



# Victoria Government Gazette

No. G 49 Thursday 11 December 1997

**GENERAL**

## GENERAL AND PERIODICAL GAZETTE

### All copy to be sent to:

Government Gazette Officer  
AGPS Victorian Operations  
PO Box 263  
60 Fallon Street, Brunswick 3056  
Telephone (03) 9387 8135  
Fax (03) 9387 3404

### Advertising Rates and Payment

#### Private Notices

Payment must be received in advance with advertisement details.

30 cents per word - Full page \$180.00.

An additional cost must be included in prepayment if a copy of the gazette is required. Cheques should be made payable to AGPS Victorian Operations.

#### Government and Outer Budget Sector Notices

Not required to pre-pay.

Advertisements must be faxed, and a cover sheet should be used, marked to the attention of the Gazette Coordinator.

Per Line	Camera Ready	Typeset
Single column	\$0.50	\$1.50
Double column	\$1.00	\$3.00
Full page	\$20.00	\$63.00

#### Copy Deadline for General Gazette:

9.30 a.m. Monday - (Private)

9.30 a.m. Tuesday - (Government and Outer Budget Sector)

Copy Prices - Page	\$1.50
- Certified	\$3.50
- Gazette	\$3.20

(All prices include Postage)

#### Advertisers should note:

- Late copy received at AGPS Victorian Operations after deadlines will be placed in the following issue of VGG, irrespective of any date/s mentioned in the copy (unless otherwise advised).
- Proofs will be supplied only when requested or at the direction of the Gazette Officer.
- No additions or amendments to material for publications will be accepted by telephone.
- Departments are requested not to lodge Executive Council papers for gazette unless a copy is provided with the Governor or Clerk's signature on the relevant document.
- Government and Outer Budget Sector Agencies Please note:  
To ensure that material received can be reproduced, and that errors are minimised, the following guidelines are to be observed when submitting material by fax.  
Fax resolution  
Material sent by fax should be transmitted using Fine resolution (200 dots per inch by 200 dpi). Normal resolution is unacceptable.  
Font Size  
Use 12 point (10 pitch) or larger.

### Font Style

Clear plain font styles, such as Helvetica, should be used.

### Graphics

Line drawings should be transmitted as large as possible to ensure clarity. Drawings up to A4 size sent by fax using Fine resolution provide a good quality for reproduction.

### Avoid

Italics, underlining, and full justification.

Ensure document is square when sending

Documents that are sent skewed are difficult to read and process.

If material does not meet above requirements your advertisement may not be published.

## SPECIAL GAZETTES

### Copy to: Julia Saad

AGPS Victorian Operations  
60 Fallon Street,  
Brunswick 3056  
Telephone inquiries (03) 9387 8135  
Fax No. (03) 9387 3404.

### Advertising Rates and Payment

#### Private Notices

Full page \$360.00

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#### Government and Outer Budget Sector

	Camera Ready	Typeset
Full page	\$27.00	\$85.05

#### Note:

The after hours contact number for Special Gazettes is:  
Telephone 0412 243 123  
014 693 550

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### The Victoria Government Gazette

General and Special - \$165.00 each year

General, Special and Periodical - \$220.00 each year

Periodical - \$110.00 each year

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All payments should be made payable to AGPS Victorian Operations.

### Subscription inquiries

AGPS Victorian Operations  
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Brunswick Vic 3056  
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Fax (06) 295 4888

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**NOTICE TO VICTORIA  
GOVERNMENT GAZETTE  
SUBSCRIBERS AND  
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The Victorian Government has tendered and awarded the contract for the publishing and distribution of the Victoria Government Gazette to The Craftsman Press Pty Ltd. Due to a change in business focus the current supplier of the Gazette, the Australian Government Publishing Service, chose not to retender.

The Craftsman Press Pty Ltd will commence the new contract on 1 January 1998. Please find below the new contact details for all Gazette notices, subscriptions and correspondence effective from 1 January 1998.

The Gazette Officer  
Victoria Government Gazette  
Office

The Craftsman Press Pty Ltd  
125 Highbury Road  
Burwood Victoria 3125

Telephone: (03) 9926 1233  
Facsimile: (03) 9926 1292  
Mobile: 0417 358 481

**PUBLICATION OF THE  
"VICTORIA GOVERNMENT  
GAZETTE" (GENERAL)**

**Christmas/New Year Period**

**Please Note:**

The Victoria Government Gazette for the remainder of 1997 will be published on Thursdays as usual except for the final issue of the year which will be published on Wednesday 24 December 1997. All copy for Private advertisements for the final issue must reach the Government Gazette Office by no later than 9.30 a.m. on Friday 19 December 1997. The deadline for advertisements for Government and Outer Budget Sector Agencies advertisements for the final issue will be 9.30 a.m. on Monday 22 December 1997. The first issue of the General Gazette for 1998 will be published on Thursday 8 January 1998, and thereafter on each Thursday.

Where urgent gazettal is required arrangements should be made with Julia Saad on 014 693 550, or Ann White on 0412 243 123.

JULIA SAAD  
Gazette Officer

DEPARTMENT OF PREMIER AND  
CABINET

## PRIVATE ADVERTISEMENTS

NOTICE OF DISSOLUTION OF  
PARTNERSHIP

Notice is hereby given that the partnership between Fenrise Pty Ltd A.C.N. 052 288 558 of 17 Koorong Avenue, Bayswater North, and Noel Edmund King and Elizabeth Jane King of 52 Zina Grove, Mooroolbark, conducted under the name "Maroondah Caravan Repairs and Hire" and "Kent Dog Trailers" at 48 Maroondah Highway, Croydon, has been dissolved as and from 3 October 1997 and notice is further given that Fenrise Pty Ltd A.C.N. 052 288 558 of 17 Koorong Avenue, Bayswater North, will henceforth carry on the business at the business address under the same firm name. All debts due and owing by the said firm will be received and paid by the Fenrise Pty Ltd at the business address.

Dated 27 November 1997

FENRISE PTY LTD, A.C.N. 052 288 558,  
17 Koorong Avenue, Bayswater North

## UNCLAIMED MONIES

Reedsan Pty Ltd

Trading as Freelan Shop Fitters

The following monies remain unclaimed as a result of a First and Final Dividend payment made on 18 December 1996 to priority creditors of the company:

Mr Robert Cook	\$1,552.11
Mr David Stuart	6,232.57
Mr Patrick Van Dungen	3,487.75
Mr. Wilhelmus Van Dungen	4,711.07

All monies will be held by the Deputy Registrar of Unclaimed Monies, Victorian State Government.

ANTHONY R. CANT

Agent for the Mortgagee in Possession  
of the Assets of Reedsan Pty Ltd

## WILLIAM LINDSAY HALLAM

Creditors, next of kin and others having claims in respect of the estate of William Lindsay Hallam late of Batchica via Warracknabeal in the State of Victoria, retired, deceased who died on 7 September 1997 are required to send particulars of their claims to Dorothy May Maxwell of 12 Samuel Road, Blackburn South, Victoria, the administratrix

of the estate care of the belowmentioned solicitors on or before 20 February 1998, after which date the administratrix will distribute the estate having regard only to the claims at which date she then has notice.

KEMPSON & CO., solicitors, 51 Hardware Street, Melbourne

JOHN ARCHIBALD LANCASTER, late of 159A Queen Street, Barraba, New South Wales 2347, but formerly of 11 Minerva Avenue, Balwyn, Victoria 3103

Creditors, next of kin and others having claims in respect of the estate of the deceased (who died on 8 October 1997) are required by Perpetual Trustees Victoria Limited A.C.N. 004 027 258 of 50 Queen Street, Melbourne, to send particulars of their claims to the said company by 12 February 1997, after which date it will convey or distribute the assets having regard only to the claims of which the company then has notice.

## NOTICE TO CLAIMANTS

GERALD HENRY STANTON, late of 11/8 Parring Road, Balwyn

Creditors, next of kin and others having claims in respect of the estate of the deceased (who died on 24 August 1997) are required by Perpetual Trustees Victoria Limited A.C.N. 004 027 258 of 50 Queen Street, Melbourne, to send particulars of their claims to the said company by 12 February 1998, after which date it will convey or distribute the assets having regard only to the claims of which the company then has notice.

## NOTICE TO CLAIMANTS

GEOFFREY DAVID SHOLL, late of 3/78 High Street Road, Ashwood

Creditors, next of kin and others having claims in respect of the estate of the deceased (who died on 21 October 1997) are required by Perpetual Trustees Victoria Limited A.C.N. 004 027 258 of 50 Queen Street, Melbourne, to send particulars of their claims to the said company by 12 February 1998, after which date it will convey or distribute the assets having regard only to the claims of which the company then has notice.

NOTICE TO CLAIMANTS

MARY HUMPHRAY CHENOWETH, late of Perpetua in the Pines Nursing Home, 300-302 Springvale Road, Donvale, but formerly of 34 Yarraford Avenue, Alphington

Creditors, next of kin and others having claims in respect to the estate of the deceased who died on 9 October 1997 are required by Perpetual Trustees Victoria Limited A.C.N. 004 027 258 of 50 Queen Street, Melbourne, and Mary Jessica Lawson and Carol Yvonne Brain the applicant/s for a grant of administration to send particulars of their claims to the said applicants in the care of the said company by 12 February 1998, after which date they will convey or distribute the assets having regard only to the claims of which they then have notice.

Creditors, next of kin and others having claims in respect of the estate of Mary Amy Clark late of Andrina Nursing Home, 360 New Street, Brighton, retired secretary, deceased who died on 7 October 1997 are to send particulars of their claims to Equity Trustees Limited A.C.N. 004 031 298 of 472 Bourke Street, Melbourne, by 19 February 1997, after which date it will distribute the assets having regard to the claims of which it then has notice.

HAZEL AUGUSTA COWAN, late of 6 Ryland Street, Ashburton, Victoria, home duties, deceased

Next of kin and others having claims in respect of the estate of the deceased who died on 27 September 1997 are required by the trustee Equity Trustees Limited A.C.N. 004 031 298 of 472 Bourke Street, Melbourne in the said State to send particulars to the company by 12 February 1998, after which date the trustee may convey or distribute the assets having regard only to the claims of which the trustee has notice.

HALL & WILCOX, solicitors, Level 19, Bourke Place, 600 Bourke Street, Melbourne

JESSIE WEIRE, late of 11 Pohlman Street, Rosey, Victoria, home duties, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 25 August 1997 are required by the trustee and executrix Maureen Patricia Wiltshire of 75 Main Street, Romsey, Victoria,

legal practitioner to send their particulars to her at the address appearing below by 14 March 1998, after which date the trustee and executrix may commence to distribute the assets having regard only to the claims of which she has notice.

Dated 1 December 1997

JAMES KELLEHER, legal practitioner, 75 Main Street, Romsey

MADELINE ELIZABETH WATSON, deceased

Creditors, next of kin or others having claims in respect of the estate of Madeline Elizabeth Watson late of 30 Oakbank Road, Morningson, but formerly of Unit 45 Koorootang Court, Osborne Drive, Mount Martha, widow, deceased who died on 22 September 1997 are to send particulars of their claims to the executors care of the undermentioned solicitors by 12 February 1998, after which date the executors will distribute the assets having regard only to the claims of which the executors then have notice.

ROBERTS & ROBERTS, solicitors, 41 Main Street, Morningson

LORNA MARY SCHULTZE, deceased

Creditors, next of kin or others having claims in respect of the estate of Lorna Mary Schultze late of Unit 2, 76 Herbert Street, Morningson, retired, deceased who died on 9 September 1997 are to send particulars of their claims to the executors care of the undermentioned solicitors by 12 February 1998, after which date the executors will distribute the assets having regard only to the claims of which the executors then have notice.

ROBERTS & ROBERTS, solicitors, 41 Main Street, Morningson

WILFRED DEAKIN BROOKES, late of 20 Heyington Place, Toorak, Victoria, company director, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 1 August 1997 are required by Clive Hele (known as Roger) Brookes of 20 Heyington Place, Toorak, Victoria, gentleman, and Perpetual Trustees Victoria Limited A.C.N. 004 027 258 of 50 Queen Street

Melbourne, Victoria, the applicants for a grant of administration to send particulars of their claims to the said applicants in the care of the said company by 18 February 1997, after which date they will convey or distribute the assets having regard only to the claims of which they then have notice.

CORRS CHAMBERS WESTGARTH,  
solicitors, Bourke Place, 600 Bourke Street,  
Melbourne

Creditors, next of kin and other persons having claims against the estate of Edith Annie Ward late of 104 Dorset Road, Croydon in the State of Victoria, widow, deceased who died on 13 July 1997 are required to send particulars of their claims to the executor National Mutual Trustees Limited of 65 Southbank Boulevard, Southbank, by 11 February 1998, after which date the executor will distribute the assets having regard only for the claims of which it then has had notice.

