



Victoria Government Gazette

No. S 197 Tuesday 29 October 2002
By Authority. Victorian Government Printer

SPECIAL

Gas Industry Act 2001

ORDER UNDER SECTION 8

Order in Council

The Governor in Council, acting under section 8 of the **Gas Industry Act 2001** ("the Act"), declares that gaseous fuel other than natural gas (as defined in the Act) is not to be gas for the purposes of Parts 3 and 4 of the Act.

This Order takes effect on gazettal. The Order in Council made under section 4 of the **Gas Industry Act 1994** and published in the Government Gazette on 11 December 1997 is repealed with effect from the commencement of this Order.

Dated 29 October 2002

Responsible Minister:
CANDY BROAD MLC
Minister for Energy
and Resources

HELEN DOYE
Clerk of the Executive Council

Gas Industry Act 2001

ORDER UNDER SECTION 42

Order in Council

The Governor in Council, acting under section 42(5) of the **Gas Industry Act 2001** ("the Act"), makes the following Order:

1. Objective

The objective of this Order is to define a class of persons for the purpose of determining whether, for the purposes of section 42 of the Act, a person is a domestic or small business customer in relation to a licensed retailer and a supply of gas to that person from a supply point or ancillary supply point.

2. Commencement

This Order commences on the day on which it is published in the Government Gazette.

3. Definitions

In this Order:

"**ancillary supply point**" has the meaning given in the **Gas Industry (Residual Provisions) Act 1994**;

"**licence**" has the meaning given in the Act;

"**licensed retailer**" means a person to whom a licence to sell gas by retail has been issued under Part 3 of the Act;

"**local retailer**" means, in relation to a supply of gas from a supply point or ancillary supply point:

- (a) TXU Pty Ltd (ACN 086 014 968) ("TXU") where the supply point or ancillary supply point is in the 'Licensee's franchise area' as that term was defined in TXU's licence immediately prior to 1 October 2002;
- (b) Origin Energy (Vic) Pty Ltd (ACN 086 013 283) ("Origin") where the supply point or ancillary supply point is in the 'Licensee's franchise area' as that term was defined in Origin's licence immediately prior to 1 October 2002;

(c) AGL Victoria Pty Ltd (ACN 090 538 337) (“AGL Victoria”) where the supply point or ancillary supply point is in the ‘Licensee’s franchise area’ as that term was defined in AGL Victoria’s licence immediately prior to 1 October 2002;

(d) Origin Energy Retail Limited (ACN 078 868 425) (“Origin Energy”) where the supply point or ancillary supply point is in the ‘Licensee’s franchise area’ as that term was defined in Origin Energy’s licence immediately prior to 1 October 2002;

“**new supply point or ancillary supply point**” means a supply point or ancillary supply point which is to be used for the first time or an existing supply point or ancillary supply point to be used to supply a new customer from that supply point or ancillary supply point;

“**supply point**” has the meaning given in the **Gas Industry (Residual Provisions) Act 1994**.

4. Domestic or small business customers

A person is a domestic or small business customer in relation to a licensed retailer and a supply of gas from a supply point or ancillary supply point if each of the following conditions is satisfied:

(a) the person is a specified customer in relation to the supply of gas from that supply point, determined in accordance with paragraph 5;

and

(b) the licensed retailer is also the local retailer for gas supplied from that supply point.

5. Specified Customers

A person is a specified customer in relation to the supply of gas from a supply point or ancillary supply point unless the person’s aggregate supply of gas taken from the supply point or ancillary supply point has been, or, in the case of a new supply point or ancillary supply point, is likely to be, more than 5,000 gigajoules in any year commencing on or after 1 September 2000.

6. Determinations by the Essential Services Commission

The Essential Services Commission may, on application by any person whose interests are affected, make a determination as to whether a person is or is not a domestic or small business customer in relation to the supply of gas from a supply point or ancillary supply point within the meaning of this Order.

7. Repeal of Previous Order

The Order in Council made under section 48MA of the **Gas Industry Act 1994** and published in the Government Gazette on 10 May 2001 is repealed with effect from the commencement of this Order.

