

**APPLICATION GUIDELINES FOR A RETAIL AUTHORITY WITHOUT
A RETAIL AREA – WHERE APPLICANT HOLDS AN INTERSTATE
ELECTRICITY RETAIL AUTHORITY/LICENCE
[Sections 46 to 55E and 203 to 207D of *Electricity Act 1994* (Qld) refer]**

In order to participate in the Queensland electricity market by providing customer retail services (sale of electricity) to customers' premises, a Retail Authority without a Retail Area, issued by the Regulator under the *Electricity Act 1994* ('the Act'), is required.

Under the Act, 'the Regulator' is the Director-General, Department of Employment, Economic Development and Innovation. Queensland Mines and Energy within the Department administers the electricity licensing functions on behalf of the Regulator.

The Act, in Part 4 of Chapter 9, specifies a number of things the Regulator is required to do or consider before issuing a Retail Authority.

However, section 207D of the Act provides that, if the applicant holds an equivalent authority or licence issued under the law of another State or Territory ('an interstate authority'), the Regulator may dispense with any of the requirements of Part 4. Generally, if the Regulator is satisfied the applicant is not in material breach of its interstate authority, the Regulator will dispense with most of the requirements of Part 4.

A person who holds an interstate authority or authorities and wishes to obtain a Queensland Retail Authority without a Retail Area under the provisions of section 207D of the Act, must apply in writing (no prescribed form) to the Electricity Regulator, c/- Queensland Mines and Energy, Department of Employment, Economic Development and Innovation, PO Box 15216, City East, Qld, 4002, Attention: Energy Regulation and Legislation Unit, and provide the following:

1. The prescribed application fee (presently \$367.80 – GST does not apply – cheques to be made payable to the Department of Employment, Economic Development and Innovation, ABN 24 830 236 406).
2. A description of the applicant, the nature of its business and its experience in the electricity industry.
3. Evidence and declaration to support the applicant's capacity to comply with applicable regulatory requirements, including Queensland's *Electricity Act 1994*, *Electricity Regulation 2006*, Electricity Industry Code and Electricity (Retail Billing Guaranteed Service Level Scheme) Code.
4. If the applicant is a registered company, a certified copy of the Certificate of Incorporation of the applicant.

5. A signed statutory declaration giving particulars of the applicant's interstate authority/ies and of any breaches of it/them and enforcement orders etc made in relation to it/them [a draft statutory declaration for this purpose is attached].
6. A certified copy of the applicant's interstate authority/ies.
7. A written authorisation for Queensland Mines and Energy to seek information about the applicant and its interstate authority/ies from regulatory bodies in other jurisdictions (Essential Services Commission in Victoria, IPART in NSW, the Independent Competition and Regulatory Commission in the ACT, the Essential Services Commission of South Australia, and the Office of the Tasmanian Energy Regulator in Tasmania) and for those bodies to provide information about the applicant and its interstate authority/ies to Queensland Mines and Energy [a draft authorisation is attached].

In some instances, additional information may be requested during the course of considering the application. Applicants are encouraged to consult with the Energy Regulation and Legislation Unit (telephone - 07 3235 4164) within Queensland Mines and Energy before submitting an application in its final form.

As a guide, in view of the need to check with the relevant regulatory bodies in other jurisdictions and to be satisfied of the applicant's capacity to comply with Queensland-specific regulatory requirements, consideration of an application under section 207D of the Act is likely to take about two months, although this period may be longer in some circumstances.

A proforma Retail Authority without a Retail Area, issued on the basis of the applicant being the holder of an interstate authority, can be downloaded from the Queensland Mines and Energy website (<http://www.dme.qld.gov.au/Energy/licensing.cfm>). The document needs to be read in conjunction with the Act and the *Electricity Regulation 2006*, which contain conditions applicable to Retail Authorities.

While it is expected most Retail Authorities without a Retail Area dealt with under section 207D of the Act will be issued in the form of the proforma, it may be that individual Authorities may have additional or other conditions.

DRAFT STATUTORY DECLARATION

I, of
(insert full name) (insert address)

do solemnly and sincerely declare that:

1. I am of (“entity”)
(insert position/office held) (insert name of entity)
and am duly authorised to make this declaration on behalf of the entity.

