



# Victoria Government Gazette

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**SPECIAL**

## Electricity Industry Act 2000

### REVOCATION OF PROCLAMATION

I, John Landy, Governor of Victoria, with the advice of the Executive Council and under section 95 of the **Electricity Industry Act 2000**, hereby revoke the proclamation made under section 47B of the **Electricity Industry Act 1993** (which has been re-enacted as section 95 of the **Electricity Industry Act 2000**), dated 13 December 2000 and published in Special Government Gazette No. 189 on 13 December 2000.

Given under my hand and the seal of Victoria on 11 January 2002

(L.S.)

JOHN LANDY

Governor

By His Excellency's Command

CANDY BROAD

Minister for Energy and Resources

## 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** (the "Act"), makes the following Order:

**1. Objective**

The objective of this Order is to define a class of persons for the purpose of determining whether, for the purposes of section 35 of the Act, a person is a domestic or small business customer in relation to a licensed retailer and a supply of electricity to that person from a supply point.

**2. Commencement**

This Order commences on 13 January 2002.

**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;

**"licensed retailer"** means a person to whom a licence to sell electricity has been issued under Part 2 of the Act;

**"local retailer"** means, in relation to a supply of electricity from a supply point:

- (a) AGL Electricity Limited (ACN 064 651 083) where the distribution company in relation to the supply of electricity from the supply point is AGL Electricity Limited;
- (b) CitiPower Pty (ACN 064 651 056) where the distribution company in relation to the supply of electricity from the supply point is CitiPower Pty;
- (c) TXU Electricity Ltd (ACN 064 651 118) where the distribution company in relation to the supply of electricity from the supply point is TXU Electricity Ltd;
- (d) Origin Energy Electricity Limited (ACN 071 052 287) where the distribution company in relation to the supply of electricity from the supply point is Powercor Australia Limited (ACN 064 651 109); and

- (e) Pulse Energy Pty Ltd (ACN 090 538 337) where the distribution company in relation to the supply of electricity from the supply point is United Energy Ltd (ACN 064 651 029).

“**supply point**” means, in relation to a 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. Domestic or small business customers**

A person is a domestic or small business customer in relation to a licensed retailer and a supply of electricity from a supply point if each of the following conditions is satisfied:

- (a) the person is a relevant customer in relation to the supply of electricity from that supply point, determined in accordance with paragraph 5; and  
(b) the licensed retailer is also the local retailer for electricity supplied from that supply point.

**5. Relevant Customers**

A person is a relevant customer in relation to a supply of electricity from a supply point unless the person's aggregate consumption of electricity taken from the supply point has been, or, in the case of a new supply point, is likely to be, more than 160 megawatt hours in any year commencing on or after 1 January 1997.

**5A Public Lighting Customers**

Notwithstanding any other provision of this Order, the following persons are not domestic or small business customers for the purposes of this Order:

- (a) VicRoads in respect of public lighting of declared roads (as defined in the **Transport Act 1983**);  
(b) a municipal council in respect of public lighting in its municipal district other than public lighting of declared roads; and  
(c) the Docklands Authority in respect of public lighting in the docklands area (as defined in the **Docklands Authority Act 1991**) other than public lighting of declared roads.

**6. Determinations by the Essential Services Commission**

The Essential Services Commission may, on application by any person whose interests are affected, make a determination as to whether a person is or is not a domestic or small business customer in relation to a supply of electricity from a supply point within the meaning of this Order.

**7. Repeal of Previous Order**

The Order in Council made under section 169A of the **Electricity Industry Act 1993** and published in the Government Gazette on 21 September 2000 is repealed with effect from the commencement of this Order.

Dated 11 January 2002

Responsible Minister:

JOHN BRUMBY MP

Acting Minister for Energy and Resources

HELEN DOYE  
Clerk of the Executive Council

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**Electricity Industry Act 2000**  
**ORDER UNDER SECTION 36**

Order in Council

The Governor in Council, acting under section 36 of the **Electricity Industry Act 2000** (the "Act"), makes the following Order:

**1. Objective**

The objective of this Order is to define a class of persons for the purpose of determining whether, for the purposes of section 36 of the Act, a person is a relevant customer in relation to a supply of electricity to that person from a supply point.

