



Gas Act 2000

GAS RETAIL LICENCE

issued to

TRUenergy Pty Ltd

ABN 99 086 014 968

Date of Issue

22 January 2008

Tasmanian Gas Retail Licence

1 Grant of Licence

The **Director of Gas**, in exercise of the powers conferred by section 24 of the **Act**, authorises the **Licensee** to **sell gas** by retail.

2 Definitions and Interpretation

- 2.1 In this licence, words and phrases appearing italicised in bold type:
- 2.1.1 which are defined in the **Act**, have the same meaning when used in this licence; and
 - 2.1.2 which are not defined in the **Act**, have the meaning ascribed to them in Part 1 of Schedule 1.
- 2.2 This licence must be interpreted in accordance with Part 2 of Schedule 1.
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3 Compliance with Laws and Other Requirements

- 3.1 The **Licensee** must comply with all applicable **laws**, **codes** and **guidelines**.
- 3.2 The **Licensee** must use best endeavours to ensure that each contractor engaged by it complies with the terms and conditions of this licence, to the extent that such terms and conditions are relevant to that contractor.
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4 Term of Licence

Subject to this licence and the **Act**, this licence takes effect on and from 22 January 2008 for a period of ten (10) years.

5 Payment of Fees and Charges

The **Licensee** must pay to the **Director of Gas** fees and charges in accordance with the **Act**.

6 Communications

- 6.1 A **communication** must be in **writing**.
- 6.2 A **communication** is to be regarded as having been given by the sender and received by the addressee:
- 6.2.1 when delivered in person to the addressee;
 - 6.2.2 where sent by post, on the 4th **business day** after the date of posting, if the **communication** is posted within Australia;
 - 6.2.3 where sent by post, on the 7th **business day** after the date of posting, if the **communication** is posted outside Australia; or
 - 6.2.4 when, according to the sender's transmission report, received by facsimile transmission by the addressee.

7 Provision of Information

- 7.1 The **Licensee** must provide to the **Director of Gas**, in the manner and form advised by the **Director of Gas**, such information as the **Director of Gas** may from time to time require and which is, in the opinion of the **Director of Gas**, relevant to the **Director of Gas**' functions under the **Act** or other applicable **laws** or **codes**.
- 7.2 If the **Licensee** becomes aware of any material breach of, or non-compliance with, the **Act**, other applicable **laws** or **codes**, or this licence, the **Licensee** must notify the **Director of Gas** of the breach or non-compliance as soon as practicable and provide such information as the **Director of Gas** requires in relation to the breach or non-compliance.

8 Advice to the Director of Gas

The **Licensee** must report to the **Director of Gas** as soon as possible the occurrence of any of the following circumstances:

- 8.1 the **Licensee** is put under external administration as defined in the *Corporations Act 2001* (Cwth); and

- 8.2 the ***Licensee's*** circumstances change such that the ***Licensee's*** ability to meet its obligations under the ***Act***, other applicable ***laws*** or ***codes***, or this licence may be materially affected.

9 Management and Operating Contracts

- 9.1 The ***Licensee*** must advise the ***Director of Gas*** of the entering into, by the ***Licensee***, of any contract under the terms of which another person assumes, or will assume, operational responsibility for carrying out any substantive part of the operations authorised by this licence.
- 9.2 The ***Licensee*** must submit to the ***Director of Gas*** not less than 14 days prior to the commencement of any contract referred to in clause 9.1:
- 9.2.1 the identity and contact details of the other person;
 - 9.2.2 details of the nature of the operations that the other person will assume responsibility for carrying out; and
 - 9.2.3 details of the relevant qualifications and experience of the other person to undertake the specified operations.

Signed

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Andrew John Reeves
DIRECTOR OF GAS
22 January 2008

Schedule 1 – Part 1

Definitions

“**Act**” means the *Gas Act 2000* (Tas);

“**business day**” means any day except a Saturday, Sunday, statutory holiday as defined in the *Statutory Holidays Act 2000* or public holiday;

“**code**” means a code issued pursuant to the **Act** or any other applicable **law**;

“**communication**” means a notice, agreement, consent, direction, representation, advice or statement required or given pursuant to or in connection with this licence;

“**Director of Gas**” means the Director of Gas appointed pursuant to section 7 of the **Act**;

“**guideline**” means a written statement of regulatory intent or policy for the information and guidance of **licensees**, issued by the **Director of Gas**, or by any other relevant person determined and advised to **licensees** by the **Director of Gas**;

“**law**” includes any applicable Commonwealth, Tasmanian or local law, subordinate legislation, legislative instrument or mandatory regulatory requirement;

“**Licensee**” means TRUenergy Pty Ltd (ACN 99 086 014 968);

“**licensee**” means the holder of a licence under the **Act**;

“**writing**” includes any mode of representing or reproducing words, figures, drawings and symbols in a visible form.

Schedule 1 – Part 2

Interpretation

In this licence, unless the context otherwise requires:

- 2.1 headings are for convenience only and do not affect the interpretation of this licence;
- 2.2 words importing the singular include the plural and vice versa;
- 2.3 words importing a gender include any gender;
- 2.4 an expression importing a natural person includes any company, partnership, trust, joint venture, association, corporation or other body corporate and any governmental agency;
- 2.5 a reference to a condition, clause, schedule or part is to a condition, clause, schedule or part of this licence;
- 2.6 a reference to terms of an offer or agreement is to all terms, conditions and provisions of the offer or agreement;
- 2.7 a reference to any statute, regulation, proclamation, order in council, ordinance or by-law 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;
- 2.8 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;
- 2.9 a reference to a person includes that person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns;

- 2.10 when italicised, other parts of speech and grammatical forms of a word or phrase defined in this licence or in the **Act**, have a corresponding meaning;
- 2.11 a period of time:
- 2.11.1 which dates from a given day or the day of an act or event is to be calculated exclusive of that day; or
- 2.11.2 which commences on a given day or the day of an act or event is to be calculated inclusive of that day;
- 2.12 an event which is required under this licence to occur on or by a stipulated day which is not a **business day** may occur on or by the next **business day**;
- 2.13 in the event of any inconsistency between the conditions of this licence and the **Act**, the **Act** will prevail to the extent of such inconsistency; and
- 2.14 in the event of any inconsistency between the conditions of this licence and the schedules, the conditions of this licence prevail to the extent of such inconsistency.