



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

**August 2011**





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Application form for the issue of a Gas Distribution Licence by the  
Essential Services Commission of SA under the Gas Act 1997

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## **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 distribution 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.





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 distribution 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 LPG 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 LPG Limited (ABN 77 000 508 369) 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:

ADELAIDE .....

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





Postal Address (if different to Business Address):

[Redacted]

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: [Redacted] .....

Title: [Redacted] .....

Business Address: [Redacted] .....

State: [Redacted] ..... Post Code: [Redacted] .....

Postal Address (if different to Business Address):

.....

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

Telephone: [Redacted] ..... Facsimile: .....

E-mail: [Redacted] .....

**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: [Redacted] .....

Title: [Redacted] .....

State: [Redacted] ..... Post Code: [Redacted] .....

Postal Address (if different to Business Address):

.....

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

Telephone: [Redacted] ..... Facsimile: .....

E-mail: [Redacted] .....

### **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: [REDACTED]

Details of the Board composition for Origin Energy Limited can be found on our website: [REDACTED]

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 distribution licence must state the location of the distribution system, the expected capacity of the distribution system, the type of distribution system and some details about how the distribution system is to supply the retail network. Applicants should attach a map showing the proposed route for the network.

| Location       | Capacity | Maps         |
|----------------|----------|--------------|
| Roxby Downs    |          | Attachment 1 |
| Victor Harbour |          | Attachment 2 |
| Renmark        |          | Attachment 3 |
| Port Lincoln   |          | Attachment 4 |
| Wallaroo       |          | Attachment 5 |
| Cape Jaffa     |          | Attachment 6 |

In each case, the LPG network is supplied from central storage facilities which are connected to a system of pipe work, regulators, valves, meters etc and reticulated through public roads and footpaths to a meter position on the customer property.



### 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.

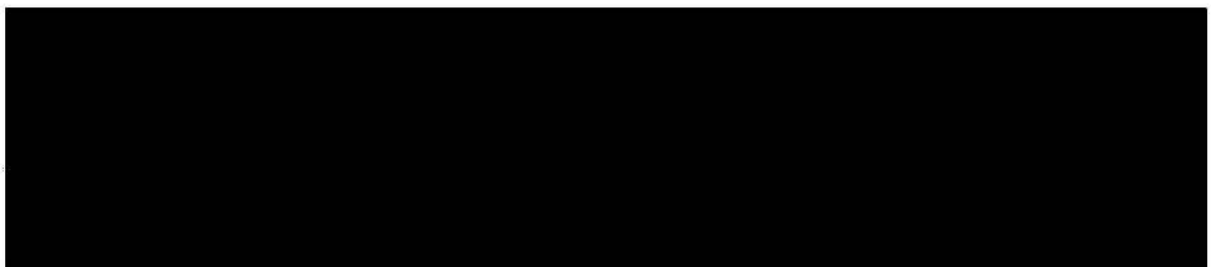
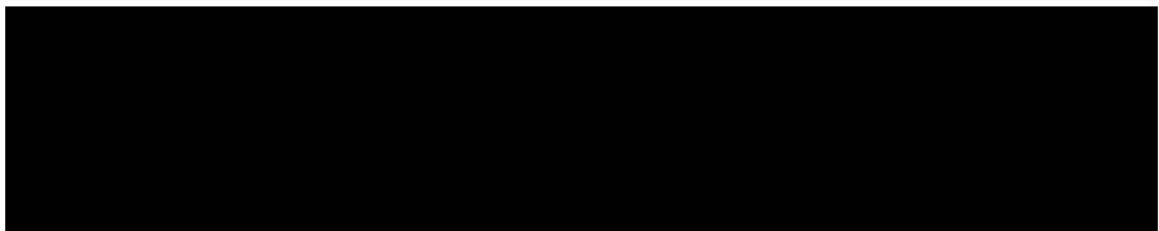
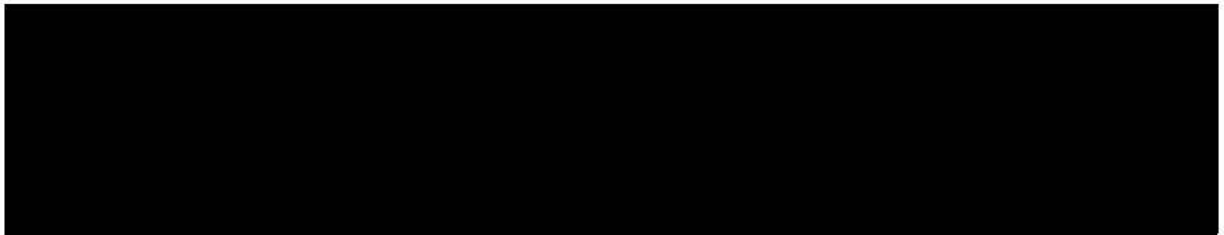
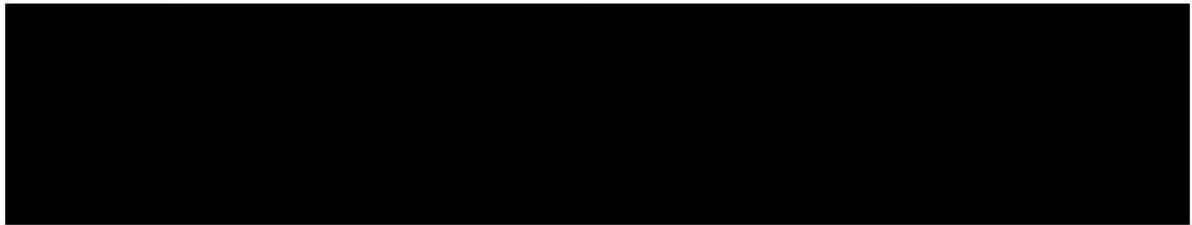
To the extent of our knowledge, no officers have been found guilty of any criminal offence or prosecuted, however we have not made any independent enquiries of such. In addition, Origin Energy Limited is publicly listed with approximately 170,000 shareholders, the top 20

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.



