# MARINUS LINK PTY LTD

Application to the Essential Services Commission (Victoria)
Electricity Transmission Licence

# 1 General Information – The Applicant

***The applicant must answer all questions in this section.***

## 1.1 Legal name of applicant

***State the full legal name of the applicant. The applicant is the person who will be transmitting electricity that will be the subject of the licence.***

**Name:** Marinus Link Pty Ltd (**MLPL**)

## 1.2 Legal identity of applicant

***Provide the applicant's ABN and ACN (where relevant) and information about the applicant (for example, whether the applicant is a private limited company, trust, or joint venture).***

(a) **ABN:** 47 630 194 562

(b) **ACN:** 630 194 562

(c) **Type of entity:** Proprietary limited company whose ultimate holding company is a Tasmanian state owned corporation (Tasmanian Networks Pty Ltd)

## 1.3 Contact details and address of the applicant

| **The applicant** | | | |
|---|---|---|---|
| **Business Address:** | 7 Maria Street, New Town | | |
| State: | Tasmania | Postcode: | 7008 |
| **Postal address (if different):** | PO Box 606, Moonah | | |
| State: | Tasmania | Postcode: | 7009 |
| **Full name of contact person:** | Maryanne Young | | |
| Position title: | Executive Manager, Governance & Legal | | |

## 1.4 Diagram of corporate and organisational structure

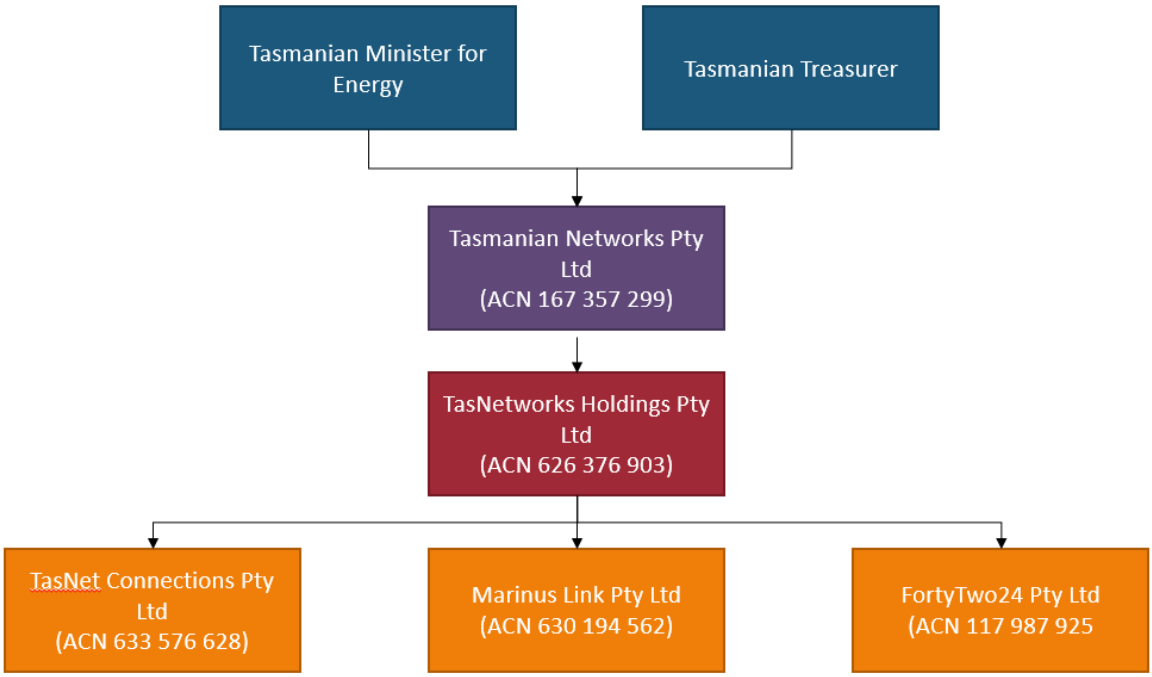
*Attach a diagram illustrating the corporate structure (including details of any related companies within the meaning of the Corporations Act 2001) and the organisational chart.*

(a) *corporate structure (including any parent and related companies within the meaning of the Corporations Act 2001), and*

Tasmanian Networks Pty Ltd (**TasNetworks**) is the ultimate holding company of MLPL. MLPL is responsible for progressing the development of Marinus Link.

TasNetworks plans, owns and operates the electricity transmission and distribution networks in Tasmania and is fully owned by the State of Tasmania. The upstream equity interests in TasNetworks are held directly by its Shareholding Ministers on behalf of the State of Tasmania.

The ownership structure of MLPL is set out below.




**Attachment reference:** N/A

(b) *organisational chart (including composition of the board, management, and other key personnel responsible for the key functions)*

The MLPL organisational chart as at 5 June 2023 is set out in **Attachment 1.4(b)**.

The directors of MLPL are detailed below:

**1. Samantha Hogg (Chair)**

Samantha is a Non-Executive Director of Adbri Limited (since March 2022) and Chair of Tasmanian Irrigation.

Samantha was formerly a Non-Executive Director of Australian Renewable Energy Agency (retired July 2020), TasRail (resigned December 2019), MaxiTRANS Industries Limited (resigned March 2021), Hydro Tasmania (retired August 2021), Infrastructure Australia (ceased November 2021), and De Grey Mining Limited (ceased November 2022) and formerly a Board member of the National COVID-19 Commission (NCC) Advisory Board (ceased March 2021).

Samantha is an experienced executive with international experience across the transport, infrastructure, energy and resources sectors. She has held senior executive positions at Transurban Group and Western Mining Company across a broad range of portfolios including finance, strategic projects, marketing and corporate services. Her most recent executive role was as the Chief Financial Officer of Transurban Group.

Samantha holds a Bachelor of Commerce and is a member of the Australian Institute of Company Directors.

