



**APPLICATION FORM FOR  
THE ISSUE OF A GAS  
RETAIL LICENCE BY THE  
ESSENTIAL SERVICES  
COMMISSION OF SA  
UNDER THE *GAS ACT*  
*1997***

**August 2011**



## TABLE OF CONTENTS

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<b>Information for applicants before filling out this form</b>	<b>iv</b>
Purpose of this form	iv
Basis for this form	iv
Use of this form and Applicant's Responsibilities	iv
Prior reading	iv
Licence conditions	v
Further information	v
Consultation and Confidentiality	v
How to lodge an application	v
Application fees and annual licence fees application	v
<b>1. The Applicant</b>	<b>1</b>
1.1 Identity of Applicant	1
1.2 Legal Identity of Applicant	1
1.3 Address and Contact Details of Applicant	1
1.4 Contact Person on behalf of Applicant	2
1.5 Contact Person for Licence Fees	2
1.6 Diagram of Corporate or other Structure	2
<b>2 The Licence</b>	<b>4</b>
2.1 Date from which Licence is sought	4
2.2 Nature and scope of operations for which Licence is sought	4
<b>3 Suitability of Applicant to Hold a Licence</b>	<b>5</b>
3.1 Standard of honesty and integrity shown by Applicant	5
3.2 Standard of honesty and integrity shown by Officers and major shareholders of Applicant	5
3.3 Names and addresses of the Officers of Applicant	6
3.4 Names and addresses of major shareholders of Applicant	6
3.5 Details of the group members	7
3.6 Additional information	7
3.7 Financial resources available to the Applicant	7



3.8	Additional Details of Structure of Applicant	8
3.9	Human resources available to the Applicant	8
3.10	Technical resources available to the Applicant	9
3.11	Risk Management	10
3.12	Registration with AEMO	10
3.13	Ability to Meet Contractual Obligations	10
3.14	Licences held by the Applicant in other Australian jurisdictions.	10
3.15	Previous unsuccessful licence applications in other Australian jurisdictions	11
3.16	Licences held by Associates of the Applicant	11
3.17	Compliance Plans	12
3.18	Additional Information	12
<b>4</b>	<b>Factors Specified in the Essential Services Commission Act 2002</b>	<b>13</b>
<b>5</b>	<b>Application Fees</b>	<b>13</b>
<b>6</b>	<b>Declaration</b>	<b>14</b>





## **INFORMATION FOR APPLICANTS BEFORE FILLING OUT THIS FORM**

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### **Purpose of this form**

This form is to be completed by persons making application to the Essential Services Commission of South Australia (the Commission) for the issue of a licence to authorise gas retail operations in the gas supply industry in South Australia.

The Commission can also consider joint applications from two or more persons who wish to hold a licence jointly. Persons making joint applications must ensure that each of the applicants completes a separate application form together with a covering letter explaining that the application is for a licence to be jointly held.

### **Basis for this form**

Section 20(1)(a) of the *Gas Act 1997* (the Act) provides that an application for the issue of a licence must be made to ESCOSA in a form approved by the Commission. This is the form approved by the Commission.

### **Use of this form and Applicant's Responsibilities**

An application for a licence may be made by any legal person including, without limitation, individuals, partnerships, incorporated associations, unit and other forms of trusts and corporations. Entities that are not a legal person (for example, an unincorporated joint venture) cannot apply for a licence.

For the purpose of this application form, reference to the term "Officer" include the applicant's directors and secretary, and other persons who make or participate in making decisions that affect a substantial part of the business of the applicant (e.g. Chief Executive Officer, Chief Financial Officer, General Manager etc.).

Applicants should list the information requested in the spaces provided in this form and enclose additional information when required. Applicants must take all reasonable steps to ensure the information provided in the application form is complete, true and correct and are required to make a declaration to that effect in the application form. Failure to disclose information or misrepresent any matter relevant to such information may result in a licence not being issued or in the suspension or cancellation of a licence at a later time.

