



# Victoria Government Gazette

No. S 59 Wednesday 1 March 2006

By Authority, Victorian Government Printer

## 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 Sales may charge prescribed customers.

**2. Term**

This Order commences on 1 March 2006.

**3. Definitions**

In this Order:

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

**AGL Sales** means AGL Sales Pty Limited (ABN 88 090 538 337);

**distribution company** means, in relation to the 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;

**ex-AGL Electricity domestic or small business customer** means a person described in clause 4(a) of this Order;

**ex-AGL Electricity former franchise customer** means a person described in clause 4(c) of this Order;

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

**new AGL Sales region domestic or small business customer** means a person described in clause 4(b) of this Order; and

**supply point** means, in relation to the supply of electricity to a person, the point at which the 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 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 the person was, immediately before the commencement of this Order, a domestic or small business customer in relation to AGL Electricity and AGL Electricity was the local retailer for that supply point within the meaning of the Order made under section 35 of the Act and published in the Government Gazette on 11 January 2002, as that Order was in force immediately before 1 March 2006;

(b) a person is a prescribed customer in respect of a supply point if the distribution company in respect of the supply point is AGL Electricity, the person is a domestic or small business customer in relation to AGL Sales and AGL Sales is the local retailer for that supply point within the meaning of the Order made under section 35 of the Act and published in the Government Gazette on 11 January 2002, as that Order is in force on and from 1 March 2006; or

**SPECIAL**

- (c) a person is a prescribed customer if the person was a franchise customer of AGL Electricity immediately before 1 January 2001 and has not entered into a new contract with a licensee which takes effect on or after that date.

**5. Tariffs**

The tariffs as determined by AGL Electricity and published in the Government Gazette (No. S223) on 29 October 2004:

- (a) are fixed by this Order, with effect on and from the commencement of this Order, as:
- (i) the maximum tariffs at which AGL Sales may offer to supply and sell electricity to ex-AGL Electricity domestic or small business customers, or to new AGL Sales region domestic or small business customers, for the purposes of section 35 of the Act; and
  - (ii) the maximum tariffs at which AGL Sales may supply and sell electricity to ex-AGL Electricity former franchise customers pursuant to contracts between AGL Electricity and such customers arising from the novation of deemed contracts between AGL Electricity and those customers under section 37 of the Act; and
- (b) apply with effect on and from the commencement of this Order for the purposes of sections 35 and 37 of the Act.

Dated 28 February 2006

Responsible Minister:  
THEO THEOPHANOUS  
Minister for Energy Industries

JUSTINE FRANKLIN  
Acting Clerk of the Executive Council

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**Electricity Industry Act 2000**

ORDER UNDER SECTION 23

Order in Council

The Governor in Council, acting under section 23 of the **Electricity Industry Act 2000**, amends the Order in Council made on 27 November 2001 under section 23 of the **Electricity Industry Act 2000** and published in the Government Gazette G48 on 29 November 2001, by substituting paragraphs (a) and (e) of the definition of local retailer in clause 3, with the following:

- (a) AGL Sales Pty Limited (ABN 88 090 538 337) where the distribution company in relation to the electricity distribution area is AGL Electricity Limited (ABN 82 064 651 083);
- (e) AGL Sales Pty Limited (ABN 88 090 538 337) where the distribution company in relation to the electricity distribution area is United Energy Distribution Pty Ltd (ACN 064 651 029).

This amendment will commence operation on 1 March 2006.

Dated 28 February 2006

Responsible Minister:  
THEO THEOPHANOUS  
Minister for Energy Industries

JUSTINE FRANKLIN  
Acting Clerk of the Executive Council

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**Electricity Industry Act 2000**  
ORDER UNDER SECTION 7AA

Order in Council

The Governor in Council, acting under section 7AA of the **Electricity Industry Act 2000**, amends the Order in Council made on 20 September 2005 under section 7AA of the **Electricity Industry Act 2000** and published in the Government Gazette G38 on 22 September 2005, by substituting paragraphs (a) and (e) of the definition of local retailer in clause 6, with the following:

- "(a) AGL Sales Pty Limited (ABN 88 090 538 337) where the distribution company in relation to the electricity distribution area is AGL Electricity Limited (ABN 82 064 651 083);
- (e) AGL Sales Pty Limited (ABN 88 090 538 337) where the distribution company in relation to the electricity distribution area is United Energy Distribution Pty Ltd (ACN 064 651 029).

This amendment will commence operation on 1 March 2006.

Dated 28 February 2006

Responsible Minister:  
THEO THEOPHANOUS  
Minister for Energy Industries

JUSTINE FRANKLIN  
Acting Clerk of the Executive Council

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**Electricity Industry Act 2000**  
ORDER UNDER SECTION 35

Order in Council

The Governor in Council, acting under section 35 of the **Electricity Industry Act 2000**, amends the Order in Council under section 35 of the **Electricity Industry Act 2000** made and published in the Special Government Gazette S11 on 11 January 2002, as amended by the Order in Council made under that section on 6 August 2002 and published in the Government Gazette G32 on 8 August 2002, by substituting paragraphs (a) and (e) of the definition of local retailer in clause 3, with the following:

- (a) AGL Sales Pty Limited (ABN 88 090 538 337) where the distribution company in relation to the electricity distribution area is AGL Electricity Limited (ABN 82 064 651 083);
- (e) AGL Sales Pty Limited (ABN 88 090 538 337) where the distribution company in relation to the electricity distribution area is United Energy Distribution Pty Ltd (ACN 064 651 029).

This amendment will commence operation on 1 March 2006.

Dated 28 February 2006

Responsible Minister:  
THEO THEOPHANOUS  
Minister for Energy Industries

JUSTINE FRANKLIN  
Acting Clerk of the Executive Council

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