 December 2019.

Basis for Conclusions

This Basis for Conclusions accompanies, but is not part of, AASB 2019-X Amendments to Australian Accounting Standards – Implementation of AASB 1059.

Introduction

BC1 This Basis for Conclusions summarises the Australian Accounting Standards Board’s considerations in reaching the conclusions in this Standard. It sets out the reasons why the Board developed the Standard, the approach taken to developing the Standard and the key decisions made. In making decisions, individual Board members gave greater weight to some factors than to others.

Reasons for issuing this Standard

BC2 The Board received feedback from some public sector stakeholders regarding issues applying the modified retrospective method to measure the Grant of a Right to the Operator (GORTO) liability stated in paragraph C4(c) of AASB 1059 *Service Concession Arrangements: Grantors*. Stakeholders also commented that, since mandatory application of AASB 1059 has been deferred by 12 months to annual periods beginning on or after 1 January 2020, it would be possible for some service concession arrangements to be captured by AASB 16 *Leases* prior to the application of AASB 1059, particularly those service concession arrangements that are currently recognised under AASB 117 *Leases*. Stakeholders expressed a view that applying AASB 16 for one year to service concession arrangements could be onerous. The Board considered stakeholders’ feedback and decided to amend AASB 16 and AASB 1059 to address these issues. The Board also decided to make editorial amendments to the implementation guidance accompanying AASB 1059.

Modified retrospective method to measure the GORTO liability

BC3 Under the modified retrospective method in AASB 1059 paragraph C4(c), a grantor measures a GORTO liability based on the “fair value (current replacement cost) of the related service concession asset at the date of initial application, adjusted to reflect the remaining period of the service concession arrangement **relative to the remaining economic life of the asset ...**” (emphasis added). Stakeholders have indicated two issues in applying the calculation: (1) anomalous outcomes when a service concession asset has an indefinite economic life; and (2) a significantly lower GORTO liability compared to the asset if the remaining economic life of the service concession asset is significantly greater than the remaining concession period on transition to AASB 1059.

Extent of the issues and *The AASB’s Not-for-Profit Entity Standard-Setting Framework*

BC4 In discussions with the Treasury/Finance departments and/or Audit Offices in four jurisdictions, it was noted that some agencies in two States and some local councils in one State are experiencing the issues described in paragraph BC3. Representatives of these jurisdictions also commented that there would likely be a significant number of service concession assets with an indefinite useful life, such as earthworks. They also suggested that the GORTO liability calculated under the modified retrospective approach would be significantly small compared to the asset in some arrangements, particularly those in the early stages. Moreover, they believe the full retrospective method (the only alternative method) could not be applied as some agencies might not be able to obtain sufficient historical data to perform the full retrospective calculations.

BC5 The Board considers there is merit in changing the modified retrospective GORTO liability calculation method. Even if entities could choose to apply the full retrospective model – if the necessary historical information was available – the Board is of the view that it would not be appropriate to completely remove the modified retrospective method at this stage of implementation of the Standard. That approach would require entities to apply the full retrospective method.

BC6 The Board also considers that changing the modified retrospective method is justified under *The AASB's Not-for-Profit Entity Standard-Setting Framework* paragraph 28(a)¹, as the existing modified retrospective GORTO liability calculation would appear to result in reported performance or financial position not reflecting economic reality, particularly when the service concession asset has an indefinite useful life.

Options for addressing the issues

BC7 The Board considered four possible options for resolving the issues:

- Option 1 – change the modified retrospective GORTO liability calculation method so that the liability is initially measured based on the current replacement cost of the service concession asset at the date of initial application adjusted to reflect the remaining concession period **relative to the total period of the arrangement**, rather than relative to the remaining economic life of the service concession asset. Since this approach does not consider the economic life of the asset, this option would address the two issues noted in paragraph BC3;
- Option 2 – amend AASB 1059 to introduce a proxy for the ‘remaining economic life’ of the asset, for example 99 years, to use in the existing modified retrospective GORTO liability calculation for assets with an indefinite economic life. The Board considered that determining a proxy would be a difficult exercise and could result in a rule-of-thumb that might not be a faithful representation of the substance of an arrangement. Moreover, this option would not address the issue that for some arrangements the GORTO liability calculated under the modified retrospective approach might be significantly small compared to the asset;
- Option 3 – include the calculation proposed in Option 1 as another choice for entities. That is, make available the current retrospective method and the calculation proposed in Option 1, and provide guidance to illustrate which option to apply under which circumstances. The Board noted that in finalising AASB 1059 it had mandated one calculation method so that the modified retrospective method would be applied consistently across entities. Introducing an optional alternative for the modified retrospective method could remove that consistency and permit entities to choose a method for the purpose of achieving better budget or actual results rather than the method that best reflects the economic substance of the transaction; and
- Option 4 – to recognise a GORTO liability at the same amount as the current replacement cost of the asset on transition to AASB 1059. This method is similar to the modified transitional approach in transitioning operating leases under AASB 117 to AASB 16. Under paragraph C8 of AASB 16, a lessee recognises a lease liability under the Standard and has an option to recognise a right-of-use asset based on the amount of the lease liability on transition to AASB 16. However, the Board considers that the modified retrospective method should reflect that part of the service concession period has already passed.