Applicants are responsible for providing the Commission with current, accurate and relevant documentation. This will ensure that the application is processed promptly and without delay. All applications are assessed on a case-by-case basis. If insufficient information is provided with an application, the Commission will request additional information to be submitted before the application is considered further.

### **Prior reading**

It is essential that licence applicants read the Commission's Advisory Bulletin No 4 – "*Licensing Arrangements for the Electricity and Gas Supply Industries*" before they fill out this form. This Bulletin is available on the Commission website [www.escosa.sa.gov.au](http://www.escosa.sa.gov.au) under gas/licensing.

### **Licence conditions**

Part 3 of the Act requires the Commission to place certain conditions in licences. The Commission strongly recommends that applicants review these mandatory conditions. Applicants must be familiar with the relevant conditions and be confident that they can comply with the conditions.

### **Further information**

Applicants should note that the Commission may ask applicants who have submitted a completed application form to provide further information to the Commission, or to clarify the information that they have already provided.

### **Consultation and Confidentiality**

The Commission will consult with relevant government, industry and consumer groups in the conduct of its licensing functions through a public consultation process. Consequently, applications and/or supporting information will be made available on the Commission's website and in hard copy from the Commission's office for this purpose.

If applicants believe that they are providing confidential information when completing this form they should write "this information is confidential" after any such information. It is the applicant's responsibility to ensure this is clearly highlighted on the form. Applicants should also provide a 'non-confidential' version of the form capable of publication on the Commission's website.

The Commission will use information supplied in applications and in support of applications in accordance with the requirements of Part 5 of the *Essential Services Commission Act 2002*. Applicants claiming confidentiality are encouraged to familiarise themselves with Part 5. Applicants should note that the Commission may disclose confidential information in some circumstances.

### **How to lodge an application**

Applicants should send their completed application form in writing and electronically.

- ▲ In writing to: Essential Services Commission of SA  
GPO Box 2605  
Adelaide SA 5001
- ▲ Electronically to: [escosa@escosa.sa.gov.au](mailto:escosa@escosa.sa.gov.au)

### **Application fees and annual licence fees application**

Applicants should also enclose the application fee (presently set by the Minister for Energy at \$1,000 per licence) with their application.



Holding a licence incurs annual licence fees. The licence fees determined by the Minister for Energy are administered by the Commission. At annual intervals, the Commission, on behalf of the Minister, will send to each licensee, depending on the category within the sector, an invoice for the licence fee. Licence fees are to be paid on receipt of an invoice via one of the payment options set out in the invoice.

The initial licence will not be issued until the first annual licence fee (or approved licence fee instalment) has been paid.





## LICENCE APPLICATION FORM

### 1. THE APPLICANT

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*Applicants must answer all questions in this section.*

#### 1.1 Identity of Applicant

State the full name of the applicant. The applicant is the person who will be undertaking the gas retail operations that will be the subject of the licence. Joint applicants should each complete an application form, and submit their application forms at the same time, with a covering letter explaining that a joint application is being made.

**Name:** Origin Energy Retail Limited.

#### 1.2 Legal Identity of Applicant

Provide information about the applicant, (i.e. whether the applicant is a natural person, private limited company or partnership, etc). If the applicant is a body corporate, please also state the jurisdiction in which the applicant is registered, and the applicant's ABN/ACN.

Origin Energy Retail Limited (ABN 22 078 868 425) is a company limited by shares and registered in the state of New South Wales.

#### 1.3 Address and Contact Details of Applicant

Business Address:

Level 6, 1 King William Street.....

ADELAIDE .....

State: South Australia..... Post Code: 5000

Postal Address (if different to Business Address):

Attn: Group Manager – Operations South, LPG .....

Level 45, 264-278 George Street, Sydney .....

State: NSW..... Post Code: 2000.....

Telephone: ..... Facsimile: .....

E-mail: .....