SOUTHALL PARTNERS, solicitors, 10  
Cecil Place, Prahran

JOHN MILGATE, deceased

Creditors, next of kin or others having claims in respect of the estate of John Milgate late of Unit 3, 30 Parkside Street, Elsternwick, bookmaker, deceased who died on 6 May 1997 are to send particulars of their claims to the executor care of the undermentioned solicitors by 12 February 1998, after which date the executors will distribute the assets having regard only to the claims of which the executors then have notice.

READ KELLY, solicitors, 7th Floor, 555  
Lonsdale Street, Melbourne

BEATRICE OLIVE FULTON, deceased

Creditors, next of kin or others having claims in respect of the estate of Beatrice Olive Fulton late of 84 Jensen Road, Preston, Victoria, widow, deceased who died on 12 June 1997 are to send particulars of their claims to the executors care of the undermentioned solicitors by 12 February 1998, after which date the executors will distribute the assets having regard only to the claims of which the executors then have notice.

READ KELLY, solicitors, 7th Floor, 555  
Lonsdale Street, Melbourne

JOAN URSULA HEARMAN, deceased

Creditors, next of kin or others having claims in respect of the estate of Joan Ursula Hearman late of 97 Gipps Street, East Melbourne, Victoria, widow, deceased who died on 14 August 1997 are to send particulars of their claims to the executor care of the undermentioned solicitors by 12 February 1998, after which date the executors will distribute the assets having regard only to the claims of which the executors then have notice.

READ KELLY, solicitors, 7th Floor, 555  
Lonsdale Street, Melbourne

LIDIA ALIBERTI, deceased

Creditors, next of kin or others having claims in respect of the estate of Lidia Aliberti late of 20 Kernot Crescent, Noble Park, Victoria, widow, deceased who died on 13 August 1997, Carrum, Victoria, are to send particulars of their claims to the executor appointed by the Will, namely National Mutual Trustees Limited of 65 Southbank Boulevard, Southbank, Victoria 3006 by 12 February 1998, after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

READ KELLY, solicitors, 7th Floor, 555  
Lonsdale Street, Melbourne

CECIL RAYMOND WATSFORD, late of 33  
Kinkora Road, Hawthorn, retired  
gentleman, deceased

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased who died on 7 September 1997 are required to send particulars of their claims to the executors Valerie Joyce Walton and James Hopper care of the undermentioned solicitor by 28 February 1998, after which date they will convey or distribute the assets having regard only to the claims of which they then have notice.

JAMES HOPPER, solicitor, 409 Whitehorse  
Road, Balwyn

Creditors, next of kin and others having claims in respect of the Will of William Francis Leonard Kelly late of 64 The Ridgeway, Kensington, Victoria, retired, deceased who died on 10 October 1997 are requested to send particulars of their claims to the executors John Leonard Kelly and John

Stewart care of the undermentioned legal practitioner by 12 February 1998, after which date they will distribute the assets having regard only as to the claims of which they then have notice.

JOHN STEWART, legal practitioner, 290 Racecourse Road, Newmarket

Creditors, next of kin and others having claims in respect of the estate of Lilian Flora McLellan late of Malvern Green Lodge, 185 Wattletree Road, Malvern, Victoria, retired, deceased who died on 13 July 1997 are to send particulars of their claims to the executors of the estate care of the below mentioned solicitor not later than two (2) months from the date of publication hereof, after which date the said executors will distribute the assets having regard only to the claims of which notice has been received.

N. F. HANNAN, solicitor, 5 Boyanda Road, Glen Iris

GEORGE EDWARD BARNES, deceased

Creditors, next of kin or others having claims in respect of the estate of George Edward Barnes late of 38 Naretha Street, Swan Hill, Victoria, farmer, deceased who died on 21 December 1996 are to send particulars of their claims to the executor Daphne Verna Barnes care of the undermentioned solicitors by 5 February 1998, after which date the executor will distribute the assets having regard only to the claims of which she then has notice.

GARDEN & GREEN, lawyers, 4 McCallum Street, Swan Hill

DORIS MAY REINSHAGEN, late of 26 Cluden Street, Brighton East, Victoria, widow, died on 22 July 1997

Creditors, next of kin and all others having claims in respect of the said deceased are requested by the executor, Raymond Bernard Reinshagen of 56 Marriage Road, Brighton East, aforesaid, builder, to send particulars of such claims addressed to the executor care of W. J. Gilbert & Co., lawyers, 221 Glen Huntly Road, Elsternwick, by 25 February 1998, after which date the said executor will distribute the assets having regard only to the claims which he has notice.

W. J. GILBERT & CO., lawyers, 221 Glen Huntly Road, Elsternwick

Estate of LAURENCE ARTHUR PHILLIPS, deceased

Creditors, next of kin or others having claims in respect of the estate of Laurence Arthur Phillips of 37 Longmore Street, West St Kilda in the state of Victoria, company director who died on 21 September 1997 are to send particulars of their claims to the personal representative/s care of the undermentioned solicitors by 12 February 1998, after which date the personal representative/s will distribute the assets having regard only to the claims of which the personal representative/s then had notice.

BRUCE M. COOK & ASSOCIATES, barristers and solicitors, G.P.O. Box 2398V, Melbourne

JOHN WILLIAM HERBERT CAMPBELL, late of 12 Chenoweth Drive, Mooroolbark, Victoria, pensioner

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 16 September 1997 are required by the trustees Martin John Leddra and Robin Maurice Westmore both of 5a Station Street, Mooroolbark, Victoria, to send particulars to them by 28 February 1998, after which date the trustees may convey or distribute the assets having regard only to the claims of which they then have notice.

Dated 2 December 1997

LEDDRA WESTMORE & CO., 5a Station Street, Mooroolbark

GRACE HAYWOOD, late of 87 Kipling Avenue, Mooroolbark, widow

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 13 August 1997 are required by the trustees Martin John Leddra and Robin Maurice Westmore both of 5a Station Street, Mooroolbark, Victoria, of the Will of Grace Haywood to send particulars to them by 28 February 1998, after which date the trustees may convey or distribute the assets having regard only to the claims of which they then have notice.

Dated 1 December 1997

LEDDRA WESTMORE & CO., legal practitioners for the trustees, 5a Station Street, Mooroolbark

## NOTICE TO CREDITORS

Creditors, next of kin and others having claims in respect of the estate of Francis Ronald Hector MacDonald of 1A Woorigoleen Road, Toorak, Victoria, retired, deceased who died on 3 July 1997 are to send particulars of their claims to Beatrice Ormond MacDonald in the care of Lynch & MacDonald by 15 February 1998, after which date they will distribute the assets having regard only to the claims of which they then have notice.

LYNCH & MACDONALD, solicitors, 412 Collins Street, Melbourne

Creditors, next of kin and others having claims in respect of the estate of Evelyn Mathews late of 6 Jingella Avenue, Ashwood in the State of Victoria, widow, deceased who died on 24 August 1997 are required to send particulars of their claims to the executors Stephen Charles Mathews and Valerie Jean Dutton care of the undermentioned solicitors by 20 February 1997, after which date the executors will distribute the estate having regard only to the claims of which they then have notice.

GIBSON & GIBSON, solicitors, 95 O'Shanassy Street, Sunbury

Creditors, next of kin and others having claims in respect of the estate of Keith Stuart late of 11 Oxley Street, Sunbury in the State of Victoria, pensioner, deceased who died on 27 September 1997 are required to send particulars of their claims to the executrix Marina Ellen Stuart care of the undermentioned solicitors by 11 February 1998, after which date the executrix will distribute the estate having regard only to the claims of which she then has notice.

GIBSON & GIBSON, solicitors, 95 O'Shanassy Street, Sunbury

IAN LESLIE PARISH, late of 3A McPherson Street, Horsham, Victoria, electrician, deceased intestate

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 15 January 1997 are required by Lynette Elizabeth Khan of 5 Ultima Road, Swan Hill, Victoria, home duties, the administratrix to whom Letters of Administration of the estate of Ian Leslie Parish late of 3A McPherson Street, Horsham, Victoria, electrician, deceased intestate have

been granted to send particulars to her at the office of Power & Bennett, 12 Pynsent Street, Horsham, by 15 February 1998, after which date the said administratrix may convey or distribute the assets having regard only to the claims of which she then has notice.

POWER & BENNETT, lawyers, 12 Pynsent Street, Horsham

Creditors, next of kin and others having claims in respect of the estate of Amy Elizabeth Rollings late of Main Street, Eldorado in the State of Victoria, retired postmistress, deceased who died on 13 July 1997 are required by the executors to send particulars of their claims to the undermentioned solicitors within two months of this notice, after which date the executors will distribute the assets to the persons entitled having regard only to the claims of which they then have notice.

CAMPAGNA GRAY & MALLINDER, solicitors, 13 Chisholm Street, Wangaratta

JAN FOLKERT ZYLSTRA, late of Unit 1, 74 James Street, Dandenong, Victoria, retired accountant, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 11 August 1997 are required by the executor Vincent Francis Lyttleton to send particulars to him care of the undermentioned solicitors by a date not later than two months from the date of publication hereof after which date the executor may convey or distribute the assets having regard only to the claims of which he then has notice.

LYTTLETONS, solicitors, 53 Marcus Road, Dingley

DERMOTT DERHAM GEORGE, late of 5 Myvove Court, Toorak, gentleman, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 9 December 1996 are required by the personal representative James Ewen Kirkwood Galbraith of 16 Christowel Street, Camberwell, to send particulars to him care of the undermentioned solicitors by 19 February 1998, after which date the personal representative may convey or distribute the assets having regard only to the claims of which he then has notice.

AITKEN WALKER & STRACHAN, solicitors, 114 William Street, Melbourne



EVELYN RISIOTT, late of 229 Main Road, East St Albans, gentlewoman, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 21 August 1997 are required by the personal representative ANZ Executors & Trustee Company Limited (A.C.N. 006 132 332) of 530 Collins Street, Melbourne, to send particulars to them care of the undermentioned solicitors by 19 February 1998, after which date the personal representative may convey or distribute the assets having regard only to the claims of which they then have notice.

AITKEN WALKER & STRACHAN, solicitors, 114 William Street, Melbourne

Creditors, next of kin and all other persons having claims against the estate of Ivy Lillian O'Leary late of 374 Nepean Highway, Frankston in the State of Victoria, home duties, deceased who died on 6 September 1997 are to send particulars of their claims to the executor of the estate Raymond Norman Rooke care of the undermentioned solicitors by 25 February 1998, after which date the executor will convey and distribute the assets having regard only to the claims of which the executor then has notice.

HOLDING REDLICH, solicitors, 350 William Street, Melbourne

DOUGLAS ANDREW BRUCE, late of 40 Golf Links Road, Barwon Heads, Victoria, retired, deceased

Creditors, next of kin and all others having claims in respect of the estate of the abovenamed deceased who died on 3 April 1997 are required to send particulars of their claims in writing to the executrix Heather Joan Stephens of Gibsons Road, Sale, care of the undersigned on or before 12 February 1998, after which date she will distribute the assets of the said deceased's estate having regard only to the claims of which she then has notice as aforesaid.

DESMOND DUNNE & DWYER, solicitors, 95 Kepler Street, Warrnambool

Creditors, next of kin and others having claim in respect of the estate of Christina Cameron Steward, late of 28 Ashley Grove, Malvern, Victoria, retired clerk, deceased, who died on 13 August 1997 are requested to send particulars of their claims to the executor

National Mutual Trustees Limited of 65 Southbank Boulevard, Southbank, Melbourne, by 12 February 1998, after which date the executor will distribute the assets having regard only to the claims of which it then has notice.

PETER J. WALSH CARROLL KIERNAN & FORREST, solicitors, 83 William Street, Melbourne

DENYS EDWARD DOWNTON, late of 4 Eloura Avenue, East Brighton, Victoria, gentleman, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 15 September 1997 are to send particulars of their claims to the executor of the estate namely Trust Company of Australia Limited of 151 Rathdowne Street, Carlton South 3053, by 11 February 1998, after which date the executor may convert or distribute the assets of the estate having regard only to the claims of which it then has notice.

ROGERS & GAYLARD, lawyers, 31 Queen Street, Melbourne

ELIZABETH JOAN HAINE WALLACE, late of 117 Hoddle Street, Richmond, Victoria, librarian, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 7 June 1997 are required to send particulars of their claims to the administrators Catherine Victoria Wallace and Brenda Uphill care of Wills & Probate Victoria, Level 5, 360 Little Bourke Street, Melbourne, Victoria, by 28 February 1998, after which date the administrators may convey or distribute the assets having regard only to the claims of which they have notice.