**2. Kevin Kehl**

Previously an executive leader at Powerlink Queensland and Energex, Kevin has more than 40 years' experience in the energy industry across the distribution and transmission networks sector. Kevin has held senior leadership roles in the energy sector, including twelve years in chief and senior executive management positions across business and market development, change, policy, strategic, regulatory, finance, customer and stakeholder relations, operations and governance functions.

Kevin holds a BE (Hons) in electrical engineering and a Graduate Certificate in Electricity Supply Engineering. His former corporate governance roles have included Member Director of a range of subsidiary companies including QCN Fibre.

**3. Dr Collette Burke**

Dr Collette Burke has spent more than 25 years within the Engineering & Construction Industry in both the private and public sectors. She has moved through a variety of roles within telelecommunications, road, tunnel, rail, building, marine and other major infrastructure projects.

Dr Burke holds a Bachelor of Engineering (Civil) from Victoria University, a Masters of Engineering Science, Engineering from UNSW. She is an internationally acknowledged resarcher, with a PhD in Risk Management of the Life Cycle of Construction Projects from RMIT.

Currently a Director to the VicTrack Board and Managing Director of two private engineering consulting firms; Exner Group, an engineering consultancy and registered training organisation specialising in digital and immersive technology development, and Karsta Group, which is training, upskilling and increasing gender diversity throughout UAEs transport industry.

Dr Burke was previously appointed the very first Victorian Chief Engineer at the beginning of 2018 to provide expert advice on major project design and engineering. She has also held senior roles at Leighton Contractors.

**4. The Hon. Warwick Smith AO**

The Hon Warwick Smith AO is currently Chair of the Council of the National Museum of Australia; Chair of the Advisory Board of Australian Capital Equity; Director of Seven Group Holdings; Director of Estia Health; Director of SGSP Australia; Chair of the Global Engagement Committee of the Business Council of Australia; Chair of Ord Minett; and Executive Chair of AL Capital.

He has served as Chairman of the Australia–China Council for over 8 years was the inaugural Chair of the National Foundation for Australia-China Relations. He is Chairman of the China Leadership Group of the Business Council of Australia. In addition, he is current Global Trustee of the Asia Society and Chairman Emeritus of the Asia Society in Australia.

Formerly, Chairman of the Flagship Property Group and a Board Director for Coates Hire. He is a past President of the Australia China Business Council and an inaugural business representative of BOAO Forum for Australia. He was Chairman of E*TRADE, Chairman New South Wales & Australian Capital Territory and Senior Managing Director of ANZ Bank including Chairman of the Board – the Australia New Zealand Banking Group Limited (ANZ Bank) Thailand; Board Director – ANZ Bank Greater China;

Chairman of the Financial Services Knowledge Hub, the Australian Sports Commission and an Executive Director with Macquarie Bank; and an Australian Federal Government Minister with a parliamentary career spanning 15 years. He was also Australia's first Telecommunications Ombudsman and has received a Centenary Medal and has twice been awarded an Order of Australia.

Mr Smith chaired the feasibility study into a second interconnector to improve the energy security and maximise Tasmania's renewable energy resources. He is the chair of the Australian Research Centre Hub for Integrated Energy Storage Solutions at the University of NSW.

Mr Smith was born in Tasmania and was the Member for Bass for 13 years.

**Attachment reference: Attachment 1.4(b)**

### 1.5 The Licence and transmission infrastructure details

***The applicant must answer all questions in this section.***

*If the applicant is seeking for a licence to be issued by a certain date, identify this date.* ***Note: we do not undertake to issue the licence by this date.*** *The applicant should usually allow a minimum of eight to 10 weeks* ***once we consider the application to be complete****.*

*An application is considered complete once we have all the information needed for the commission to make a decision. In other words, when we have no need to request further information from the applicant. This includes a public consultation period of four weeks (generally) as part of our consideration of licence applications.*

| **Provide details on the following** | |
|---|---|
| (a) *Date from which licence is sought:* | The licence is sought as soon as possible to enable the delivery of Project Marinus in accordance with the optimum delivery timeframe set out in AEMO's 2022 Integrated System Plan (**ISP**). A pre-requisite for the final investment decision (**FID**) in relation to Marinus Link is the achievement of all necessary planning and environment approvals and land and easement access rights. The transmission licence is required to support the land access and approvals work which is already underway.<br><br>The Project Marinus Project Assessments Conclusions Report (**PACR**) which was released in June 2021 confirms that Project Marinus (Marinus Link and the North West Tasmanian Transmission Developments) satisfies the Regulatory Investment Test for Transmission (**RIT-T**) and should proceed in two 750 MW stages. This is supported by AEMO's ISP which identified the entirety of Project Marinus as an actionable ISP project without any decision rules with the optimal delivery time for the first stage (in the most likely scenario) being 2029-30.<br><br>Accordingly, MLPL is progressing the Marinus Link project to be able to have Stage 1 in service from 2029-30. The anticipated construction timeframe is 3-4 years. Consequently, MLPL is working towards a final investment decision in 2024. |

