



Gas

Licence



Liquefied Petroleum Gas Distribution Licence

Environmental Land Services (Aust) Pty Ltd

ACN 132 441 608

Issued by the Essential Services Commission on 28 August 2013.

Last varied by the Essential Services Commission on 8 August 2019.

Variation history

Amendment number	Variation date	Reason	
ESCOSA01	16 December 2014	Variation to schedule	
ESCOSA02	8 August 2019	Licence varied to reflect amendments to the Act and update outdated references.	

1 Definitions and interpretation

- 1.1 Words appearing in bold like **this** are defined in Schedule 1.
- 1.2 This licence must be interpreted in accordance with the rules set out in Schedule 2.

2 Grant of licence

- 2.1 The **licensee** is licensed under Part 3 of the **Gas Act** to carry on the operation of the **LPG distribution system**, as specified in Schedule 3, subject to the terms and conditions set out in this licence.

3 Term

- 3.1 This licence continues until:
 - (a) it is surrendered by the **licensee** under section 31 of the **Gas Act**; or
 - (b) it is suspended or cancelled by the **Commission** under section 38 of the **Gas Act**.

4 Compliance with laws and industry codes

- 4.1 The **licensee** must comply with any applicable **industry code** or **industry rule** made by the **Commission** from time to time which is specified by the **Commission** as being applicable to the **licensee**.
- 4.2 The **licensee** must comply with all applicable laws including, but not limited to, any technical or safety requirements or standards in regulations under the **Gas Act**.
- 4.3 The **licensee** must notify the **Commission** if it commits a material breach of the **Gas Act** or an applicable **industry code** within 3 days of becoming aware of that breach.

5 Information to the Commission

- 5.1 The **licensee** must, from time to time as required by the **Commission** and in a manner and form determined by the **Commission**, provide to the **Commission**:
 - (a) details of the **licensee's** financial, technical and other capacity to continue its operations authorised by this **licence**; and
 - (b) such other information as the **Commission** may require.
- 5.2 The **licensee** must notify the **Commission** of any changes to its officers or major shareholders (if applicable) within 30 **business days** of that change.
- 5.3 The **licensee** must, if required by the **Commission**, monitor and report on indicators of service performance determined by the **Commission**.

6 Business to business information exchange

- 6.1 The **licensee** must ensure that appropriate information exchange protocols are in place between the **licensee** and any **retailer** with whom the **licensee** is required to exchange information.

7 Communication between customers and other entities

7.1 The licensee must:

- (a) on request by a **customer**, provide the **customer** with contact details for the **retailer**; and
- (b) give the **retailer** reasonable assistance in communicating with a **customer**.

8 Accounts and separate business

8.1 The licensee must, if directed by notice in writing by the **Commission**, maintain accounting records and prepare accounts according to principles specified in that notice.

9 Operational and compliance audits

9.1 The licensee must undertake periodic audits of:

- (a) the operations authorised by this licence;
- (b) the licensee's compliance with its obligations under this licence;
- (c) any applicable **industry code**; and
- (d) any other matter relevant to the operations authorised by this licence as specified by the **Commission**,

at the request of, and in accordance with the requirements specified by, the **Commission**.

9.2 The results of audits conducted under this clause 9 must be reported to the **Commission** in a manner approved by the **Commission**.

9.3 The **Commission** may require the licensee to use an independent expert approved by the **Commission** to conduct audits under this clause 9.

9.4 The **Commission** may require the costs of using an independent expert approved by the **Commission** to conduct audits under this clause 9 to be met by the licensee.

10 Ombudsman and disputes

10.1 The licensee must, if directed by the **Commission** in writing, participate in an **Ombudsman Scheme**.

11 Customer concessions and community service obligations

11.1 The licensee must comply with the requirements of any scheme approved and funded by the Minister for the provision by the State of **customer** concessions or the performance of community service obligations by the licensee.

12 Customer consultation

- 12.1 The licensee must, if directed by the Commission in writing, establish customer consultation processes as specified in that direction.

13 Pre-payment metering

- 13.1 The licensee must not implement a pre-payment metering system in respect of its **small customers** unless the licensee has obtained the Commission's prior written approval for the adoption of that pre-payment metering system.

14 Disconnection

- 14.1 The licensee must not disconnect or discontinue, or take any action which may lead to the disconnection or discontinuance of supply of LPG to a **customer**, except in accordance with the provisions of an **industry code** that applies to the licensee.