WILLS & PROBATE VICTORIA, lawyers, Level 5, 360 Little Bourke Street, Melbourne

Creditors, next of kin or others having claims in respect of the estate of Dulcie Nagle late of 18 Ardoyne Street, Black Rock, widow, deceased who died on 13 May 1997 are to send particulars of their claims to the executor care of the undermentioned solicitors by 20 February 1998, after which date the executor will distribute the assets having regard only to the claims of which he then has notice.

G. R. HERBERT & CO., legal practitioners, 8 Bluff Road, Black Rock

Johannes Willibrordus Fickers, formerly of 87 Yarra Street, Geelong, but now 27 Malop Street, Geelong, solicitor the executor named in and applicant for Originating Motion for a Grant of Probate of the Will and Codicils of DULCIE JUANITA GRAY formerly of Unit 2, 31 Batman Street, Portarlington, Victoria, but late of The Homestead Nursing Home of Homestead Avenue, Wallington, Victoria, widow, deceased who died on 14 November 1997 requires all creditors, next of kin and others having claims against the property or estate of the said deceased to send to the said executor in the care of the firm of Whyte Just & Moore, solicitors of 27 Malop Street, Geelong, particulars in writing of such claims on or before 11 February 1998, after which date the executor intends to convey or distribute such property or estate to or among the persons entitled thereto having regard only to the claims of which he shall then have notice.

WHYTE JUST & MOORE, solicitors, 27 Malop Street, Geelong

Creditors, next of kin and others having claims in respect of the estate of Alan Edward Kingsbury late of Evangelia Private Nursing Home, 45 Herbert Street, Parkdale, Victoria, but formerly of 153 Warrigal Road, Cheltenham, Victoria, retired company director, deceased (who died on 25 September 1997) are required by the executor ANZ Executors & Trustee Company Limited (A.C.N. 006 132 332) of 530 Collins Street, Melbourne, Victoria, to send particulars to it by 11 February 1998, after which date it may convey or distribute the estate having regard only to the claims of which it then has notice.

MILLS OAKLEY LAWYERS, 131 Queen Street, Melbourne

Creditors, next of kin and others having claims in respect of the estate of Lewis William Emmerton deceased who died on 6 August 1997 are required by the executrix to send particulars of their claim to the undermentioned firm by 9 February 1998, after which date the trustee will convey or distribute assets having regard only to the claims of which the trustee then has notice.

LOMBARD & ASSOCIATES, solicitors, 27 Station Road, Cheltenham

WILLIAM GEORGE NORTON, deceased

Creditors, next of kin or others having claims in respect of the estate of William George Norton late of "Alcheringa" Rutherford Street, Swan Hill, Victoria, retired teacher, deceased who died on 9 November 1997 are to send particulars of their claims to the executors care of the undermentioned solicitors by 5 February 1998, after which date the executors will distribute the assets having regard only to the claims of which the executors then have notice.

DWYER MAHON & ROBERTSON, lawyers and consultants, 194-208 Beveridge Street, Swan Hill

MARIE THERESE LLOYD, deceased

Creditors, next of kin or others having claims in respect of the estate of Marie Therese Lloyd late of 295 Tone Road, Wangaratta, Victoria, widow, deceased who died on 17 May 1997 are to send particulars of their claims to the executor care of the undermentioned solicitors by 20 March 1998, after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

McSWINEYS, solicitors, 57 Reid Street, Wangaratta

LAURA LILLIAN VINALL, late of 15 Campbell Grove, Hawthorn East, Victoria, retired nurse, deceased

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased who died on 4 October 1997 are required by John Francis Natoli of 24 Cotham Road, Kew, Victoria, solicitor, the executor of the deceased's Will to send particulars of their claim to the said executor care of the undermentioned solicitors by 15 February 1998, after which date he will convey or distribute the assets having regard only to the claims which he then has notice.

A. B. NATOLI PTY, solicitors, 24 Cotham Road, Kew

OLIVE HILDA SMITH, deceased

Creditors, next of kin or others having claims in respect of the estate of Olive Hilda Smith late of Bannons Lane, Yarrambat, Victoria, widow, deceased who died on 11 November 1997 are to send particulars of their

claims to the executor care of the undermentioned solicitors by 1 March 1998, after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

LORRAINE JONES & ASSOCIATES,  
solicitors, 900 Main Road, Eltham

DORIS VALMAI JORGENSEN, late of Centennial House Nursing Home, 15 Raleigh Street, Windsor, Victoria, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the said deceased who died on 12 April 1997 are required by Janette O'Brien of 31 Russell Street, Camberwell, Victoria, farm manager, the personal representative of the said deceased to send particulars of their claims to her care of her solicitors, Bonella, Cutler & Co. of 120 Hawthorn Road, Caulfield North, Victoria 3161, by 21 February 1998, after which date she, the said personal representative, may convey or distribute the assets of the said estate having regard only to the claims of which she then has notice.

BONELLA, CUTLER & CO., solicitors,  
120 Hawthorn Road, Caulfield North

# **PROCLAMATIONS**

## **ACTS OF PARLIAMENT PROCLAMATION**

I, James Gobbo, Governor of Victoria declare that I have today assented in Her Majesty's name to the following Bills:

No. 89/1997 **Alpine Resorts  
(Management) Act 1997**

No. 90/1997 **Gaming Acts (Miscellaneous  
Amendment) Act 1997**

No. 91/1997 **Gas Industry (Further  
Amendment) Act 1997**

No. 92/1997 **Unclaimed Moneys  
(Amendment) Act 1997**

Given under my hand and the seal of  
Victoria at Melbourne on 9  
December 1997.

(L.S.) **JAMES GOBBO**  
Governor  
By His Excellency's Command  
**J. G. KENNETT**  
Premier

No. 89/1997 (1) Section 1, section 60 and this section come into operation on the day on which this Act receives the Royal Assent.

(2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.

(3) If a provision referred to in sub-section (2) does not come into operation before 31 October 1998, it comes into operation on that day.

No. 90/1997 (1) This Part and Part 4 and sections 28, 35, 36, 38 and 40 come into operation on the day on which this Act receives the Royal Assent.

(2) Section 33 comes into operation on the day on which section 8 of the **Gaming Machine Control (General Amendment) Act 1993** comes into operation.

(3) Section 37 is deemed to have come into operation on 6 May 1997.

(4) Subject to sub-section (5), the remaining provisions of this Act come into operation on a day or days to be proclaimed.

(5) If a provision referred to in sub-section (4) does not come into operation before 1 November 1998, it comes into operation on that day.

No. 91/1997 (1) This Part comes into operation on the day on which this Act receives the Royal Assent.

(2) Section 30 is deemed to have come into operation on 1 July 1997.

(3) Section 44 is deemed to have come into operation on 21 October 1997.

(4) Section 12 comes into operation on a day to be proclaimed.

(5) Subject to sub-section (6), the remaining provisions of this Act come into operation on a day or days to be proclaimed.

(6) If a provision referred to in sub-section (5) does not come into operation before 1 January 1999, it comes into operation on that day.

No. 92/1997 (1) This Act (except section 11) comes into operation on the day on which it receives the Royal Assent.

(2) Section 11 is deemed to have come into operation on 11 June 1997.

## **Local Government (Miscellaneous Amendment) Act 1997 PROCLAMATION OF COMMENCEMENT**

I, James Gobbo, Governor of Victoria, acting with the advice of the Executive Council and under Section 2 of the **Local Government (Miscellaneous Amendment) Act 1997** fix 12 December 1997 as the day on which sections 5(1) and 6 of the Act come into operation.

Given under my hand and the seal of  
Victoria on 9 December 1997.

(L.S.) **JAMES GOBBO**  
Governor  
By His Excellency's Command

**ROBERT MACLELLAN**  
Minister for Planning and  
Local Government

**Local Government  
(Miscellaneous Amendment) Act 1997**  
PROCLAMATION OF COMMENCEMENT

I, James Gobbo, Governor of Victoria, acting with the advice of the Executive Council and under section 2 of the **Local Government (Miscellaneous Amendment) Act 1997** fix 31 March 1998 as the day on which sections 15 and 18 of the Act come into operation.

Given under my hand and the seal of  
Victoria on 9 December 1997.

(L.S.) JAMES GOBBO  
Governor  
By His Excellency's Command

ROBERT MACLELLAN  
Minister for Planning and  
Local Government

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**Sentencing (Amendment) Act 1997**  
PROCLAMATION OF COMMENCEMENT

I, James Gobbo, Governor of Victoria, acting with the advice of the Executive Council and under section 2(3) of the **Sentencing (Amendment) Act 1997** fix 11 December 1997 as the day on which Sections 7 and 8 of that Act come into operation.

Given under my hand and the seal of  
Victoria on 9 December 1997.

(L.S.) JAMES GOBBO  
Governor  
By His Excellency's Command

JAN WADE  
Attorney-General

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**Sentencing and Other Acts  
(Amendment) Act 1997**  
PROCLAMATION OF COMMENCEMENT

I, James Gobbo, Governor of Victoria, acting with the advice of the Executive Council and under section 2(3) of the **Sentencing and Other Acts (Amendment) Act 1997** fix 15 December 1997 as the day on which sections 4(a), 8(1) and (2)(a), 12, 23 and 24 of that Act come into operation.

Given under my hand and the seal of  
Victoria on 9 December 1997.

(L.S.) JAMES GOBBO  
Governor  
By His Excellency's Command

JAN WADE  
Attorney-General

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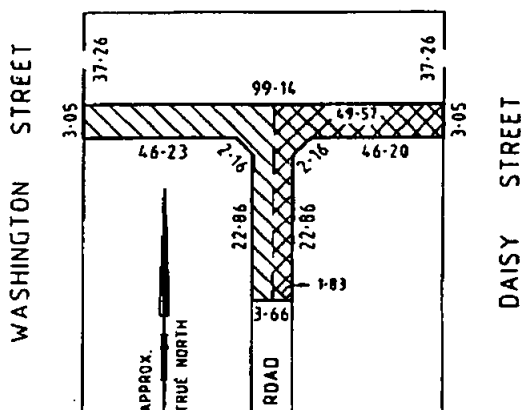
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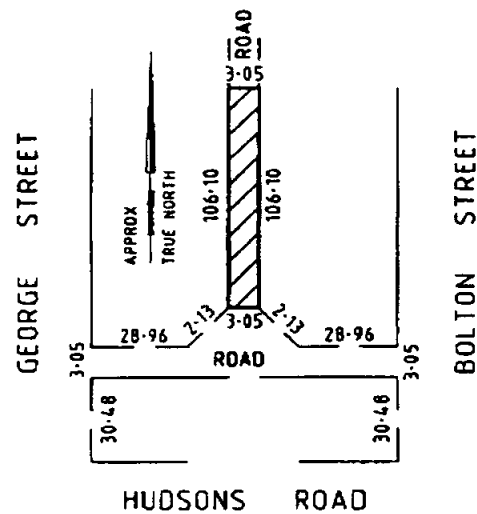
MOONEE VALLEY CITY COUNCIL  
Road Discontinuance

FLORENCE STREET



**LINDSAY A. MERRITT**  
Chief Executive

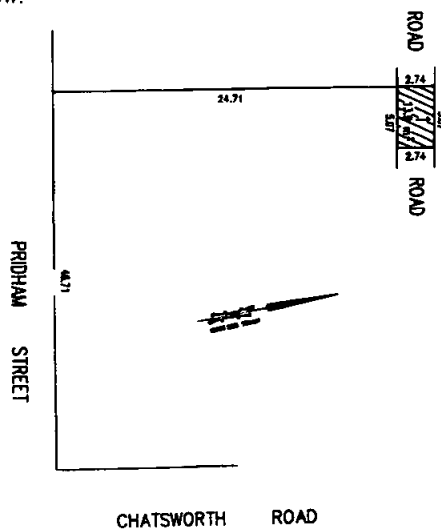
That the Hobsons Bay City Council at its ordinary meeting held on 14 October 1997 formed the opinion that the road shown hatched on the plan below is not reasonably required as a road for public use and resolved to discontinue the road and having advertised and served notices regarding the proposed discontinuance and there being no submissions made under Section 223 of the **Local Government Act 1989**, orders that the said part of the road situated at the rear of 6-22 George Street and 1-27 Bolton Street, Spotswood, be discontinued pursuant to Schedule 10, Clause 3 (a), of Section 206 of the said Act, and the land of the discontinued road vest in the Council pursuant to Section 207B of the said Act and be sold by Private Treaty to the owners of the land abutting the road subject to the right, power or interest held by the Melbourne Water Corporation in the road in connection with any sewers, drains and pipes under the control of that Authority in or near the road.



