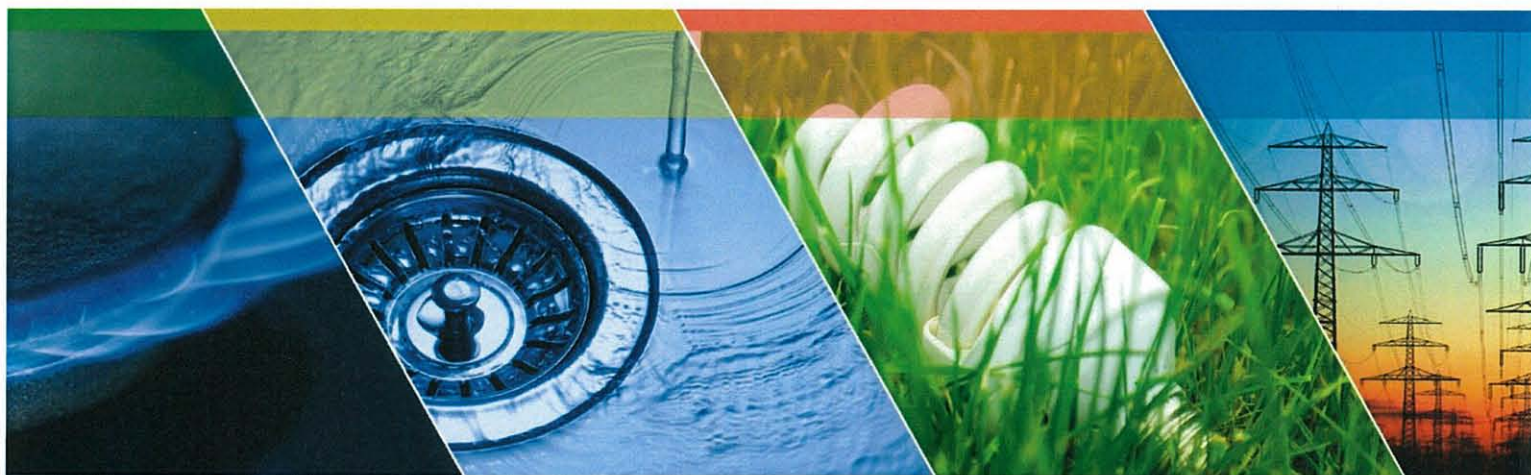


APPLICATION FORM FOR THE ISSUE OF A LICENCE BY THE ESSENTIAL SERVICES COMMISSION OF SA UNDER THE WATER INDUSTRY ACT

Application Form

THIS REGULATORY DOCUMENT SHOULD BE READ IN CONJUNCTION
WITH THE FINAL ADVICE



Essential Services Commission of South Australia
GPO Box 2605
Adelaide SA 5001

Facsimile: (08) 8463 4449
Telephone: (08) 8463 4444
Freecall: 1800 633 592 (SA and mobiles only)
E-mail: licensing@escosa.sa.gov.au
Web: www.escosa.sa.gov.au

<i>Issue No.</i>	<i>Commencement Date</i>	<i>Pages</i>
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INFORMATION FOR APPLICANTS BEFORE FILLING OUT THIS FORM

Purpose of this form

This form is to be completed by persons making an application to the Essential Services Commission of South Australia (the **Commission**) for the issue of a licence to provide a retail service (or undertake any other activity for which a licence is required by the regulations) in the water industry in South Australia.

The Commission may 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 19(1) of the *Water Industry Act 2012* (the **Act**) provides that an application for the issue of a licence must be made to the Commission in a form approved by the Commission. This is the form approved by the Commission.

Use of this form and applicant's responsibility

For the purpose of this application form, a reference to the term "Officer" include the applicant's directors and secretary, and/or 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. 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 information. 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. This may cause delays in the assessment of the application.

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Prior reading

It is essential that licence applicants read the Commission's Water Bulletin – "*Licensing Arrangements for the Water Industry*" before they fill out this form. This Bulletin is available on the Commission's website www.escosa.sa.gov.au under water/licensing. Applicants should also familiarise themselves with the regulatory obligations set out in the Act and the Water Retail Code that will apply to entities that provide retail services.

