

# 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



Enquiries concerning the currency of this form should be addressed to:

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](mailto:licensing@escosa.sa.gov.au)

Web: [www.escosa.sa.gov.au](http://www.escosa.sa.gov.au)

## *AMENDMENT RECORD (since MONTH 2012)*

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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](http://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](mailto: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.

## 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:** Light Regional Council.....  
.....

### 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 Local Government body under the Local Government Act 1999 Established in  
2002 ABN : 35 455 841 625 .....  
.....

### 1.3 Address and Contact Details of applicant

**Business Address:**

Principal Office 93 Main Street Kapunda .....  
.....

**State:** SA..... **Post Code:** 5373 .....

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

Po Box 72 Kapunda .....

**State:** SA..... **Post Code:** 5373 .....

**Telephone:** (08) 85253200 .....

**Facsimile:** (08) 85663262 .....

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E-mail: light@light.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.*

Full Name: Mr Adam Broadbent .....

Title: ...Technical Officer Wastewater.....

Business Address:

Principal Office 93 Main St Kapunda.....

State: SA ..... Post Code: 5373.....

Postal Address (if different to above):

PO Box 72 Kapunda .....

State: SA ..... Post Code: 5373.....

Telephone: (08) 85253200.....

Facsimile: (08) 85663262.....

E-mail: light@light.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: AS ABOVE .....

Title: .....

Business Address:

.....

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

Postal Address (if different to above):

.....

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

Telephone: .....

Facsimile: .....

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**E-mail:** .....

## 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)*

The Light Regional Council operates CWMS systems for the collection and reuse of its townships septic waste. There are three treatment plants –Kapunda. Freeling and Roseworthy, Greenock has treatment lagoons.

Effluent from the towns are collected via a network of interconnected pipes, and pumping stations which council maintain, effluent is then captured and treated by the plants and lagoons, and then stored and reused.

Council has a variety of end users in each town, taking the treated “B” class water and using it on parks and gardens, golf courses town ovals and vineyards.

The Light Regional Council has also engaged a contractor to supply its services to desludge the residential septic tanks on a schedule that the Council has developed there are approximately 1970 houses connected to CWMS.....

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**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.*

From 1<sup>st</sup> January 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.*

Light Regional Council has not been convicted of any criminal offence The council has never been prosecuted under any State or Commonwealth legislation and welcomes any further investigations by the Commission on this matter. ....

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#### 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.*

Light Regional Councils CEO and Elected Members are all honest and to my knowledge have no convictions and are held in high regard as Elected Members and CEO .....

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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:** Mr Brian Carr .....

**Date of Birth:** .....

**Office Held:** Chief Executive Officer .....

**Address:**

Principal Office 93 Main St Kapunda .....

**State:** SA..... **Post Code:** 5373 .....

**Full Name:** Mr Adam Broadbent

**Date of Birth:** .....

**Office Held:** Technical Officer Wastewater.....

**Address:**

As Above .....

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

**Full Name:** Terry Savage .....

**Date of Birth:** .....

**Office Held:** Executive Assistant to CEO.....

**Address:**

As above.....

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

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*(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:** N/A .....

**Date of Birth:** .....

**Office Held:** .....

**Address:**  
.....

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

**Full Name:** .....

**Date of Birth:** .....

**Office Held:** .....

**Address:**  
.....

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

**Full Name:** .....

**Date of Birth:** .....

**Office Held:** .....

**Address:**  
.....

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

*(attach additional pages if necessary)*

### 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).*

N/A.....  
.....  
.....  
.....

### 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.....  
.....

- 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.*

N/A.....  
.....

- 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.....

### 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 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 any business plans which detail the strategic direction of the applicant, including its objectives, identified opportunities in the market place and forecast results.*

The Light Regional Councils financial department is currently being audited, therefore I am unable to supply the information requested for 2011/2012 when this information is available I shall send all information required to ESCOSA.

All other information requested is collated in the following pages .....

### 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.*

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Ben Linke Maintenance worker- licensed plumber with 8 years industry knowledge/ experience .....

Council will and has in the past engaged contractors to assist with CWMS upkeep- waste removal / desludging of septic tanks, this has been done by Barossa Liquid Waste whom has had many years in this industry. ....

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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 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 as stated above have two dedicated staff to the CWMS network, this involves regular maintenance of all assets associated with CWMS, both staff have industry knowledge on wastewater and plumbing as detailed above.

I have attached details of complaints handling and after hour call out procedures, details on billing process and rates is also attached .....

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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.*

Light Regional Council is currently in the process of finalising Water Agreements with various community groups and businesses. I have attached a copy of the pricing structure which we have used as part of the agreements with the groups.

Council is also currently working on our tender for the pumping of septic waste contract for our council district, the current contract with Barossa Liquid Waste is to expire in December this year, they have been engaged to supply the pumping and cleaning of septic tanks for residents for the council. ....

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 binding arrangements that are (or will be) in place with the owner of the infrastructure in regards to the use of the infrastructure.*

The Light Regional Councils CWMS plants are built to DOH Approval standards, and are subject to strict guidelines for operation and supply of recycled water.

Councils CWMS operator performs regular checks on all plant ensuring compliance, our treated water is subject to EPA Guidelines and is sampled on a quarterly basis and analysed by a NATA approved laboratory

### 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.*

N/A .....

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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.*

N/A .....

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### 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.*

N/A .....

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### 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.*

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.*

Light Regional Council operates CWMS throughout its district to assist with the removal of effluent, the treatment of effluent and the provision of recycled water back to the communities for the use and benefit for all. Council has two dedicated staff looking after all aspects if the CWMS systems, including all pipe work, pumping stations, the maintenance on the treatment plants.

The CWMS systems that are in place have been operating for many years, with the Kapunda plant being one of the oldest in the state. The recent upgrade to that plant and the Freeling plant have been necessary due to the reliance the rural communities have on these systems to collect and treat effluent from the townships, the upgrade to the Greenock Lagoons was due to the increase in flows from the town as the population increased.

The Council has not had any serious incidents which required reporting to the best of my knowledge, we have some minor incidents due to natural events which Council sort permission to release water from some of our lagoons. ....

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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.*

The Light Regional Council as indicated in various sections of this application form own and operate CWMS systems for its townships , with the effluent that is collected treated recycled water is returned to the community for the use in parks, gardens , golf courses and some private enterprise.

This service is a very important aspect of what regional Councils do , we do not have the facilities that suburban councils have , and as a result the costs associated with running these systems vary and increase as the costs for essential service increase. As a council we are conscious of making the price for our recycled water based on recovering costs for depreciation of infrastructure and a small percentage of staff time, we do not profit from the sale of water, it is about cost recovery to ensure that our systems remains cost effective

The recycling of water is very important particularly in S.A , the cost of potable water makes the recycled water a very viable option , we all must do all we can to encourage this for the good of our state.. .....

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## 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)*<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.

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.<sup>2</sup>

### Statutory Declaration

I ..... BRIAN CARR .....

of ..... LIGHT REGIONAL COUNCIL .....

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 ..... 30/10/2012 .....

Signature ..... [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: ..... KARAUNDA ..... this ..... 30 ..... day of ..... OCTOBER ..... 20..... 2012 .....

Before me: ..... [Signature] ..... JP21192 .....

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

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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.

## 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.



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

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