#### **1.4 Contact Person on behalf of Applicant**

The full name, title and contact details of a person to whom the Commission can direct enquiries and correspondence about the application.

Full Name: Mr Marc Sneddon .....

Title: Group Manager, Operations South .....

Business Address: 64 Cavan Road, Cavan.....

State: South Australia ..... Post Code: 5094.....

Postal Address (if different to Business Address):  
.....

State: ..... Post Code: .....

Telephone: 08 8343 0501 ..... Facsimile: .....

E-mail: [marc.sneddon@originenergy.com.au](mailto:marc.sneddon@originenergy.com.au) .....

#### **1.5 Contact Person for Licence Fees**

The full name and/or title of the person to whom the Commission can direct enquiries and correspondence about licence fees.

Full Name: Ms Christina Wilson .....

Title: Group Manager, Risk Compliance & Assurance .....

Business Address: 321 Exhibition Street, Melbourne.....

.....

State: Victoria ..... Post Code: 3000.....

Postal Address (if different to Business Address):  
.....

State: ..... Post Code: .....

Telephone: 03 9652 5441 ..... Facsimile: .....

E-mail: [christina.wilson@originenergy.com.au](mailto:christina.wilson@originenergy.com.au) .....

#### **1.6 Diagram of Corporate or other Structure**

Please attach with this application form details of the corporate or other structure, including details of any related companies within the meaning of the Corporations Act 2001; and a diagram of the organisational chart, including composition of the board, management and other key personnel responsible for the key functions of the business.

Origin Energy LPG Limited is a wholly-owned subsidiary of Origin Energy Limited, an ASX listed company. Details of all Origin Energy group entities can be found in Origin's Annual Report: [http://www.originenergy.com.au/files/2012\\_Annual\\_Report.pdf](http://www.originenergy.com.au/files/2012_Annual_Report.pdf)

Details of the Board composition for Origin Energy Limited can be found on our website: <http://www.originenergy.com.au/1210/The-Board>

The Board of Origin Energy LPG Limited is comprised of Grant King, Karen Moses and Frank Calabria. Management responsibility for the distribution and retailing of LPG is held by Grant King and Frank Calabria.



## 2 THE LICENCE

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*Applicants must answer all questions in this section.*

### **2.1 Date from which Licence is sought**

If the applicant seeks to have the licence issued by a certain date, provide this date. Please note that the Commission does not undertake to issue the licence by this date. Applicants should usually allow the Commission a minimum of eight weeks to consider an application, as a public consultation period of several weeks forms part of the Commission's consideration of licence applications.

31 July 2013.

### **2.2 Nature and scope of operations for which Licence is sought**

Applicants for a gas retail licence must state the nature of the customers to whom they will retail gas (eg small customers (annual consumption <1TJ/annum), or large customers (annual consumption >1TJ/annum), or both). Applicants should also indicate the location of the customers to whom they will sell gas.

Origin intends to retail LPG to small customers located in:

Roxby Downs

Victor Harbour (Rosetta Retirement Village)

Renmark (Jane Eliza Estate)

Port Lincoln

Wallaroo

Cape Jaffa (Cape Jaffa Anchorage)

### **3 SUITABILITY OF APPLICANT TO HOLD A LICENCE**

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*Applicants must answer all questions in this section:*

#### **3.1 Standard of honesty and integrity shown by Applicant**

In deciding whether the applicant is a suitable person to hold a licence, the Commission may:

- ▲ consider the applicant's previous commercial and other dealings, and
- ▲ the standard of honesty and integrity shown in those dealings.

Please provide information that will assist the Commission in its consideration of this matter. If the applicant:

- ▲ has been found guilty of any criminal offence,
- ▲ has been successfully prosecuted under any Territory, State or Commonwealth legislation (such as the Australian Securities and Investments Commission Act 2001 or the Competition and Consumer Act 2010) or
- ▲ has been the subject of disciplinary action,
- ▲ has been the subject of any past or present administrative or legal actions in relation to an authorisation, authority, or licence in any industry,

details of such matters must be disclosed. Failure to disclose such information or misrepresent any matter relevant to such information may result in the cancellation of a licence.

