



Application Form

**FOR A DISTRIBUTION OR RETAIL LICENCE UNDER
THE *GAS ACT 2000***

July 2014

Version 5

1. INFORMATION FOR APPLICANTS

1.1 Approved form

An application for a licence under the *Gas Act 2000* (Gas Act) must be made to the Regulator in a form approved by the Regulator. This form is the approved form.

1.2 Purpose of form

This form is to be completed by a person making an application to the Regulator for the issue of a licence authorising:

- the construction of a gas distribution system;
- the operation of a gas distribution system; or
- the sale of gas by retail.

If a licence for one or more of these activities is sought, separate applications must be submitted in respect of each activity.

If you are unsure whether you require a licence under the Gas Act, you should seek independent advice.

1.3 Use of this form

Licence Applicants should supply the information requested in the spaces provided in this form and enclose additional information where required.

The Regulator may request applicants who have submitted a completed application form to provide further information or to clarify the information provided.

It is an offence under the Gas Act for a person to knowingly give false or misleading information, whether by reason of the inclusion or omission of any particular, to the Regulator (section 128).

1.4 Licence fees

Please note that pursuant to the Gas Act, a person is not entitled to the issue of a licence unless the person first pays to the Regulator the relevant annual licence fee, or the first instalment of the relevant annual licence fee, as the case may require.

Information concerning applicable annual licence fees is available on the Regulator's website at www.economicregulator.tas.gov.au.

1.5 Conditions of a licence

Statutory licence conditions are provided for in section 29 of the Gas Act. The licence may include any other conditions determined by the Regulator for the purposes of the Gas Act.

1.6 Administrative review and appeal against decision

Pursuant to the Gas Act, a Licence Applicant may apply to the Regulator for the administrative review of a decision to grant or refuse to grant an application. A Licence Applicant who is dissatisfied with the decision of the Regulator on administrative review may appeal against the decision to the Minister.

1.7 Consultation and confidentiality

Please note that the application may be the subject of consultation and/or published on the website at www.economicregulator.tas.gov.au.

The Regulator must preserve the confidentiality of information gained in the course of administering the Gas Act that could affect the competitive position of a gas entity or other person, or is commercially sensitive for some other reason. The Licence Applicant may request that information provided to the Regulator be treated as confidential. Material subject to such a request must be clearly identified.

1.8 How to lodge an application

The completed application form should be submitted to:

Licensing Officer

Email (preferred)

office@economicregulator.tas.gov.au

Post

Office of the Tasmanian Energy Regulator
GPO Box 770
HOBART TAS 7001

Facsimile

(03) 6233 5666

1.9 Queries

Queries may be directed to the Licensing Officer, telephone (03) 6166 4422 or email office@economicregulator.tas.gov.au.

2. THE LICENCE APPLICANT

2.1 Identity of the Licence Applicant

Please provide the full name of the Licence Applicant, including the Australian Company Number (ACN).

The Licence Applicant is responsible for carrying out the activities that are the subject of the licence. Pursuant to the Gas Act, only a Licence Applicant that is a body corporate or a partnership of two or more bodies corporate may be issued with a licence.

2.2 Address and Contact Details of Licence Applicant

Business Address:

State: _____ Postcode: _____

Telephone: _____

Facsimile: _____

E-mail: _____

Postal Address (if different from Business Address):

State: _____ Postcode: _____

2.3 Contact Person on behalf of Licence Applicant

Please provide the full name and contact details of the person to whom the Regulator can direct enquiries and correspondence about the licence application. The issued licence will be posted to the Director or Chief Executive Officer of the Licence Applicant, but will be marked to the attention of this contact person.

Name:

Position:

Address

State: Postcode:

Telephone:

Facsimile:

E-mail:

3. THE LICENCE

3.1 Type of Licence sought

Please state the type of licence sought by the Licence Applicant (authority to construct a distribution system, to operate a distribution system, or to sell gas by retail).

3.2 Date from which Licence is to take effect

Pursuant to the Gas Act, the Regulator must determine a licence application within 60 days of its receipt. If the Licence Applicant does not require the licence immediately upon the expiration of that period, please indicate the date by which the licence is required.

