

# Application for a price cap exemption

## About the gas price cap and exemptions

The Competition and Consumer (Gas Market Emergency Price) Order 2022 is an emergency measure that applies a temporary price cap on the supply of regulated gas.

This emergency measure applies to new contract sales of gas sourced from fields which were on 23 December 2022 subject to a production lease or licence during the 12-month period that commenced on 23 December 2022.

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| INSTRUCTIONS |
| **Completing the application form**1. Complete Parts A, B and C of this form.
2. Attach any additional information or documents that are required or that the applicant considers are relevant to the application for exemption.
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| **Submitting the application form and supporting material**Submit the completed application form and supporting material, marked to the attention of Gas Price Cap Exemptions:* electronically to GasPriceCapExemptions@accc.gov.au
* by post to GPO Box 3131, Canberra ACT, 2601
* in person to an ACCC office.
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Under the emergency measure, regulated gas producers and affiliates of regulated gas producers can apply for a price cap exemption. The Minister has delegated the power to grant price cap exemptions to the ACCC.

Regulated gas producers and affiliates of a regulated gas producer that are granted an exemption under this process are not subject to the price cap.

The Minister made this emergency measure under Part IVBB of the *Competition and Consumer Act 2010 (CCA)*.

## How to apply

To apply for an exemption from the price cap, complete this form and provide required information, data and documents. Each question should be answered fully and, where possible, accompanied by documents that substantiate the response to the question. If a question is not relevant or where information is not available and cannot be reasonably estimated, please explain why.

It is an offence to knowingly provide false or misleading information to the ACCC. Refer to section 137.1 of the Criminal Code Act 1995.

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| **PART A**: APPLICANT INFORMATION |
| **APPLICANT(S)** **Note: For unincorporated joint ventures, complete Appendix A for each joint venture participant.** |
| **Legal name** | **ACN / ABN** |
| Click or tap here to enter text. | Click or tap here to enter text. |
| **Trading name, if different to legal name** |
| Click or tap here to enter text. |
| **Registered postal address** |
| Click or tap here to enter text. |
| 1. **Is the applicant a regulated gas producer or an affiliate of a regulated gas producer for the purposes of the Competition and Consumer (Gas Market Emergency Price) Order 2022?**

**Note:See section 5 and subsection 9(2) of the Competition and Consumer (Gas Market Emergency Price) Order 2022 for the definition of ‘regulated gas producer’ and conditions on which a person is an ‘affiliate’ of a regulated gas producer.****If the applicant is an affiliate of a regulated gas producer, set out and explain the nature of the relationship with the regulated gas producer.** |
| Click or tap here to enter text. |
| 1. **The applicant is to provide a list of all persons that:**
2. **currently hold a right to supply regulated gas produced by the regulated gas producer or purchased by the regulated gas producer for on-supply, and**
3. **in the past 12 months held a right to supply regulated gas produced by the regulated gas producer or purchased by the regulated gas producer for on-supply**

**whether the right is conferred in the constituent documents, any agreement or otherwise.** |
| Click or tap here to enter text. |
| 1. **Provide a description of the activities, arrangements and/or gas supply transactions in respect of which the applicant seeks an exemption from the price cap and the period for which the exemption is sought.**
 |
| Click or tap here to enter text. |
| 1. **Provide a chart that sets out:**
* **the applicant’s corporate structure, if the applicant is incorporated, and all related persons (as determined under section 4A of the CCA) and related entities (within the meaning of the *Corporations Act 2001),* or**
* **if the applicant is an incorporated or unincorporated joint venture, the participants in the joint venture and all related persons to and/or related entities to the participants in the joint venture.**

**With reference to the chart, also provide a description of:**1. **those entities involved in the production of gas or regulated gas**
2. **any affiliates of the regulated gas producer within the meaning of section 9 of the Competition and Consumer (Gas Market Emergency Price) Order 2022 and explain the basis on which they are an affiliate under this provision, and**
3. **how the regulated gas moves between those entities involved in the production of regulated gas to any affiliates.**

**Provide all documents that constitute the corporation, or incorporated or unincorporated joint venture, including without limitation the memorandum and articles of association, rules, joint venture agreement or other document that functions as a constituent document.** |
| Click or tap here to enter text. |

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| **PART B:** INFORMATION REQUIRED TO EVALUATE AN EXEMPTION APPLICATION |
| **Matters that will be considered**When deciding whether it is appropriate to grant an exemption from the price cap, section 19 of the Competition and Consumer (Gas Market Emergency Price) Order 2022 requires the following matters to be considered:* if the person is a regulated gas producer—the volume of regulated gas produced by the person
* if the person is a regulated gas producer—the proportion of the business operations of the person represented by the business of producing regulated gas that it carries on
* any material change in the person’s circumstances since the commencement of the Competition and Consumer (Gas Market Emergency Price) Order 2022
* the object of Part IVBB of the Competition and Consumer Act 2010, which is to:

enhance the welfare of Australians through the regulation of the Australian gas market, including through limitations on increases in gas prices* any other matter that the decision-maker considers to be relevant.