The Commission may use the service of an external expert to assist with the assessment of the applicant's standard of honesty and integrity.

Origin does not comment on past, current and potential proceedings or prosecutions. To the extent discloseable under relevant laws or the ASX Listing Rules, these have been disclosed either in the financial statements or to the ASX.

#### **3.2 Standard of honesty and integrity shown by Officers and major shareholders of Applicant**

Applicants should address responses to this question in the same manner as 3.1 above except here it relates to officers and major shareholders of the applicant.

Please also supply details of any policies and procedures addressing the probity and competence of officers and other key management staff.

To the extent of our knowledge, no officers have been found guilty of any criminal offence or prosecuted, however we have not made any independent enquiries of such. In addition,



Origin Energy Limited is publicly listed with approximately 170,000 shareholders, the top 20 of which are listed in the Annual Report. We do not provide any comments on shareholders.

In relation to policies and procedures addressing the probity and competence of officers and other key management staff, we refer to the Code of Conduct and other governance documents provided on Origin Energy Limited's website at [www.originenergy.com.au](http://www.originenergy.com.au).

### 3.3 Names and addresses of the Officers of Applicant

State the names and addresses of the officers of the applicant. "Officers" of the applicant include the applicant's directors and secretary, and other persons who make or participate in making decisions that affect a substantial part of the business of the applicant.

Full Name: Grant Alfred King .....  
Date of Birth: [REDACTED]4..... Office Held: Director .....  
Address: Level 45, 264-278 George Street, Sydney .....  
State: NSW ..... Post Code: 2000.....

Full Name: Frank Gerard Calabria .....  
Date of Birth: [REDACTED] ..... Office Held: Director .....  
Address: Level 45, 264-278 George Street, Sydney .....  
State: NSW ..... Post Code: 2000.....

Full Name: Karen Anne Moses .....  
Date of Birth: [REDACTED] ..... Office Held: Director .....  
Address: Level 45, 264-278 George Street, Sydney .....  
State: NSW ..... Post Code: 2000.....

Full Name: Andrew Campbell Clarke .....  
Date of Birth: [REDACTED] ..... Office Held: Secretary .....  
Address: Level 45, 264-278 George Street, Sydney .....  
State: NSW ..... Post Code: 2000.....

### 3.4 Names and addresses of major shareholders of Applicant

State the full names and addresses of the major shareholders of the applicant

Origin Energy Retail Limited is a wholly-owned subsidiary of Origin Energy Holdings Pty Ltd (ABN 30 004 132 423), which is a wholly-owned subsidiary of Origin Energy Limited.



Details of all Origin Energy group entities can be found in Origin's Annual Report:  
<http://www.originenergy.com.au/1770/Results-reports>.

### **3.5 Details of the group members**

This is information about entities controlled by the applicant, or by the ultimate parent entity of the applicant (if applicable).

Origin Energy Retail Limited is a wholly owned subsidiary of Origin Energy Limited.

Further information regarding the corporate structure of Origin Energy Limited can be found at <http://www.originenergy.com.au/1770/Results-reports>

### **3.6 Additional information**

Please answer the following questions and, where the answer to any question is "no", provide further detail.

▲ Is the applicant a resident of, or does it have permanent establishment in, Australia?

Yes

▲ Is the applicant under external administration (as defined in the Corporations Act 2001) or under a similar form of administration under any laws applicable to it in any jurisdiction?

No

▲ Is the applicant immune from suit in respect of the obligations under the Gas Act 1997?

No

▲ Is the applicant capable of being sued in its own name in a court of Australia?