Licence conditions

Section 25 of the Act requires the Commission to impose 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. The Commission will have regard to the scale and nature of the operations undertaken by an applicant in imposing these conditions and will be available to consult with an applicant in this regard.

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 be required to disclose confidential information in some circumstances.

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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: licensing@escosa.sa.gov.au

Application fee

Applicants must also enclose an application fee (which is to be set by the Treasurer) with their application. This fee must be received by the Commission in cleared funds before it can commence assessing an application.

Annual licence fee

Holding a licence incurs an annual licence fee. The licence fees are set by the Treasurer, however, are collected by the Commission. At annual intervals, the Commission, on behalf of the Department of Treasury and Finance, will send to each licensee an invoice for the relevant annual licence fee. Licence fees are to be paid on receipt of an invoice via one of the payment options set out in the invoice.

A licence cannot be issued until the first annual licence fee has been paid.

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1. THE APPLICANT

Applicants must answer all questions in this section.

1.1. Identity of applicant

State the full name of the applicant. The applicant should be the person/entity that will be providing a retail service (e.g. retail or distribution operations etc). The Commission can also consider joint applications from two or more persons who wish to jointly hold 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: Rural City of Murray Bridge

1.2. Legal identity of applicant

Provide information about the applicant, (i.e. whether the applicant is a natural person, proprietary limited or public company, partnership or local government body 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.

A body corporate under the Local Government Act

ABN 90 501 266 817

1.3. Address and Contact Details of applicant

Business Address:

2 Seventh Street
Murray Bridge

State: SA **Post Code:** 5253

Postal Address (if different to Business Address):

PO Box 421 Murray Bridge

State: SA **Post Code:**

Telephone: 8539 1100

Facsimile: 8532 2766.....

E-mail: council@murraybridge.sa.gov.au

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.

Application form for the issue of a licence by the Essential Services Commission of SA under the Water Industry Act 2012

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Full Name: Peter Bond

Title: CEO

Business Address:
2 Seventh Street
PO Box 421 Murray Bridge

State: SA..... **Post Code:** 5253

Postal Address (if different to above):
PO Box 421 Murray Bridge

State: SA **Post Code:** 5253

Telephone: 8539 1174

Facsimile: 8532 2766

E-mail: p.bond@murraybridge.sa.gov.au

1.5. Contact person for licence fees

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

Full Name: Simon Bradley

Title: General Manager Infrastructure & Environment

Business Address:
2 Seventh Street
PO Box 421
PO Box 421 Murray Bridge

State: SA **Post Code:** 5253

Postal Address (if different to above):
Murray Bridge.....

State: SA **Post Code:** 5253

Telephone: 8539 1100

Facsimile: 8532 2766

E-mail: s.bradley@murraybridge.sa.gov.au

2. THE LICENCE

Applicants must answer all questions in this section.

2.1. *A detailed description of the retail services for which a licence is sought*

For example:

Water: drinking- residential and/or non-residential;

Water: non-drinking – residential and/or non-residential;

Sewerage: residential and/or non-residential; and

Sewerage – trade waste – non-residential.

Applicants should provide detailed information in respect of where the retail services will be provided and to whom (i.e. type and number of customers)

1. Riverglen Community Waste Water Management Scheme and Water Supply

Water: drinking- residential/or non-residential; Marina supply house boats

30 residential & 74 connections with 109 houseboat berths sites

Sewerage: residential and/or non-residential; Pump out station and vacuum system for house boats 30 residential & 74 connections with 109 berths

2. Woodlane Community Waste Water Management Scheme and Water Supply

Water: drinking- residential; 58 connections plus a public toilet

Sewerage: residential; 58 connections plus a public toilet

2.2. *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.

January 1st 2013

3. SUITABILITY OF APPLICANT TO HOLD A LICENCE

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,*
- 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.

Rural City of Murray Bridge's activities is governed by the Local Government Act 1999 and a number of other state acts and regulations. These set out a vast array of items that we need to comply with as well as a number of procedures and policies that we need to develop. We also need to comply with Australian Standards, Codes of Practice etc.

The Council has not and never been convicted under any State/Commonwealth Criminal Offence.

