



## Gas Distribution Licence

**Australian Gas Networks Limited, ACN 078 551 685**

As varied on 1 May 2024 (with effect from 1 October 2024)



# Gas Distribution Licence

This licence is issued pursuant to section 26 of the *Gas Industry Act 2001*.

## Date

This licence was last varied on 1 May 2024 with effect from 1 October 2024.

## Licensee

This licence is issued to:

**Australian Gas Networks Limited ACN 078 551 685** (the licensee)

Level 6, 400 King William Street, Adelaide SA 5000

**THE COMMON SEAL of the  
ESSENTIAL SERVICES COMMISSION**  
was affixed pursuant to the authority  
of the commission on 8 May 2024

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A blue ink handwritten signature, appearing to be "Kate Symons", written over a dotted line.

Kate Symons

**CHAIRPERSON**

# Part A – Interpretation

## 1 Definitions

1.1 Unless the contrary intention appears, a term has the meaning shown opposite it:

<b>Act</b>	the <i>Gas Industry Act 2001</i> .
<b>business day</b>	a day other than a Saturday, Sunday or a public holiday in the metropolitan Melbourne area.
<b>change of control</b>	occurs in relation to the <i>licensee</i> if: (a) an <i>entity</i> that <i>controls</i> the <i>licensee</i> ceases to <i>control</i> the <i>licensee</i> ; or (b) an <i>entity</i> that does not <i>control</i> the <i>licensee</i> starts to <i>control</i> the <i>licensee</i> provided that no change of control will be deemed to have occurred where the <i>ultimate holding company</i> that <i>controls</i> the <i>licensee</i> remains the same or the change in <i>control</i> results from the acquisition or cancellation of, or dealing in, securities which are traded on a recognised financial market.
<b>Code of Practice</b>	the same meaning given to it in section 3 of the <i>Essential Services Commission Act 2001</i> .
<b>Commission</b>	the Essential Services Commission established under the <i>Essential Services Commission Act 2001</i> .
<b>control</b>	the same meaning given to it in section 50AA of the <i>Corporations Act 2001</i> (Cth).
<b>customer</b>	a person to whom gas is conveyed through a <i>distribution pipeline</i> .
<b>deemed distribution contract</b>	a contract deemed to be entered into between the <i>licensee</i> and a retail customer pursuant to section 48(6) of the <i>Act</i> .
<b>distribute</b>	the same meaning given to it in section 3 of the <i>Act</i> .
<b>distribution area</b>	the area described in Schedule 1.
<b>distribution pipeline</b>	the same meaning given to it in section 3 of the <i>Act</i> .
<b>entity</b>	the same meaning given to it in section 64A of the <i>Corporations Act 2001</i> (Cth).

<b>Gas Distribution Code of Practice</b>	the Gas Distribution Code of Practice applying under Part 6 of the <i>Essential Services Commission Act 2001</i> .
<b>licensee</b>	Australian Gas Networks Limited ACN 078 551 685.
<b>Minister</b>	the person who is, from time to time, the Minister administering the <i>Act</i> .
<b>retailer</b>	a person who holds a retail licence under the <i>Act</i> .
<b>ultimate holding company</b>	the same meaning given to it in section 9 of the <i>Corporations Act 2001</i> (Cth).

1.2. In this licence, unless the context otherwise requires:

- i. headings and footnotes are each for convenience only and do not affect the interpretation of this licence;
- ii. words importing the singular include the plural and vice versa;
- iii. words importing a gender include any gender;
- iv. an expression importing a natural person includes any company, partnership, trust, joint venture, association, corporation or other body corporate and any governmental agency;
- v. a reference to a condition, clause, Part or Schedule is a reference to a condition, clause, Part of, or Schedule to, this licence (as the case may be);
- vi. a Schedule is part of this licence;
- vii. a reference to any statute including the *Act* and regulation, proclamation, Order in Council, ministerial order, ordinance, code, guideline, procedure or by-law includes all statutes, regulations, proclamations, Orders in Council, ministerial orders, ordinances, codes, guidelines, procedures or by-laws varying, consolidating, re-enacting, extending or replacing them and a reference to a statute includes all regulations, proclamations, Orders in Council, ministerial orders, ordinances, by-laws and determinations issued under that statute;
- viii. 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;
- ix. a reference to a person includes that person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns;
- x. other parts of speech and grammatical forms of a word or phrase defined in this licence have a corresponding meaning;
- xi. a period of time:

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. which commences on a given day or the day of an act or event is to be calculated inclusive of that day;
- xii. 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 Notices

2.1 A notice under this licence is only effective if it is in writing, given in accordance with clause 2.2, and dealt with as follows:

- i. if given by the *licensee* to the *Commission* – addressed to the Chief Executive Officer of the *Commission* at either the physical or email address specified below (or as otherwise notified to the *licensee* by the *Commission*):

Essential Services Commission  
Level 8, 570 Bourke Street  
Melbourne VIC 3000  
licences@esc.vic.gov.au

- ii. if given by the *Commission* to the *licensee* – addressed to the Chief Executive Officer of the *licensee* (or such equivalent position) at either the physical or email address specified below (or as otherwise notified to the *Commission* by the *licensee* in accordance with clause 2.5).

Level 6, 400 King William Street, Adelaide SA 5000  
compliance@agig.com.au

2.2 A notice is to be:

- i. signed by or on behalf of the person giving the notice and delivered by hand; or
- ii. signed by or on behalf of the person giving the notice and sent by pre-paid post; or
- iii. transmitted electronically by or on behalf of the person giving the notice by electronic mail.

2.3 A notice is deemed to be effected:

- i. if delivered by hand – upon delivery to the relevant address;
- ii. if sent by post – upon the confirmation of delivery of the notice by the relevant delivery service, or in accordance with section 160(1) of the *Evidence Act 2008*, whichever is earlier;
- iii. if transmitted electronically – in accordance with the *Electronic Transactions (Victoria) Act 2000*.

2.4 A notice received after 5.00 pm, or on a day that is not a *business day*, is deemed to be effected on the next *business day*.

2.5 The *licensee* must:

- i. notify the *Commission* of any change to the *licensee's* physical or email address for the service of notices pursuant to clause 2.1; and
- ii. specify in such notice the new physical or email address and the effective date of the change,

as soon as practicable and no less than five *business days* prior to the effective date specified in the notice.

## Part B – Licence

### 3 Grant of licence

- 3.1 Subject to clauses 3.2 and 3.3, in exercise of its powers under section 26 of the *Act*, the *Commission* grants this licence to the *licensee* authorising the *licensee* to provide services by means of *distribution pipelines* in the *distribution area* subject to the conditions set out in this licence.
- 3.2 This licence only permits the *licensee* to provide services by means of *distribution pipelines* in the *licensee's distribution area*.
- 3.3 The *licensee* was first granted a licence to provide services by means of *distribution pipelines* on 28 October 1999 and the licence has been varied on the dates set out in Schedule 2.

### 4 Variation

The *Commission* may vary this licence in accordance with section 38 or 38A of the *Act*.

### 5 Transfer

This licence may be transferred in accordance with section 40 of the *Act*.

### 6 Revocation

- 6.1 For the purposes of section 38(3) of the *Act*, the *Commission* may revoke this licence in accordance with the procedures of this clause 6.
- 6.2 If the *licensee* notifies the *Commission* that it requests, or consents to, revocation of this licence:
  - i. Clauses 6.3 to 6.5 do not apply; and
  - ii. the *Commission* may at any time revoke this licence by issuing a notice to the *licensee* that specifies the date upon which the revocation takes effect.
- 6.3 Where the *Commission* proposes to revoke this licence, the *Commission* will issue a notice to the *licensee*, specifying:

- i. the basis upon which the *Commission* proposes to revoke the licence;
  - ii. the date upon which the revocation is proposed to take effect, such date to be no less than 20 *business days* after the date of the notice; and
  - iii. that the *licensee* has the opportunity to make submissions on the matter and the time and date by which, and manner in which, those submissions must be made.
- 6.4 Prior to making a decision to revoke the licence, the *Commission* must consider any submissions made by the *licensee* in accordance with a notice issued under clause 6.3.
- 6.5 Where the *Commission* decides to revoke this licence, the *Commission* will issue a notice to the *licensee* specifying:
  - i. the basis upon which the *Commission* is revoking the licence; and
  - ii. the date upon which the revocation takes effect, being no earlier than the date specified in the notice issued under clause 6.3.
- 6.6 If the *Commission* issues a notice under clause 6.2(ii) or 6.5, this licence will be revoked on the date specified in the notice.

