



# Victoria Government Gazette

No. S 335 Thursday 30 June 2022  
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## Electricity Industry Act 2000

### ELECTRICITY LICENCE EXEMPTION FOR GROUP ENERGY PTY LTD

#### Order in Council

The Lieutenant-Governor, as the Governor's deputy, with the advice of the Executive Council under section 17 of the **Electricity Industry Act 2000** makes the following Order:

1. In this Order:  
**Codes of Practice** means a code of practice made under section 47 of the **Essential Services Commission Act 2001** and as amended from time to time.
2. Subject to paragraph 3, Group Energy Pty Ltd (ACN 649 890 460) (Group Energy) is exempt from the requirement to obtain a licence under section 16 of the **Electricity Industry Act 2000** to sell and supply electricity to Borg Manufacturing Pty Ltd (ACN 003 246 357) (Borg Manufacturing).
3. This Order is subject to the following conditions:
  - a. Group Energy must only sell and supply electricity to Borg Manufacturing;
  - b. Group Energy must only sell or supply electricity to Borg Manufacturing at a site where there is no retail electricity contract with a licensed retailer in place;
  - c. Group Energy must not take any action which would have the effect of preventing or limiting Borg Manufacturing from purchasing, or obtaining supply of, electricity from any other person;
  - d. Group Energy must maintain a system for monitoring its compliance with the **Electricity Industry Act 2000**, applicable Codes of Practice, and the conditions of this Order;
  - e. Group Energy must provide to the Minister for Energy or the Essential Services Commission, any information that either entity may reasonably require for the administration of this Order.
4. This Order will come into effect on the day it is published in the Government Gazette.
5. The conditions specified in paragraph 3 of this Order are not an exhaustive list of Group Energy's obligations. Group Energy is required to comply with any applicable obligations as set out in the **Electricity Industry Act 2000** and instruments made under that Act, Codes of Practice, as well as any procedures and guidelines that the Essential Services Commission determines are applicable from time to time.

Dated 30 June 2022

Responsible Minister:

HON LILY D'AMBROSIO MP

Minister for Energy

ALEXANDRA DEBELJAKOVIC  
Clerk of the Executive Council

**SPECIAL**

**Electricity Industry Act 2000**

## ELECTRICITY LICENCE EXEMPTION FOR LMS ENERGY PTY LTD

## Order in Council

The Lieutenant-Governor, as the Governor's deputy, with the advice of the Executive Council under section 17 of the **Electricity Industry Act 2000** makes the following Order:

1. In this Order:

**Codes of Practice** means a code of practice made under section 47 of the **Essential Services Commission Act 2001** and as amended from time to time;

**Hallam Road site** means the Hallam Road BioEnergy Facility located at 310 Hallam Road, Hampton Park, VIC 3976;

**Large customer** means a business customer to whom peak demand of not less than 500 kVa or consumption of not less than 160 MWh per annum is supplied or sold for commercial or industrial purposes;

**Wollert site** means the Wollert BioEnergy Facility located at 45 Bridge Inn Road, Wollert, VIC 3750;

**Wyndham site** means the Wyndham BioEnergy Facility located at Wyndham Refuse Disposal Facility, Wests Road, Werribee, VIC 3030.

2. Subject to paragraph 3, LMS Energy Pty Ltd (ACN 059 428 474) (LMS Energy) is exempt from the requirement to obtain a licence under section 16 of **Electricity Industry Act 2000** in relation to:

- a. supply of electricity at the Wyndham site, Wollert site, and Hallam Road site;
- b. sale of electricity generated at the Wyndham site, Wollert site and Hallam Road site to Large Customers located at these sites or to a licensed retailer.

3. This Order is subject to the following conditions:

- a. LMS Energy must not sell or supply more than 50,000MWh of electricity per year in relation to the Wyndham site;
- b. LMS Energy must not sell or supply more than 78,000MWh of electricity per year in relation to the Wollert site;
- c. LMS Energy must not sell or supply more than 78,000MWh of electricity per year in relation to the Hallam Road site;
- d. LMS Energy must not sell to more than five Large Customers at each of its Wyndham, Wollert and Hallam Road sites;
- e. LMS Energy must not take any action which would have the effect of preventing or limiting any Large Customer from purchasing, or obtaining supply of, electricity from any other person;
- f. LMS Energy must maintain a system for monitoring its compliance with the **Electricity Industry Act 2000**, applicable Codes of Practice, and the conditions of this Order;
- g. LMS Energy provide to the Minister for Energy or the Essential Services Commission, any information that either entity may reasonably require for the administration of this Order.

4. This Order will come into effect on the day it is published in the Government Gazette.
5. The conditions specified in paragraph 3 of this Order are not an exhaustive list of LMS Energy's obligations. LMS Energy is required to comply with any applicable obligations as set out in the **Electricity Industry Act 2000** and instruments made under that Act, Codes of Practice, as well as any procedures and guidelines that the Essential Services Commission determines are applicable from time to time.

Dated 30 June 2022

Responsible Minister:

HON LILY D'AMBROSIO MP

Minister for Energy

ALEXANDRA DEBELJAKOVIC

Clerk of the Executive Council

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