BC8 The Board considered the advantages and disadvantages of each option and decided adopt Option 1 – change the modified retrospective GORTO liability calculation method so that it is initially measured based on the current replacement cost of the service concession asset at the date of initial application adjusted to reflect the remaining concession period **relative to the total period of the arrangement**, rather than relative to the remaining economic life of the service concession asset.

BC9 Option 1 would result in a larger GORTO liability compared to the current modified retrospective calculation method whenever the service concession asset has a remaining economic life longer than the total concession period. The Board considered that this larger GORTO liability calculated under Option 1 better reflects the grantor’s unearned revenue on transition date, under a short-cut method, compared to the current calculation method. This is because the grantor would be able to continue to benefit from the asset after the service concession arrangement has ended, and would then recognise income based on the grantor’s future use of the asset. The unearned revenue to be recognised under the service concession arrangement at the date of transition in the form of the GORTO liability therefore relates to the remaining service concession period and should be recognised as revenue over that period.

¹ Note that there are two paragraphs 28(a) in *The AASB's Not-for-Profit Entity Standard-Setting Framework*. The reference here is to the second paragraph 28(a), which states “the prevalence and magnitude of NFP-specific transactions, circumstances and events results in NFP entities’ reported performance or financial position not reflecting economic reality (eg transfers of assets at significantly less than fair value primarily to enable a NFP entity to achieve its objectives, and for public sector entities, the provision of social benefits and related sustainability and sovereign power issues)”.

Non-application of AASB 16 to assets that would be recognised as service concession assets

- BC10 AASB 1059 was originally effective for annual reporting periods beginning on or after 1 January 2019, which was the same effective date as AASB 16. However, the mandatory effective date of AASB 1059 was deferred by 12 months to reporting periods beginning on or after 1 January 2020 through AASB 2018-5 *Amendments to Australian Accounting Standards – Deferral of AASB 1059*. Stakeholders have noted that it would be possible for some service concession arrangements to be captured by AASB 16 prior to the application of AASB 1059, particularly those service concession arrangements that are currently recognised under AASB 117. Stakeholders expressed a view that applying AASB 16 for one year could be onerous, requiring another change in accounting policy for service concession assets in the following year.
- BC11 The Board considered whether changing the date of initial application of AASB 1059 – from the beginning of the earliest reporting period for which comparative information is presented in the financial statements to the beginning of the annual reporting period in which an entity first applies AASB 1059 – would avoid applying AASB 16 for one year to service concession arrangements. The Board noted that an entity would need to early adopt AASB 1059 in order to avoid applying AASB 16 to service concession arrangements. Changing the date of initial application would not change this need, however it could change the date of initial application from 1 July 2018 to 1 July 2019, making it more feasible for entities to early adopt AASB 1059.
- BC12 The Board decided to modify AASB 16 to provide a practical expedient to public sector grantors of service concession arrangements so that AASB 16 would not need to be applied to assets recognised under AASB 117 that would be recognised as service concession assets under AASB 1059. Entities would be permitted to continue applying their existing accounting policy to these assets until AASB 1059 is applied.

Editorial amendments

- BC13 A stakeholder has expressed the view that the flowchart in paragraph IG10 of the implementation guidance in its current form can be misinterpreted – if either of the top two boxes is ‘Yes’, then the arrangement is automatically a service concession arrangement without considering the two criteria in paragraph 2 of AASB 1059: whether the operator provides public services on behalf of the grantor, and whether the operator manages at least some of those services under its own discretion. The Board decided to amend the flowchart to avoid any confusion.
- BC14 The Board also decided to amend the table in paragraph IG13 to be more consistent with paragraph B10, to indicate that the operator must be responsible for managing at least some of the public services provided through the asset, rather than being responsible for at least some of the management of the asset.