



Victoria Government Gazette

No. S 55 Wednesday 10 March 2004

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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 10 March 2004 and ceases to have effect on 1 May 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 license 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 “Residential Bulk Hot Water” tariffs (Tariffs 10 and 11) as determined by TXU and published by TXU in the Government Gazette S45 on 26 February 2004, being those tariffs expressed as applying under the Act:

SPECIAL

- (a) are fixed by this Order as:
 - (i) the maximum residential bulk hot water 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 residential bulk hot water 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 residential bulk hot water 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 10 March 2004 for the purposes of sections 42, 44 and 46 of the Act in place of the residential bulk hot water tariffs that were determined by TXU and published in the Government Gazette S246 on 23 December 2003 and the Governor in Council Order made on 30 December 2003.

Dated 10 March 2004

Responsible Minister
THEO THEOPHANOUS
Minister for Energy Industries

DIANE CASEY
Clerk of the Executive Council

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