We are subject to the scrutiny of an external auditor on an annual basis as well as the Office of State Local Government Relations. If residents are unhappy with any of Council's activities they can contact the SA Ombudsman. Council has an excellent record with virtually no contact about us to the Ombudsman, no Freedom of Information applications, a good report from our Auditor, no problems with the Minister nor the Office of State Local Government Relations and no actions taken against us by any other body.

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Riverglen Licence number EPA 20583 - was given an Environment Improvement Program (EIP) relating to the effluent disposal field due to the observation of uneven vegetation growth on the soil surface within the vicinity of a particular bank of soakage trenches.(condition number 310-165) Document number – SF 08/202 EIP30112008 Repairs have been completed as required.

Woodlane Licence number EPA 20584 - A faulty electronic hour meter caused a spill in September 2010 with effective clean up in line with Code of Practice for Wastewater Code of Practice. A SCADA system has now been installed.....

3.2. *Standard of honesty and integrity shown by officers and major shareholders (if relevant) of the applicant*

Applicants should address responses to this question in the same manner as 3.1 above.

Council's CEO and senior Managers are employed by council on fixed term contracts that include clauses that relate to complying with Council's Staff Code of Conduct and carrying out and performing their duties:

- o Lawfully;
- o With proper decorum;
- o To the best of their ability and judgment; and
- o To the reasonable satisfaction of the Council

They must:

Promote the aims and objectives of the Council

At all times comply with the Act and any other legislation applying to matters within the scope of the MTS's employment;

Comply with relevant Council policies in force from time to time.

Not have any Conflict of Interests

They all undertake annual Performance Reviews.

Their Contracts may be terminated by the Council without notice and without pay in lieu of notice in the event of:

- (i) The Manager being convicted of a criminal offence (other than an offence which, in the reasonable opinion of Council, does not affect his position as an employee of Council);
- (ii) Serious and wilful misconduct by the Manager;
- (iii) Serious neglect of duty by the Manager amounting to gross incompetence;
- (iv) Bankruptcy of the Manager;
- (v) The Manager becoming of unsound mind; or
- (vi) The Manager committing a persistent breach of the terms of this Contract

Council's CEO and senior managers are very experienced local government officers who are respected by their peers and the local community. They have had no issues relating to court or prosecutions.

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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, or other persons who make or participate in making decisions that affect a substantial part of the business or operations of the applicant that will be licensed.

Full Name: Peter Bond

Date of Birth:

Office Held: CEO.....

Business Address:

2 Seventh Street Murray Bridge.....

State: SA **Post Code:** 5253

Full Name: David Allen

Date of Birth:

Office Held: Manager Civil Operations

Business Address:

2 Seventh Street Murray Bridge.....

State: SA **Post Code:** 5253

Full Name: Ros Kruger.....

Date of Birth:

Office Held: Executive Officer.....

Business Address:

2 Seventh Street Murray Bridge.....

State: SA **Post Code:** 5253

(attach additional pages if necessary)

**3.4. *Names and addresses of major shareholders of
applicant (not relevant for local council applicants)***

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

Full Name:

Date of Birth (if applicable):

Office Held:

Business Address:
.....

State: **Post Code:**

Full Name:

Date of Birth (if applicable):

Office Held:

Business Address:
.....

State: **Post Code:**

Full Name:

Date of Birth (if applicable):

Office Held:

Business Address:
.....

State: **Post Code:**

(attach additional pages if necessary)

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3.5. Details of the group members (not relevant for local council applicants)

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

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3.6. Additional information

Please answer the following questions.

- *Is the applicant a resident of, or does it have permanent establishment in, Australia? If the answer to this question is "no", please provide further details.*

Yes

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- *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? If the answer to this question is "yes", please provide further details.*

Not Applicable

.....

- *Is the applicant immune from suit in respect of the obligations under the Water Industry Act 2012? If the answer to this question is "yes", please provide further details.*

No

.....

- *Is the applicant capable of being sued in its own name in a court of Australia? If the answer to this question is "no", please provide further details*

Yes

.....

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3.7. Financial resources available to the applicant

Provide information about the financial resources available to the applicant which provides sufficient evidence of the current and ongoing financial capacity of the applicant to effectively provide the relevant retail services (e.g. bank guarantees, credit history and business continuity arrangements).

