



# Victoria Government Gazette

No. S 32 Tuesday 19 February 2002  
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**SPECIAL**

## Gas Industry Act 2001

### ORDER UNDER SECTION 21

#### Order in Council

The Lieutenant Governor as the Governor's deputy with the advice of the Executive Council, acting under section 21 of the **Gas Industry Act 2001** (the "Act"), makes the following Order:

**1. Objective**

The objective of this Order is to regulate the tariffs that Pulse may charge prescribed customers and to repeal an earlier Order made under section 21 of the Act.

**2. Commencement**

This Order commences on 19 February 2002 and ceases to have effect on 13 April 2002.

**3. Definitions**

In this Order:

**"domestic or small business customer"** means a person described in clause 4(a) of this Order;

**"former franchise customer"** means a person described in clause 4(b) of this Order;

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

**"supply point"** has the meaning given in the Act;

**"Pulse"** means Pulse Energy Pty Limited (ACN 090 538 337).

**4. Prescribed Customers**

A person is a prescribed customer for the purpose of the regulation of tariffs under this Order pursuant to section 21 of the Act if the person is a prescribed customer in accordance with either of the following conditions:

- (a) a person is a prescribed customer in respect of a supply point if the person is a domestic or small business customer in relation to Pulse and Pulse is the local retailer for that supply point within the meaning of the Order made under section 48MA of the **Gas Industry Act 1994** and published in the Government Gazette on 10 May 2001; or
- (b) a person is a prescribed customer if the person was a franchise customer of Pulse immediately before 1 September 2001 and has not entered into a new contract with a licensed retailer which takes effect on or after that date.

**5. Tariffs**

The tariffs as determined by Pulse and published in the Government Gazette (No. S 29) on 13 February 2002:

- (a) are fixed by this Order with effect from and including 19 February 2002 as:
  - (i) the maximum tariffs at which Pulse may offer to supply and sell gas to domestic or small business customers for the purposes of section 42 of the Act; and
  - (ii) the maximum tariffs at which Pulse may supply and sell gas to former franchise customers pursuant to deemed contracts between Pulse and such customers under section 44 of the Act; and
- (b) apply with effect from and including 19 February 2002 for the purposes of sections 42 and 44 of the Act in place of the tariffs that were determined by Pulse and published in the Government Gazette (No. S 233) on 19 December 2001.

**6. Previous Order**

The Order made under section 21 in respect of Pulse and published in the Government Gazette (No. S 27) on 12 February 2002 is repealed with effect from the commencement of this Order.

Dated 19 February 2002

Responsible Minister:

CANDY BROAD

Minister for Energy and Resources

HELEN DOYE  
Clerk of the Executive Council

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Government Information and Communications Branch

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Level 3, 356 Collins Street

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**Subscriptions**

The Craftsman Press Pty. Ltd.

125 Highbury Road, Burwood

Victoria, Australia 3125

Telephone enquiries: (03) 9926 1233

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**Retail Sales**

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Telephone: (03) 9926 1233

Fax (03) 9926 1292