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| (b) | *Transmission asset name:* | Marinus Link |
| (c) | *Location of transmission asset (including the local government area, nearest town, or other identifying features):* | MLPL seeks a transmission licence to operate those parts of a new High Voltage Direct Current (**HVDC**) electricity interconnector between Tasmania and Victoria that are located within the Victorian jurisdiction. This begins with two bundled HVDC undersea cables operating at a nominal voltage of +/-320 kV from the 3 nautical mile line in Bass Strait. These bundled cables each contain two power cables and a fibre optic cable.<br><br>The cables come ashore under the beach at Waratah Bay and continue underground to a transition point where the undersea cables change to underground cables and continues for approximately 88 km to the converter station. The converter station will connect to Ausnet Services' transmission system at 500 kV to the existing Hazelwood switching yard.<br><br>Details of the physical and electrical connection arrangements between the two networks will be agreed in agreements between MLPL, Ausnet Services and the Australian Energy Market Operator (**AEMO**).<br><br>Specific details of the proposed HVDC route location are provided in response to question 1.5(e) below. |
| (d) | *Nature and scope of operations for which the licence is sought, including details of works related to the transmission asset (for example, details of the associated generation facility or augmentation of the electricity transmission system):* | An electricity transmission licence is required to<br>(a) allow MLPL to connect the Marinus Link subsea cable to the existing 500 kV transmission network existing at the Hazelwood Terminal Station;<br>(b) to transfer electricity between Tasmania and Victoria; and<br>(c) allow MLPL to access properties to carry out surveys required for project approvals and to confirm site conditions. |
| (e) | *Provide a copy of any maps, shapefiles or line diagrams identifying project footprint, transmission routes and proposed location for connection assets (if applicable):* | MLPL has provided a map of the proposed underground cable route between Waratah Bay and Hazelwood. |
| | **Attachment reference:** | **Attachment 1.5(e)(1);** |

| | | |
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| (f) | *Provide details about the proposed connection point (include latitude and longitude, as well as names, locations and other useful identifiers):*<br><br>**Attachment reference:** | The proposed connection point is shown in the attachments provided for question 1.5(e). |
| (g) | *Provide details of the proposed connection arrangement (physical and electrical layouts) into the existing transmission network:*<br><br>**Attachment reference:** | The proposed connection arrangement is described in response to question 1.5(h). |

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| (h) | *Provide details of the proposed transmission assets (for example, ratings, HVdc technology type, voltage class, substation/converter station details, etc.):* | **Converter stations**<br><br>The proposed converter station transmission assets will consist of two symmetrical monopole modular multi level voltage source converters, both adjacent to the Hazelwood 500 kV terminal station. In addition to the main converters, each converter requires main interface transformers, 500 kV switchgear, auxiliaries and control equipment. Additionally, MLPL may be required to install 2 x 500 kV AC filters and required switchgear and control equipment.<br><br>All equipment will have voltage ratings of 500 kV AC and +- 320 kV DC, power ratings of the plant will be 790 MW sending and 750 MW receiving. MLPL is nominally targeting a receiving overload rating of 900 MW, however, this will be determined in detailed design.<br><br>**Cable system**<br>The two symmetrical monopoles will include 255km of subsea cable and 90km of underground cable on the Victorian side. Each symmetrical monopole cable system will be rated at 750 MW with a 100% load factor.<br><br>In general, each Symmetrical Monopole will include two 320 kV HVDC XLPE cables. The subsea cables will include amour wires and polyethylene rope as an outer jacket. The land cables will have an aluminium sheath and the subsea cables will have a lead sheath. The cable systems will be installed as a bundle offshore and buried at a nominal depth of 1 metre and on land they will be installed in PVC or HDPE pipe.<br><br>Each Symmetrical monopole will also include the installation of a separate fibre optic cable. This will provide cable operation monitoring functions, communications between the Tasmanian and Victorian converters as well as facilitating third party communications as needed or required.<br><br>The Cable system will require cable joints, which will be nominally located at 1km increments on land. At some joint |

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| | | locations the sheaths will be earthed via link boxes. At a majority of locations earthing may not be required and link boxes will be installed to facilitate the testing of the outer sheath only.<br><br>All components of the cable system including joints, link boxes and cable are expected to be buried below ground with the only above ground infrastructure being cable markers located on existing fence lines where the cable crosses below. |
| **Attachment reference:** | | |
| (i) | *Provide details regarding the status of the proposed transmission project with respect to the Regulatory Investment Test – Transmission (RIT-T):* | See response to question 1.5(a).<br><br>Additionally, Marinus Link (as a component of Project Marinus) has been identified as an "actionable project" in AEMO's 2022 ISP.<br><br>Through the RIT-T process, Marinus Link received a number of supporting submissions.<br><br>Marinus Link features in Infrastructure Victoria's 30-Year Infrastructure Strategy, under Recommendation 3, as a key part of augmenting Victoria's transmission network to support renewable energy and network resilience and reliability. It suggests the Victorian Government can assist Marinus Link by progressing relevant design and approvals processes to support the project being shovel-ready by 2024.<br><br>Marinus Link has also been listed by Infrastructure Australia as a high priority for three consecutive years in its annual Priority Projects Report (in 2019, 2020 and 2021). |
| (j) | *Provide details of when the applicant expects to receive 'considered project' status under the National Electricity Rules:* | The proposed final investment decision date for Marinus Link is December 2024. At this stage MLPL expects to have met the criteria for a 'considered project' under the NER at FID to enable the project to proceed.<br><br>The transmission licence is required in order to carry out the investigations necessary to confirm the proposed route and lodge the approvals necessary to receive 'considered project' status. |

## 2 Technical capacity

***The applicant must answer all questions in this section.***

### 2.1 Experience and knowledge of the industry

*Provide information about the human resources available to the applicant. This includes:*

(a) *the experience and qualifications of those employees outlined in the organisational chart (see 1.4b)*

The details of the experience and qualifications of MLPL's executive management team are set out below. Details of the experience and qualifications of other employees who have roles relating to land access activities are provided in response to question 2.12(d) below.