15 Safety, reliability, maintenance and technical management plan

- 15.1 The licensee must:
- (a) prepare, maintain and periodically revise a safety, reliability, maintenance and technical management plan dealing with matters prescribed by **regulation**;
 - (b) obtain the approval of the **Technical Regulator**:
 - (i) to the plan (prior to the commencement of the operation of the distribution system to which the plan relates); and
 - (ii) to any revision of the plan;
 - (c) comply with the plan as approved from time to time in accordance with clause 15.1(b); and
 - (d) undertake audits of its compliance with the plan from time to time and report the results of those audits to the **Technical Regulator**, in the form required by the **Technical Regulator**.

16 Confidentiality

- 16.1 The licensee must, unless otherwise required or permitted by law, this licence or applicable **industry code**:
- (a) comply with any rules determined by the **Commission** from time to time relating to the use of information acquired by the licensee in the course of operating the business authorised by this licence; and
 - (b) ensure that information concerning a **customer** is not disclosed without the **explicit informed consent** of the customer.
- 16.2 The licensee must ensure that any information received from, or provided to, any related body corporate of the licensee is only received or provided on non-discriminatory commercial terms.

17 Compliance with good gas industry practice

- 17.1 The licensee must use its **best endeavours** to conduct the operations authorised by this licence in accordance with **good gas industry practice** including, but not limited to, conducting the operations so as to:
- (a) prevent death or injury to, persons or damage to property;
 - (b) minimise leakage of LPG; and
 - (c) account for the total amount of LPG lost from the **distribution system** as a result of leakage or an activity referred to in section 82(1) of the **Gas Act**.

18 Variation

- 18.1 This licence may only be varied in accordance with section 29 of the **Gas Act**.

19 Transfer

- 19.1 This licence may only be transferred in accordance with section 30 of the **Gas Act**.

This licence was issued by the Commission on 28 August 2013 and last varied by the Commission on 8 August 2019.

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ESSENTIAL SERVICES)
COMMISSION of South)
Australia was hereunto)
affixed by authority of the)
ESSENTIAL SERVICES)
COMMISSION and in the)
presence of:)



Brett Rhoads

Commissioner

8 August 2019

Date

Schedule 1 – Definitions

In this licence:

best endeavours means to act in good faith and use all reasonable efforts, skill and resources;

business day means a day other than a Saturday, Sunday or public holiday;

Commission means the Essential Services Commission established under the ESC Act;

customer has the meaning given to that term in the **Gas Act**, namely a person who has a supply of LPG available from a system for consumption by that person, and includes:

- (a) the occupier for the time being of a place to which LPG is supplied by a **distribution system**;
- (b) where the context requires, a person seeking a supply of LPG from a **distribution system**; and
- (c) a person of a class declared by regulation to be **customers**;

distribution system has the meaning given to that term in the **Gas Act**;

ESC Act means the Essential Services Commission Act 2002;

explicit informed consent has the same meaning as is given to that term in the National Energy Retail Law (South Australia) Act 2011;

Gas Act means the Gas Act 1997;

good gas industry practice means the exercise of that degree of diligence, skill, prudence and foresight that reasonably would be expected from a significant proportion of operators of **LPG distribution systems** forming part of the Australian LPG supply industry under conditions comparable to those applicable to the **distribution system** operated by the licensee consistent with the **Gas Act**, **industry codes** or **industry rules**, reliability, safety and environmental factors;

industry code includes any **industry code** made by the **Commission** under section 28 of the **ESC Act**;

industry rule includes any **industry rule** made by the **Commission** under section 28 of the **ESC Act**;

licensee means Environmental Land Services (Aust) Pty Ltd (ACN 132 441 608);

LPG means liquefied petroleum gas, being a hydrocarbon fluid composed predominantly of one or more of the following hydrocarbons: propane (C₃H₈); propene (propylene) (C₃H₆); butane (C₄H₁₀); or butene (butylene) (C₄H₈);

Ombudsman Scheme means an ombudsman scheme, the terms and conditions of which are approved by the **Commission**; and

Technical Regulator means the person holding the office of the Technical Regulator under the **Gas Act**.

Schedule 2 – Interpretation

In this licence, unless the context otherwise requires:

- (a) headings are for convenience only and do not affect the interpretation of this licence;
- (b) words importing the singular include the plural and vice versa;
- (c) words importing a gender include any gender;
- (d) an expression importing a natural person includes any company, partnership, trust, joint venture, association, corporation or other body corporate and any governmental agency;
- (e) a reference to a person includes that person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns;
- (f) a reference to any statute, regulation, proclamation, order in council, ordinance or bylaw includes all statutes, regulations, proclamations, orders in council, ordinances or by-laws varying, consolidating, re-enacting, extending or replacing them and a reference to a statute includes all regulations, proclamations, orders in council, ordinances, by-laws and determinations issued under that statute;
- (g) a reference to a document or a provision of a document includes an amendment or supplement to, or replacement or novation of, that document or that provision of that document;
- (h) an event which is required under this code to occur on or by a stipulated day which is not a **business day** may occur on or by the next **business day**.

