



Gas

Licence



Liquefied Petroleum Gas Retail Licence

Elgas Limited

ACN 002 749 260

Issued by the Essential Services Commission on 3 September 2013.
Last varied by the Essential Services Commission on 15 May 2019.

Variation history

Amendment number	Variation date	Reason
ESCOSA01	15 May 2019	Licence varied to include additional locations outlined in schedule 3 of the licence.

1 Definitions and interpretation

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

2 Grant of licence

- 2.1 The **licensee** licensed under Part 3 of the **Gas Act** to sell and supply LPG to a person for consumption, where that LPG is conveyed to the person by a **distribution system**, subject to the 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.
- 4.4 The **licensee** must comply with the **Retailer Energy Efficiency Scheme** as set out in Part 4 of the Gas Regulations 2012 (as in force from time to time) and the **Retailer Energy Efficiency Scheme Code** made by the Commission under section 28 of the **ESC Act** (as in force from time to time).

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 distributor 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 distributor; and
 - (b) give the distributor reasonable assistance in communicating with a customer.

8 Accounts and separate business

- 8.1 If the licensee sells and supplies LPG to customers of a prescribed class, the licensee must, if directed by notice in writing by the Commission, maintain accounting records and prepare accounts according to principle 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 provisions of an **industry code** that applies to the licensee.

15 LPG supply

- 15.1 The licensee must ensure that at all times the quantity of LPG available to it for delivery to its **customers** from a **distribution system** is sufficient to meet reasonable forecasts of its **customers'** aggregate demand for LPG from the **distribution system**.

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 Variation

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

18 Transfer

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

This licence was issued by the Commission on 3 September 2013 and last varied on 15 May 2019.

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



Mutt House

Commissioner

15 May 2019

Date

Schedule 1 – Definitions and Interpretation

Part 1 - Definitions

In this licence:

Gas Act means the Gas Act 1997;

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 gas available from a system for consumption by that person, and includes:

- (a) the occupier for the time being of a place to which gas is supplied by a **distribution system**;
- (b) where the context requires, a person seeking a supply of gas from a **distribution system**; and
- (c) a person of a class declared by regulation to be **customers**;
- (d) **distributor** means a holder of a licence to operate a **distribution system** under Part 3 of the **Gas Act**;

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;

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 Elgas Limited ACN 002 749 260;

LPG means liquefied petroleum gas, being a hydrocarbon fluid composed predominantly of one or more of the following hydrocarbons: propane (C_3H_8); propene (propylene) (C_3H_6); butane (C_4H_{10}); or butene (butylene) (C_4H_8);

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

Retailer Energy Efficiency Scheme means the scheme set out in Part 4 of the Gas Regulations 2012;

small customer means a **customer** which consumes less than 1 TJ of LPG per annum through a single connection point.

Part 2 - Interpretation

In this licence, unless the context otherwise requires:

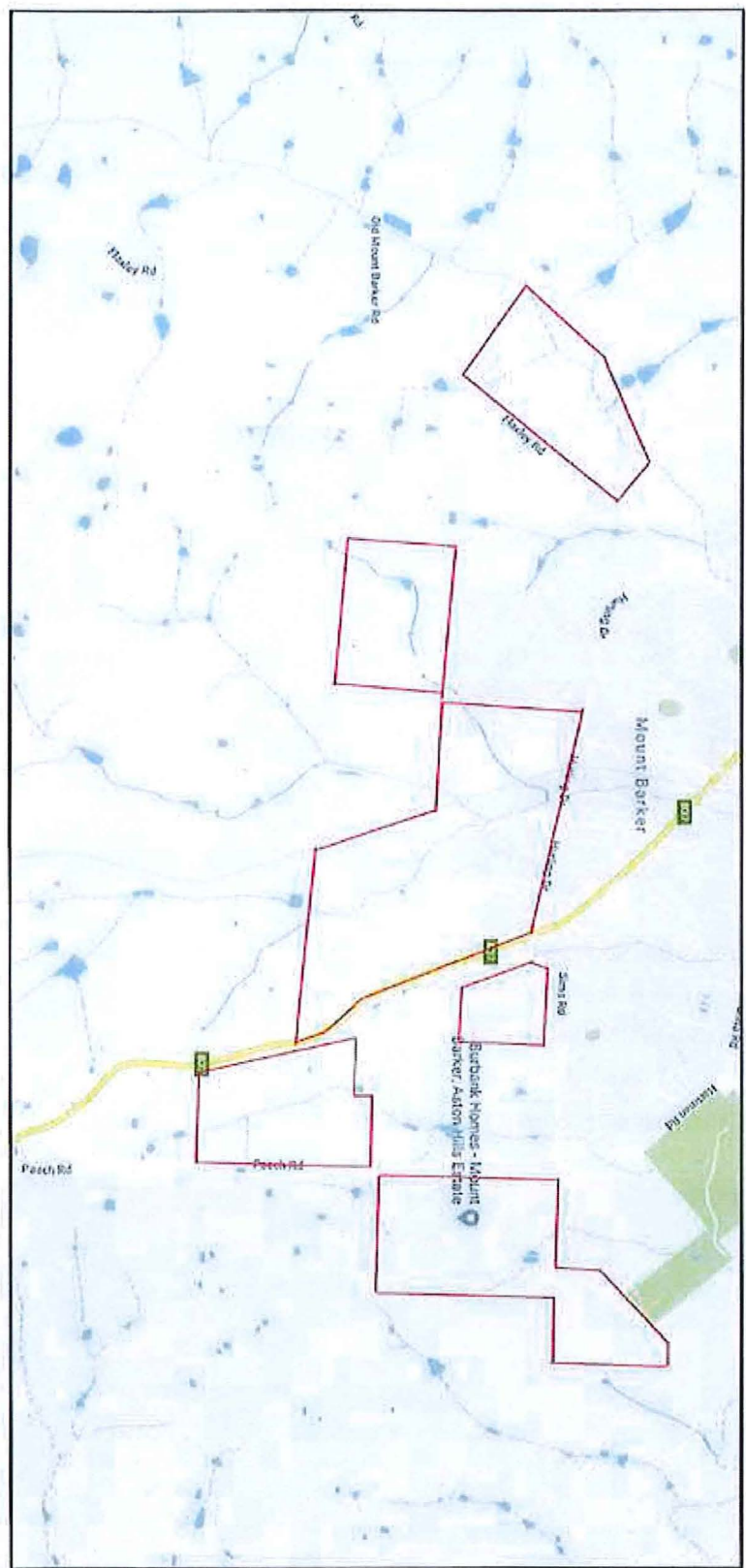
- (a) headings are for convenience only and do not affect the interpretation of this licence;
- (b) words importing the singular include the plural and vice versa;
- (c) words importing a gender include any gender;
- (d) an expression importing a natural person includes any company, partnership, trust, 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

Retail of liquefied petroleum gas, via a licensed distribution system used by the licensee to carry on business of transporting liquefied petroleum gas, at these specified locations:

1. Clare (Hanlins Rise Estate)
2. Point Boston Estate (near Port Lincoln), and
3. In the areas identified in the map of Mount Barker set out in Schedule 4.

Schedule 4 -Mount Barker map





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