

## **Elgas Limited ACN 002 749 260**

### **Details of licence**

Gas Distributor's Licence under the *Gas Supply Act 1996*.

### **Details concerning the conditions imposed by the Minister**

Refer to the licence.

### **Determinations made by the Minister with respect to licences and their conditions**

#### **20 April 2000**

Distributor's licence granted to Elgas Limited to convey liquefied petroleum gas in and to the distribution districts defined as the areas contained within a 10 km radius of:

- ▼ Adelong Post office
- ▼ Batlow Post Office
- ▼ Gundagai Post Office, and
- ▼ Tumut Post Office

as located on 1 September 1999.

#### **15 April 2015**

Variation of the conditions of licence to remove Licence condition 14: "Identification of Pipes".

#### **1 August 2016**

Variation to the conditions of distributor's licence to add the areas contained within:

- ▼ The Murray Downs Estate distribution district; being the area bounded by
- ▼ Goldfinch Court, Currawong Court, and Sandpiper Drive
- ▼ The City of Armidale Local Council Area, and
- ▼ The Local Government Area of the Shire of Tweed

**21 December 2017**

Variation to the conditions of distributor's licence to add Pacific lakes Estate, Lake Munmorah: being the area covered by the following lot and plan numbers:

- ▼ Lot 1 of DP270244,
- ▼ Lot 1 of DP285819,
- ▼ Lot 1 of DP285818,
- ▼ Lot 1 of DP285797,
- ▼ Lot 1 of DP285757,
- ▼ Lot 1 of DP285662,
- ▼ Lot 1 of DP285773,
- ▼ Lot 1 of DP285798,
- ▼ Lot 1 of DP285907,
- ▼ Lot 1 of DP285727, and
- ▼ Lot 1 of DP286400.



**Don Harwin MLC**

Minister for Resources, Minister for Energy and Utilities,  
Minister for the Arts, Vice-President of the Executive Council

**GAS SUPPLY ACT 1996 - SECTION 41 Variation of  
Conditions of Gas Distributor Licence  
Variation of conditions of Elgas Limited's Gas Distributor  
Licence to expand distribution district**

I, Minister Don Harwin, MLC, Minister for Energy and Utilities, do hereby vary the conditions of the Distributor's Licence to Convey Liquefied Petroleum Gas granted to Elgas Limited (ACN 002 749 260) dated 20 April 2000 (**Licence**) in accordance with my powers under s.41 of the *Gas Supply Act 1996* as follows:

1. Condition 3 of the Licence is amended to expand the definition of 'distribution district' to include land known as the Pacific Lakes Estate, Lake Munmorah, specifically comprising land identified as the following lot and deposited plan numbers:
  - Lot 1 of DP270244,
  - Lot 1 of DP285819,
  - Lot 1 of DP285818,
  - Lot 1 of DP285797,
  - Lot 1 of DP285757,
  - Lot 1 of DP285662,
  - Lot 1 of DP285773,
  - Lot 1 of DP285798,
  - Lot 1 of DP285907,
  - Lot 1 of DP285727, and
  - Lot 1 of DP286400.
  
2. This variation to Condition 3 of the Licence takes effect from the date this instrument is signed.

**Don Harwin MLC**

Leader of the Government in the Legislative Council  
Minister for Resources  
Minister for Energy and Utilities  
Minister for the Arts  
Vice-President of the Executive Council

**DATED:** 15 DEC 2017  
Jan 2018



**The Hon Anthony Roberts MP**  
Minister for Industry, Resources and Energy

MF16/2501  
IM16/15944

Mr John Evans  
Managing Director  
Elgas Limited  
PO Box 1336  
Chatswood NSW 2067

Dear  Mr Evans

I refer to Elgas Ltd request for a variation of its NSW gas (liquefied petroleum gas) distributor licence under the *Gas Supply Act 1996*. Specifically to amend its licensed distribution districts to include:

1. The Murray Dows Estate distribution district; being the area bounded by Goldfinch Court, Currawong Court, and Sandpiper Drive.
2. The City of Armidale Local Council Area.
3. The Local Government Area of the Shire of Tweed.

I advise that I approve the requested changes to Elgas Ltd's gas distributor licence.

Please ensure that Elgas Ltd lodges a safety and operating plan that covers these variations with the Secretary for the Department of Industry. This must be completed as soon as practicable, but in any event, no later than six months from the date of this approval.

If you have any questions or would like to discuss this further, please do not hesitate to contact Christine Allen on (02) 9290 8412 or [Christine.allen@ipart.nsw.gov.au](mailto:Christine.allen@ipart.nsw.gov.au).