| Leadership Team | Detail |
|---|---|
| **Caroline Wykamp**<br>*Chief Executive Officer*<br><br>*B. Applied Science, Dip. Applied Finance, GAICD* | Caroline joined MLPL as Chief Executive Officer in 2023. She is an authority in energy markets and has over 25 years experience in wholesale, retail, renewable energy, start-up businesses and building resilient collaborative teams in both small and large organisations. She is driven to make a difference in the transition to renewable energy through the Marinus Link Project. Caroline's previous role was Chief Commercial Officer for Hydro Tasmania. |
| **Stephen Clark**<br>*Project Director*<br>*B.Eng (Power Eng)* | Stephen joined Project Marinus in 2018. He has over 30 years' experience in the energy industry. He has held executive roles in Transend (former Tasmanian TNSP) and TransGrid (NSW TNSP) where he was responsible for asset management, power system planning, engineering and capital project delivery.<br><br>Stephen's focus is overseeing asset delivery including the design and integration of Marinus Link into the power systems at each end. Stephen is a member of the AEMC reliability panel and Stephen holds qualifications in Power Engineering. |
| **Barb McGregor**<br>*Chief Advocacy Officer and Deputy CEO* | Barb joined MLPL in April 2023. She has executive leadership experience at a national and global level across major industries, as well as significant government relations experience as Deputy Chief of Staff to the Premier of Tasmania. Barb has been involved in major projects and business transformation, with a strong focus on delivery, performance and culture through shared-values based systems and processes. |
| **Maryanne Young** | Maryanne joined TasNetworks (from Transend Networks) in 2014 and has been working on Project Marinus since 2018. Maryanne is MLPL's |

| | |
|---|---|
| *Executive Manager Governance and Legal*<br>*BA/LLB, Grad Cert Legal Practice, GAICD* | Company Secretary and General Counsel and has over 20 years' experience as a Legal Practitioner both in private practice and a corporate setting, including over 16 years' experience in the energy industry with deep experience regarding the National Electricity Rules, particularly in the areas of customer connection and revenue regulation. |
| **Andrew Hugo**<br>*Chief Financial Officer*<br>*B.Com, CPA, GAICD* | Andrew joined Project Marinus in 2018. He is a senior finance and commercial leader with 20 years' experience in the development and delivery of major capital projects in the oil and gas, utilities and infrastructure industries. Andrew has extensive experience in developing and leading the financial governance for project specific entities and joint ventures. |
| **Prajit Parameswar**<br>*Chief Commercial Officer*<br>*BBA, MBus, MPA's, CPA, GAICD* | Prajit is an experienced professional in the energy industry and markets and has extensive knowledge of the Australian electricity industry value chain, emerging challenges and opportunities. Prajit is a certified practicing accountant (CPA), Graduate of the Australian Institute of Company Directors (GAICD) and has Masters degrees in Business and Professional Accounting.<br>Prajit has spent over a decade working on the full spectrum of Hydro Tasmania's commercial and trading groups. He has developed commercial models and products, including contract support mechanisms and structures to de-risk investments, and has experience demonstrating commercial viability for traditional hydropower and pumped hydro projects. Prajit brings extensive expertise in commercial contract negotiation, people leadership, trading risk and stakeholder management. |
| **Craig Moody**<br>*Executive Manager Program Management Office* | Craig has over 30 years' experience in the Electricity Utility/Infrastructure Industry gained across a range of senior leadership roles. From Strategic Planning, Engineering, Design and Major Projects through to Operations Craig has a breadth of skills and a 'whole of life' Asset Management capability. He has a passion for transformation and program delivery through the leadership of diverse teams. He has been at the forefront of the Industry in driving Capital and Maintenance program transformation, Regulatory and Commercial strategy and best practice Asset Management of complex, long life critical assets. He has consistently achieved new paradigms of safety, commercial, engineering, environmental and customer/community performance. With an |

Electrical Engineering Degree and Management Diploma Craig has broad experience across development and delivery of Major Projects/Programs, Asset Management, Engineering, Design, and Operations.

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(b) *if the applicant will employ contractors or agents to assist with the licensed activities, the name of those contractors or agents, details about the experience of the contractors or agents in such operations and details of the processes in place to ensure the contractors or agents comply with the licence conditions, including relevant regulatory obligations.*

MLPL has an appropriate organisational structure and expertise (refer responses to questions 1.4(b) and 2.1(a)) as well as utilising expert service providers and consultants through contractual arrangements (refer responses to questions 2.1(c) and 2.1(d)) to comply with its licence conditions, laws, codes and guidelines relevant to this application. MLPL will also utilise TasNetworks' corporate services and professional services under a Master Business Services Agreement with MLPL.

*Where the applicant is relying on a third party to provide staff and/or resources to meet the technical capacity requirements of the transmission licence, provide:*

(c) *the experience and qualifications of any relevant key employees who will manage those systems and processes;*

(d) *if the applicant will engage third parties to assist with the licensed activities, provide the following information in relation to each third party:*

*(i) the name of that third party*

*(ii) the scope of activities undertaken by the third party*

*(iii) details and copies of any agreements for the provision of services*

*(iv) details about the experience of the third party in relation to the activities that it will be undertaking, including any accreditations*

(v) *details of the processes in place to ensure the third party complies with the licensee's regulatory obligations.*

This response is provided to both questions 2.1(c) and 2.1(d).

As noted in response to questions 2.1(a) and 2.1(b), MLPL has the necessary staff and resources to meet the conditions of the licence but will utilise external service providers and consultants as appropriate through contractual arrangements. MLPL will also utilise TasNetworks' network expertise through contractual arrangements between MLPL and TasNetworks. TasNetworks and its predecessor transmission business Transend Networks Pty Ltd has been a participant in the National Electricity Market since 2005. As per the response to question 2.7 below, TasNetworks is a Transmission Network Service Provider, Special Participant System Operator, Metering Coordinator in the National Electricity Market and holds a transmission licence in Tasmania. MLPL will also utilise TasNetworks' corporate services and professional services under a Master Business Services Agreement with MLPL. The

services provided under the Master Business Services Agreement include insurance, external audit, access to TasNetworks' personnel, and other corporate shared services.