**2. Commencement**

This Order commences on 13 January 2002.

**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;

**"supply point"** means, in relation to a 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. Relevant Customers**

A person is a relevant customer in relation to a supply of electricity from a supply point unless the person's aggregate consumption of electricity taken from the supply point has been, or, in the case of a new supply point, is likely to be, more than 160 megawatt hours in any year commencing on or after 1 January 1997.

**4A Public Lighting Customers**

Notwithstanding any other provision of this Order, the following persons are not relevant customers for the purposes of this Order:

- (a) VicRoads in respect of public lighting of declared roads (as defined in the **Transport Act 1983**);
- (b) a municipal council in respect of public lighting in its municipal district other than public lighting of declared roads; and
- (c) the Docklands Authority in respect of public lighting in the docklands area (as defined in the **Docklands Authority Act 1991**) other than public lighting of declared roads.

**5. Determinations by the Essential Services Commission**

The Essential Services Commission may, on application by any person whose interests are affected, make a determination as to whether a person is or is not a relevant customer in relation to a supply of electricity from a supply point within the meaning of this Order.

**6. Repeal of Previous Order**

The Order in Council made under section 169B of the **Electricity Industry Act 1993** and published in the Government Gazette on 21 September 2000 is repealed with effect from the commencement of this Order.

Dated 11 January 2002

Responsible Minister:

JOHN BRUMBY MP

Acting Minister for Energy and Resources

HELEN DOYE  
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 and to repeal an earlier Order made under section 21 of the Act.

**2. Commencement**

This Order commences on 11 January 2002 and ceases to have effect on 7 March 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;

“**TXU**” means TXU Pty Limited (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 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 TXU and TXU 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 TXU 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 TXU and published in the Government Gazette (No. S 2) on 7 January 2002:

- (a) are fixed by this Order with effect from and including 11 January 2002 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
- (b) apply with effect from and including 11 January 2002 for the purposes of sections 42 and 44 of the Act in place of the tariffs that were determined by TXU and published in the Government Gazette on 9 November 2001.

**6. Previous Order**

The Order made under section 21 in respect of TXU and published in the Government Gazette on 20 December 2001 is repealed with effect from the commencement of this Order.

Dated 11 January 2002

Responsible Minister:

JOHN BRUMBY MP

Acting Minister for Energy and Resources

HELEN DOYE

Clerk of the Executive Council

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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 and to repeal an earlier Order made under section 13 of the Act.

**2. Term**

This Order commences on 13 January 2002 and ceases to have effect on 10 March 2002.

**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;

**"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;

**"AGL"** means AGL Electricity Limited (ACN 064 651 083).

**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 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 AGL and AGL 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; or
- (b) a person is a prescribed customer if the person was a franchise customer of AGL 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 and published in the Government Gazette (No. S 10) on 10 January 2002:

- (a) are fixed by this Order with effect from and including 13 January 2002 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; and
  - (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
- (b) apply with effect from and including 13 January 2002 for the purposes of sections 35 and 37 of the Act in place of the tariffs that were determined by AGL and published in the Government Gazette on 31 October 2001.

**6. Previous Order**

The Order made under section 13 in respect of AGL and published in the Government Gazette on 20 December 2001 is repealed with effect from the commencement of this Order.

Dated 11 January 2002

Responsible Minister:  
JOHN BRUMBY MP  
Acting Minister for Energy and Resources

HELEN DOYE  
Clerk of the Executive Council

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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 CitiPower may charge prescribed customers and to repeal an earlier Order made under section 13 of the Act.

**2. Term**

This Order commences on 13 January 2002 and ceases to have effect on 11 March 2002.

**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;

**"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;

**"CitiPower"** means CitiPower Pty (ACN 064 651 056).

**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 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 CitiPower and CitiPower 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; or
- (b) a person is a prescribed customer if the person was a franchise customer of CitiPower 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 CitiPower and published in the Government Gazette (No. S 9) on 10 January 2002:

- (a) are fixed by this Order with effect from and including 13 January 2002 as:
  - (i) the maximum tariffs at which CitiPower may offer to supply and sell electricity to domestic or small business customers for the purposes of section 35 of the Act; and
  - (ii) the maximum tariffs at which CitiPower may supply and sell electricity to former franchise customers pursuant to deemed contracts between CitiPower and such customers under section 37 of the Act; and
- (a) apply with effect from and including 13 January 2002 for the purposes of sections 35 and 37 of the Act in place of the tariffs that were determined by CitiPower and published in the Government Gazette on 13 October 2001.