KEN McNAMARA  
Chief Executive

STONNINGTON CITY COUNCIL  
Road Discontinuance

At its meeting on 25 November 1997 and acting under Clause 3 of Schedule 10 to the **Local Government Act 1989** Stonnington City Council resolved to discontinue the road shown hatched on the plan below.



FRANK TAIT  
Chief Executive Officer





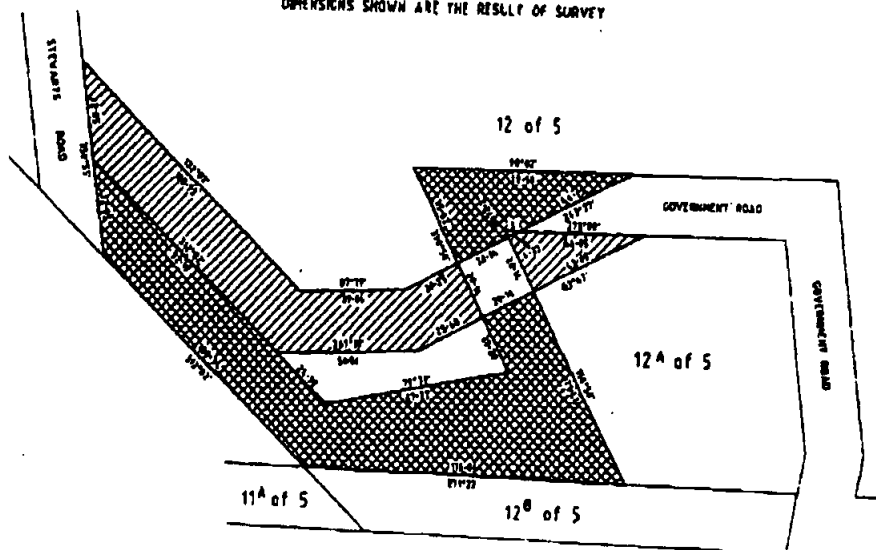
**SOUTH GIPPSLAND SHIRE COUNCIL**

**Proposed Road Closure/Road Exchange—Stewarts Road, Kardella**

Council hereby gives notice pursuant to Clause 2 (2) of Schedule 10 of the **Local Government Act 1989**, after consultation with all relevant statutory authorities:

- (a) that the land to be closed shown cross hatched on the plan reproduced below is not reasonably required as a road for public use and that it be discontinued; and
- (b) that the land shown hatched on the plan that is reasonably required for public use as a new road be exchanged for the land shown to be closed.

**NOTES**  ROAD TO BE OPENED IS SHOWN BY HATCHING (TOTAL AREA 3877m<sup>2</sup>)  
 ROAD TO BE CLOSED IS SHOWN BY CROSS HATCHING (TOTAL AREA 4998m<sup>2</sup>)  
 DIMENSIONS SHOWN ARE THE RESULT OF SURVEY



**PETER TATTERSON**  
 Chief Executive Officer

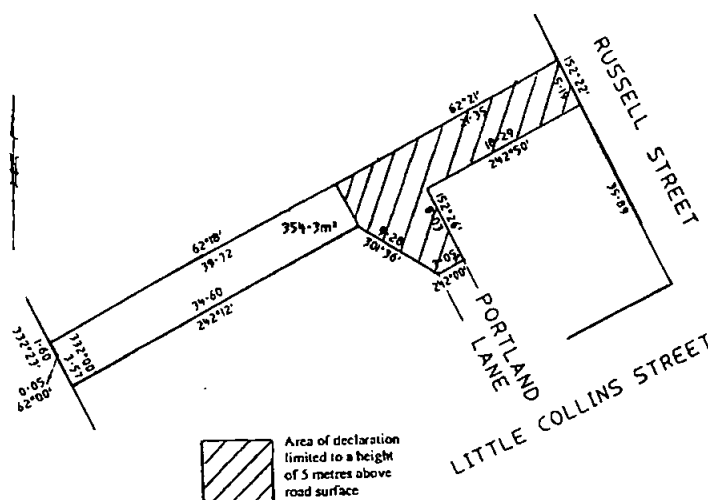
**CITY OF MELBOURNE**

**Public Notice**

**Declaration of a Public Highway**

**Local Government Act 1989 ("the Act")—Section 204 (1)**

The Melbourne City Council, having complied with the requirements of Sections 207A and 223 of the Act, and having resolved at its meeting on 25 November 1997 to do so, declares a portion of Portland Lane, Melbourne, and the whole of the adjoining laneway (shown enclosed by continuous thick lines on the plan accompanying this Notice) to be a public highway for the purposes of the Act under Section 204 (1) of the Act.



**CITY OF MELBOURNE**  
**Notice of the Making of a Local Law**  
**Asphalt Plant (Sale Prices) (Repeal)**  
**Local Law 1997**  
**(No. 3 of 1997)**

Notice is hereby given that at a meeting of the Melbourne City Council on 28 October 1997 the Council resolved to delegate its powers, duties and functions under Section 119 of the Act to the Manager Secretariat, to make the Asphalt Plant (Sale Prices) (Repeal) Local Law 1997 in the event of no submissions being received. No submissions having been received, the Manager Secretariat gives notice of the making of the following Local Law.

The Local Law is entitled "Asphalt Plant (Sale Prices) (Repeal) Local Law 1997 (No. 3 of 1997)".

The purpose of the proposed Local Law is to revoke the Asphalt Plant (Sale Prices) Local Law 1990 (No. 3 of 1990).

The Asphalt Plant (Sale Prices) Local Law was made to fix prices for the sale of asphalt products from the Council's asphalt plant

which operates from Arden Street, North Melbourne. The Civil Infrastructure Services and Operation of the Asphalt Plant contract awarded to Citywide Service Solutions Pty Ltd provides, inter alia, for the management and operation of the plant by Citywide Service Solutions Pty Ltd in conjunction with CSR. Citywide Service Solutions Pty Ltd determines the prices of the products manufactured at the plant under the terms of the contract. The Local Law is therefore no longer required.

A copy of the proposed Local Law can be inspected at, and is available from, the Council office at Town Hall, Swanston Street, Melbourne.

**CITY OF MELBOURNE**  
**Notice of the Making of a Local Law**  
**Melbourne Fish Market (Repeal)**  
**Local Law 1997**  
**(No. 4 of 1997)**

Notice is hereby given that at a meeting of the Melbourne City Council on 28 October 1997 the Council resolved to delegate its powers, duties and functions under Section 119 of the Act to the Manager Secretariat, to make the Melbourne Fish Market (Repeal)

Local Law 1997 in the event of no submissions being received. No submissions having been received, the Manager Secretariat gives notice of the making of the following Local Law.

#### TITLE OF THE LOCAL LAW

The Local Law is entitled "Melbourne Fish Market (Repeal) Local Law 1997 (No. 4 of 1997)".

#### PURPOSE

The purpose of the proposed Local Law is to revoke the Melbourne Fish Market Local Law 1992 (No. 16 of 1992).

#### GENERAL PURPORT

The Melbourne Fish Market Local Law was made to provide for the regulation and government of the Market. Regulation of the market is effected by means of a head lease between the Council and the Melbourne Wholesale Fish Market Pty Ltd and the leases and licences entered into between the Company and the traders carrying on business at the Market. The objectives of the Local Law are now met by the implementation of the business plan by the Company and the observation of the terms of the head lease. Accordingly, the Melbourne Fish Market Local Law 1992 (No. 16 of 1992) is superfluous.

#### COPY AVAILABLE

A copy of the proposed Local Law can be inspected at, and is available from, the Council office at Town Hall, Swanston Street, Melbourne.

ALISON LYON  
Manager Secretariat

#### CITY OF MELBOURNE

Notice of the Making of a Local Law  
Queen Victoria Market (Repeal)  
Local Law 1997  
(No. 5 of 1997)

Notice is hereby given that at a meeting of the Melbourne City Council on 28 October 1997 the Council resolved to delegate its powers, duties and functions under Section 119 of the Act to the Manager Secretariat, to make the Queen Victoria Market (Repeal) Local Law 1997 in the event of no submissions being received. No submissions having been received, the Manager Secretariat gives notice of the making of the following Local Law.

#### TITLE OF THE LOCAL LAW

The Local Law is entitled "Queen Victoria Market (Repeal) Local Law 1997 (No. 5 of 1997)".

#### PURPOSE

The purpose of the proposed Local Law is to revoke the Queen Victoria Market Local Law 1993 (No. 3 of 1993).

#### GENERAL PURPORT

The Queen Victoria Market Local Law was made to provide for the regulation and government of the Market. As part of the Market corporatisation process regulation of the Market is effected by means of a head lease between the Council and Queen Victoria Market Pty Ltd and the leases and licenses entered into between the Company and the traders carrying on business at the Market. The objectives of the Local Law are now met by the implementation of the business plan by the Company and the observation of the terms of the head lease. Accordingly, the Queen Victoria Market Local Law 1993 (No. 3 of 1993) is superfluous.

#### COPY AVAILABLE

A copy of the proposed Local Law can be inspected at, and is available from, the Council office at Town Hall, Swanston Street, Melbourne.

ALISON LYON  
Manager Secretariat

#### CITY OF MELBOURNE

Notice of the Making of a Local Law  
Payment in Lieu of Car Parking (Repeal)  
Local Law 1997  
(No. 6 of 1997)

Notice is hereby given that at a meeting of the Melbourne City Council on 28 October 1997 the Council resolved to delegate its powers, duties and functions under Section 119 of the Act to the Manager Secretariat, to make the Payment in Lieu of Car Parking (Repeal) Local Law 1997 in the event of no submissions being received. No submissions having been received, the Manager Secretariat gives notice of the making of the following Local Law.

#### TITLE OF THE LOCAL LAW

The Local Law is entitled "Payment in Lieu of Car Parking (Repeal) Local Law 1997 (No. 6 of 1997)".

**PURPOSE**

The purpose of the proposed Local Law is to revoke the Payment in Lieu of Car Parking Local Law 1993 (No. 6 of 1993).

**GENERAL PURPOSE**

The Payment in Lieu of Car Parking Local Law was made to provide for the discharge of an obligation to provide car parking space(s) by the payment of money to the Council. In 1993 the Council discontinued the process of payment in lieu of carparking spaces. The Local Law is therefore no longer required.

**COPY AVAILABLE**

A copy of the proposed Local Law can be inspected at, and may be purchased from, the Council office at Town Hall, Swanston Street, Melbourne.

ALISON LYON  
Manager Secretariat

**HOBSONS BAY CITY COUNCIL**

Notice of Making an Amendment to  
Local Law No. 2

**Part 14A—Regulation of Water Areas**

Hobsons Bay City Council, at its meeting on 9 December 1997, made an amendment to Local Law No. 2 to include a new Part 14A—Regulation of Water Areas. The amendment allows Council to salvage sunken vessels. The amendment will require the registered owner of a vessel to salvage the vessel from a body of water under the control of the Council and give Council the power to salvage a sunken vessel from a body of water under the control of the Council. The amendment will also give Council the power to sell or give the vessel away and recover salvage expenses.

A copy of the amendment to the Local Law is available from the Corporate Centre, 115 Civic Parade, Altona, during the office hours 8.00 a.m. to 5.00 p.m.

Any enquiries may be made to Mr Michael Johnston on telephone 9932 1122.

KEN McNAMARA  
Chief Executive Officer

**SHIRE OF CAMPASPE**

Notice is hereby given that on 23 October 1997, Campaspe Shire Council amended Local Law No. 4 entitled Livestock on Roads Local Law.

The purpose of the amendment is to regulate in specific circumstances the movement of livestock along Council roads.

Any person may inspect a copy of the amended Livestock on Roads Local Law at the following locations: Shire Headquarters, corner Hare and Heygarth Streets, Echuca; Kyabram Service Centre, Lake Road, Kyabram; Rushworth Service Centre, High Street, Rushworth; Rochester Service Centre, Mackay Street, Rochester and Tongala Service Centre, Mangan Street, Tongala.

BARRY WARD  
Chief Executive Officer

**Planning and Environment Act 1987****BERWICK PLANNING SCHEME**

Notice of Amendment  
Amendment L134

Casey City Council has prepared Amendment L134 to the Local Section of the Berwick Planning Scheme.

The amendment affects land at Leemak Crescent, Berwick, currently zoned Berwick Residential—Low Density and Berwick Residential—Normal Density. It proposes to rezone part of the land to Berwick Residential—Normal Density and to Berwick Residential—Low Density. It also proposes to introduce a site specific clause to the Planning Scheme which allows another part of the land to be developed as a single house lot.