Yes

### **3.7 Financial resources available to the Applicant**

Provide information about the financial resources available to the applicant. If the applicant is a company, please also enclose:

- ▲ copies of all audited profit and loss statements and balance sheets for the last three financial years (including all notes), and
- ▲ director's declaration that the financial statements comply with accounting standards, give a true and fair view, have been made in accordance with the Corporations Act and that there are reasonable grounds to believe the company/entity will be able to pay its debts as and when they fall due; and
- ▲ the director's report and the audit opinion.

If the applicant is a subsidiary company, please also provide:

- ▲ copies of all audited profit and loss statements and balance sheets of the applicant's parent company for up to the last three financial years.



The applicant should also submit copies of:

- ▲ its business plans including at least strategic direction and objectives, identified opportunities in the market place and forecast results; and
- ▲ evidence of capital and liquidity support in place, including any bank or cross guarantees, to support the business and evidence of negotiations with the network service provider concerning credit support arrangements.

Origin Energy Retail Limited is a wholly owned subsidiary of Origin Energy Limited. Origin Energy Limited has received a credit rating of BBB/stable from Standard & Poor's Rating Systems (Baa2/stable from Moody's) and is an ASX Top 20 company by market capitalisation.

Origin Energy Retail Limited is a part of a Class Order under the Corporations Act (covered by deed of cross guarantee) and is relieved from preparing stand alone financial statements. Its results are included in the Origin group consolidated accounts. Details of those entities granted relief under the Class Order can be found in the Annual Financial Statements of Origin Energy Limited in the Controlled Entities Note.

Annual financial reports for Origin Energy Limited are available at <http://www.originenergy.com.au/1770/Results-reports> and detail the capital and liquidity support available to the applicant, including any cross-guarantees.

Origin Energy has diverse operations spanning across the energy supply chain; from gas exploration and production to power generation and energy retailing. Origin has 4.3 million customers and is the largest energy retailer in Australia. The distribution and sale of reticulated LPG has minimal impact on the strategic direction and business plans of the Group.

### **3.8 Additional Details of Structure of Applicant**

If the applicant is part of a group of related companies, and/or party to a partnership, joint venture or alliance agreement with another company, please provide:

- ▲ contractual arrangements (e.g. alliance contracts, associate contracts, establishment contracts) that define relationships within the group – including shared resources, guarantees, revenue flows, obligations and or responsibilities.

Origin Energy Limited has published a number of governance documents on its website at [www.originenergy.com.au](http://www.originenergy.com.au). These apply equally to all members of the corporate group, including the applicant.

### **3.9 Human resources available to the Applicant**

Provide information about the human resources available to the applicant. This includes:

- ▲ the experience and qualifications of those employees outlined in the organisational chart (see point 1.6);



- ▲ if the applicant will employ contractor/s to assist with the licensed operations, the name of that contractor/s, details about the experience of the contractor/s in such operations and details of the processes in place to ensure the contractor/s complies with the regulatory obligations imposed by the licence; and

Information on the experience and qualifications of Origin's Directors and members of the Executive Management Team are disclosed in Origin Energy Limited's 2012 Annual Report and are also available on our website.

### **3.10 Technical resources available to the Applicant**

Applicants for a gas retail licence are asked to provide details of the systems and processes to be used to manage wholesale exposures, to market to customers, to provide bills, to deal with customer complaints and dispute resolution, follow up payments and process customer move-ins and move-outs.

Where applicants are relying on a third party to provide staff and resources to meet the technical requirements of the retail licence, please provide:

- ▲ a list of all functions and activities being proposed to outsource;
- ▲ details of any formal agreement/s to provide services, including confirmation that the third party possess relevant technical competencies to conduct the proposed activities;
- ▲ a summary of the third party's technical capacity to meet relevant obligations, including relevant accreditations; and
- ▲ a summary of the third party's experience and knowledge in the relevant area.

Origin manages its risk exposure in energy markets through a combination of natural hedges in the business, contracts and financial hedges.

Marketing to customers is managed internally through a dedicated team responsible for communications with customers and other stakeholders.

