



LIQUEFIED PETROLEUM GAS RETAIL LICENCE

Origin Energy Retail Limited ABN 22 078 868 425

Issued by the Essential Services Commission of South Australia on 3 September 2013



Variation History

AMENDMENT NUMBER	VARIATION DATE	REASON

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** 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 **Residential Energy Efficiency Scheme** as set out in Part 4 of the Gas Regulations 2012 (as in force from time to time) and the **Residential 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 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

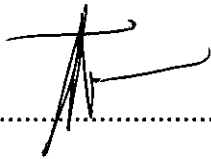
- 18.1 This licence may only be transferred in accordance with section 30 of the **Gas Act**.

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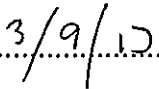
This licence was issued by the **Commission** on 3 September 2013.

THE COMMON SEAL OF)
THE ESSENTIAL SERVICES)
COMMISSION OF SOUTH)
AUSTRALIA was hereunto affixed)
by authority of the Chairperson)
and in the presence of:)





Witness



Date

SCHEDULE 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**;

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 Origin Energy Retail limited ABN 22 078 868 425;

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**;

Residential 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.

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 – LICENCED OPERATIONS

- 1. Retail of liquefied petroleum gas in Roxby Downs, Victor Harbour (Rosetta Retirement Village), Renmark (Jane Eliza Estate), Port Lincoln, Wallaroo and Cape Jaffa (Cape Jaffa Anchorage) via a licensed distribution system used by the licensee to carry on business of transporting liquefied petroleum gas at these specified locations.**