The other key contracts with third parties engaged by MLPL to assist with the licensed activities relating to land access are as follows:

- Acumentis – land valuation services and landowner engagement and negotiations
- Jacobs Group (Australia) - Technical, Engineering and Project Management Services
- Tetra Tech Coffey Services Australia – Environmental and Planning Advisory, Impact Assessment, EIS and GIS Studies
- RPS AAP Consulting Pty Ltd – Community and customer engagement services
- Herbert Smith Freehills – Legal services

Each of the above contracts is monitored and managed by MLPL to ensure compliance with the contract terms, which include legislative and regulatory compliance obligations.

### 2.2 Risk management

(a) *Provide confirmation and evidence that the applicant has identified the risks associated with electricity transmission. Additionally, provide evidence that the applicant has established, utilised and relied upon risk management systems and processes which are adequate, accurate and current to address those risks.*

(b) *Provide a copy of the applicant's risk management strategy. A statement should also be provided (or supporting document must make it clear) whether the strategy has been developed in line with any Australian or International Standard (for example, ISO 31000:2018).*

(c) *Provide a copy of a risk register that identifies risks, controls and mitigations.*

As a subsidiary of TasNetworks, MLPL is covered by, and complies with, the TasNetworks Risk Management Policy and Risk Management Framework. Noting that the Marinus Link project is still in the design and approval phase, MLPL has not developed a risk register which specifically relates to the risks of electricity transmission, however, MLPL intends to develop and finalise such a register prior to the commissioning of Marinus Link.

**Attachment reference:**

### 2.3 Land access dispute resolution

*If relevant, identify how persons whose land may be accessed can raise a dispute in relation to any activities connected with the transmission of electricity and the proposed processes and procedures in place to resolve disputes.*

At present, to the extent that a dispute relates to access under an existing access agreement, the landowner may raise the dispute with the MLPL Head of Legal in accordance with that access agreement.

For other disputes not relating to an access agreement, a landowner may raise disputes relating to any relevant activities with the MLPL Land Access & Acquisitions Manager. If a dispute were raised MLPL would seek to meet with the landowner to attempt to clarify and resolve the dispute.

MLPL is in the process of preparing a complaints process which will include landowner disputes and will provide this policy to the ESC when it is in final form.

**Attachment reference:** Not applicable.

### 2.4 Registration with the Australian Energy Market Operator

*Advise if the applicant will apply to register with the Australian Energy Market Operator (AEMO). If so, provide evidence of registration or exemption, or intending registration or exemption (for example, correspondence between the applicant and AEMO). If the applicant is not registering with AEMO, describe why that is the case.*

MLPL has registered with AEMO as an Intending Participant - Network Service Provider as of 2 August 2022.

**Attachment reference:**

### 2.5 Licence held in other jurisdictions

*If the applicant holds, or has previously held, electricity and/or gas licences or authorisations in other jurisdictions, provide details. If a licence or authorisation previously held has been suspended or cancelled, provide details.*

MLPL holds a transmission licence in Tasmania.

MLPL does not hold any other licences within Victoria.

### 2.6 Previous unsuccessful licence applications in other jurisdictions

*Confirm whether the applicant has applied for an electricity or gas licence or authorisation in another jurisdiction and not been issued with a licence or authorisation, provide details.*

MLPL has not been unsuccessful in any licence applications sought in Victoria or any other jurisdictions.

### 2.7 Licences held by associates of the applicant

*If an associate (within the meaning of the Corporations Act 2001) holds an electricity or gas licence or authorisation in Victoria or another Australian jurisdiction, provide details.*

MLPL's ultimate parent entity, TasNetworks:

(a) is a registered participant in the National Electricity Market in the following categories:
    (i) Metering Coordinator;
    (ii) Network Service Provider (Transmission);
    (iii) Network Service Provider (Distribution);
    (iv) Special Participant System Operator; and
    (v) Special Participant Distribution Operator; and

(b) holds a Tasmanian Electricity Transmission Licence and Tasmanian Electricity Distribution Licence under section 19 of the *Electricity Supply Industry Act 1995* (Tas).

MLPL's related body, Fourtytwo24 Pty Ltd also holds a carrier licence pursuant to the *Telecommunications Act 1997* (Cth).

### 2.8 Compliance management

(a) *Provide evidence of compliance management which demonstrates how the compliance systems the applicant has (or will have) in place will ensure compliance with all the relevant regulatory obligations required by the transmission licence.*

(b) *Provide a copy of the applicant's compliance management strategy. A statement should also be provided (or supporting document must make it clear) whether the strategy has been developed in line with any Australian or International Standard (for example, AS ISO 19600:2015).*

As a subsidiary of TasNetworks, MLPL is covered by, and complies with, the TasNetworks Compliance Policy and the TasNetworks Compliance Framework. TasNetworks uses the Governance, Risk, Compliance (GRC) module within SAP to manage all compliance obligations for the TasNetworks group.

MLPL acknowledges that the TasNetworks register does not include obligations which MLPL will be required to comply with in Victoria. Such compliance obligations are managed on a case-by case basis with internal and/or external legal advice in relation to what obligations apply to MLPL, and the relevant teams within MLPL manage those obligations.

MLPL is considering how best to prudently manage its compliance obligations moving forward as a standalone business, which may involve the development of its own compliance obligations register.

**Attachment reference:**

### 2.9 Material agreements

*Provide copies of agreements entered into, or intended to be entered into, by the applicant that are material to the undertaking of the transmission activity.*

*Agreements that are material to the undertaking of the transmission activity may include:*

(a) *Connection agreements, such as a Generator Connection Agreement and Generator Project Agreement with a generation facility.*

(b) *Any contract concerning the construction and delivery of the project (sometimes commonly referred to as a Project Construction and Coordination Deed (PCCD) or Engineering, Procurement and Construction Agreement).*

(c) *Any Network Services Agreements.*

(d) *Any contracts concerning the managerial aspects of the activity (sometimes commonly referred to as a Management Services Agreement).*

(e) *Any contract concerning the ongoing operations and maintenance of the transmission assets (sometimes commonly referred to as an Operations and Maintenance Agreement).*

Not applicable at this time. Proposed forms of these contracts for the construction and delivery of Marinus Link are being developed and can be provided once finalised.

