



GAS ACT 2000

**LICENCE FOR THE CONSTRUCTION OF A GAS
DISTRIBUTION SYSTEM**

issued to

**TAS GAS NETWORKS PTY LTD
(ACN 104 499 569)**

13 May 2003

Amended: 8 July 2003

28 January 2004

3 March 2004

21 July 2004

13 August 2004

16 September 2004

13 October 2004

1 November 2004

7 March 2005

9 June 2005

7 July 2005

27 July 2005

9 August 2005

24 May 2007

7 April 2009

7 July 2010

7 October 2011

7 February 2013

23 April 2013

20 November 2015

Tasmanian Gas Distribution Licence

1. Definitions and Interpretation

- 1.1. In this licence, words and phrases appearing in italics have the meaning given to them 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.
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2. Grant of Licence

- 2.1. The **Regulator**, in exercise of the powers conferred by section 24 of the **Act**, licenses the **Licensee** to construct the **authorised distribution systems**, on and subject to the conditions of this licence.
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3. Deleted¹

4. Term of Licence

- 4.1. Subject to this licence and the **Act**, this licence takes effect on and from the date it is issued.
- 4.2. This licence expires on the earliest of the following dates:
- 4.2.1. the date 25 years after the **commencement date**;
 - 4.2.2. the date the licence is surrendered by the **Licensee** under section 36 of the **Act**; and
 - 4.2.3. the date the licence is cancelled by the **Regulator** under section 46 of the **Act**.

¹ Notice of Variation No. 15

5. Renewal of Licence

5.1. On receipt of an application for renewal of this licence in accordance with section 26 of the **Act**, the **Regulator** must renew this licence unless satisfied that the **Licensee**:

5.1.1. has been guilty of a material contravention of a requirement imposed by or under the **Act** or any other Act in connection with the operations authorised by this licence such that the licence should not be renewed; or

5.1.2. is no longer for any reason entitled to the issue of the licence.

6. Variation of Licence²

6.1. The terms and conditions of this licence may only be amended in accordance with section 34 of the **Act**.

6.2. Notwithstanding clause 6.1, the **Licensee** shall provide the **Regulator** with details of any proposed material variation to the route or technical description of any **authorised distribution system**.

6.3. If the **Regulator** does not, within 5 **business days** of receipt by the **Regulator** of the details provided under clause 6.2, advise the **Licensee** in writing to the contrary, this licence will be deemed to be amended by agreement so as to incorporate the variations details of which were provided.

7. Transfer of licence

7.1. This licence may only be transferred in accordance with section 35 of the **Act**.

² Clauses 6.2 and 6.3 added 8 July 2003

8. Compliance with Laws and Standards

- 8.1. The Licensee must comply with all applicable **laws**, **codes** and **guidelines** and any proposal accepted by the **Director of Gas Safety** applicable to the construction of the **authorised distribution systems**.
- 8.2. 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.
- 8.3. The **Licensee** must immediately advise the **Regulator** in the event of the breach, variation, surrender, revocation or cancellation of any permit or other authority issued to the **Licensee** in respect of the construction of the **authorised distribution systems**.

9. Other Licence Conditions

- 9.1. This licence is also subject to the conditions set out in schedule 2 of this licence.

10. Communications

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

11. Advice to the Regulator

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

- 11.1. the **Licensee** is put under external administration as defined in the *Corporations Act 2001* (Cwth); and
- 11.2. 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.

Schedule 1 - Definitions and Interpretation

1. Definitions

In this licence, unless the context otherwise requires:

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

“**authorised distribution systems**” means the **distribution systems** described in schedule 3 of this licence;

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

“**code**” means any code issued in accordance with the provisions of the **Act**;

“**commencement date**” means the date referred to in clause 4.1;

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

“**Director of Gas Safety**” means the Director of Gas Safety under the **Act**;

“**distribution system**” has the meaning given to that term under the **Act**;

“**gas**” has the meaning given to that term in the **Act**;

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

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

“**Licensee**” means Tas Gas Networks Pty Ltd (ACN 104 499 569);

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

“officer” means the person responsible for regulatory compliance and may include a director;

“regulated activity” means any of the activities specified in section 21 of the **Act**;

“regulations” means any regulations made under the **Act**;

“Regulator” means the Regulator under the **Act**.

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; and
- 2.2. words importing the singular include the plural and vice versa; and
- 2.3. words importing a gender include any gender; and
- 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; and
- 2.5. a reference to a condition, clause, schedule or part is to a condition, clause, schedule or part of this licence; and
- 2.6. a reference to terms of an offer or agreement is to all terms, conditions and provisions of the offer or agreement; and
- 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; and
- 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; and
- 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; and

2.10. when italicised, other parts of speech and grammatical forms of a word or phrase defined in this licence have a corresponding meaning; and

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*** or ***regulations***, the ***Act*** or ***regulations*** will prevail to the extent of such inconsistency.