Yours sincerely

Anthony Roberts MP  
**Minister for Industry, Resources and Energy**



**The Hon Anthony Roberts MP**  
Minister for Industry, Resources and Energy

15/189

Mr John Evans  
Managing Director  
Elgas Limited  
PO Box 1336  
Chatswood NSW 2067

Dear Mr Evans

I refer to IPART's consultation arising from a request by Wesfarmers Kleenheat Gas Pty Ltd for removal of, or exemption from, a condition of its NSW gas ((liquefied petroleum gas) distributor licence under the *Gas Supply Act 1996*. Specifically,

*"The Distributor must clearly and permanently mark its name on all new pipes installed by it within the Distribution District, at intervals of no greater than two meters."*

I note that in response to the consultation, you indicated support for the Wesfarmers Kleenheat Gas Pty Ltd position, and also requested removal of the licence condition.

I am pleased to advise that I approve the removal of this licence condition (condition 14) from the Elgas Limited licence.

If you have any questions or would like to discuss this further, please do not hesitate to contact Nicole Ikenberg on (02) 9113 7732 or [nicole\\_ikenberg@ipart.nsw.gov.au](mailto:nicole_ikenberg@ipart.nsw.gov.au).

Yours sincerely

Anthony Roberts MP  
Minister for Industry, Resources and Energy

15 APR 2015



New South Wales

MINISTER FOR INFORMATION TECHNOLOGY,  
MINISTER FOR ENERGY, MINISTER FOR FORESTRY, AND  
MINISTER FOR WESTERN SYDNEY

DITM Ref: D05539  
MEU Ref: 00/00068  
File No: M99/6153

Mr John Evans  
General Manager, Retail Northern  
Elgas Limited  
PO Box 1110  
BLACKTOWN NSW 2148

20 APR 2000

Dear Mr Evans

**GAS SUPPLY ACT 1996**

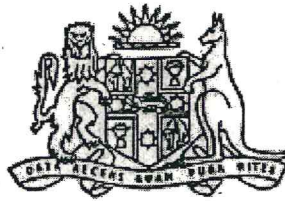
**GRANT OF DISTRIBUTOR'S LICENCE TO ELGAS LIMITED**

I hereby advise that I have granted, pursuant to section 38 of the *Gas Supply Act 1996*, Elgas Limited, ACN 002 749 260, of Level 1, 10-18 Cliff Street, Milsons Point, New South Wales, a Distributor's Licence for the areas within a 10 km radius of: Adelong Post Office; Batlow Post Office; Gundagai Post Office; and Tumut Post Office; as located on 1 September 1999.

A copy of the Distributor's Licence is attached.

Yours sincerely

Kim Yeadon MP  
Minister for Energy



**NEW SOUTH WALES  
GOVERNMENT**

**GAS SUPPLY ACT 1996**

**DISTRIBUTOR'S LICENCE**

**Elgas Limited**

**ACN 002 749 260**

**GAS SUPPLY ACT 1996**

**DISTRIBUTOR'S LICENCE  
TO CONVEY LIQUEFIED PETROLEUM GAS**

**GRANTED TO**

**Elgas Limited**

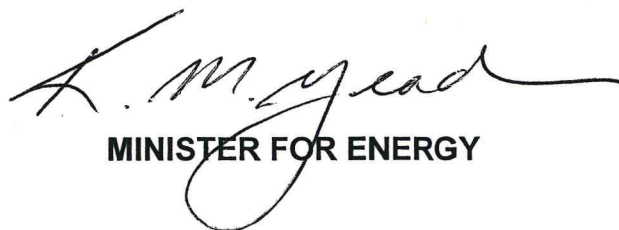
**(ACN 002 749 260)**

I, KIMBERLEY MAXWELL YEADON, Minister for Energy, pursuant to section 38 of the *Gas Supply Act, 1996*, grant a Distributor's Licence for the purposes of conveying liquefied petroleum gas in and to the distribution district hereafter defined,

TO Elgas Limited ACN 002 749 260 of, Level 1, 10 - 18 Cliff Street, Milsons Point, in the State of New South Wales,

subject to the conditions imposed by the *Gas Supply Act 1996*, the Regulations made under it and the conditions set out in the Schedule.

DATED: 20 APR 2000

  
MINISTER FOR ENERGY



**DISTRIBUTOR'S LICENCE**

**GRANTED TO: Elgas Limited  
ACN 002 749 260**

**THE SCHEDULE**

**CONDITIONS OF LICENCE UNDER THE GAS SUPPLY ACT 1996**

**1. Commencement**

This Licence commences on the date of grant.