Dated 29 October 2002

Responsible Minister:

CANDY BROAD MLC

Minister for Energy and Resources

HELEN DOYE
Clerk of the Executive Council

Gas Industry Act 2001

ORDER UNDER SECTION 43

Order in Council

The Governor in Council, acting under section 43 of the **Gas Industry Act 2001** (the “Act”), makes the following Order:

1. Objective

The objective of this Order is to define a class of persons for the purpose of determining whether, for the purpose of section 43 of the Act, a person is a relevant customer in relation to the supply of gas from a supply point or ancillary supply point.

2. Commencement

This Order commences on the day on which it is published in the Government Gazette.

3. Definitions

In this Order:

“**ancillary supply point**” has the meaning given in the **Gas Industry (Residual Provisions) Act 1994**;

“**new supply point or ancillary supply point**” means a supply point or ancillary supply point which is to be used for the first time or an existing supply point or ancillary supply point to be used to supply a new customer from that supply point or ancillary supply point;

“**supply point**” has the meaning given in the **Gas Industry (Residual Provisions) Act 1994**.

4. Relevant Customers

A person is a relevant customer in relation to the supply of gas from a supply point unless the person’s aggregate supply of gas taken from the supply point or ancillary supply point has been, or, in the case of a new supply point or ancillary supply point, is likely to be, more than 10,000 gigajoules in any year commencing on or after 1 September 2000.

5. Determinations by the Essential Services Commission

The Essential Services Commission may, on application by any person whose interests are affected, make a determination as to whether a person is or is not a relevant customer in relation to the supply of gas from a supply point or ancillary supply point within the meaning of this Order.

6. Repeal of Previous Order

The Order in Council made under section 48MB of the **Gas Industry Act 1994** and published in the Government Gazette on 10 May 2001 is repealed with effect from the commencement of this Order.

Dated 29 October 2002

Responsible Minister:

CANDY BROAD MLC

Minister for Energy and Resources

HELEN DOYE
Clerk of the Executive Council

Gazette Services

The *Victoria Government Gazette* (VGG) is published by The Craftsman Press Pty. Ltd. for the State of Victoria and is produced in three editions.

VGG General is published each Thursday and provides information regarding Acts of Parliament and their effective date of operation; Government notices; requests for tenders; as well as contracts accepted. Private Notices are also published.

VGG Special is published any day when required for urgent or special Government notices. VGG Special is made available automatically to subscribers of VGG General.

VGG Periodical is published when required and includes specialised information eg. Medical, Dental, Pharmacist's Registers, etc.

Subscriptions

The *Victoria Government Gazette* is available by three subscription services:

General and Special — \$187.00 each year

General, Special and Periodical — \$249.70 each year

Periodical — \$124.30 each year.

All prices include GST.

Subscriptions are payable in advance and accepted for a period of one year. All subscriptions are on a firm basis and refunds will not be given.

All payments should be made payable to

The Craftsman Press Pty. Ltd.

Subscription enquiries:

The Craftsman Press Pty. Ltd.

125 Highbury Road, Burwood Vic 3125

Telephone: (03) 9926 1233

Fax (03) 9926 1292

The *Victoria Government Gazette* is published by The Craftsman Press Pty. Ltd. with the authority of the Government Printer for the State of Victoria

© State of Victoria 2002

ISSN 0819-5471

This publication is copyright. No parts may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Products and services advertised in this publication are not endorsed by The Craftsman Press Pty. Ltd. or the State of Victoria and neither of them accepts any responsibility for the content or the quality of reproduction. The Craftsman Press Pty. Ltd. reserves the right to reject any advertising material it considers unsuitable for government publication.

Address all inquiries to the Government Printer for the State of Victoria

Government Information and Communications Branch

Department of Premier and Cabinet

Level 3, 356 Collins Street

Melbourne 3000

Victoria Australia

Subscriptions

The Craftsman Press Pty. Ltd.

125 Highbury Road, Burwood

Victoria, Australia 3125

Telephone enquiries: (03) 9926 1233

Facsimile (03) 9926 1292

Retail Sales

Information Victoria Bookshop

356 Collins Street Melbourne 3000.

Telephone enquiries 1300 366 356

City Graphics

Level 1, 520 Bourke Street

Melbourne 3000

Telephone enquiries (03) 9600 0977

Price Code A