The amendment can be inspected at Casey City Council, Municipal Offices, Magid Drive, Narre Warren and the Department of Infrastructure, Office of Planning, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne.

Submissions about the amendment must be sent to The Chief Executive Officer, Casey City Council, P.O. Box 1000, Narre Warren 3805, by 14 January 1998.

JACQUI HOUGUET  
Manager Planning

**Planning and Environment Act 1987****BRIMBANK PLANNING SCHEME**

Notice of Amendment  
Amendment L44

Brimbank City Council has prepared Amendment L44 to the Brimbank Planning Scheme.

The amendment proposes to rezone land situated at 47 McIntyre Road, Sunshine, (Westend Entertainment Centre) from a General Industrial Zone to Special Use Zone No. 7.

A copy of the amendment can be inspected at the office of Brimbank City Council: Keilor Office, Old Calder Highway, Keilor; Sunshine Office, Alexandra Avenue, Sunshine and the Department of Planning and Development, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne, and will be open for inspection during office hours by any person free of charge.

Submissions about the amendment must be sent to Brimbank City Council, Keilor Office, Old Calder Highway, Keilor, by 16 January 1998.

PETER COLLINA  
Manager City Development

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**Planning and Environment Act 1987**  
**WARRAGUL PLANNING SCHEME**  
Notice of Amendment  
Amendment L59

The Baw Baw Shire Council has prepared Amendment L59 to the Warragul Planning Scheme.

The amendment affects land located to the south of No. 1 Road between Copelands Road and Bloomfield Road, Warragul, which is currently zoned Rural, Agricultural and Township.

The amendment proposes to rezone the land to the State Model Industrial 1 Zone and incorporate the land in a Development Plan Overlay Policy Area.

A copy of the amendment can be inspected at Baw Baw Shire Council: Warragul Customer Service Centre, Shop 1, 61 Smith Street, Warragul; Drouin Customer Service Centre, 22-26 Princes Way, Drouin; Trafalgar Customer Service Centre, Princes Highway, Trafalgar; The Department of Infrastructure, Local Government, Planning and Marketing, Information Services Division, 120 Kay Street, Traralgon and Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne.

Inspection of the amendment during office hours will be free of charge to any person. Submissions about the amendment must be made in writing and sent to The Chief Executive Officer, Baw Baw Shire Council,

P.O. Box 304, Warragul, Victoria 3820 or delivered to Warragul, Drouin or Trafalgar Customer Services Centres.

The date for the close of exhibition and receipt of submissions is 16 January 1998 at 5.00 p.m.

JOHN F. DYER  
Chief Executive Officer

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**Planning and Environment Act 1987**  
**BULN BULN PLANNING SCHEME**  
Notice of Amendment  
Amendment L48

The Baw Baw Shire Council has prepared Amendment L48 to the Buln Buln Planning Scheme.

The amendment affects land located to the south east corner of Sand Road and Princes Freeway, Longwarry North, which is currently zoned Primary Agricultural.

The amendment proposes to rezone the land to the State Model Industrial 1 Zone.

A copy of the amendment can be inspected at Baw Baw Shire Council: Warragul Customer Service Centre, Shop 1, 61 Smith Street, Warragul; Drouin Customer Service Centre, 22-26 Princes Way, Drouin; Trafalgar Customer Service Centre, Princes Highway, Trafalgar; The Department of Infrastructure, Local Government, Planning and Marketing, Information Services Division, 120 Kay Street, Traralgon and Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne.

Inspection of the amendment during office hours will be free of charge to any person. Submissions about the amendment must be made in writing and sent to The Chief Executive Officer, Baw Baw Shire Council, P.O. Box 304, Warragul, Victoria 3820 or delivered to Warragul, Drouin or Trafalgar Customer Services Centres.

The date for the close of exhibition and receipt of submissions is 16 January 1998 at 5.00 p.m.

JOHN F. DYER  
Chief Executive Officer

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**Planning and Environment Act 1987**  
**MELBOURNE PLANNING SCHEME**  
Notice of Amendment  
Amendment L294

The Minister for Planning and Local Government has prepared Amendment L294 to the Melbourne Planning Scheme.

The amendment affects land at 535 Bourke Street bound by Bourke, William, Little Collins and Church Streets, Melbourne.

The amendment proposes to change the Local Section of the Melbourne Scheme Part 2 by inserting a new Exempt Proposal under Clause 222 (Part 2—Central City Development Area), which provides for the redevelopment of site bound by Bourke, William, Little Collins and Church Streets, Melbourne, for the purposes including, but not limited to office accommodation, car parking, residential accommodation and shops generally within a 58 level building. The amendment exempts development from the plot ratio and overshadowing controls of the Local Section of Melbourne Planning Scheme Part 2.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne.

Submissions about the amendment must be sent to Minister for Planning and Local Government, Attention: Adrian Williams, Panels Branch, Department of Infrastructure, P.O. Box 2797Y, Melbourne 3001, by 30 January 1998.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

Creditors, next of kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited A.C.N. 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 12 February 1998, after which date State Trustees Limited may convey or distribute the assets having regard only to the claims of which State Trustees Limited then has notice.

Bown, Douglas Henry, late of 47 Broadway, Camberwell, retired, who died 7 May 1996.

Caldwell, Lisa Elsa, formerly of 4/33B Alma Avenue, Ferntree Gully, but late of Peter James Hospital, corner Mahoney Road and Burwood Highway, Burwood, pensioner, who died 20 October 1996.

Kimpton, Jessie Constance, late of 14 Monash Avenue, Balwyn, home duties, who died 11 October 1997.

McCarthy, John Edwards, late of Bailey House, 68 Chapman Street, North Melbourne, retired, who died 11 August 1997.

Sherlock, Florence Lorraine, late of 140 Rowan Street, Wangaratta, pensioner, who died 3 May 1997.

Dated at Melbourne 4 December 1997

CATHY VANDERFEEN  
Manager, Estate Management  
State Trustees Limited

Creditors, next of kin and others having claims against the following estates:

Gibney, Edna May, late of Begonia Private Nursing Home, 215 Richards Street, Ballarat East, Victoria, home duties, intestate, who died 26 August 1997.

Hockley, Kaye Maree, late of Kinkora Hostel, 21 Kinkora Road, Hawthorn, Victoria, pensioner, intestate, who died 4 October 1997.

Killingbeck, David Laurence Maudesley, late of 67 Fletcher Street, Castlemaine, Victoria, retired, intestate, who died 29 September 1996.

Koukal, Jan, late of 5/2A Florence Street, Mentone, Victoria, manufacturing worker, intestate, who died 7 August 1997.

Langanke, Pamela May, late of 318 York Street, Ballarat, Victoria, pensioner, who died 13 July 1997.

Morris, Audrey Minnie, late of Blyth-Lea Private Nursing Home, 62 Blyth Street, Brunswick, Victoria, home duties, intestate, who died 3 August 1997.

Russell, John Joseph, late of Hanslope Private Nursing Home, 12 Hanslope Avenue, Alphington, Victoria, pensioner, intestate, who died 6 October 1997.

Serge, Lola, late of Sackville Private Nursing Home, 48 Sackville Street, Kew, Victoria, pensioner, intestate, who died 19 November 1997.

Sturrock, Lydia, late of 14 Willoughby Street, Reservoir, Victoria, home duties, intestate, who died 11 October 1978.

are required pursuant to Section 33 of the **Trustee Act 1958** to send particulars of their claims against the abovementioned estates to

State Trustees Limited, 168 Exhibition Street, Melbourne, Victoria, on or before 12 February 1998, after which date State Trustees Limited A.C.N. 064 593 148 may convey or distribute the assets of the abovementioned estates having regard only to the claims of which it then has notice.

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EXEMPTION FROM NOTIFICATION OF  
VACANCY UNDER SECTION 29 (2) OF  
THE PUBLIC SECTOR MANAGEMENT  
ACT 1992

Position No. DSD001499, Facilities Systems Administrator, Business Services and Marketing, Class VPS-3, Department of State Development.

*Reasons for exemption*

The position has been reclassified, the officer is recognised as satisfactorily discharging all of the requirements of the position and it is unlikely that advertising the vacancy would attract a more suitable candidate.

RIK HART  
Secretary

Department of State Development

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EXEMPTION FROM NOTIFICATION OF  
VACANCY UNDER SECTION 29 (2) OF  
THE PUBLIC SECTOR MANAGEMENT  
ACT 1992

Position No. DSD007178, Policy Officer, Policy Co-ordination and Development Unit, State Development Policy Division, Class VPS-4, Department of State Development.

*Reasons for exemption*

The position has identical duties and qualifications to a position that was recently advertised in the V.P.S.N. and the press and the person, an applicant for the vacancy, was assessed as clearly meeting all of the requirements of the position.

RIK HART  
Secretary

Department of State Development

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EXEMPTION FROM NOTIFICATION OF  
VACANCY UNDER SECTION 29 (2) OF  
THE PUBLIC SECTOR MANAGEMENT  
ACT 1992

Position No. DSD010831, Manager, International Business Relations, Business Services and Marketing, Class VPS-5, Department of State Development.

*Reasons for exemption*

The vacancy has duties and qualifications requirements that are of a specialised nature peculiar to the department and the proposed appointee is an officer considered to be the only officer possessing the specialised qualifications.

RIK HART  
Secretary

Department of State Development

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EXEMPTION FROM NOTIFICATION OF  
VACANCY UNDER SECTION 29 (2) OF  
THE PUBLIC SECTOR MANAGEMENT  
ACT 1992

Position No. DSD017342, Project Officer, Major Projects Unit, Sport and Recreation Victoria, Class VPS-3, Department of State Development.

*Reasons for exemption*

Similar vacancy advertised within last 3 months and is in an area with a history of recruitment difficulties and the proposed appointee meets all position requirements.

RIK HART  
Secretary

Department of State Development

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EXEMPTION FROM NOTIFICATION OF  
VACANCY UNDER SECTION 29 (2) OF  
THE PUBLIC SECTOR MANAGEMENT  
ACT 1992

Position No. 79/01/0059/0, Victorian Public Service Officer, Class VPS-5, Manager, Executive Services, Tourism Victoria, Department of State Development.

*Reason for exemption*

The vacancy has duties and qualifications that are of a specialised nature peculiar to the department and the proposed appointee is an officer considered to be the only officer possessing the specialised qualifications.

RIK HART  
Secretary

Department of State Development

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EXEMPTION FROM NOTIFICATION OF  
VACANCY UNDER SECTION 29 (2) OF  
THE PUBLIC SECTOR MANAGEMENT  
ACT 1992

Position No. NRE219541, VPS-4, Executive Assistant to the Secretary, Corporate Management, Department of Natural Resources and Environment.

*Reason for exemption*

The position has been reclassified to recognise a demonstrated and significant shift in work value in a specialised area of work, the incumbent is an officer who is recognised as satisfactorily discharging all of the requirements of the position and the Department Head considers that it is unlikely that advertising the vacancy would attract a more suitable candidate.

MICHAEL TAYLOR  
Secretary  
Department of Natural Resources and  
Environment

EXEMPTION FROM NOTIFICATION OF  
VACANCY UNDER SECTION 29 (2) OF  
THE PUBLIC SECTOR MANAGEMENT  
ACT 1992

Position No. NRE041915, Manager  
Personnel Operations, VPS 5, Administrative  
Operations, Corporate Administration  
Division, Department of Natural Resources  
and Environment, Port Phillip Region.

*Reasons for exemption*

The position has been reclassified to recognise a demonstrated and significant shift in work value in a specialised area of work. The incumbent is an officer who is recognised as satisfactorily discharging all the requirements of the position and it is considered that it is unlikely that advertising the vacancy would attract a more suitable candidate.

MICHAEL TAYLOR  
Secretary  
Department of Natural Resources and  
Environment

EXEMPTION FROM NOTIFICATION OF  
VACANCY UNDER SECTION 29 (2) OF  
THE PUBLIC SECTOR MANAGEMENT  
ACT 1992

Position No. 70/40/0132/3, VPS-3, Youth  
and Family Services Division, Department of  
Human Services.

*Reasons for exemption*

The position has identical duties and qualifications to a position that was recently advertised and the person applied for the vacancy and was assessed as meeting the requirements of the position.

W. J. McCANN  
Secretary  
Department of Human Services

EXEMPTION FROM NOTIFICATION OF  
VACANCY UNDER SECTION 29 (2) OF  
THE PUBLIC SECTOR MANAGEMENT  
ACT 1992

Position No. 60/10/0041/8, VPS-3,  
Computer Systems Officer, Victorian Auditor-  
General's Office.