**Attachment reference:** Not applicable.

### 2.10 Declared Transmission System Operator

*An explanation of whether the transmission assets are contemplated to form part of the Declared Transmission System and whether the applicant is, or has requested to be, a Declared Transmission System Operator.*[1]

Not applicable. MLPL and AEMO have agreed that Marinus Link will not form part of the Victorian Declared Shared Network and accordingly MLPL does not need to be a Declared Transmission System Operator (**DTSO**).

**Attachment reference:** Not applicable.

### 2.11 Approvals

*Provide a copy of any planning or environmental approvals that permit the applicant to undertake preparatory works in relation to the transmission of electricity.*

While planning and environmental approvals have not yet been completed, work is underway and is intended to be completed ahead of the final investment decision in 2024. In relation to the activities that MLPL is currently undertaking, it has obtained approvals and consents for land surveys and marine surveys.

**Attachment reference:**

### 2.12 Land access

*Provide the following in relation to land access (if the applicant is intending to access private land for the purpose of transmission (or preparatory works):*

(a) *Copies of any agreements to access land for the purpose of the transmission (including preparatory works). If there are multiple agreements on similar terms, a copy of a single agreement is sufficient.*

(b) *A description of any complaints, including resolution or outcomes, concerning the applicant's activities in relation to land access.*

(c) *Copies of any policy or process of the applicant relating to the negotiation of access to land for the purpose of the transmission (including preparatory works). Where relevant, that policy or process, should demonstrate the applicant has the technical capacity to undertake land access in accordance with the commission's Electricity Transmission Company Land Access Statement of Expectations.*

(d) *Information about the skills, experience and expertise of the key personnel who will be engaging with local communities and landowners regarding the applicant's intended use of land access powers under the Electricity Industry Act 2000.*

Land access arrangements are currently being negotiated and a number of land access licences are in place. A template access licence is provided with this application.

To date, MLPL is aware of two complaints made by landowners in Victoria in relation to land access by MLPL. These complaints were not made to MLPL directly but, rather, to the Australian Energy Infrastructure Commissioner (**AEIC**). The AEIC provided details of those complaints to MLPL and MLPL

[1] See section 31 *National Electricity (Victoria) Act 2005*.

met with the AEIC to discuss both complaints. The relevant complaints, along with resolution or outcomes, are summarised below.

| | **Complaint description** | **MLPL Response** | **Outcome** |
|---|---|---|---|
| 1. | The AEIC advised MLPL that the complainant's complaints in relation to land access were:<br>• loss of access to areas of the complainant's property and ongoing loss of income from restricted farming activities;<br>• loss of property value resulting from restrictions imposed across the easement area;<br>• disruption to farming activities during construction works;<br>• poor consultation and communication from Marinus Link and their contractors, including providing incorrect maps and documentation; and<br>• ineffective community sessions with contractors who allegedly provided information that is contradictory to the information available on the project website, particularly in relation to land access procedures. | The complainant had requested that MLPL not contact them directly.<br>MLPL provided a written response to the AEIC responding the complainant's concerns, which MLPL requested the AEIC to provide to the complainant. | The complainant requested that MLPL not contact them directly so MLPL continues to respect that request. |
| 2. | The AEIC advised MLPL that the complainants were concerned that the operation of their organic farm would no longer be able to proceed should the project proceed within the vicinity of their property. In particular, they | MLPL provided a written response to the AEIC responding to the complainants' concerns. | MLPL and its agents have had further discussions and meetings with the complainants to provide further information and address their concerns. |

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| | advised that they do not have clarity from MLPL on how impacts to the farm would be managed. The complainants outlined that the operation of a certified organic farm requires the maintenance of a number of strict requirements (for example maintaining records of persons entering property, controls for managing invasive weeds etc.). In addition, the complainants raised the following concerns:<br>• disruption of major water supply to their farm as a result of environmental impacts;<br>• loss of access to areas of their property and ongoing financial loss resulting from restricted farming activities; and<br>• misinformation and confusion within the community resulting from poor community engagement. | | |

MLPL has provided information to landowners in relation to its land access requirements and, more specifically, in relation to its proposed process for the negotiation and acquisition of easements. Copies of the documents provided to landowners are provided with this application.

**Attachment reference: Attachment 2.12(a)(1); Attachments 2.12(c)(1)**

### 2.13 Engagement with Energy Safe Victoria

*Provide details about the applicant's engagement with Energy Safe Victoria and any copies of correspondence regarding the proposed electricity transmission infrastructure.*

MLPL has not operated in the Energy Market in Victoria to date. MLPL has commenced engagement by providing a project briefing to the Energy and Water Ombudsman (Victoria) (**EWOV**) and Energy Safe Victoria but has not had any formal correspondence with EWOV or Energy Safe Victoria.

### 2.14 Additional information

*Provide any additional information the applicant considers relevant to the commission's assessment of the applicant's technical capacity*

## 3 Financial viability

### 3.1 Financial resources

*The applicant must provide a statement that will be made available to the public during the consultation period that the applicant has the financial resources to commence and sustainably perform the relevant licensable activities.*

*Provide a statement to confirm that:*

(a) *the applicant is financially viable and has the financial resources to sustainably undertake the electricity transmission activity; and*

(b) *the applicant will be a registered market participant with the Australian Energy Market Operator for its electricity transmission activities.*

*The commission reserves the right to conduct a financial viability assessment and require the applicant to produce information and documents it considers appropriate to complete such an assessment.*

**The applicant is financially viable**

As detailed below, MLPL has established the financial viability of Marinus Link and has the financial resources to sustainably progress the design and approval phase of Marinus Link. The most recent announcement of a letter of intent between the Tasmanian and Commonwealth Governments provides further confidence to MLPL that is will have the financial resources to deliver and operate Marinus Link.

