



Victoria Government Gazette

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SPECIAL

Gas Industry Act 2001

ORDER IN COUNCIL

The Governor in 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 TXU may charge prescribed customers.

2. Commencement

This Order commences on 4 January 2003 and ceases to have effect on 28 February 2003.

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 **Gas Industry (Residual Provisions) Act 1994**.

"**TXU**" means TXU Pty Ltd (ABN 99 086 014 968), a licensee under Part 3 of the Act.

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 any 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 TXU and TXU is the local retailer for that supply point within the meaning of the Order made under section 42 of the **Gas Industry Act 2001** and published in the Government Gazette on 29 October 2002;

(b) a person is a prescribed customer if the person was a franchise customer of TXU immediately before 1 September 2001 in respect of particular premises and has not entered into a new contract with a licensed retailer in respect of those premises which takes effect on or after that date; or

(c) a person is a prescribed customer in respect of particular premises if the person is a relevant customer to whom section 46(1) or (2) of the **Gas Industry Act 2001** applies.

5. Tariffs

The tariffs as determined by TXU and published in the Government Gazette (No. S.251) on 30 December 2002:

(a) are fixed by this Order as:

(i) the maximum tariffs at which TXU 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 TXU may supply and sell gas to former franchise customers pursuant to deemed contracts between TXU and such customers under section 44 of the Act; and

(iii) the maximum tariffs at which TXU may supply and sell gas to relevant customers pursuant to deemed contracts between TXU and such customers under section 46 of the Act;

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- (b) apply with effect from and including 4 January 2003 for the purposes of sections 42, 44 and 46 of the Act in place of the tariffs that were determined by TXU and published in the Government Gazette (No. S.207) on 4 November 2002, and as varied by notice published by TXU in the Government Gazette (No. G.46) on 14 November 2002.

Dated 3 January 2003

Responsible Minister

Theo Theophanous

Minister for Energy Industries

KATE HASTINGS
Acting 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