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Electricity Industry Act 2000 ORDER UNDER SECTION 13 Order in Council

The Governor in Council, acting under section 13 of the **Electricity Industry Act 2000** (“the Act”), makes the following Order:

1. Objective

The objective of this Order is to regulate the tariffs that AGL may charge prescribed customers.

2. Term

This Order commences on 1 January 2004 and ceases to have effect on 29 February 2004.

3. Definitions

In this Order:

“**AGL**” means AGL Electricity Limited (ABN 82 064 651 083);

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

“**distribution company**” means, in relation to a supply of electricity from a supply point, the distribution company that is licensed to distribute and supply electricity to and is responsible for the supply point in relation to that supply of electricity;

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

“**licensee**” means a person to whom a licence has been issued under Part 2 of the Act;

“**relevant customer**” means a person described in clause 4(c) of this Order;

“**supply point**” means, in relation to supply of electricity to a person, the point at which that supply of electricity last leaves a supply facility owned or operated by a distribution company before being supplied to the person, whether or not the electricity passes through facilities owned or operated by any other person after leaving that point before being so supplied.

4. Prescribed Customers

A person is a prescribed customer for the purpose of the regulation of tariffs under this Order pursuant to section 13 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:

(i) the person is a domestic or small business customer in relation to AGL and the supply of electricity from the supply point under the Order made under section 35 of the Act and published in the Government Gazette on 11 January 2002 (as amended on 8 August 2002); and

(ii) the distribution company in respect of the supply point is also AGL;

(b) a person is a prescribed customer if the person was a franchise customer of AGL within the meaning of the **Electricity Industry Act 1993** immediately before 1 January 2001 and has not entered into a new contract with a licensee which takes effect on or after that date; and

(c) a person is a prescribed customer in respect of particular premises if in respect of that premises there is a deemed contract between AGL and the person (a relevant customer) under section 39(1) or (2) of the Act.

5. Tariffs

The tariffs determined by AGL and published by AGL in the Government Gazette S249 on 29 December 2003, being those expressed as applying under the Act:

SPECIAL

- (a) are fixed by this Order as:
- (i) the maximum tariffs at which AGL may offer to supply and sell electricity to domestic or small business customers for the purposes of section 35 of the Act;
 - (ii) the maximum tariffs at which AGL may supply and sell electricity to former franchise customers pursuant to deemed contracts between AGL and such customers under section 37 of the Act; and
 - (iii) the maximum tariffs at which AGL may supply and sell electricity to relevant customers pursuant to deemed contracts between AGL and such customers under section 39 of the Act; and
- (b) apply with effect from and including 1 January 2004 for the purposes of sections 35, 37 and 39 of the Act in place of the tariffs that were determined by AGL and published in the Government Gazette S205 on 31 October 2003.

Dated 30 December 2003

Responsible Minister

THEO THEOPHANOUS

Minister for Energy Industries

STEPHANIE LENN

Acting Clerk of the Executive Council

Electricity Industry Act 2000

ORDER UNDER SECTION 13

Order in Council

The Governor in Council, acting under section 13 of the **Electricity Industry Act 2000** (“the Act”), makes the following Order:

1. Objective

The objective of this Order is to regulate the tariffs that AGL Victoria may charge prescribed customers.

2. Term

This Order commences on 1 January 2004 and ceases to have effect on 29 February 2004.

3. Definitions

In this Order:

“**AGL Victoria**” means AGL Victoria Pty Limited (ABN 88 090 538 337);

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

“**distribution company**” means, in relation to a supply of electricity from a supply point, the distribution company that is licensed to distribute and supply electricity to and is responsible for the supply point in relation to that supply of electricity;

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

“**licensee**” means a person to whom a licence has been issued under Part 2 of the Act;

“**relevant customer**” means a person described in clause 4(c) of this Order;

“**supply point**” means, in relation to supply of electricity to a person, the point at which that supply of electricity last leaves a supply facility owned or operated by a distribution company before being supplied to the person, whether or not the electricity passes through facilities owned or operated by any other person after leaving that point before being so supplied.

