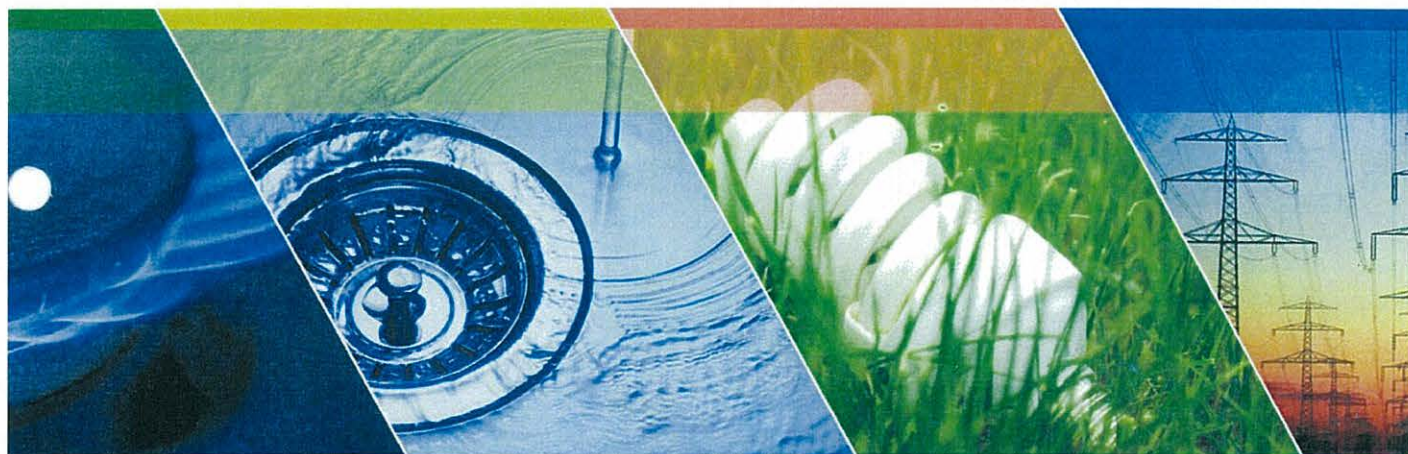


APPLICATION FORM FOR THE ISSUE OF A LICENCE BY THE ESSENTIAL SERVICES COMMISSION OF SA UNDER THE WATER INDUSTRY ACT

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
Web: 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.

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

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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.

1. THE APPLICANT

Applicants must answer all questions in this section.

1.1. *Identity of applicant*

Name: Southern Mallee District Council

1.2. *Legal identity of applicant*

A body corporate under the Local Government Act 1999.
ABN:26208717728.

1.3. *Address and Contact Details of applicant*

Business Address:

Day Street

Pinnaroo

State: SA

Post Code: 5304

Postal Address (if different to Business Address):

PO Box 49

State: SA

Post Code: 5304

Telephone: [08] 8577 8002

Facsimile: [08] 8577 8443

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

1.4. *Contact Person on behalf of applicant*

Full Name: Mr Anthony Renshaw

Title: Chief Executive Officer

Business Address: As above

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1.5. *Contact person for licence fees*

Full Name: Mr Anthony Renshaw

Title: Chief Executive Officer

Business Address: As above

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*

Application is for a licence that will authorise all water and / or sewerage services provided by the council as follows:

- Community Waste Water Management System which provides sewerage services for non-residential properties in the Southern Mallee District Council region.
- Non Potable Water supplied free of charge to sporting groups.
- Bore water supplied as a fee for usage supplied to sporting clubs for the partial upkeep of council land.
- Metered Bore Water on a cents per kilo litre basis to the local school.

2.2. *Date from which Licence is sought*

1 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*

The Council has not been convicted of any criminal offence. The council has never been prosecuted under any State or Commonwealth legislation. The council welcomes any further investigation by the commission.

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

The Elected Members of the Council or the Chief Executive Officer has not been convicted of any criminal offence. The Elected Members of the Council or the Chief Executive Officer has never been prosecuted under any State or Commonwealth legislation. The council welcomes any further investigation by the commission.

3.3. *Names and addresses of the officers of applicant*

Full Name: Cr Gordon Hancock

Office Held: Principal Member

Business Address:

Day Street Pinnaroo

State: SA

Post Code: 5304

Full Name: Cr Jeff Nickolls

Office Held: Councillor

Business Address:

Day Street Pinnaroo

State: SA

Post Code: 5304

Full Name: CR Robert Sexton

Office Held: Councillor

Business Address:

Day Street Pinnaroo

State: SA

Post Code: 5304

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Full Name: CR Neville Pfeiffer

Office Held: Councillor

Business Address:

Day Street Pinnaroo

State: SA

Post Code: 5304

Full Name: CR Alan Dunsford

Office Held: Councillor

Business Address:

Day Street Pinnaroo

State: SA

Post Code: 5304

Full Name: Cr Brian Toogood

Office Held: Councillor

Business Address:

Day Street Pinnaroo

State: SA

Post Code: 5304

Full Name: Cr Barry Lukins

Office Held: Councillor

Business Address:

Day Street Pinnaroo

State: SA

Post Code: 5304

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Full Name: CR Bruce Summerton

Office Held: Councillor

Business Address:

Day Street Pinnaroo

State: SA

Post Code: 5304

Full Name: Cr Alfred Walker

Office Held: Councillor

Business Address:

Day Street Pinnaroo

State: SA

Post Code: 5304

Full Name: Mr Anthony Renshaw

Office Held: Chief Executive Officer

Business Address:

Day Street Pinnaroo

State: SA

Post Code: 5304

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Full Name: Mr Matthew Sherman

Office Held: Manager Infrastructure and Engineering Services

Business Address:

Day Street Pinnaroo

State: SA

Post Code: 5304

Full Name: Mr Harc Wordsworth

Office Held: Manager Environment and Planning

Business Address:

Day Street Pinnaroo

State: SA

Post Code: 5304

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

Not Applicable.

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

Not Applicable

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.*

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

3.7. *Financial resources available to the applicant*

Please see attached Audited General Purpose Financial Reports 2010 – 2011 and
for the Year Ended 30th June 2012, 2012/2015 Strategic Management Plan,
2012/2013 Annual Business Plan and Budget.

3.8. *Human resources available to the applicant*

Mr Matthew Sherman

[Manager Infrastructure and Engineering Services]

Mr Trevor Tylor

[Team Leader Pinnaroo Infrastructure and Engineering Services]

Mr Raymond Hand

[Team Leader Lamerloo Infrastructure and Engineering Services]

Mr John Woolford

[Mechanic]

3.9. Technical resources available to the applicant

The council provides invoices in the form of rates notices to recover costs associated with the provision of services covered under this application in accordance with the Local Government Act 1999 [as set out below]. Communication with customers is in writing and recorded in the council's electronic records system. Debtors are followed up in line with the Local Government Act 1999. Council is in the process of purchasing a Customer Service Tracking Module for its IT Network that will enable Council to improve both the Quality and Quantity of its interactions with its customers.

Rates billings processes, including:

- provision of a copy of the information on the rates notice to demonstrate how challenges to the charges are pursued;
- billing information (e.g. payment options);
- frequency (e.g. customers are billed quarterly by issuing a rates notice. The relevant water / sewerage charge is detailed on the rates notices, which are issued within 30-60 days of payments falling due in September, December, March and June, pursuant to section 181 of the Local Government Act 1999);
- where applicable, that water / sewerage service rates and / or charges are imposed in reliance upon section 155 of the Local Government Act 1999, and that Council will impose fines and / or interest in respect of late payments pursuant to section 181(8) of the Local Government Act 1999;
- where applicable, the council will issue reminder notices;
- consequences of non-payment and payment difficulties are pursued by council and these may be any of the below:
 - option to enter into agreed payment plan,
 - outstanding charges are recoverable by way of debt recovery proceedings in a Court of competent jurisdiction
 - option to sell land for non-payment of rates under section 184 of the Local Government Act 1999
- Council's obligation to maintain the Assessment Record under section 172 of the Local Government Act 1999, which includes details of every piece of land in the Council's area to which a water / sewerage rate and /or service charge attaches and the person who is liable to pay the service rate or charge, thereby constituting a record of Council's water /sewerage service "customers".

Complaints handling including capacity for internal review of Council decisions under section 270 of the Local Government Act 1999 are available

3.10. *Contracts*

The Southern Mallee District Council does not enter into individual supply contracts other than those relationships we have with Community Ratepayers as outlined above.

3.11. *Suitable and appropriate infrastructure*

The Council owned Infrastructure is outlined in the CWMS Operation and Maintenance Manual for Lameroo and the CWMS Operation and Maintenance Manual for Pinnaroo.

The councils declares that:

- the Scheme meets all licensing requirements of the EPA and the Department of Health
- it is currently operating without problem and is fit for purpose.

3.12. *Risk management*

Councils Risk Management Framework is outlined in the Council Risk Management Policy [attached] and more targeted CWMS Risk Assessments are outlined in the CWMS Operation and Maintenance Manual for Lameroo and the CWMS Operation and Maintenance Manual for Pinnaroo.

3.13. Licences held by the applicant in other Australian jurisdictions

Not Applicable

3.14. Previous unsuccessful licence applications in other Australian jurisdictions

Not Applicable

3.15. Licences held by associates of the applicant

Not Applicable

3.16. Compliance program

The Council's Compliance program is outlined in the CWMS Operation and Maintenance Manual for Lameroo and the CWMS Operation and Maintenance Manual for Pinnaroo.

3.17. Additional information

4. FACTORS SPECIFIED IN THE ESSENTIAL SERVICES COMMISSION ACT 2002

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 Anthony Renshaw

of Day Street Pinnaroo

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 25/6/13

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: LAMEROO this 25 day of JUNE 2013

Before me:  JP 140166

(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

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