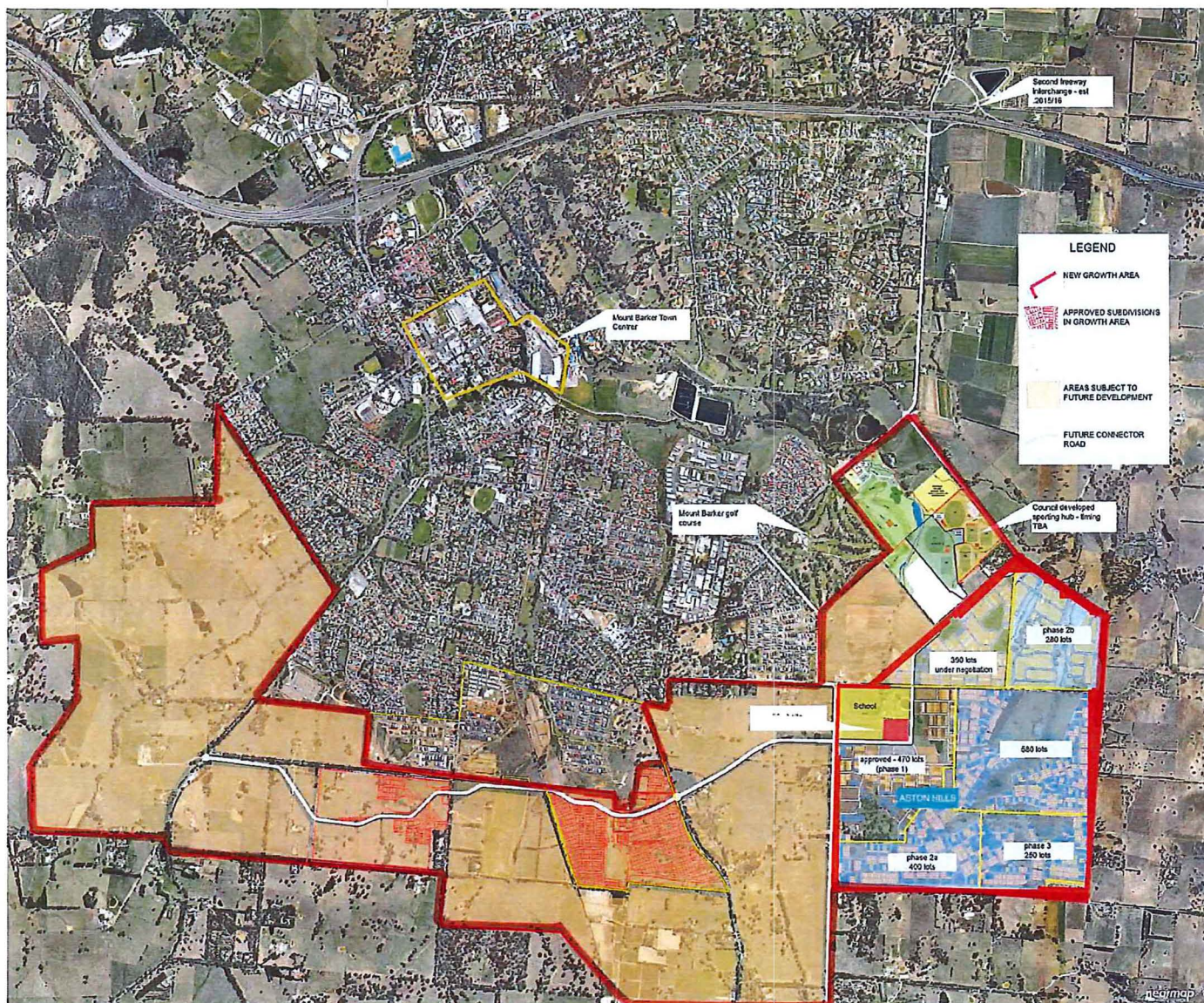
Schedule 3 – Licensed Operations

The distribution system used by the licensee to carry on business of transporting liquefied petroleum gas in:

- (a) Bluestone Estate, Mount Barker, South Australia, and
- (b) the new growth area of Mount Barker, South Australia as identified in the map attached to this licence as schedule 4

(in as far as those systems constitute a distribution system for the purposes of the Gas Act).

Schedule 4 – Map of Mount Barker's New Growth Area





The Essential Services Commission
Level 1, 151 Pirie Street Adelaide SA 5000
GPO Box 2605 Adelaide SA 5001
T 08 8463 4444

E escosa@escosa.sa.gov.au | W www.escosa.sa.gov.au