**6. Previous Order**

The Order made under section 13 in respect of CitiPower and published in the Government Gazette on 20 December 2001 is repealed with effect from the commencement of this Order.

Dated 11 January 2002

Responsible Minister:

JOHN BRUMBY MP

Acting Minister for Energy and Resources

HELEN DOYE  
Clerk of the Executive Council

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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 Origin Energy may charge prescribed customers and to repeal an earlier Order made under section 13 of the Act.

**2. Term**

This Order commences on 13 January 2002 and ceases to have effect on 8 March 2002.



**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;

**“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;

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

**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 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 Origin Energy and Origin Energy 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; or
- (b) a person is a prescribed customer if the person was a franchise customer of Powercor Australia Limited (ACN 064 651 109) 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 Origin Energy and published in the Government Gazette (No. S 4) on 8 January 2002:

- (a) are fixed by this Order with effect from and including 13 January 2002 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; and
  - (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
- (b) apply with effect from and including 13 January 2002 for the purposes of sections 35 and 37 of the Act in place of the tariffs that were determined by Origin Energy and published in the Government Gazette on 1 November 2001.

**6. Previous Order**

The Order made under section 13 in respect of Origin Energy and published in the Government Gazette on 20 December 2001 is repealed with effect from the commencement of this Order.

Dated 11 January 2002

Responsible Minister:

JOHN BRUMBY MP

Acting Minister for Energy and Resources

HELEN DOYE  
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 Pulse may charge prescribed customers and to repeal an earlier Order made under section 13 of the Act.

**2. Term**

This Order commences on 13 January 2002 and ceases to have effect on 10 March 2002.

**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;

**"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;

**"Pulse"** means Pulse Energy Pty Ltd (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 13 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 35 of the Act and published in the Government Gazette on 11 January 2002; or
- (b) a person is a prescribed customer if the person was a franchise customer of United Energy Ltd (ACN 064 651 029) 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 Pulse and published in the Government Gazette (No. S 8) on 10 January 2002:

- (a) are fixed by this Order with effect from and including 13 January 2002 as:
  - (i) the maximum tariffs at which Pulse may offer to supply and sell electricity to domestic or small business customers for the purposes of section 35 of the Act; and
  - (ii) the maximum tariffs at which Pulse may supply and sell electricity to former franchise customers pursuant to deemed contracts between Pulse and such customers under section 37 of the Act; and

- (b) apply with effect from and including 13 January 2002 for the purposes of sections 35 and 37 of the Act in place of the tariffs that were determined by Pulse and published in the Government Gazette on 22 October 2001.

**6. Previous Order**

The Order made under section 13 in respect of Pulse and published in the Government Gazette on 20 December 2001 is repealed with effect from the commencement of this Order.

Dated 11 January 2002

Responsible Minister:

JOHN BRUMBY MP

Acting Minister for Energy and Resources

HELEN DOYE

Clerk of the Executive Council

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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 TXU may charge prescribed customers and to repeal an earlier Order made under section 13 of the Act.

**2. Term**

This Order commences on 13 January 2002 and ceases to have effect on 9 March 2002.

**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;

**"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 (ACN 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 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 TXU and TXU 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; or
- (b) a person is a prescribed customer if the person was a franchise customer of TXU 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 TXU and published in the Government Gazette (No. S 7) on 9 January 2002:

- (a) are fixed by this Order with effect from and including 13 January 2002 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; and
  - (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
- (b) apply with effect from and including 13 January 2002 for the purposes of sections 35 and 37 of the Act in place of the tariffs that were determined by TXU and published in the Government Gazette on 1 November 2001.

**6. Previous Order**

The Order made under section 13 in respect of TXU and published in the Government Gazette on 20 December 2001 is repealed with effect from the commencement of this Order.

Dated 11 January 2002

Responsible Minister:

JOHN BRUMBY MP

Acting Minister for Energy and Resources

HELEN DOYE  
Clerk of the Executive Council

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