If the applicant is a company, please enclose a copy of the audited (and Board approved) profit and loss statement and balance sheet for the previous two financial years, including the director's report and the audit opinion. If the applicant is a subsidiary company, please also provide a copy of the audited profit and loss statement and balance sheet of the applicant's parent company for the previous two financial years.

If an applicant is a local council, please enclose a copy of the audited profit and loss statement and balance sheet for the previous two financial years.

Applicants should also submit copies of business plans which detail the strategic direction of the applicant, including its objectives, identified opportunities in the market place and forecast results.

See attached Financial Statements as required

Financial Statements 2011/12

Annual Business Plan 2012/13.....

Draft Strategic Management Plan 2011 - 2015

Financial Statement 2011/12

Adoption of Financial Business Plan 2012

3.8. Human resources available to the applicant

Provide information about the human resources available to the applicant, for example, the number of employees and the experience of these employees in providing the services for which the licence is sought. If the applicant will employ contractor/s to assist with the licensed operations, please provide the name of that contractor/s, and details about the experience of the contractor/s in such operations and details of the processes in place to ensure the contractor/s will comply with the regulatory obligations imposed by the licence.

Abtech Environmental Services Pty Ltd

6-10 Leith Street

Wingfield SA 5013

PHONE: (08) 8243 0633 FAX: (08) 8341 1398

E-mail: abtech@abtech.net.au

A.B.N. 72007 151 011

Abtech has been in the water treatment business since 1974.

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A South Australian company, Abtech Environmental Services Pty Ltd, design, manufacture and supply water treatment equipment from our Wingfield premises in Adelaide.

Hydramet (SA) Pty Ltd

ABN 20073532028

P.O. Box 338

Melrose Park SA 5039

29 Deloraine Road, Edwardstown

Phone: (08) 8374 7800

Fax: (08) 8374 7899

Hydramet is an Australian water treatment company, with a strong focus on chlorination, disinfection and chemical dosing including sodium hypochlorite, fluoride & Calgon.

Riverglen Marina employees are trained in the operation of the CWMS/Water since inception of the scheme including ongoing training.

Local contractors in electrical and plumbing fields are utilised on occasions when minor issues arise.

- Manager Civil Operations Dave Allen – with 30 years experience for the Rural City of Murray Bridge and operational staff attending minor issues outside contracts..

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3.9. *Technical resources available to the applicant*

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

Applicants must also provide sufficient details of the systems and processes to be used to market and/or communicate with customers, to provide bills, to follow up payments and process customer move-ins and move-outs and deal with customer enquiries and complaints.

Council has a Technical Services Department that consists of:

Manager Civil Operations

Team Leader Infrastructure

Assets Systems Coordinator

Technical Officer Survey & Design

4 Works Supervisors

Council's Development & Inspectorial Services Department includes:

Manager Health, Building and Compliance

2 x Environmental Health Officers

All of these staff has considerable knowledge as to how CWMS systems are supposed to operate with most of them having considerable experience in how our systems do operate.

See attachments

Corporate Rating Policy 2012

Rates and Billing Processes

Walbridge & Gilbert Report on Riverglen 2008.....

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3.10. Contracts

Applicants must provide reasonable evidence that they are able to meet reasonably foreseeable obligations under contracts for the sale and supply of water or the sale or supply of sewerage services (or both) as the case may be. Such contracts would include contracts whereby the applicant is reliant on a supply of water or specific sewerage service from a third party which is intends to on sell to its customers.

Our sites are licensed by the EPA and we have no issues. Our CWMS schemes only take effluent from the household. We do not on sell any of the treated water to any third parties.

See attachments.....

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3.11. *Suitable and appropriate infrastructure*

The Commission may not issue a licence unless it is satisfied that the infrastructure to be used in connection with the relevant service is appropriate for the purposes for which it will be used.

Applicants are therefore asked to provide a detailed description of the infrastructure that will be utilised by the applicant in providing the retail services for which the licence is sought and verify that the infrastructure has been (or will be) developed in accordance with relevant Australian Industry Codes and Australian Standards with reference to technical specifications or reports.

If an applicant does not own the infrastructure to be used in delivering the relevant retail services, the applicant must provide information regarding the appropriateness of that infrastructure and of the binding arrangements that are (or will be) in place with the owner of the infrastructure in regards to the use of the infrastructure.