4. Prescribed Customers

A person is a prescribed customer for the purpose of the regulation of tariffs under this Order pursuant to section 13 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:
 - (i) the person is a domestic or small business customer in relation to AGL Victoria and the supply of electricity from the supply point under the Order made under section 35 of the Act and published in the Government Gazette on 11 January 2002 (as amended on 8 August 2002); and
 - (ii) the distribution company in respect of the supply point is United Energy Ltd (ACN 064 651 029);
- (b) a person is a prescribed customer if the person was a franchise customer of United Energy Ltd (ACN 064 651 029) within the meaning of the **Electricity Industry Act 1993** immediately before 1 January 2001 and has not entered into a new contract with a licensee which takes effect on or after that date; and
- (c) a person is a prescribed customer in respect of particular premises if in respect of that premises there is a deemed contract between AGL Victoria and the person (a relevant customer) under section 39(1) or (2) of the Act.

5. Tariffs

The tariffs determined by AGL Victoria and published by AGL Victoria in the Government Gazette S249 on 29 December 2003, being those expressed as applying under the Act:

- (a) are fixed by this Order as:
 - (i) the maximum tariffs at which AGL Victoria may offer to supply and sell electricity to domestic or small business customers for the purposes of section 35 of the Act;
 - (ii) the maximum tariffs at which AGL Victoria may supply and sell electricity to former franchise customers pursuant to deemed contracts between AGL Victoria and such customers under section 37 of the Act; and
 - (iii) the maximum tariffs at which AGL Victoria may supply and sell electricity to relevant customers pursuant to deemed contracts between AGL Victoria and such customers under section 39 of the Act; and
- (b) apply with effect from and including 1 January 2004 for the purposes of sections 35, 37 and 39 of the Act in place of the tariffs that were determined by AGL Victoria and published in the Government Gazette S205 on 31 October 2003.

Dated 30 December 2003

Responsible Minister

THEO THEOPHANOUS

Minister for Energy Industries

STEPHANIE LENN
Acting Clerk of the Executive Council

Electricity Industry Act 2000

ORDER UNDER SECTION 13

Order in Council

The Governor in Council, acting under section 13 of the **Electricity Industry Act 2000** ("the Act"), makes the following Order:

1. Objective

The objective of this Order is to regulate the tariffs that Origin Energy may charge prescribed customers.

2. Term

This Order commences on 1 January 2004 and ceases to have effect on 24 February 2004.

3. Definitions

In this Order:

“**distribution company**” means, in relation to a supply of electricity from a supply point, the distribution company that is licensed to distribute and supply electricity to and is responsible for the supply point in relation to that supply of electricity;

“**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;

“**licensee**” means a person to whom a licence has been issued under Part 2 of the Act;

“**Origin Energy**” means Origin Energy Electricity Limited (ACN 071 052 287);

“**relevant customer**” means a person described in clause 4(c) of this Order; and

“**supply point**” means, in relation to supply of electricity to a person, the point at which that supply of electricity last leaves a supply facility owned or operated by a distribution company before being supplied to the person, whether or not the electricity passes through facilities owned or operated by any other person after leaving that point before being so supplied.

4. Prescribed Customers

A person is a prescribed customer for the purpose of the regulation of tariffs under this Order pursuant to section 13 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:
 - (i) the person is a domestic or small business customer in relation to Origin Energy and the supply of electricity from the supply point under the Order made under section 35 of the Act and published in the Government Gazette on 11 January 2002 (as amended on 8 August 2002); and
 - (ii) the distribution company in respect of the supply point is CitiPower Pty (ACN 064 651 056); and
- (b) a person is a prescribed customer if the person was a franchise customer of CitiPower within the meaning of the **Electricity Industry Act 1993** immediately before 1 January 2001 and has not entered into a new contract with a licensee which takes effect on or after that date other than with Origin Energy arising from the novation of a deemed contract between the person and CitiPower under section 37 of the Act; and
- (c) a person is a prescribed customer in respect of particular premises if in respect of that premises there is a deemed contract between Origin Energy and the person (a relevant customer) under section 39(1) or (2) of the Act.

5. Tariffs

The tariffs determined by Origin Energy and published by Origin Energy in the Government Gazette S247 on 24 December 2003 (being those tariffs expressed in that publication to apply in respect of CitiPower's network area):

- (a) are fixed by this Order as:
 - (i) the maximum tariffs at which Origin Energy may offer to supply and sell electricity to domestic or small business customers for the purposes of section 35 of the Act;
 - (ii) the maximum tariffs at which Origin Energy may supply and sell electricity to former franchise customers pursuant to deemed contracts between Origin Energy and such customers under section 37 of the Act; and

- (iii) the maximum tariffs at which Origin Energy may supply and sell electricity to relevant customers pursuant to deemed contracts between Origin Energy and such customers under section 39 of the Act; and
- (b) apply with effect from and including 1 January 2004 for the purposes of sections 35, 37 and 39 of the Act in place of the tariffs that were determined by Origin Energy and published in the Government Gazette S206 on 31 October 2003 (being those tariffs expressed in that publication to apply in respect of CitiPower's network area).