**2. Application of Laws**

This Licence is issued under, and subject to, the Act and Regulations, and is otherwise subject to the laws of the State of New South Wales.

**3. Definitions**

In this Licence, except to the extent that the context or subject matter otherwise indicates or requires:

**"Act"** means the *Gas Supply Act 1996*, every amendment thereto and any Act of the New South Wales Parliament passed in substitution therefor.

**"distribution district"** means the areas contained within a 10 km radius of: Adelong Post Office; Batlow Post Office; Gundagai Post Office; and Tumut Post Office; as located on 1 September 1999.

**"Distributor"** means Elgas Limited.

**"gas"** means liquefied petroleum gas (LPG, including mixtures of LPG and air) only.

**"gas supply business"** means the procurement and storage by the Distributor of gas and its distribution and supply by the Distributor through a distribution system to gas users in the distribution district; the provision of remedial and other services to gas users in the distribution district in furtherance of the use of gas or gas fittings and, to the extent that they are undertaken for the purpose of those activities, includes the design, procurement, provision, installation, testing, commissioning, maintenance, repair, replacement and operation of any plant and machinery, including meters and associated controls, pipework and transport, but does not include the retailing, installation, maintenance and servicing of appliances fuelled by gas, or information systems not directly related to the gas supply business.

**"Minister"** means the person for the time being holding office as Minister for Energy in and for the State of New South Wales.

**"Regulations"** means regulations made under the Act.

**"relevant year"** means a financial year commencing on 1 July and ending on 30 June in a subsequent calendar year.

**“reticulated gas supply in the distribution district”** includes any pipe connecting the Distributor’s depot and the distribution district, together with gas in transit within that pipe.

**“small customer”** means a gas user who is supplied with gas at a rate of 100 gigajoules per year or less.

#### **4. Incorporation of Ministerial Guidelines**

Where any condition of this Licence makes reference to guidelines or criteria established or adopted by the Minister, the Distributor must comply with such guidelines or criteria, and they shall be deemed to be incorporated in these conditions.

#### **5. Obligations not extinguished by effluxion of time**

Wherever these conditions require the Distributor to perform any obligation within a specified time, and that time has expired without the obligation being performed, the expiry of the time will not excuse the Distributor from performing the obligation.

#### **6. Limitation on Supply**

This Licence only entitles the Distributor to convey gas to and within the distribution district for the purpose of reticulating and supplying gas, by means of a distribution system, to gas users within the distribution district. This Licence does not apply to the supply of bottled gas by the Distributor to any customer.

#### **7. Supply of Information**

- (1) The Distributor must keep records for each relevant year, showing details of its undertakings relating to its gas supply business in the distribution district. The required details are:
  - (a) engineering activities relating to the distribution system; and
  - (b) the Distributor’s financial status, having particular regard to its obligations under Clause 13 of these conditions.
- (2) The Distributor must also furnish the Minister with such information as the Minister may determine from time to time to enable the Minister to ascertain whether or not the Distributor is complying with the conditions imposed on this Licence.
- (3) The Distributor must forward the records information required by Sub-Clauses (1) and (2) to the Minister within such time as the Minister specifies.

#### **8. Cessation or Reduction in Activities**

The Distributor must, wherever practicable, give the Minister at least 12 months notice in writing of a cessation or substantial decrease in the extent of its

activities in the course of engaging in the reticulation of gas in the distribution district.

**9. Safe Gas Supply System**

In addition to duties imposed on it in the Act, the Distributor has a duty to develop and maintain a safe system of reticulated gas supply in the distribution district and take all reasonable steps to develop and operate an efficient and safe gas distribution system.