All relevant documentation is linked to EPA Licence numbers – 20583 & 20584

Council owns the entire infrastructure that is used in the 2 CWMS and Water schemes The CWMS schemes were all properly designed and developed in accordance with relevant Australian Industry Codes and Australian Standards with reference to technical specifications.....

SCADA is now connected with electrical and programming upgrades, network/online access to system status, upgrade alarm systems to on-line notification, replace irrigation pumps, replace/upgrade flow meters reducing the risk of extended faults.

3.12. *Risk management*

Provide confirmation and reasonable evidence that the applicant's management has identified the risks associated with the retail services it intends to provide 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.

The Risk Management Plan is being drafted to incorporate the recently installed telemetry system.....

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3.13. Licences held by the applicant in other Australian jurisdictions

If the applicant holds, or has previously held, a retail services licence or equivalent in other Australian jurisdictions please provide details. If a licence previously held has been suspended or cancelled, please provide details.

Not applicable

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3.14. Previous unsuccessful licence applications in other Australian jurisdictions

Please state whether the applicant has applied for a water retail licence or equivalent in another Australian jurisdiction and not been issued with a licence, and provide relevant details.

Not applicable

.....

.....

3.15. Licences held by associates of the applicant

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

Not applicable

.....

.....

3.16. Compliance program

Applicants are required to submit a copy of their Compliance Program which details what compliance systems the applicant has (or will have) in place and a description of how these systems will ensure compliance with the applicable regulatory obligations imposed by a licence and the Water Retail Code. The Commission expects that a Compliance Program will, as a minimum, document:

- *the obligations that will apply to the applicant;*
- *the processes that are (or will be) in place to ensure the applicant's compliance with obligations;*
- *details on how compliance is monitored;*

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- *details of how non-compliance will be reported and rectified; and*
- *details of any internal audit programs in place that review (or will review) the effectiveness of the Compliance Program from time to time.*

3.17. Additional information

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

River Glen WWTP and water supply schemes were designed and commissioned in 1991 by Fletcher Scott Furphy Consulting Engineers (FSF) and services 30 residential properties and 109 houseboat berths, of which 30 berths are allocated for permanent occupation

The WWTP and water supply at Woodlane was commissioned in 1997 and consists of two separate gravity drain collection networks; one services a housing development of 41 allotments and the other services 18 shack sites immediately to the northwest of the Woodlane development. The pump station servicing the shack sites is connected by a 50mm rising main (220m) to the second pump station adjacent to the car park at the Woodlane reserve. A second rising main (100mm) connects to the treatment plant located approximately 1.3 km to the south west on Woodlane Drive. Treated & chlorinated effluent is irrigated to a dedicated woodlot adjacent to the treatment plant...

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4. FACTORS SPECIFIED IN THE ESSENTIAL SERVICES COMMISSION ACT 2002

In considering a licence application, the Commission must have as its primary objective the protection of the long term interests of consumers with respect to the price, quality and reliability of essential services, 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.

5. APPLICATION FEES

Applicants for a licence must pay the Commission an application fee which is fixed by the Treasurer. 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 the provision of retail services in the water 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)*¹, stating that the information contained in the application is true and correct to the best of the applicant's knowledge, information and belief.

In conjunction with this declaration, evidence of the relevant authority of the declarant to sign on behalf of the applicant must also be provided to the Commission.²

Statutory Declaration

I Peter Bond.....

Rural City of Murray Bridge

do solemnly and sincerely declare that the information contained in this Application for the issue of a licence to authorise the provision of retail services in the water 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 2nd October 2012

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: MURRAY BRIDGE this 2nd day of Oct 2012

Before me:  JP 10145

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

-
- 1 Or equivalent legislation in other Australian jurisdictions.
 - 2 The Commission will accept a copy of a Board or Council minute (or circulating resolution) giving approval for the declarant to sign on behalf of the applicant as evidence of the relevant authority.



THE ESSENTIAL SERVICES COMMISSION OF SOUTH AUSTRALIA

Level 8, 50 Pirie Street Adelaide SA 5000

GPO Box 2605 Adelaide SA 5001

T 08 8463 4444 | F 08 8463 4449

E escosa@escosa.sa.gov.au | W www.escosa.sa.gov.au