Dated 30 December 2003

Responsible Minister

THEO THEOPHANOUS

Minister for Energy Industries

STEPHANIE LENN
Acting Clerk of the Executive Council

Electricity Industry Act 2000
ORDER UNDER SECTION 13
Order in Council

The Governor in Council, acting under section 13 of the **Electricity Industry Act 2000** ("the Act"), makes the following Order:

1. Objective

The objective of this Order is to regulate the tariffs that Origin Energy may charge prescribed customers.

2. Term

This Order commences on 1 January 2004 and ceases to have effect on 24 February 2004.

3. Definitions

In this Order:

"distribution company" means, in relation to a supply of electricity from a supply point, the distribution company that is licensed to distribute and supply electricity to and is responsible for the supply point in relation to that supply of electricity;

"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;

"licensee" means a person to whom a licence has been issued under Part 2 of the Act;

"Origin Energy" means Origin Energy Electricity Limited (ACN 071 052 287);

"relevant customer" means a person described in clause 4(c) of this Order; and

"supply point" means, in relation to supply of electricity to a person, the point at which that supply of electricity last leaves a supply facility owned or operated by a distribution company before being supplied to the person, whether or not the electricity passes through facilities owned or operated by any other person after leaving that point before being so supplied.

4. Prescribed Customers

A person is a prescribed customer for the purpose of the regulation of tariffs under this Order pursuant to section 13 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:

- (i) the person is a domestic or small business customer in relation to Origin Energy and the supply of electricity from the supply point under the Order made under section 35 of the Act and published in the Government Gazette on 11 January 2002 (as amended on 8 August 2002); and

- (ii) the distribution company in respect of the supply point is Powercor Australia Limited (ACN 064 651 109); and
- (b) a person is a prescribed customer if the person was a franchise customer of Powercor within the meaning of the **Electricity Industry Act 1993** immediately before 1 January 2001 and has not entered into a new contract with a licensee which takes effect on or after that date other than with Origin Energy arising from the novation of a deemed contract between the person and Powercor under section 37 of the Act; and
- (c) a person is a prescribed customer in respect of particular premises if in respect of that premises there is a deemed contract between Origin Energy and the person (a relevant customer) under section 39(1) or (2) of the Act.

5. Tariffs

The tariffs determined by Origin Energy and published by Origin Energy in the Government Gazette S247 on 24 December 2003 (being those tariffs expressed in that publication to apply in respect of Powercor's network area):

- (a) are fixed by this Order as:
 - (i) the maximum tariffs at which Origin Energy may offer to supply and sell electricity to domestic or small business customers for the purposes of section 35 of the Act;
 - (ii) the maximum tariffs at which Origin Energy may supply and sell electricity to former franchise customers pursuant to deemed contracts between Origin Energy and such customers under section 37 of the Act; and
 - (iii) the maximum tariffs at which Origin Energy may supply and sell electricity to relevant customers pursuant to deemed contracts between Origin Energy and such customers under section 39 of the Act; and
- (b) apply with effect from and including 1 January 2004 for the purposes of sections 35, 37 and 39 of the Act in place of the tariffs that were determined by Origin Energy and published in the Government Gazette S206 on 31 October 2003 (being those tariffs expressed in that publication to apply in respect of Powercor's network area).

Dated 30 December 2003

Responsible Minister

THEO THEOPHANOUS

Minister for Energy Industries

STEPHANIE LENN

Acting Clerk of the Executive Council

Electricity Industry Act 2000

ORDER UNDER SECTION 13

Order in Council

The Governor in Council, acting under section 13 of the **Electricity Industry Act 2000** ("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. Term

This Order commences on 1 January 2004 and ceases to have effect on 23 February 2004.