**Information to be provided**Those applying for an exemption should provide:* the information required as part of this application
* any other information they consider relevant and upon which they seek to rely to demonstrate that an exemption should be granted under section 19 of the Competition and Consumer (Gas Market Emergency Price) Order 2022.
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| 1. **Provide a description of the applicant’s business operations in Australia. If the applicant is an affiliate of a regulated gas producer, also provide a description of the producer’s business operations in Australia.**
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| Click or tap here to enter text. |
| 1. **Describe the involvement the applicant has in the recovery or production of natural gas (either as a regulated gas producer or as an affiliate of a regulated gas producer) in those locations subject to the Competition and Consumer (Gas Market Emergency Price) Order 2022.**
 |
| Click or tap here to enter text. |
| 1. **Explain why the applicant considers an exemption from the price cap should be granted and how the granting of an exemption would be consistent with the object of Part IVBB of the *Competition and Consumer Act 2010*.**
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| Click or tap here to enter text. |
| 1. **Specify any conditions the applicant considers the exemption from the price cap should be subject to.**
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| Click or tap here to enter text. |
| 1. **State the volume of the following, where that gas is covered by section 7 of the Competition and Consumer (Gas Market Emergency Price) Order 2022:**
2. **any regulated gas produced in calendar year 2022 and the amount forecast to be produced in calendar year 2023, with reference to the locations identified in question 2, and**
3. **any regulated gas acquired from another supplier in calendar year 2022 and the amount forecast to be acquired in calendar year 2023.**
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| Click or tap here to enter text. |
| **6. State the following for calendar year 2022 and what is forecast for calendar year 2023:**1. **the proportion of the applicant’s business operations represented by the business of producing regulated gas measured on an annual turnover basis**
2. **the proportion of the applicant’s business operations related to the business of production, supply and acquisition of gas represented by the business of producing regulated gas measured on an annual turnover basis**
3. **the source(s) of the remaining proportion of the applicant’s business operations.**

**If you are an affiliate, respond to the above questions in relation to the regulated gas producer you are affiliated with.** |
| Click or tap here to enter text. |
| **7. List the supporting documents that are submitted as part of the application and provide any further information the applicant wishes to be considered in relation to the application.** |
| Click or tap here to enter text. |
| 1. **Confirm that all supporting documents to this application are attached.**
 |
|[ ]  Yes | Click or tap here to enter text. |
|[ ]  No |  |

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| **PART C:** Certification of application This information will **NOT** be included in the ACCC’s public register |
| I certify that:1. I am the Managing Director, Chief Executive Officer, Director or Company Secretary of the applicant as shown in Part A of the application form.
2. After making all appropriate enquiries and checks, to my knowledge and belief the information given in this application is true, correct and complete, and all estimates are identified as such and are the best estimates of the underlying facts.
3. Complete copies of all documents provided with this application have been provided and these documents may be relied on as true and correct business records of the applicant.
 |
| I understand it is an offence to provide false or misleading information (or omitting to provide relevant information) to a Commonwealth entity under section 137.1 of the Criminal Code Act 1995. |
| **Signature of applicant**  | **Date** | **Name / Position / Address** |
|  |  | Enter Name here. |
| Enter Position here. |
| Enter Address here. |
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| **APPENDIX A**: ADDITIONAL APPLICANTS  |
| **ADDITIONAL APPLICANT/S****Note: to be completed by affiliates of the applicant or, for unincorporated joint ventures, each joint venture participant where those parties also seek exemption.**  |
| **Legal name** | **ACN / ABN** |
| Click or tap here to enter text. | Click or tap here to enter text. |
| **Trading name** if different to legal name |
| Click or tap here to enter text. |
| **Registered postal address** |
| Click or tap here to enter text. |
| **Is the applicant a regulated gas producer or an affiliate of a regulated gas producer for the purposes of the Competition and Consumer (Gas Market Emergency Price) Order 2022?****Note: See section 5 and subsection 9(2) of the Competition and Consumer (Gas Market Emergency Price) Order 2022 for the definition of ‘regulated gas producer’ and conditions on which a person is an ‘affiliate’ of a regulated gas producer.** |
| Click or tap here to enter text. |

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2. After making all appropriate enquiries and checks, to my knowledge and belief the information given in this application is true, correct and complete, and all estimates are identified as such and are the best estimates of the underlying facts.
3. Complete copies of all documents provided with this application have been provided and these documents may be relied on as true and correct business records of the applicant.
 |
| I understand it is an offence to provide false or misleading information (or omitting to provide relevant information) to a Commonwealth entity under section 137.1 of the Criminal Code Act 1995. |
| **Signature of applicant**  | **Date** | **Name / Position / Address** |
|  |  | Enter Name here. |
| Enter Position here. |
| Enter Address here. |
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