



Gas Act 2000

Notice of Amendment No. 19

**GAS DISTRIBUTION SYSTEM LICENCE
(CONSTRUCTION)**

issued to

TAS GAS NETWORKS PTY LTD

ACN 104 499 569

In exercise of the power conferred by section 34 of the *Gas Act 2000*, the Regulator intends to amend the gas distribution system licence (construction) granted on 13 May 2003 to Tas Gas Networks Pty Ltd under the former name of Powerco Tasmania Pty Ltd at:

1. Cover page;
2. Clause 2;
3. Clause 4;
4. Clause 5;
5. Clause 6;
6. Clause 7;
7. Clause 8;
8. Clause 10;
9. inserted new Clause 11;
10. Schedule 1, item 1;
11. Schedule 1, item 2;
12. Schedule 2, item 1;
13. Schedule 2, item 2;
14. Schedule 2, item 3; and
15. Removal of the signature block.

The amendments are shown as marked up on the licence attached to this Notice.

Unless the Licensee is otherwise notified, the amendment takes effect on 20 November 2015.



.....
Jason O'Neill

DELEGATE OF THE REGULATOR

20 October 2015



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.

2. Grant of Licence

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

~~2.2. The *Licensee* warrants that technical and other information supplied in support of its application for this licence, and otherwise as required by this licence, is true and correct to the best of the knowledge of the *Licensee*, the *Licensee* having made full and diligent inquiry.~~

3. Deleted¹

4. Term of Licence

- 4.1. Subject to this licence and the ~~*Gas 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 ~~*Gas Act*~~, and

¹ Notice of Variation No. 15

- 4.2.3. the date the licence is cancelled by the **Economic Regulator** under section 46 of the **Gas Act**.
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5. Renewal of Licence

5.1. On receipt of an application for renewal of this licence in accordance with section 26 of the **Gas Act**, the **Economic 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 **Gas 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 **Gas Act**.

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

6.3. If the **Economic Regulator** does not, within 5 **business days** of receipt by the **Economic 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 **Gas 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~~laws in relation to the construction of the authorised distribution systems~~ 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~~The Licensee must ensure that all contractors engaged by it comply with the terms and conditions of this licence.~~
- 8.3. The **Licensee** must immediately advise the ~~Economic~~ **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 ~~3rd~~ 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; ~~or~~

~~10.2.5. where sent by electronic mail, when the **communication** is recorded as having been first received at the electronic mail destination.~~

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.

SIGNED by Andrew John Reeves _____)

Director of Gas _____)

_____)

13 May 2003 _____)

Signed A J Reeves

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~~a day on which banks are open for general banking business in Hobart, excluding a Saturday or Sunday;~~

“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;

~~**“Economic Regulator”** means the Regulator under the *Gas Act*;~~

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

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

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

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

“**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 ~~Gas Act~~,

“**regulations**” means any regulations made under the ~~Gas 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; and~~

~~2.11.3-2.11.2. 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**.~~

2.12. 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**.

~~2.12-2.13.~~ In the event of any inconsistency between the conditions of this licence and the ~~Gas Act~~ or **regulations**, the ~~Gas Act~~ or **regulations** will prevail to the extent of such inconsistency.

~~2.13-2.14.~~ 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 **Economic Regulator**, in the manner and form and by a time determined by the **Economic Regulator**, such information as the **Economic 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 **Economic Regulator**, relevant to the functions of the **Economic Regulator** under the **Gas Act**.

1.1.1.2. 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 **Economic Regulator**, the **Licensee** must provide the **Economic 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.

~~2.3. The **Economic Regulator** or the **Director of Gas Safety** may issue a guideline detailing what information, reasonably required for the administration of the **Act**, the **Licensee** is required to record. The **Licensee** must comply with any such guideline.~~

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 **Economic 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)