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.

Schedule 2 – Other Licence Conditions

1. Provision of Information

- 1.1. The ***Licensee*** must provide to the ***Regulator***, in the manner and form and by a time determined by the ***Regulator***, such information as the ***Regulator*** may from time to time reasonably require in relation to the construction of the ***authorised distribution systems*** and which is, in the opinion of the ***Regulator***, relevant to the functions of the ***Regulator*** under the ***Act***.
- 1.2. 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 ***Regulator*** of the breach or non-compliance as soon as practicable and provide such information as the ***Regulator*** requires in relation to the breach or non-compliance.

2. Records

- 2.1. The ***Licensee*** must maintain a record of all ***regulated activities*** carried out under this licence, including, where appropriate, maps and plans.
- 2.2. Upon receipt of written notice from the ***Regulator***, the ***Licensee*** must provide the ***Regulator*** or the ***Director of Gas Safety*** with reasonable access to the records maintained under clause 2.1 of this schedule 2, including the provision of copies were reasonably required.

3. Reporting

- 3.1. The ***Licensee*** must report any change of the ***Licensee's officer*** within 10 ***business days*** of that change.
- 3.2. The ***Licensee*** must provide to the ***Regulator***, a copy of any documents of the following types prepared in relation to the construction of the ***authorised distribution systems***:

3.2.1. plan addressing safety issues

3.2.2. risk assessment study report.

4. Insurance

4.1. The ***Licensee*** must arrange and maintain with one or more insurers, adequate contract works and public liability insurance in respect of the potential for any loss, harm or damage caused to any person or property arising out of, or in any way connected with, the action or inaction of the ***Licensee*** or any of its agents or employees, or of any contractor or subcontractor of the ***Licensee*** pursuant to this licence.

Schedule 3 – Authorised Distribution Systems³

This licence authorises the construction of gas distribution systems in the locations specified in the table below as follows:

1. (a) steel mains with a maximum allowable operating pressure from 1050 kPa up to 5100 kPa; and
(b) steel or polyethylene mains with a maximum allowable operating pressure from 500 kPa up to 1050 kPa,
the proposed routes of which are shown in blue or black on the Plan the number of which appears, or on the Plans the numbers of which appear, in the table against the name of the location, together with associated fittings and equipment, PROVIDED THAT such mains, fittings and equipment may be constructed within a corridor 1 kilometre wide centred on the proposed route in each location; and
2. steel and polyethylene mains and service pipes with a maximum allowable operating pressure of up to 500 kPa, together with associated fittings and equipment, within the area delineated by coloured boundary lines on the Plan the number of which appears, or on the Plans the numbers of which appear, in the table against the name of the location.

The Plans are attached to this licence.

³ Schedule 3 amended:

8 July 2003 (Notice of Variation No. 1)

28 January 2004 (consolidation of a number of minor route variations involving substitution of plans and network diagrams but no alteration to the wording of the licence - no Notice of Variation issued)

3 March 2004 (Notice of Variation No. 2)

21 July 2004 (Notice of Variation No. 3)

13 August 2004 (Notice of Variation No. 4)

16 September 2004 (Notice of Variation No. 5)

13 October 2004 (Notice of Variation No. 6)

1 November 2004 (Notice of Variation No. 7)

7 March 2005 (Notice of Variation No. 8)

9 June 2005 (Notice of Variation No. 9)

7 July 2005 (Notice of Variation No. 10)

27 July 2005 (Notice of Variation No. 11)

9 August 2005 (Notice of Variation No. 12)

24 May 2007 (Notice of Variation No. 13)

7 July 2010 (Notice of Variation No. 15)

Location	Plan Number
Bell Bay	1 (Amended), 1A and 1B
Burnie	2 (Amended) & 2A
Devonport	3 (Amended 2) & 3A ⁴
Hobart	4 (Amended 3), 4A & 4B
Launceston	5 (Amended 2)
Longford	6 (Amended)
Ulverstone	7 (Amended 2) ⁵
Westbury	8 (Amended 2) ⁶
Wynyard	9 (Amended 2)
Smithton	10, 10A & 10B ⁷

⁴ Inserted 23 April 2013 (Notice of Variation No. 18)

⁵ 7 October 2011 (Notice of Variation No. 16) and 7 February 2013 (Notice of Variation No. 17)

⁶ Notice of Variation No. 15

⁷ Inserted 7 February 2013 (Notice of Variation No. 17)