Origin has dedicated call centre and operational staff to deal with all customer queries and complaints. Details of how to contact Origin are provided on our website <http://www.originlpg.com.au/view.aspx>.

Origin has a formal agreement in place with Wipro to provide the following functions in regard to retailing of reticulated LPG in South Australia:

- ▲ Establishment and Billing of customers
- ▲ Credit and Collections
- ▲ Receipting

Wipro is a global information technology, consulting and outsourcing company with 145,000 employees serving over 900 clients in 54 countries. The company posted revenues of \$7.95 billion for the financial year ended Mar 31, 2013.



Further details regarding Wipro's experience and knowledge in the utilities sector can be found on their website <http://www.wipro.com/industries/utilities/>

### **3.11 Risk Management**

Provide confirmation and reasonable evidence that the applicant's management has identified the risks associated with electricity operations and has established, utilises and relies upon risk management systems and processes which are adequate, accurate and current to address those risks. A copy of the applicant's risk management strategy should be submitted.

Origin Energy's Risk Management Policy is published on Origin's website <http://www.originenergy.com.au/1438/Our-policies>

### **3.12 Registration with AEMO**

Please advise if the applicant will apply to register with AEMO. If so, provide details.

Origin Energy Retail Limited is currently registered with AEMO.

### **3.13 Ability to Meet Contractual Obligations**

The Commission is also required to consider whether an applicant for a retail licence will be able to meet reasonably foreseeable obligations under contracts for the sale of gas. The Commission will usually be satisfied that the applicant will be able to meet such reasonably foreseeable obligations if the applicant can demonstrate that it either:

- (a) has a long-term credit rating of BBB or greater with Standard and Poors, Moody or equivalent, or
- (b) is registered as a Market Participant by AEMO, or
- (c) has operated as a licensee and held a retail licence in another Australian jurisdiction for a period of at least 2 years.

The Commission therefore asks that applicants for a retail licence provide this information in addition to the financial information provided in 3.7 above.

Origin Energy Limited has a long-term credit rating of BBB/stable with Standard and Poor's .

Origin Energy Retail Limited is a registered Market Participant by AEMO.

Origin Energy Retail Limited previously held a gas retail licence in South Australia and currently holds licences in other jurisdictions: see 3.14 and 3.16 below.

### **3.14 Licences held by the Applicant in other Australian jurisdictions.**

If the applicant holds, or has previously held, electricity or gas licences in other Australian jurisdictions please provide details. If a licence previously held has been suspended or cancelled, please provide details.

State	Licence Held
Vic	Gas Retail Licence
Qld	Area Retail Authorities
Qld	General Retailer Authority
Tas	LPG Retail Licence
ACT, SA, Tas	Authorised Gas Retailer

### **3.15 Previous unsuccessful licence applications in other Australian jurisdictions**

Please state whether the applicant has applied for an electricity or gas licence in another Australian jurisdiction and not been issued with a licence, and provide details if relevant.

To the best of our knowledge, we are unaware of any instance where Origin has been denied an electricity or gas licence, in any Australian jurisdiction and for any Origin entity.

### **3.16 Licences held by Associates of the Applicant**

If an associate of the applicant (within the meaning of the Corporations Act) holds an electricity or gas licence in South Australia or in other Australian jurisdictions, please provide details.

Entity	State	Licence Held
Origin Energy Electricity Limited	Vic	Electricity Retail Licence
	Qld	Retail Authority
	NSW	Electricity Retailer Supplier Licence
	ACT	Authorised Electricity Retailer
	SA	Authorised Electricity Retailer
	Tas	Authorised Electricity Retailer
Origin Energy (Vic) Pty. Ltd.	Vic	Gas Retail Licence
Origin Energy LPG Limited	NSW	Gas Suppliers Authorisation
	NSW	Gas Distributors Licence
	SA	Authorised Gas Retailer
	ACT	Authorised Gas Retailer
Sun Retail Pty. Ltd.	Vic	Electricity Retail Licence
	Qld	Retail Authority
	NSW	Electricity Retailer Supplier Licence
	ACT	Authorised Electricity Retailer