3.3 Term of licence

Please state the term for which the licence is required. A retail licence may be issued for a term not exceeding 10 years. A distribution licence may be issued for a term not exceeding 25 years.

4. SUITABILITY OF APPLICANT TO HOLD LICENCE

4.1 Existing activities of the Licence Applicant

Please provide general information about the Licence Applicant's existing activities both within and outside the gas industry relevant to the activities proposed to be carried out under the licence sought, the reasons why the Licence Applicant intends to participate in the Tasmanian gas industry and the broad nature of that participation.

4.2 Names and addresses of officers of the Licence Applicant

Please state the names and addresses of the officers of the Licence Applicant. Officers may include the Licence Applicant's directors, secretary, chief executive officer and other persons that make or participate in making decisions that affect a substantial part of the business of the Licence Applicant.

Name:

Position:

Address:

State: Postcode:

4.3 Names and addresses of major shareholders of the Licence Applicant

Please state the full names and addresses of the major shareholders of the Licence Applicant.

Name:

Position:

Address:

State: Postcode:

4.4 Standard of honesty and integrity

In deciding whether the Licence Applicant is a suitable person to hold a licence, the Regulator may consider the previous commercial and other dealings of the Licence Applicant and its officers and major shareholders, and the standard of honesty and integrity shown in those dealings (including breaches of statutory and other obligations).

Is the Licence Applicant, its officers or major shareholders involved in any legal proceedings, civil or criminal, commenced or likely to be commenced in relation to the business activities of the Licence Applicant (including past proceedings)? If yes, provide details.

4.5 Financial resources available to the Licence Applicant

Please state the financial commitments expected to be incurred in carrying out the activities for which the licence is sought and the financial resources available to the Licence Applicant to conduct the activities.

4.6 Skills and experience of the officers of the Licence Applicant

Please provide information about the relevant skills and experience of the officers of the Licence Applicant, in particular those skills relating to the activities proposed to be carried out under the licence sought.

4.7 Human resources available to the Licence Applicant

Please provide information about the human resources available to the Licence Applicant. For example, the number, skills and experience of employees that will be involved with the licensed operations.

If the Licence Applicant intends to rely on another entity to provide staff and resources, please provide a summary of the relationship between the Licence Applicant and the entity and whether or not there is a formal agreement in place to provide services.

4.8 Technical resources available to the Licence Applicant

Please provide information about the technical resources available to the Licence Applicant. If the Licence Applicant is to rely on another entity to provide services, please provide a summary of the relationship between the Licence Applicant and the entity and whether or not there is a formal agreement in place to provide services.

4.9 Licences in other jurisdictions

Please provide details of any gas licences held by the Licence Applicant in other Australian jurisdictions. If a licence previously held has been suspended or cancelled, please provide details.

4.10 Licences held by Associates of the Licence Applicant

If an associate of the Licence Applicant holds a gas licence in Tasmania or in other Australian jurisdictions, please provide details.

Question 4.11 need only be completed by Applicants for a licence to operate a distribution system.

4.11 Safety of distribution system

The Regulator will not issue a licence authorising the operation of a distribution system unless the Director of Gas Safety has provided a certificate that, in his opinion, the system has (or the proposed system will have) the necessary capacity for distributing gas safely. Has the Director of Gas Safety provided such a certificate?

4.12 Additional Information

Please provide additional information in support of the application below.

5. STATUTORY DECLARATION

I, *(insert name)*.....of *(insert address)*.....

...being the *(insert position)*.....of the Applicant,

(insert name of applicant).....

.....
Hereby DECLARE that the information contained in this application, and attachments thereto, for the grant of a Licence under the *Gas Act 2000* is true and correct and that I make this solemn declaration under the *Oaths Act 2001*.

Signed:

Declared at (place):

On (date):

Before me (signature):

(please print name):

(Justice, Commissioner for Declarations or Authorised Person¹)

¹A person authorised by regulation 4 of the *Statutory Declarations Regulations 1993* (Cwth).