3. Definitions

In this Order:

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

"distribution company" means, in relation to a supply of electricity from a supply point, the distribution company that is licensed to distribute and supply electricity to and is responsible for the supply point in relation to that supply of electricity;

- “**former franchise customer**” means a person described in clause 4(b) of this Order;
- “**licensee**” means a person to whom a licence has been issued under Part 2 of the Act;
- “**relevant customer**” means a person described in clause 4(c) of this Order;
- “**supply point**” means, in relation to supply of electricity to a person, the point at which that supply of electricity last leaves a supply facility owned or operated by a distribution company before being supplied to the person, whether or not the electricity passes through facilities owned or operated by any other person after leaving that point before being so supplied;
- “**TXU**” means TXU Electricity Ltd (ABN 91 064 651 118).

4. Prescribed Customers

A person is a prescribed customer for the purpose of the regulation of tariffs under this Order pursuant to section 13 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:
- (i) the person is a domestic or small business customer in relation to TXU and the supply of electricity from the supply point under the Order made under section 35 of the Act and published in the Government Gazette on 11 January 2002 (as amended on 8 August 2002); and
 - (ii) the distribution company in respect of the supply point is also TXU;
- (b) a person is a prescribed customer if the person was a franchise customer of TXU within the meaning of the **Electricity Industry Act 1993** immediately before 1 January 2001 and has not entered into a new contract with a licensee which takes effect on or after that date; and
- (c) a person is a prescribed customer in respect of particular premises if in respect of that premises there is a deemed contract between TXU and the person (a relevant customer) under section 39(1) or (2) of the Act.

5. Tariffs

The tariffs determined by TXU and published by TXU in the Government Gazette S246 on 23 December 2003, being those expressed as applying under the Act:

- (a) are fixed by this Order as:
- (i) the maximum tariffs at which TXU may offer to supply and sell electricity to domestic or small business customers for the purposes of section 35 of the Act;
 - (ii) the maximum tariffs at which TXU may supply and sell electricity to former franchise customers pursuant to deemed contracts between TXU and such customers under section 37 of the Act; and
 - (iii) the maximum tariffs at which TXU may supply and sell electricity to relevant customers pursuant to deemed contracts between TXU and such customers under section 39 of the Act; and
- (b) apply with effect from and including 1 January 2004 for the purposes of sections 35, 37 and 39 of the Act in place of the tariffs that were determined by TXU and published in the Government Gazette S204 on 31 October 2003.

Dated 30 December 2003

Responsible Minister

THEO THEOPHANOUS

Minister for Energy Industries

STEPHANIE LENN
Acting Clerk of the Executive Council

Gas Industry Act 2001
ORDER UNDER SECTION 21
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 AGL Victoria may charge prescribed customers.

2. Commencement

This Order commences on 1 January 2004 and ceases to have effect on 29 February 2004.

3. Definitions

In this Order:

“**AGL Victoria**” means AGL Victoria Pty Limited, formerly Pulse Energy Pty Ltd (ABN 88 090 538 337);

“**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;

“**relevant customer**” means a person described in clause 4(c) of this Order; and

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

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 AGL Victoria and AGL Victoria is the local retailer for that supply point within the meaning of the Order made under section 42 of the Act 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 AGL Victoria within the meaning of the **Gas Industry Act 1994** 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 in respect of that premises there is a deemed contract between AGL Victoria and the person (a relevant customer) under section 46(1) or (2) of the Act.

5. Tariffs

The tariffs as determined by AGL Victoria and published by AGL Victoria in the Government Gazette S249 on 29 December 2003, being those tariffs expressed as applying under the Act:

- (a) are fixed by this Order as:
 - (i) the maximum tariffs at which AGL Victoria may offer to supply and sell gas to domestic or small business customers for the purposes of section 42 of the Act;
 - (ii) the maximum tariffs at which AGL Victoria may supply and sell gas to former franchise customers pursuant to deemed contracts between AGL Victoria and such customers under section 44 of the Act; and
 - (iii) the maximum tariffs at which AGL Victoria may supply and sell gas to relevant customers pursuant to deemed contracts between AGL Victoria and such customers under section 46 of the Act;

- (b) apply with effect from and including 1 January 2004 for the purposes of sections 42, 44 and 46 of the Act in place of the tariffs that were determined by AGL Victoria and published in the Government Gazette S205 on 31 October 2003.