MLPL is wholly owned by TasNetworks, which is owned by the State of Tasmania and has Federal government support for its activities. This, combined with:

(a) a clear feasibility and business case assessment, as funded jointly with the Australian Renewable Energy Agency (**ARENA**); and

(b) the identification of Project Marinus as an "actionable" ISP Project in AEMO's 2022 ISP; and

(c) the completion of the PACR which confirms that Marinus Link (and the North West Tasmanian Transmission Developments) satisfies the RIT-T, providing greater benefits to the NEM than it costs,

highlights the importance and financial viability of Project Marinus and the financial support that MLPL has to sustainably commence and undertake its operations in respect of Marinus Link.

TasNetworks has been provided with $50 million of grant funding to progress the Design and Approvals phase of Project Marinus. TasNetworks' Shareholding Ministers have provided TasNetworks with a letter of support, allowing TasNetworks to borrow a further $39 million to support project continuity. This funding has and will be used to support the activities of MLPL. In April 2022, Project Marinus received a further $75 million from the Commonwealth government and $75 million from the Tasmanian Government pursuant to a further Memorandum of Understanding and supporting Project Agreement.

The Directors of TasNetworks have provided a letter of comfort to the Directors of MLPL undertaking to provide continued financial support to MLPL in order for MLPL to continue as a going concern and to meet its debts as and when they become due and payable.

As noted in response to question 2.4, MLPL is currently registered with AEMO as an Intending Participant – Network Service Provider. MLPL intends to become a registered market participant for any electricity transmission activities.

As of 19 October 2022, the Tasmanian and Commonwealth Governments have signed a letter of intent that includes access to a concessional loan from Rewiring the Nation, through the Clean Energy Finance Corporation, for approximately 80 per cent of the project delivery costs of Marinus Link, with the additional 20 per cent to be an equity investment shared equally between the Commonwealth, Victorian and Tasmanian Governments.

**Attachment reference: Attachments 3.1(1)**

## 4 Fit and proper person

***The applicant must answer all questions in this section***

*In deciding whether to grant or refuse a licence application, the commission will consider whether the applicant is a fit and proper person to hold a licence in Victoria.*

*The concept of a 'fit and proper person' is established by common law and takes its meaning from its context, from the activities in which the person is or will be engaged, and the ends to be served by those activities.*

*In considering whether an applicant is a fit and proper person, we will have regard to the applicant's honesty, integrity and reputation. These are relevant factors as they can inform an assessment of the likelihood of future conduct.*

*We will also consider the conduct of directors, office holders or any person with significant managerial duties or influence. We will also consider the conduct of related bodies corporate or entities that can exert control over the applicant.*

| Item | Question | Answer |
|---|---|---|
| (a) | *Have any directors of the applicant, directors of any entity that can exert control over the applicant, or any person with significant managerial responsibility or influence on the applicant:*<br>*(i) been declared bankrupt,*<br>*(ii) had their affairs placed under administration,*<br>*(iii) been disqualified from managing a company,*<br>*(iv) been subject to debt judgements, or*<br>*(v) insolvency proceedings (including any administration, liquidation or receivership in connection with the affairs of a company)?*<br>*If yes, provide details:* | No |

| | | |
|---|---|---|
| (b) | *Has the applicant, any directors of the applicant, directors of any entity that can exert control over the applicant or any person with significant managerial responsibility or influence on the applicant been prosecuted for any offences or had any enforcement action taken under any state, territory, Commonwealth or foreign legislation (including, but not limited to, the Competition and Consumer Act 2010, Corporations Act 2001, or the Australian Securities and Investments Commission Act 2001)?*<br><br>*If yes, provide details:* | No |
| (c) | *Has the applicant, any directors of the applicant, any related body corporate, or any person with significant managerial responsibility or influence on the applicant been involved in any material breaches of obligations regulated by the commission or any other regulator?*<br><br>*If yes, provide details:* | Yes. Over time, TasNetworks has had a number of immediately reportable breaches of the National Energy Customer Framework regulated by the Australian Energy Regulator. |
| (d) | *Has the applicant, any directors of the applicant, any related body corporate, or any person with significant managerial responsibility been under investigation in relation to its regulatory obligations or is currently bound by an enforceable undertaking?*<br><br>*If yes, provide details:* | Yes. TasNetworks has been investigated by WorkSafe Tasmania in relation to safety incidents reportable to that regulator; no enforcement actions occurred.<br>TasNetworks is not currently bound by an enforceable undertaking. |
| (e) | *Has the applicant, any related body corporate or any person with significant managerial responsibility or influence on the applicant, been refused a licence or authorisation, or had restricted, suspended or revoked any such licence or authorisation (in any jurisdiction)?*<br><br>*If yes, provide details:* | No |
| (f) | Provide any other information the applicant considers relevant to the commission's fit and proper person assessment. | |

**Additional information**

*Answer the following questions and, where the answer to any question is "no", provide further*

*detail.*

| Item | Question | Answer |
|---|---|---|
| (a) | *Is the applicant a resident of, or does it have permanent establishment in, Australia?* | Yes |
| (b) | *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?* | No |
| (c) | *Is the applicant immune from suit in respect of the obligations under the Electricity Industry Act 2000?* | No, noting that the activities proposed to be undertaken do not attract the immunity |
| (d) | *Is the applicant capable of being sued in its own name in a court of Australia?* | Yes |

## 5 Commission objectives

***The applicant must answer all questions in this section***

*In deciding whether to grant or refuse an electricity transmission licence application, the commission must consider its objectives under the Electricity Industry Act 2000 and the Essential Services Commission Act 2001 (ESC Act).*

*Our primary objective under the ESC Act, when performing our functions and exercising our powers, is to promote the long-term interests of Victorian consumers. In seeking to achieve this objective, we must have regard to the price, quality, and reliability of essential services and the matters set out in section 8A to the extent they are relevant.*

*In seeking to achieve the objectives specified in section 8, the commission must have regard to the matters to the extent that they are relevant in any particular case.*

*Provide any information the applicant considers relevant to the commission's consideration of its objectives outlined in:*

- *Section 8 of the ESC Act (also see section 8A of the ESC Act); and*
- *Section 10 of the Electricity Industry Act 2000.*

The granting of a licence to MLPL is consistent with the ESC's objectives in sections 8 and 8A of the *Essential Services Commission Act 2001* (Vic), and section 10 of the *Electricity Industry Act 2000* (Vic) as detailed below.