2. The entity seeks to apply for the issue of a Retail Authority without a Retail Area under section 207D of the *Electricity Act 1994*.

3. The entity holds a current authority or licence to sell electricity to retail customers in

..... and I certify that the document attached
(insert State or Territory)
to the declaration and marked “A” is a true and correct copy of that authority or licence as at the date of this declaration. (see Note 1)

4. To the best of my knowledge:

- (a) the entity is not currently in material breach of that authority or licence; and
- (b) no compliance orders, enforcement orders, other directions or similar documents, relating to any alleged non-compliance by the entity with the authority or licence, have been given to the entity and with which the entity has not complied.

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the ***Oaths Act 1867 (Qld)***. (see Note 2)

SIGNED AND DECLARED by the above-)
)
 named declarant at)
)
 in the State of)
)
 this day of)
)
 before me:)
)
)
 (Signature of authorised witness))
)
)
 (Name of authorised witness – block letters))
)
)
 (Capacity in which authorised witness)
 takes the statutory declaration))

.....
(Signature of declarant)

Note 1. The attachment must include the following note and be signed by the witness:

"This and the following [] pages is the attachment marked "A" referred to in the statutory declaration of [full name of declarant] declared before me this [] day of [].

[signature of authorised witness]
[name of authorised witness]
[capacity in which authorised witness takes the declaration]"

Note 2. A different form of statutory declaration must be used when made in a State or Territory other than Queensland, in accordance with the relevant legislation of that State or Territory.

DRAFT AUTHORISATION TO SEEK AND PROVIDE INFORMATION ABOUT THE APPLICANT AND ITS INTERSTATE AUTHORITY/IES

To assist the Regulator under the Queensland *Electricity Act 1994* to determine whether **[applicant]** is a suitable person to be a retail entity in Queensland, **[applicant]** authorises Queensland Mines and Energy, Department of Employment, Economic Development and Innovation, to make enquiries of the Essential Services Commission in Victoria relating to the **[applicant]**. **[Applicant]** also authorises the Essential Services Commission, Victoria to disclose information about the **[applicant]** to Queensland Mines and Energy, Department of Employment, Economic Development and Innovation.

and/or

To assist the Regulator under the Queensland *Electricity Act 1994* to determine whether **[applicant]** is a suitable person to be a retail entity in Queensland, **[applicant]** authorises Queensland Mines and Energy, Department of Employment, Economic Development and Innovation, to make enquiries of the Independent Pricing and Regulatory Tribunal of New South Wales relating to the **[applicant]**. **[Applicant]** also authorises the Independent Pricing and Regulatory Tribunal of New South Wales to disclose information about the **[applicant]** to Queensland Mines and Energy, Department of Employment, Economic Development and Innovation.

and/or

To assist the Regulator under the Queensland *Electricity Act 1994* to determine whether **[applicant]** is a suitable person to be a retail entity in Queensland, **[applicant]** authorises Queensland Mines and Energy, Department of Employment, Economic Development and Innovation, to make enquiries of the Independent Competition and Regulatory Commission, Australian Capital Territory relating to the **[applicant]**. **[Applicant]** also authorises the Independent Competition and Regulatory Commission, Australian Capital Territory to disclose information about the **[applicant]** to Queensland Mines and Energy, Department of Employment, Economic Development and Innovation.

and/or

To assist the Regulator under the Queensland *Electricity Act 1994* to determine whether **[applicant]** is a suitable person to be a retail entity in Queensland, **[applicant]** authorises Queensland Mines and Energy, Department of Employment, Economic Development and Innovation, to make enquiries of the Essential Services Commission of South Australia relating to the **[applicant]**. **[Applicant]** also authorises the Essential Services Commission of South Australia to disclose information about the **[applicant]** to Queensland Mines and Energy, Department of Employment, Economic Development and Innovation.

and/or

To assist the Regulator under the Queensland *Electricity Act 1994* to determine whether **[applicant]** is a suitable person to be a retail entity in Queensland, **[applicant]** authorises Queensland Mines and Energy, Department of Employment,

Economic Development and Innovation, to make enquiries of the Office of the Tasmanian Energy Regulator relating to the [applicant]. [Applicant] also authorises the Office of the Tasmanian Energy Regulator to disclose information about the [applicant] to Queensland Mines and Energy, Department of Employment, Economic Development and Innovation.

[July 2009]