*Reason for exemption*

The position has been reclassified to recognise a demonstrated and significant shift in the work value in a specialised area of work, the incumbent is an officer who is recognised as satisfactorily discharging all of the requirements of the position and the Department Head considers that it is unlikely that advertising the vacancy would attract a more suitable candidate.

Dated 5 December 1997

C. A. BARAGWANATH  
Auditor-General

EXEMPTION FROM NOTIFICATION OF  
VACANCY UNDER SECTION 29 (2) OF  
THE PUBLIC SECTOR MANAGEMENT  
ACT 1992

Position No. EPA400509, Environment  
Protection Officer, ENV 2, Environment  
Protection Authority.

*Reason for exemption*

The position has been reclassified to recognise a demonstrated and significant shift in work value in a specialised area of work, the incumbent is an officer who is recognised as satisfactorily discharging all of the requirements of the position and the Department Head considers that it is unlikely that advertising the vacancy would attract a more suitable candidate.

Dated 6 December 1997

ROBERT JOY  
Acting Chairman  
Environment Protection Authority

Department of Treasury and Finance  
SALE OF CROWN LAND BY PUBLIC  
AUCTION

Reference: P260781.

Auction Date: On Saturday, 31 January  
1998 at 1.00 p.m. on site.

Property Address: Off Boolarra Foster  
Road, Woorarra West.



**Crown Description:** Crown Allotment 5A, Section A, Parish of Woorarra.

**Area:** 1.328 hectares.

**Terms of Sale:** 10% deposit—balance 60 days.

**Co-ordinating Officer:** Gavin Bindley, Land Sales Officer, Department of Natural Resources and Environment, Traralgon.

**Selling Agent:** B. J. Bennett & Co. Real Estate Pty Ltd, 66 Ridgway, Mirboo North 3871, telephone (03) 5668 1336.

ROGER M. HALLAM  
Minister for Finance

#### INVESTIGATION OF VICTORIA'S BOX-IRONBARK FORESTS AND WOODLAND AREAS

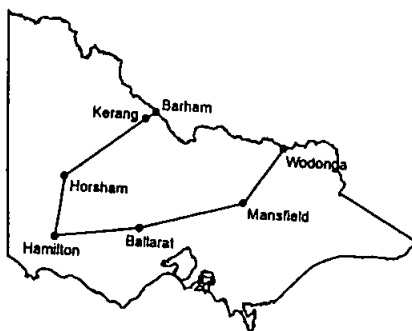
The Minister, under Section 17 of the **Environment Conservation Council Act 1997** (hereinafter called the Act) requires the Environment Conservation Council to carry out an investigation of Victoria's Box-Ironbark Forests and Woodlands occurring on public land in northern Victoria. The area to be investigated is the Box ironbark ecosystem stretching from the Grampians in the west to Wodonga in the north-east. The investigation area is shown on the attached map.

In accordance with Section 23 of the Act the Environment Conservation Council is required to present a written report on the outcome of its investigation in the prescribed form by 31 December 1998.

Having regard to the matters to be taken into account in investigations as provided in Section 20 of the Act, including the economic and social value of any existing and proposed development or use of the land or resources, the investigation must:

- identify and evaluate the extent, condition, values and uses of the Box-Ironbark Forests and Woodland areas in Northern Victoria;
- make recommendations on the balanced use of these areas;
- in making recommendations on the balanced use of Box-Ironbark Forest and Woodland areas the Council should have regard to the Nationally Agreed Criteria for the establishment of a comprehensive, adequate and

representative reserve system recognising that informal reserves and prescriptions will be established through the regional forest management planning processes.



#### Water Act 1989 SECTION 46 (9) Southern Hydro Limited

In accordance with Section 46 (9) of the **Water Act 1989**, Southern Hydro Limited A.C.N. 065 325 091 has decided to sell permanently the whole of the Bulk Entitlement (Kiewa-Southern Hydro Limited) Conversion Order 1997, the Bulk Entitlement (Rubicon-Southern Hydro Limited) Conversion Order 1997 and the Bulk Entitlement (Bogong Village) Conversion Order 1997 ("Bulk Entitlements") to Infratil Australia Hydro Pty Ltd A.C.N. 080 429 901, Contact Hydro Australia Pty Ltd A.C.N. 080 810 546, Kanina Willows Pty Ltd A.C.N. 080 735 815, collectively trading as Southern Hydro Partnership ("Transferees").

Southern Hydro Limited:

- (a) declares that the Bulk Entitlements are available for purchase; and
- (b) declares that the method by which the Bulk Entitlements are to be sold is by way of transfer from Southern Hydro Limited on Completion of the Asset Sale Agreement dated 22 November 1997 between the State of Victoria, Southern Hydro Limited, the Transferees and others, upon the Transferees having become generation companies within the meaning of the **Electricity Industry Act 1993**.

**Transport Act 1983**  
**TOW TRUCK DIRECTORATE OF**  
**VICTORIA**  
**Tow Truck Applications**

Notice is hereby given that the following applications will be considered by the Licensing Authority after 14 January 1998.

Notice of any objection to the granting of an application should be forwarded to reach the Director, Tow Truck Directorate of Victoria, 560 Lygon Street, Carlton (P.O. Box 160, Carlton South 3053), not later than 8 January 1998.

It will not be necessary for interested parties to appear on the date specified, unless advised in writing.

B. Clough. Application for variation of conditions of tow truck licence numbers TOW156 and TOW172 which authorise the licensed vehicles to be managed, controlled and operated from a depot situated at Princes Highway, Nar Nar Goon, to change the depot address to 86-92 Princes Highway, Beaconsfield.

Gardiner Towing Service Pty Ltd. Application for variation of conditions of tow truck licence numbers TOW052; TOW493; TOW504; TOW569 and TOW786 which authorise the licensed vehicles to be managed, controlled and operated from a depot at 399 Tooronga Road, Hawthorn East, to change the depot address to 340 Nicholson Street, Fitzroy.

Dated 11 December 1997

JOHN R. CONNELL  
 Director

**Transport Act 1983**  
**VICTORIAN TAXI DIRECTORATE**  
 Department of Infrastructure  
 Commercial Passenger Vehicle Applications

Notice is hereby given that the following applications will be considered by the Victorian Taxi Directorate, a division of the Department of Infrastructure after 14 January 1998.

Notice of any objection to the granting of an application should be forwarded to reach the Manager, Licensing and Certification, Victorian Taxi Directorate, 598 Lygon Street, Carlton (P.O. Box 666, Carlton South 3053), not later than 8 January 1998.

Copies of objections are forwarded to the applicants.

It will not be necessary for interested parties to appear on the date specified, unless advised in writing by the Department.

D. A. Carver, Mordialloc. Application to license one commercial passenger vehicle in respect of a 1966 Ford tourer convertible with seating capacity for 4 passengers to operate a service from 5 Edith Street, Mordialloc, for the carriage of passengers for wedding parties, debutante balls, school formals and special social occasions.

*Note:* Applicant will operate in conjunction with current licensed operator Prestige Cadillacs, 5 Edith Street, Mordialloc.

M. A. Troy. Application to license one commercial passenger vehicle to be purchased in respect of any vehicle that meets the standards approved by the Victorian Taxi Directorate to operate as a hire car from 5 Kendari Avenue, North Balwyn.

K. V. and L. J. Yeoman, Rosebud. Application to license one commercial passenger vehicle to be purchased in respect of a 1990 Hino or similar midi-coach with seating capacity for 28-30 passengers to operate as a country special service omnibus from within a 20 km pick-up radius of the Rosebud Post Office.

Dated 11 December 1997

ROBERT STONEHAM  
 Manager—Licensing and Certification  
 Victorian Taxi Directorate

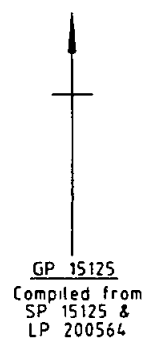
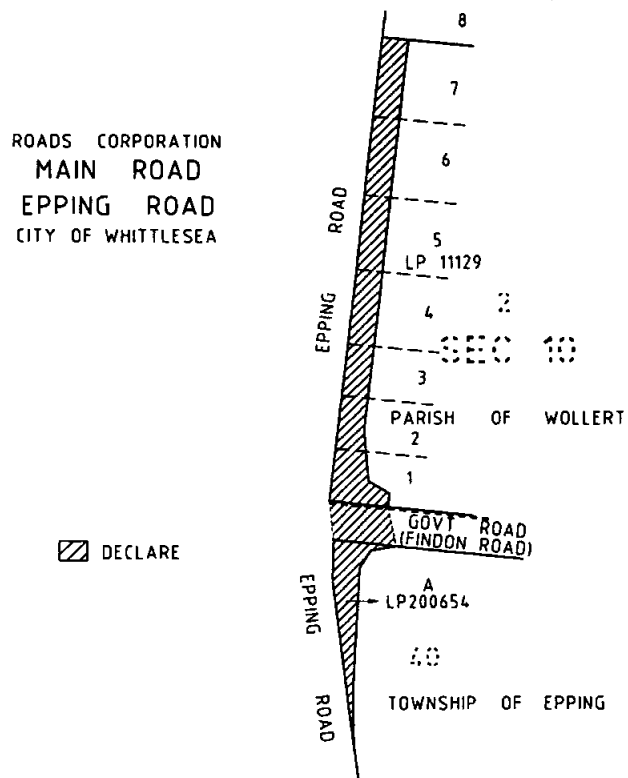
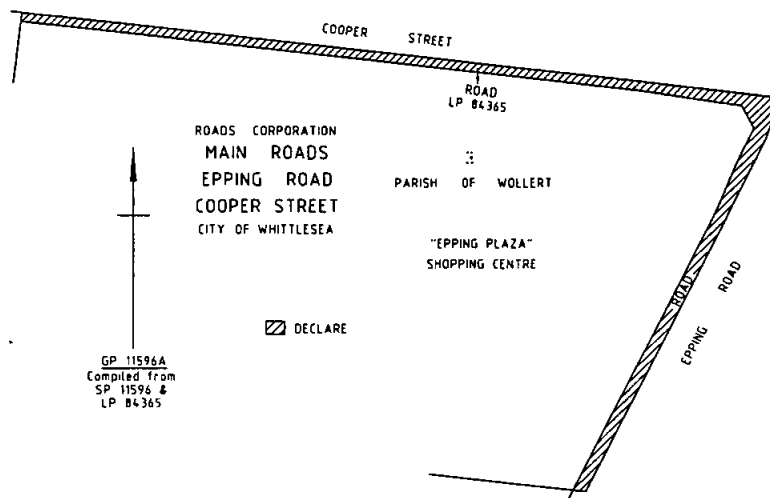
**Transport Act 1983**  
**ROAD DECLARATIONS AND**  
**DEDICATIONS**

The Roads Corporation pursuant to the **Transport Act 1983**, upon publication of this notice declares, or varies the declaration of, the roads as described below and on the plans attached, and further declares that such roads are fit to be used as a public highway and are now absolutely dedicated to the public for use as public highways within the meaning of any law now or hereafter in force.

**MAIN ROAD**

111/97 Epping Road in the City of Whittlesea shown hatched on plans numbered GP 11596A, GP 15125 and GP 15851.

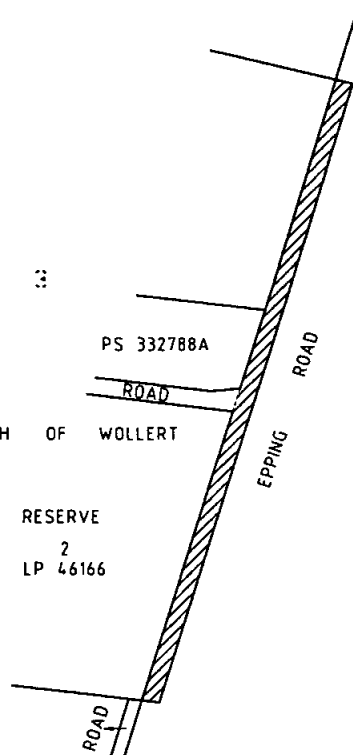
112/97 Heidelberg-Kinglake Road in the City of Nillumbik shown hatched on plans numbered GP 8541 and GP 8544.