### 5.1 Objectives of the ESC under the ESC Act

***Objective:*** *"To promote the long term interests of Victorian consumers and, in relation to essential services, having regard to the price, quality and reliability of essential services."*

The granting of a licence to MLPL will address the long term interests of Victorian consumers in relation to essential services as it will:

(i) increase the supply of electricity to Victorian customers putting downward pressure on the price of electricity in Victoria; and

(ii) increase system security and reliability by connecting Victoria to Tasmania's deep,

long duration hydro resources, the largest and lowest cost storage in the National Electricity Market.

### 5.2 Matters to which the ESC must have regard

(a) ***Matter 1****: efficiency in the industry and incentives for long term investment.*

The provision of a licence to MLPL will aid in the development of Marinus Link. Marinus Link will provide benefits to customers in Victoria and other NEM regions and increase efficiency by providing access to the natural firming benefits offered by Tasmanian renewable generation and storage resources.

(b) ***Matter 2****: the financial viability of the industry.*

The financial viability of the electricity industry will be improved by the granting of a transmission licence to MLPL for the purpose of facilitating Marinus Link.

This is because the operation of Marinus Link will have the ability to manage frequency fluctuations and have the potential to increase system strength in a system that is becoming increasingly more insecure. This will bolster the confidence of intending generators and investors in Victoria and will likely result in more generation facilities being developed within the State. This has significant multiplier effects within Victoria and the industry more broadly.

(c) ***Matter 3****: the degree of, and scope for, competition within the industry, including countervailing market power and information asymmetries.*

The transmission industry has few players in Victoria. Granting a licence will not affect existing competitive arrangements in Victoria for transmission noting the limited scope of MLPL's proposed activities.

However, granting a licence will likely have an impact on the broader electricity industry in Victoria as it will increase the supply of energy and frequency control ancillary services (**FCAS**) and system restart ancillary services (**SRAS**) in Victoria. This will:

(i) increase competition within electricity wholesale markets with a particular focus on dispatchable (on-demand) energy supply and FCAS markets by increasing the number of participants who are capable of supplying FCAS services into these markets in Victoria;

(ii) have a downward price effect on the retail market due to the increased availability of generation supply, which could reduce the market power of existing retailers and encourage greater competition within the electricity retail sector; and

(iii) through increased competition in these markets, result in a more transparent and competitive electricity industry as a whole (as existing parties seek to compete with Tasmanian businesses) which will encourage a culture of compliance and reduce any temptation for other market participants to use their market power or exploit information asymmetries.

(d) ***Matter 4****: the relevant health, safety, environmental and social legislation applying to the industry.*

The development and operation of Marinus Link and associated transmission infrastructure in Victoria will occur in accordance with all applicable health, safety, environmental and social legislation applying to the Victorian electricity industry.

(e) ***Matter 5:*** *the benefits and costs of regulation (including externalities and the gains from competition and efficiency) for—*

(i) *consumers and users of products or services (including low income and vulnerable consumers);*

(ii) *regulated entities.*

Consumers will benefit from the granting of this licence as it will facilitate increased supply (in particular dispatchable capacity) of electricity to Victoria from Tasmania, and support renewable energy generation in Victoria which together will put downward pressure on consumer prices. Other market participants will also benefit from another source of long duration firming capability and an increase in access to risk management instruments improving their financial viability.

### 5.3 Objectives of the ESC under the *Electricity Industry Act 2000* (Vic)

(a) ***Objective 1*****:** *to the extent that it is efficient and practicable to do so, to promote a consistent regulatory approach between the electricity industry and the gas industry*[2]

This objective is not relevant to the development of Marinus Link and Marinus Link will not have an impact on this objective.

(b) ***Objective 2:*** *to promote the development of full retail competition*[3]

This objective is not relevant to the development of Marinus Link.

(c) ***Objective 3:*** *to promote protections for customers, including in relation to assisting customers who are facing payment difficulties*[4]

This objective is not relevant to the development of Marinus Link.

[2] *Electricity Industry Act 2000* (Vic), section 10(a).
[3] *Electricity Industry Act 2000* (Vic), section 10(b).
[4] *Electricity Industry Act 2000* (Vic), section 10(c).

## 6 Statutory declaration

I, of 7 Maria Street, Lenah Valley in Tasmania, make the following statutory declaration under the ***Oaths and Affirmations Act 2018*** **(Victoria)**:

(a) I am the chief executive officer of Marinus Link Pty Ltd.

(b) The information provided in this application (including any attachments) to the Essential Services Commission for an electricity transmission licence is true and correct.

and I make this declaration conscientiously believing these matters to be true and knowing that making a statutory declaration that I know to be untrue is an offence.

…….

[*signature of person making this statutory declaration in the presence of the authorised statutory declaration witness*]

Declared at Lenah Valley in the State of Tasmania

on December 2022

Witness

**I am an authorised statutory declaration witness and I sign this document in the presence of the person making the declaration:**

…….

[*signature of authorised statutory declaration witness*]

on December 2022

…….....

…….....

…….....

[*full name and personal or professional address of authorised statutory declaration witness in legible writing, typing or stamp*]

[*qualification as an authorised statutory declaration witness*]

A person authorised under section 30(2) of the ***Oaths and Affirmations Act 2018*** to witness the signing of a statutory declaration.