Dated 30 December 2003

Responsible Minister

THEO THEOPHANOUS

Minister for Energy Industries

STEPHANIE LENN

Acting Clerk of the Executive Council

Gas Industry Act 2001

ORDER UNDER SECTION 21

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 Origin Energy may charge prescribed customers.

2. Commencement

This Order commences on 1 January 2004 and ceases to have effect on 29 February 2004.

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;

“**Origin Energy**” means Origin Energy Retail Limited (ABN 22 078 868 425);

“**relevant customer**” means a person described in clause 4(c) of this Order; and

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

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 Origin Energy and Origin Energy is the local retailer for that supply point within the meaning of the Order made under section 42 of the Act 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 Origin Energy 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 Origin Energy and published by Origin Energy in the Government Gazette S250 on 29 December 2003:

- (a) are fixed by this Order as:
- (i) the maximum tariffs at which Origin Energy may offer to supply and sell gas to domestic or small business customers for the purposes of section 42 of the Act;
 - (ii) the maximum tariffs at which Origin Energy may supply and sell gas to former franchise customers pursuant to deemed contracts between Origin Energy and such customers under section 44 of the Act; and
 - (iii) the maximum tariffs at which Origin Energy may supply and sell gas to relevant customers pursuant to deemed contracts between Origin Energy and such customers under section 46 of the Act;
- (b) apply with effect from and including 1 January 2004 for the purposes of sections 42, 44 and 46 of the Act in place of the tariffs that were determined by Origin Energy and published in the Government Gazette S206 on 31 October 2003.

Dated 30 December 2003

Responsible Minister

THEO THEOPHANOUS

Minister for Energy Industries

STEPHANIE LENN

Acting Clerk of the Executive Council

Gas Industry Act 2001

ORDER UNDER SECTION 21

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 Origin Energy may charge prescribed customers.

2. Commencement

This Order commences on 1 January 2004 and ceases to have effect on 29 February 2004.

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;

“**Origin Energy**” means Origin Energy (Vic) Pty Ltd (ABN 11 086 013 283);

“**relevant customer**” means a person described in clause 4(c) of this Order; and

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

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 Origin Energy and Origin Energy is the local retailer for that supply point within the meaning of the Order made under section 42 of the Act 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 Origin Energy within the meaning of the **Gas Industry Act 1994** 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 in respect of that premises there is a deemed contract between Origin Energy and the person (a relevant customer) under section 46(1) or (2) of the Act.

5. Tariffs

The tariffs as determined by Origin Energy and published by Origin Energy in the Government Gazette S251 on 29 December 2003, being those tariffs expressed as applying under the Act:

- (a) are fixed by this Order as:
 - (i) the maximum tariffs at which Origin Energy may offer to supply and sell gas to domestic or small business customers for the purposes of section 42 of the Act;
 - (ii) the maximum tariffs at which Origin Energy may supply and sell gas to former franchise customers pursuant to deemed contracts between Origin Energy and such customers under section 44 of the Act; and
 - (iii) the maximum tariffs at which Origin Energy may supply and sell gas to relevant customers pursuant to deemed contracts between Origin Energy and such customers under section 46 of the Act;
- (b) apply with effect from and including 1 January 2004 for the purposes of sections 42, 44 and 46 of the Act in place of the tariffs that were determined by Origin Energy and published in the Government Gazette S206 on 31 October 2003.

Dated 30 December 2003

Responsible Minister

THEO THEOPHANOUS

Minister for Energy Industries

STEPHANIE LENN

Acting Clerk of the Executive Council

Gas Industry Act 2001

ORDER UNDER SECTION 21

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 1 January 2004 and ceases to have effect on 23 February 2004.

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;

“**relevant customer**” means a person described in clause 4(c) of this Order;

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

“**TXU**” means TXU Pty Ltd (ABN 99 086 014 968).

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 Act 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 within the meaning of the **Gas Industry Act 1994** 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 in respect of that premises there is a deemed contract between TXU and the person (a relevant customer) under section 46(1) or (2) of the Act.

5. Tariffs

The tariffs as determined by TXU and published by TXU in the Government Gazette S246 on 23 December 2003, being those tariffs expressed as applying under the Act:

- (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;
 - (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;
- (b) apply with effect from and including 1 January 2004 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 S204 on 31 October 2003.

Dated 30 December 2003

Responsible Minister

THEO THEOPHANOUS

Minister for Energy Industries

STEPHANIE LENN
Acting Clerk of the Executive Council

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