**10. Consumer Safety Awareness Program**

- (1) The Distributor must submit to the Director a plan for the development and implementation of a Consumer Safety Awareness Program to ensure that customers are informed as to the safe use of gas.
- (2) The Plan referred to in Sub-Clause (1) must be submitted to the Director within six months after the initial supply of gas and annually thereafter on the anniversary of the date on which the Plan referred to in Sub-Clause (1) is submitted.
- (3) For each annual Plan submitted to the Director, the Distributor must, within six months after the end of the anniversary of the date on which the Plan referred to in Sub-Clause (1) is submitted by the Distributor, prepare and submit to the Director a report on the effectiveness of the Plan and progress on the Plan's implementation including any deviation from any submitted Plan.
- (4) In regard to Sub-Clause (3), the chief executive officer of the Distributor must certify that the report reflects in all material respects the circumstances as best understood by the Distributor and certify that the report, and its preparation and submission conform in all material respects with the Licence conditions.
- (5) The Consumer Safety Awareness Program must incorporate at least the following aspects:
  - information on the properties of gas
  - the installation and use only of approved appliances and equipment
  - the use only of qualified tradespersons for gas connections, appliance and equipment installations
  - care of gas installations including gas meters and pressure regulators
  - reporting of gas leaks, appliance and equipment defects
  - what to do and not to do in the event of a gas leak or suspected gas leak
  - emergency procedures and contacts.
- (6) If the Director issues the Director's Safety Awareness Guidelines, then once such Guidelines have been in force for at least three months, all subsequent Plans referred to in Sub-Clause (1) and subsequent reports referred to in Sub-Clause (3) must be in accordance with such Guidelines.

## **11. Emergency Service**

The Distributor must, in respect of the reticulated gas supply in the distribution district:

- (1) make arrangements for an effective and continuously attended service for the receipt by telephone line of reports of escapes of gas supplied, or believed to be supplied, by the Distributor;
- (2) make effective arrangements for the receipt of such reports made in person during normal business hours at the Distributor's business premises;
- (3) act promptly on every such report, doing all things necessary to stop the escape of gas and to disperse any escaped gas that presents a hazard of ignition or explosion, or a risk of suffocation or other harm to any person;
- (4) ensure that adequate publicity is given of the ways in which the Distributor can be contacted for the purpose of reporting escapes of gas; and
- (5) make available to any person on request the details of its emergency service, together with a statement that it will make safe, free of charge, any escapes of gas which it supplies, or the circumstances in which a gas user may be liable for the costs of repairs associated with an escape.

## **12. Insurances and Indemnity**

- (1) The Distributor must arrange and maintain with a reputable insurance company, appropriate insurance, including public liability insurance, to cover its legal liability for any loss or damage to property or death or injury to any person caused by the Distributor, its employees or agents.
- (2) The Distributor must produce to the Director on or before each anniversary of the date on which this Licence was granted satisfactory evidence that such insurance is in force.
- (3) The Distributor must not by any act or omission whatsoever do anything that would have the effect of avoiding or reducing the indemnity to be provided in any policy of insurance required or envisaged by this Clause.
- (4) The Distributor must indemnify the Minister, the Director and the Ministry of Energy and Utilities, and shall keep them indemnified, against all of the following:
  - (a) all liability or loss arising from and any costs (including legal costs on a full indemnity basis), charges or expenses incurred as a result of any breach of this Licence or any negligent act or omission of the Distributor, its employees or agents;
  - (b) the full cost of rectifying any breach of the Act, the Regulations or this Licence by the Distributor, its servants or agents; and

- (c) all legal costs (on a full indemnity basis) incurred by the Minister, the Director or the Ministry of Energy and Utilities in connection with the enforcement of the indemnity provided under this Clause.

**13. Operation of a Viable Business**

The Distributor must satisfy, and continue to satisfy, such technical and prudential criteria as are adopted by the Minister to determine whether it is able to operate a viable business as a licensed Distributor under the Act.

**14. Identification of Pipes**

The Distributor must clearly and permanently mark its name on all new pipes installed by it within the Distribution District, at intervals of no greater than two metres.

**15. Policies, Practices and Procedures**

- (1) The Distributor is required to prepare a plan setting out its policies, practices and procedures with respect to its gas reticulation activities within the distribution district, and its gas supply business, under this Licence.
- (2) The plan must accord with Part 2 of the Regulations and any guidelines established by the Minister under the Act.

**16. Annual Licence Fee**

The Distributor shall pay to the Minister an annual licence fee, determined in accordance with the Act, during the currency of this Licence (and any amendment thereto).

**17. Severability**

If any condition of this Licence becomes unlawful, or inconsistent with any condition subsequently imposed by the Act or Regulations, the former condition shall be deemed severed from this Licence to the extent of such unlawfulness or inconsistency and (where applicable) the subsequently imposed condition shall be deemed to have replaced the material so severed.

**18. Notices**

Any notice required or envisaged to be served by the Minister on the Distributor under these conditions, the Act or the Regulations shall be deemed sufficiently served if sent by ordinary prepaid post by the Minister or any officer of the Ministry of Energy and Utilities to the Distributor's registered office in New South Wales. Any such notice shall be deemed to have been received on the second business day after posting.