



## LIQUEFIED PETROLEUM GAS DISTRIBUTION LICENCE

*Environmental Land Services (Aust) Pty Ltd as trustee for the  
Environmental Land Services (Aust) Trust ABN 14 380 892 123*

Issued by the Essential Services Commission of South Australia on 28 August 2013 and last varied on 16 December 2014



## Variation History

AMENDMENT NUMBER	VARIATION DATE	REASON
1	16 December 2014	Variation to schedule

## 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 a safety, reliability, maintenance and technical management plan dealing with matters prescribed by regulation and submit the plan to the **Commission** for approval;
  - (b) annually review and, if necessary, update the plan to ensure its efficient operation, and submit the updated plan to the **Commission** for approval;
  - (c) comply with the plan prepared in accordance with clause 15.1(a) and as updated from time to time in accordance with clause 15.1(b);
  - (d) not amend the plan without the approval of the **Commission**; and
  - (e) undertake annual audits of its compliance with its obligations under the plan and report the results to the **Technical Regulator**, in a manner approved 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 varied by the Commission on 16 December 2014.

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



*[Handwritten signature]*  
.....

**Witness**

*16/12/14*  
.....

**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 as trustee for the Environmental Land Services (Aust) Trust ABN 14 380 892 123;

**LPG** means liquefied petroleum gas, being a hydrocarbon fluid composed predominantly of one or more of the following hydrocarbons: propane (C<sub>3</sub>H<sub>8</sub>); propene (propylene) (C<sub>3</sub>H<sub>6</sub>); butane (C<sub>4</sub>H<sub>10</sub>); or butene (butylene) (C<sub>4</sub>H<sub>8</sub>);

**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 – LICENCED 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