## Part C – Licence Conditions

### 7 Status of the requirements in this Part

A failure by the *licensee* to meet any of the requirements set out in this Part C is a breach of a civil penalty requirement for the purpose of the *Essential Services Commission Act 2001*.

### 8 Payment of fees

The *licensee* must pay a licence fee and charges as determined by the *Minister* in accordance with the provisions of section 30 of the *Act*.

### 9 Change of control

- 9.1 The *licensee* must give the *Commission* a notice if any event occurs, any decision by the *licensee* is made, or any other circumstance exists that will or is likely to result, or has resulted, in:
  - i. a *change of control* of the *licensee*; or
  - ii. the *licensee* being under external administration within the meaning of the *Corporations Act 2001* (Cth).
- 9.2 The notice required under clause 9.1 must:
  - i. set out particulars of the relevant event, decision or circumstance; and

- ii. be given to the *Commission* as soon as reasonably practicable, and in any case not later than three *business days* after the *licensee* becomes aware of the event or circumstances or makes the decision.

## **10 Compliance with regulatory instruments**

- 10.1 The *licensee* must have in place a system for monitoring its compliance with its licence, any applicable *Code of Practice* and the *Act*.
- 10.2 At the written request of the *Commission*, the *licensee* must participate to the extent specified by the *Commission* in the development, issue and review of any *customer*-related standards and procedures specified by the *Commission*.
- 10.3 Subject to section 32 of the *Act*, if the *Commission* considers that:
- i. the *licensee* has failed to comply with clause 10.2; or
  - ii. *customer*-related standards or procedures developed by the *licensee* are insufficient for the purpose for which they were developed,
- the *Commission* may issue *customer*-related standards and procedures applicable to the *licensee* and with which the *licensee* must comply.

## **11 Deemed Distribution Contracts**

- 11.1 The *licensee*:
- i. must by a date nominated by the *Commission* in a written notice given to the *licensee*, which is not less than 20 *business days* after the notice is given to the *licensee*; and
  - ii. may at any other time,
- prepare and submit to the *Commission* proposed terms and conditions of a *deemed distribution contract* for approval by the *Commission*.
- 11.2 As soon as practicable after approval of proposed terms and conditions of a *deemed distribution contract* by the *Commission*, the *licensee* must give notice of those terms and conditions and publish them in the Government Gazette in accordance with section 48 of the *Act*.

## **12 Provision of information to the Commission**

- 12.1 Except where expressly provided to the contrary in a *Code of Practice*, the *licensee* must maintain comprehensive records regarding any activities undertaken pursuant to this licence for a period of at least seven years.
- 12.2 The *licensee* must provide to the *Commission*, in the manner and form decided by the *Commission*, such information as the *Commission* may from time to time require.



### **13 Dispute Resolution**

The *licensee* must enter into a *customer* dispute resolution scheme approved by the *Commission* in accordance with section 36 of the *Act*.

### **14 Statement of Charges**

On request from a *retailer* which sells gas to a customer, the *licensee* must provide the *retailer* such information as the *retailer* reasonably requires to enable the *retailer* to comply with a legal or regulatory requirement to include, in statements the *retailer* issues to the *customer* requiring payment in respect of the gas sold, the total of amounts charged by the *licensee* in respect of that *customer*.

Note: The conditions identified in Part C of this licence are not an exhaustive list of a *licensee's* obligations. A *licensee* is required to comply with additional obligations as set out in the *Act* and instruments made under that *Act*. In addition, obligations are placed on the *licensee* in *Codes of Practice*, in particular the *Gas Distribution Code of Practice*.

## Schedule 1: Distribution Area

The *distribution area* consists of the City of Mildura, the Townships of Irymple, Red Cliffs, Merbein and Karadoc (postcodes 3500, 3501, 3498, 3496 and 3505), and the areas contiguous to and in the vicinity of *distribution pipelines* constructed to serve these areas.

## Schedule 2: Variations to this licence

This is the licence as varied on 1 May 2024.

Date	Variation
1 May 2024	Updates to reflect the remaking of the <i>Gas Distribution Code of Practice</i> on 1 May 2024 and accompanying general review of licences in 2024.
5 April 2017	To amend the <i>licensee's</i> name from 'Envestra Limited' to 'Australian Gas Networks Limited' and to amend Schedule 2 to incorporate postcode 3501.
17 April 2001	To establish the Energy and Water Ombudsman.