ROADS CORPORATION  
MAIN ROAD  
EPPING ROAD  
CITY OF WHITTLESEA


 DECLARE

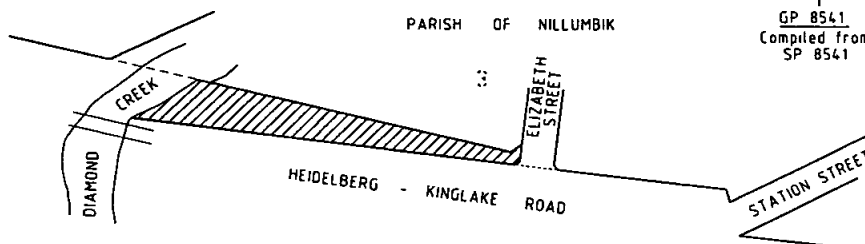
PS 332788A  
ROAD  
PARISH OF WOLLERT  
RESERVE  
2  
LP 46166



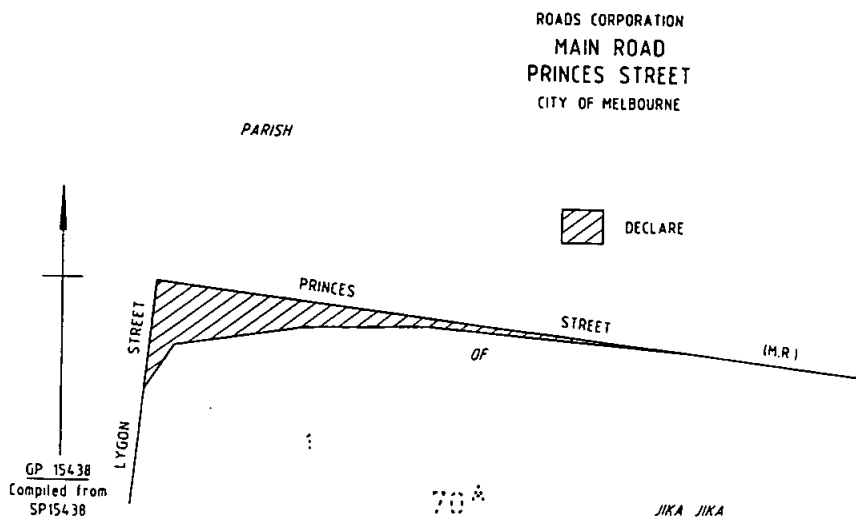
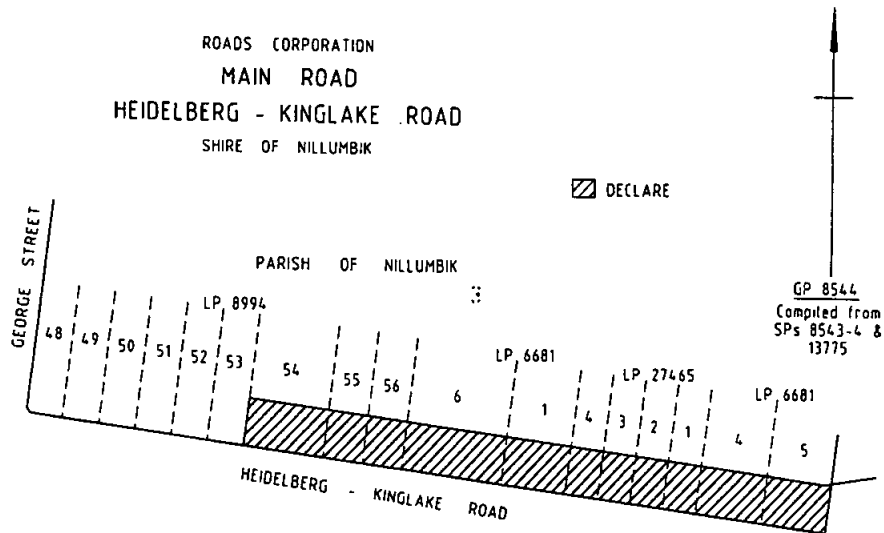
GP 15851  
Compiled from  
SP 15851A

ROADS CORPORATION  
MAIN ROAD  
HEIDELBERG - KINGLAKE ROAD  
SHIRE OF NILLUMBIK

 DECLARE



GP 8541  
Compiled from  
SP 8541

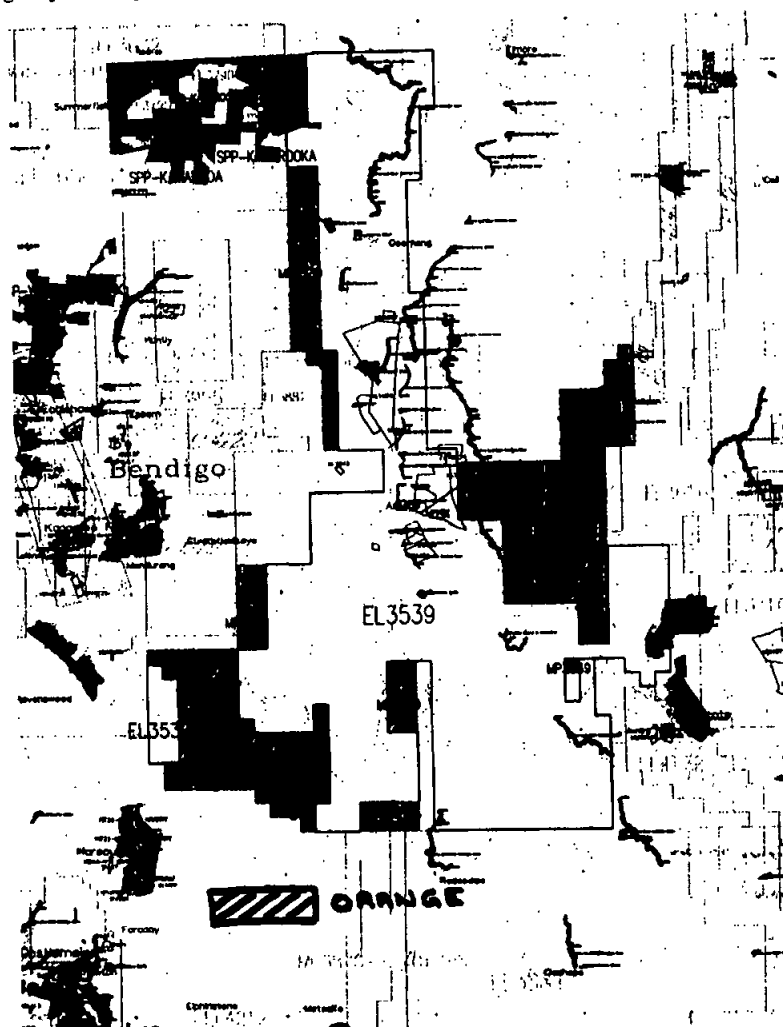


Dated 4 December 1997

COLIN JORDAN  
Chief Executive  
Roads Corporation

**Mineral Resources Development Act 1990**  
**EXEMPTION FROM EXPLORATION LICENCE (SECTION 7)**

Notice is hereby given, pursuant to Section 7 of the **Mineral Resources Development Act 1990**, that the area of Exploration Licence 3539 on the Bendigo, Echuca, Heathcote and Mitiamo 1:100,000 map sheets, as shown coloured (orange) on the accompanying map is exempt from being subject to exploration licence.

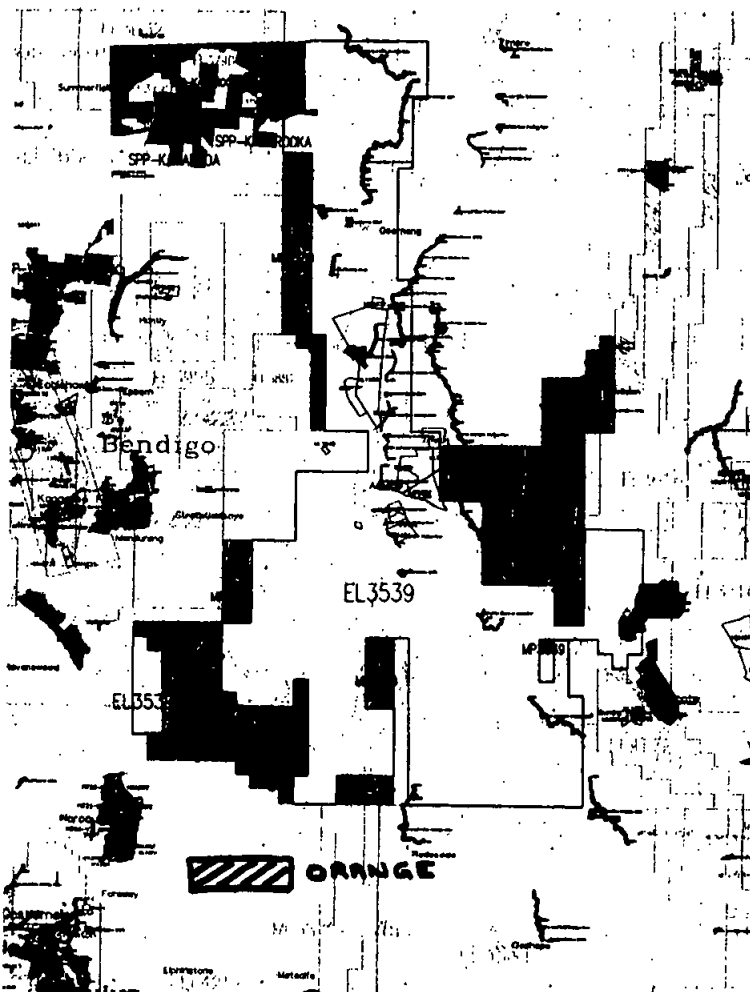


Dated 7 December 1997

DAVID LEA  
Executive Director, Minerals and Petroleum  
pursuant to instrument of delegation by the Minister dated 1 July 1996

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT  
Revocation of Exemption from Licence (Section 7)

Notice is hereby given, pursuant to Section 7 of the **Mineral Resources Development Act 1990**, that the exemption from exploration licences over the area of land covered by the Bendigo, Echuca, Heathcote and Mitiamo 1:100,000 map sheets, as shown coloured (orange) on the accompanying map, will be revoked on 11 March 1998. Exploration Licence applications may be made on or after 12 March 1998.



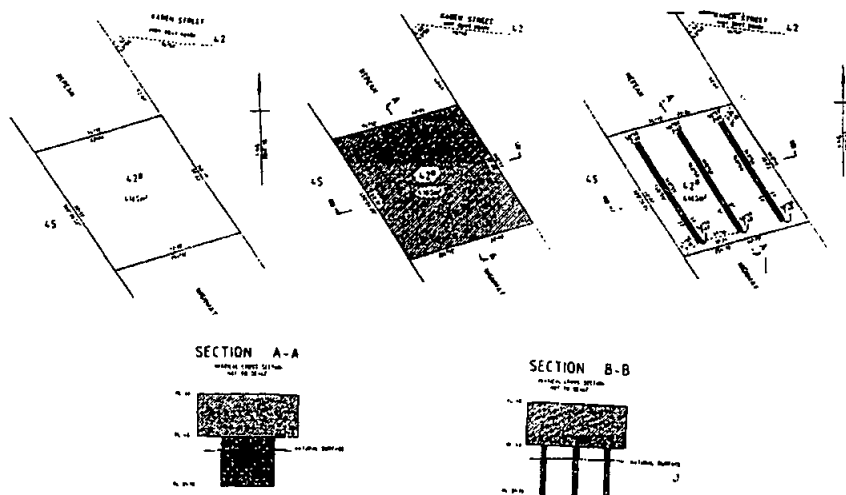
Dated 7 December 1997

DAVID LEA  
Executive Director, Minerals and Petroleum  
pursuant to instrument of delegation by the Minister dated 1 July 1996

**Land Act 1958**  
**SECTION 137**  
**Notice of Intention to Lease Land**

Ventana Pty Ltd (A.C.N. 008 586 543), of care of Holding Redlich, 350 William Street, Melbourne, Victoria 3000, gives notice that it intends, on the expiration of 14 days after the publication of this Notice, to take a lease from the Minister of Conservation and Land Management of a strata of Crown Land on and over the Nepean Highway, Cheltenham, being Lot 42B shown on the Plan for Stratum Lease Purposes dated 9 July 1997 and copied below for a term of 99 years commencing on the date of the lease for the purpose of constructing a bridge (with supports) over the Nepean Highway to be used for retail shops and services, restaurants and cafes, other facilities usually provided in shopping centres and the passage of vehicle and pedestrian traffic between Westfield Shoppingtown Southland and Cheltenham Market and the parking of vehicles and the loading and unloading of vehicles servicing premises on that bridge.

**Plan for Stratum Lease Purposes**



Dated 8 December 1997

VENTANA PTY LTD

**Land Act 1958**  
**DEPARTMENT OF NATURAL**  
**RESOURCES AND ENVIRONMENT**  
**Exchange of Land**

I, Marie Tehan, the Honourable Minister for Conservation and Land Management, do hereby give notice that, after the expiry of at least 14 days from the date of publication of this notice, I intend to enter into an agreement with Elclark Pty Ltd and Fitzclark Pty Ltd of 460 Brunswick Street, North Fitzroy, to exchange the Crown land described as part of Crown Allotment 1 of Section 13, Parish of Conewarre for the freehold land described as

part Crown Allotment H, of Section 14, Parish of Conewarre as contained in Certificate of Title Volume 1820, Folio 844.