	ACT	Authorised Gas Retailer
Cogent Energy Pty. Ltd.	Vic	Electricity Retail Licence
	NSW	Electricity Retailer Supplier Licence
	SA	Authorised Electricity Retailer

### **3.17 Compliance Plans**

Applicants are required to submit a copy of their Compliance Plan which demonstrates how the compliance systems the applicant has (or will have) in place will ensure compliance with all of the applicable regulatory obligations imposed by the relevant licence.

Compliance is a part of Origin's risk management framework. Oversight of the compliance function rests with the Chief Risk Officer and is reported to the Board Risk Committee.

The charter of Origin's Board Risk Committee can be found on our website: <http://www.originenergy.com.au/3354/Risk-committee>.

### **3.18 Additional Information**

The Commission encourages applicants to provide any additional information they consider would be of assistance in supporting the application. Please provide below.

Origin Energy Retail Limited currently retails LPG to customers in South Australia and held a Retail Licence in South Australia from February 2000 (the licence had previously been granted to Boral Energy Electricity Limited in September 1998).

#### **4 FACTORS SPECIFIED IN THE ESSENTIAL SERVICES COMMISSION ACT 2002**

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In considering a licence application, the Commission must have as its primary objective protection of the long term interests of consumers with respect to the price, quality and reliability of electricity supply, and must also have regard to the need to:

- (a) promote competitive and fair market conduct;
- (b) prevent misuse of monopoly or market power;
- (c) facilitate entry into relevant markets;
- (d) promote economic efficiency;
- (e) ensure consumers benefit from competition and efficiency;
- (f) facilitate maintenance of the financial viability of regulated industries and the incentive for long term investment;
- (g) promote consistency in regulation with other jurisdictions.

If the applicant believes that information about their application would assist the Commission in its consideration of these factors, the applicant should provide such information below.

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#### **5 APPLICATION FEES**

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Applicants for a licence must pay the Commission an application fee fixed by the Minister for Energy from time to time. This fee is presently set at \$1000 per licence. Please enclose this fee with the application. An application cannot be considered until this fee has been received.





## 6 DECLARATION

All information in this application for the issue of a licence to authorise gas retail operations (in the gas supply industry in South Australia must be verified by a Statutory Declaration of the applicant, in accordance with the provisions of the *Oaths Act 1936* (SA)<sup>1</sup>, stating that the information contained in the application is true and correct to the best of the applicant's knowledge, information and belief.

Where the applicant is a body corporate, evidence of the relevant authority of the declarant to sign on behalf of the body corporate must also be provided to the Commission<sup>2</sup>.

### Statutory Declaration

I ..... FRANK CALABRIA .....  
of ..... Level 45, 261-278 George Street, Sydney .....

do solemnly and sincerely declare that the information contained in this Application for the issue of a licence to authorise gas retail operations in the gas supply industry in South Australia is true and correct to the best of my knowledge information and belief.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936*.

Date ..... 29/5/13 .....  
Signature ..... [Handwritten Signature] .....

(Where the applicant is a body corporate, the declaration must be made by a person authorised by body corporate to sign on its behalf)

Declared at: MELBOURNE ..... this 29<sup>TH</sup> day of MAY 2013

Before me: ..... [Handwritten Signature] .....

(Signature of Justice of the Peace or other person authorised under the *Oaths Act 1936*)

AMANDA LOUISE BARNETT  
Barrister & Solicitor of  
The Supreme Court of Victoria

<sup>1</sup> or equivalent legislation in other Australian jurisdictions.

<sup>2</sup> The Commission will accept a copy of a Board minute (or circulating resolution) giving approval for the declarant to sign on behalf of the applicant as evidence of this relevant authority.