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

Details of all Origin Energy group entities can be found in Origin's Annual Report:

[REDACTED]

### **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 LPG Limited is a wholly owned subsidiary of Origin Energy Limited.

Further information regarding the corporate structure of Origin Energy Limited can be found [REDACTED]

### **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 LPG 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 LPG 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 [REDACTED] 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 generation licence are asked to provide details about the availability of technical resources to be used in carrying out the operations for which a licence is sought. The information should include details about the technically qualified staff available to the applicant and (if relevant) details of experience gained in similar operations.

Where applicants are relying on a third party to provide staff and resources to meet the technical requirements of the distribution 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's LPG business is a major distributor of LPG and a market leader in providing gas services to residential, commercial, industrial, rural and automotive markets in Australia and Asia Pacific.

Origin's engineering team supports the LPG business with engineering solutions and technical advice. They assist with terminal improvements through the Management of Change process and are involved with the design, construction or modification and the commissioning of all small projects.

The engineering team provides advice regarding technical queries, best practice, engineering calculations and guidance to meet standards, and is able to locate technical experts when required.

Origin's Engineering Standards define engineering or technical criteria, methods and practices and establishes the requirements for their use and application. This ensures compliance with business requirements, legislation, regulation and any applicable ISO standards.

Origin has a formal agreement in place with APA Group to provide services in support of the management of our reticulated metered assets, including:

Management and Supervision

Training Service

Emergency Response Service

Procedure Manuals

R&M Maintenance Service

Dial Before You Dig service & Mapping Service

Capital Works Construction Service

Obourant Testing

Regulator/Meter Pressure Checks

Periodic Meter Changes

Leak Survey of Assets.

APA Group is Australia's largest natural gas infrastructure business, owning and/or operating \$12 billion of energy assets. Its gas transmission pipelines span every state and territory in mainland Australia, delivering approximately half of the nation's gas usage. APA has direct management and operational control over its assets and investments. APA also has ownership interests in, and operates, the Envestra and the Allgas gas distribution networks, which together have approximately 25,000 kilometres of gas mains and approximately 1.2 million gas consumer connections.

### **3.11 Safety of Network**

The Commission may not issue a distribution licence unless it is satisfied that the distribution network (or the proposed network) will have the necessary capacity for distributing gas safely. Applicants are therefore asked to verify that the network has been (or will be) developed in accordance with relevant Australian Industry Codes and Australian Standards.

The distribution systems have been developed in accordance with relevant Australian Industry Codes and Australian Standards. The distribution systems have been designed by Australian Pipelines Association (APA) to distribute LPG from storage tanks.

The applicant owns and maintains the LPG storage facility, all gas pipes and Customer Billing Meters up to the outlet of each meter.

### **3.12 Risk Management**

Provide confirmation and reasonable evidence that the applicant's management has identified the risks associated with gas 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>

### **3.13 Development Act Approval**

Please advise if the applicant has or is applying for approval under the *Development Act 1993* (SA). If so, provide details, including the date on which approval was or will be granted.

To the best of our knowledge, the applicant has not applied, nor is applying for, approval under the *Development Act 1993* (SA).

### **3.14 Registration with AEMO**

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

Origin Energy LPG Limited is currently registered with AEMO.

### **3.15 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                        |
|------------|-------------------------------------|
| NSW        | Natural Gas Suppliers Authorisation |
| NSW        | Gas Distributors Licence            |
| ACT and SA | Authorised Gas Retailer             |

### **3.16 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.

### 3.17 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 Retail Limited      | Vic   | Gas Retail Licence                    |
|                                   | Qld   | Area Retail Authorities               |
|                                   | Qld   | General Retailer Authority            |
|                                   | ACT   | Authorised Gas Retailer               |
|                                   | Tas   | LPG Retail Licence                    |
|                                   | Tas   | Authorised Gas Retailer               |
|                                   | SA    | Authorised Gas Retailer               |
| Origin Energy Tasmania Pty. Ltd   | Tas   | Gas Distribution Licence              |
| 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       |
|                                   |       |                                       |



### **3.18 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>.

### **3.19 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 LPG Limited held a distribution licence exemption in South Australia since 1 January 2003, and currently distributes LPG to customers in South Australia.

#### **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

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All information in this application for the issue of a licence to authorise gas distribution 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***

[Redacted]

do solemnly and sincerely declare that the information contained in this Application for the issue of a licence to authorise gas distribution 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*.

[Redacted]

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

[Redacted]

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

[Redacted]

<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.