(Reference 07-1986).

**Subordinate Legislation Act 1994**  
**PREVENTION OF CRUELTY TO**  
**ANIMALS REGULATIONS 1997**  
**Notice of Decision**

I, Patrick McNamara, Minister for Agriculture and Resources and Minister responsible for the administration of the **Prevention of Cruelty to Animals Act 1986**,



under Section 12 of the **Subordinate Legislation Act 1994**, give notice as follows—

A Regulatory Impact Statement (RIS) was prepared in relation to the proposed Prevention of Cruelty to Animals Regulations 1997 and advertised inviting public comment. Five submissions were received in response to the RIS and following consideration of these submissions, I have decided that the proposed Regulations should be made without amendment.

PATRICK McNAMARA  
Minister for Agriculture and Resources

**Subordinate Legislation Act 1994**  
DEPARTMENT OF JUSTICE VICTORIA  
Notice of Intention to Proceed to Make  
Regulations  
Residential Tenancies (Fees) Regulations  
1997  
Small Claims Tribunals (Fees) Regulations  
1997

A Regulatory Impact Statement was published in relation to the proposed Residential Tenancies (Fees) Regulations 1997 and Small Claims Tribunals (Fees) Regulations 1997.

To ensure that persons instituting proceedings make an equitable contribution to the costs associated with the services provided, these regulations increase lodgement fees for applications to the Residential Tenancies Tribunal and the Small Claims Tribunal to \$25.

After considering the submissions received in respect of the proposed Regulations I have determined that both regulations should be made without change to the form of draft regulations that accompanied the regulatory impact statement, and I now give notice of my intention to proceed with the making of the proposed regulations.

JAN WADE  
Attorney-General

**Subordinate Legislation Act 1994**  
NOTICE OF DECISION  
Proposed By-Law No. 1:  
Water Supply Protection

I, Patrick McNamara, Minister for Agriculture and Resources, and Minister responsible for administration of the

**Melbourne and Metropolitan Board of Works Act 1958**, give notice under Section 12 of the **Subordinate Legislation Act 1994**, as follows—

A Regulatory Impact Statement (RIS) was prepared in relation to the proposed By-Law No. 1: Water Supply Protection and advertised inviting public comment. 5 submissions were received commenting on a number of issues relating to the RIS and the proposed By-law.

After considering these submissions, I have decided that the proposed By-Law No. 1: Water Supply Protection be made with the following amendment—

An additional sub-clause has been inserted in the By-law providing for an officer, employee, agent or contractor of the holder of a water licence, a water and sewerage licence or a water headworks licence under the **Water Industry Act 1994** who is carrying out his or her duties, to be exempt from the proposed By-law. This addresses a concern raised by the retail water companies.

Dated 4 December 1997

PATRICK McNAMARA  
Minister for Agriculture and Resources

**Plant Health and Plant Products Act 1995**  
NOTICE OF IMPORTATION ORDER  
Order Prohibiting or Restricting the Entry or  
Importation of Lupin into Victoria

I, Patrick McNamara, Minister for Agriculture and Resources, give notice of an importation order under Section 24 of the **Plant Health and Plant Products Act 1995** prohibiting subject to conditions or restricting the entry or importation of any plant or plant product of *Lupinus* species and any agricultural equipment or package that has been used with that species so as to prevent the introduction or spread of the exotic disease Lupin anthracnose *Colletotrichum gloeosporioides* (severe strain) into Victoria.

A copy of the order may be obtained by telephoning the Plant Standards Branch on (03) 9210 9390.

Dated 6 December 1997

PATRICK McNAMARA  
Minister for Agriculture and Resources

**Crown Land (Reserves) Act 1978****CROWN LAND RESERVES (NUG NUG  
CAMPING RESERVE) REGULATIONS  
1997**

I, Mervyn John McAliece Manager Land Victoria, as delegate of the Minister for Conservation and Land Management make the following Regulations:

Dated: 4th December 1997

Mervyn John McAliece  
Manager Land Victoria North East Region  
as delegate of the Minister for Conservation  
and Land Management

**PART 1-PRELIMINARY****1. Title**

These Regulations may be cited as the Crown Land Reserves (Nug Nug Camping Reserve ) Regulations 1997.

**2. Objective**

The objective of these Regulations is to provide for the care, protection and management of the Nug Nug Camping Reserve.

**3. Authorising provision**

These Regulations are made under section 13 of the Crown Land (Reserves) Act 1978.

**4. Commencement**

These Regulations come into operation on the day that they are published in the Government Gazette.

**5. Revocations**

All previous regulations made under the Crown Land (Reserves) Act 1978 or the Land Act 1958 insofar as they apply to the reserve are revoked.

**6. Definitions**

In these Regulations—

"Act" means the Crown Land (Reserves) Act 1978;

"authorised officer" means an authorised officer appointed under section 83 of the Conservation, Forests and Lands Act 1987 for the purposes of the Land Act 1958;

"bicycle path" has the same meaning as in the Road Safety (Traffic) Regulations 1988;

"camp" means—

- (a) to erect, occupy or use a tent or any similar form of accommodation; or
- (b) to erect, park, occupy or use a caravan, camper van or other movable form of accommodation or temporary structure;

"Committee" means the committee of management appointed to manage the reserve under section 14 of the Act;

"damage" means to alter, to cut, to destroy or to deface.

"firearm" has the same meaning as in the Firearms Act 1996;

"fireplace" means—

- (a) a facility constructed of stone, metal, concrete or other non-flammable material provided by the Committee in the reserve for the purposes of lighting and maintaining fires; or
- (b) a portable appliance constructed of stone, metal or other non-flammable material;

"footway" has the same meaning as in the Road Safety (Traffic) Regulations 1988;

"life-saving aid" includes any life-saving equipment, warning sign, barrier, fire extinguisher, hose or similar equipment;

"reserve" means the Nug Nug Camping Reserve;

"Secretary" means the body corporate established by Part 2 of the Conservation, Forests and Lands Act 1987;

"segregated footway" has the same meaning as in the Road Safety (Traffic) Regulations 1988;

"shared footway" has the same meaning as in the Road Safety (Traffic) Regulations 1988;

"take" means—

- (a) in relation to flora, to kill, injure or disturb any live flora, or to remove or collect the whole or parts thereof whether dead or alive; and
- (b) in relation to fauna, to kill, injure or disturb any animal or remove any dead animal;

"vehicle" has the same meaning as in the Road Safety Act 1986.

7. *Application of Regulations*

- (1) These Regulations do not apply to :-
- (a) a member of the Committee; or
  - (b) any officer or employee of the Committee; or
  - (c) an authorised officer; or
  - (d) a person authorised by the Secretary or an employee of the Secretary—

who is acting in the course of his or her duties.

- (2) A person acting in accordance with a lease, licence, tenancy or permit granted or issued under the Act or an Act relating to Crown land over land in the reserve is not subject to these Regulations, to the extent that the activities authorised by that lease, licence, tenancy or permit are inconsistent with these Regulations.

PART 2—POWERS OF COMMITTEE

8. *Committee may set aside areas for particular purposes*

- (1) The Committee may determine that a specified area or areas in the reserve be set aside for one or more of the following purposes -
- (a) protection of flora or fauna, except fish;
  - (b) re-establishment or planting of trees, shrubs, grass or other vegetation;
  - (c) protection or management of cultural, historic or geological features or values;
  - (d) amenities or facilities for public use;
  - (e) camping;
  - (f) the playing of games or sport;
  - (g) the lighting or maintaining of fires;
  - (h) the entry by any person accompanied by a dog under that person's control;

- (i) the riding, driving or leading of a horse or a mule or a donkey or a camel or the drawing of a vehicle by any of those animals;
- (j) the parking of any vehicle or vehicles of a particular class or classes;
- (k) the passage of any vehicle or vehicles of a particular class or classes;
- (l) a bicycle path;
- (m) a footway;
- (n) a segregated footway;
- (o) a shared footway;

- (2) The Committee must include in a determination under sub-regulation (1) details of the times or periods during which areas set aside under sub-regulation (1) may be used for the purpose for which they are set aside.

- (3) If the Committee has determined that an area be set aside under sub-regulation (1), the Committee must cause notices to be displayed in such a place and manner that the particulars are reasonably likely to be seen by the persons using the areas, indicating -

- (a) the areas so set aside; and
- (b) the purpose for which those areas are set aside; and
- (c) the times or periods during which the purpose is permitted.

- (4) A person must comply with a determination made under sub-regulation (1) when displayed in accordance with sub-regulation (3).

9. *Committee may set aside areas where entry or access is prohibited or restricted*

- (1) The Committee may determine that a specified area or areas in the reserve be set aside as an area where access or entry is prohibited or restricted -
- (a) by a person who is in possession of alcohol;
  - (b) by a person with glass bottles, glass containers or glass utensils in their possession;

- (c) for swimming;
- (d) for reasons of public safety.
- (2) A determination under sub-regulation (1) must specify -
  - (a) the times or periods during which entry or access is prohibited or restricted to an area; and
  - (b) the purpose of the prohibition or restriction.
- (3) If the Committee has determined that an area be set aside under sub-regulation (1), the Committee must cause notices to be displayed in such a place and manner that the particulars are reasonably likely to be seen by the persons using the areas, indicating -
  - (a) the areas so set aside; and
  - (b) the purpose of the prohibition or restriction; and
  - (c) the times or periods during which entry or access is prohibited or restricted.

#### 10. Issuing, cancellation and production of permits

- (1) The Committee may issue a permit for any of the activities referred to in regulations 13 (1), 15 (1), 17 (1), 20 (1), 23 (1), 24 (1), 25 (1) or 26 (1).
- (2) A permit issued under sub-regulation (1) authorises the holder to enter and use the reserve -
  - (a) for the purpose specified in the permit; and
  - (b) for the period specified in the permit; and
  - (c) subject to any terms and conditions in respect of that entry or use determined by the Committee and specified in the permit.
- (3) The Committee may revoke or cancel a permit at any time.
- (4) Upon revocation or cancellation of a permit under sub-regulation (3), the Committee must, within a reasonable time after the revocation or cancellation, notify the permit holder in writing of the

cancellation or revocation of the permit.

- (5) A person who holds a permit issued under this Part must produce the permit for inspection when requested to do so by the Committee or an authorised officer.

#### 11. Fees and charges

- (1) The reserve is open to the public free of charge except as otherwise determined by the Committee in accordance with sub-regulation (2).
- (2) The Committee may determine such reasonable fees that it considers necessary for entry to the reserve or use of improvements, services or facilities in the reserve.
- (3) If the Committee has determined that a fee is payable for entry to the reserve or use of improvements, services or facilities in the reserve under sub-regulation (2), the Committee must cause notices to be displayed in such a place and manner that the particulars are reasonably likely to be seen by persons likely to be affected by them, indicating the fee payable for—
  - (a) entry to the reserve; or
  - (b) use of the improvements, services or facilities in the reserve.
- (4) A person must not enter the reserve or use the improvements, services or facilities within the reserve without paying the appropriate fee, if any, determined by the Committee under sub-regulation (2).

#### PART 3—USE AND CONTROL OF THE RESERVE

##### 12. Offence to enter or remain in area where entry or access is prohibited or restricted

Subject to these Regulations, a person must not enter or remain in an area to which entry or access has been prohibited or restricted under regulation 10 in contravention of a notice or notices displayed in accordance with that regulation.

##### 13. Entry of dogs, horses and other animals

- (1) A person must not bring an animal into the reserve, or allow an animal under that person's control to enter or remain in the reserve.

- (2) Sub-regulation (1) does not apply to a person who -

- (a) brings a dog which is used as a guide dog into the reserve or allows that dog to remain in the reserve; or

- (b) brings into or allows to remain in the reserve a dog which is in an area set aside under regulation 9 (1) as an area where dogs are permitted; or

- (c) brings into or allows to remain in the reserve a horse, mule, donkey or camel which is in an area set aside under regulation 9 (1) as an area for the riding, driving or leading of those animals or the drawing of a vehicle by any of those animals; or

- (d) brings an animal into or allows an animal to remain in the reserve in accordance with a current permit granted to that person under Part 2.

- (3) A person who brings an animal into the reserve in accordance with this regulation must ensure that the animal is effectively controlled for the purpose of preventing unreasonable disturbance or damage to any person, garden, shrub, tree, building, fencing or other improvement.

#### 14. Driving and parking vehicles

- (1) A person must not drive a vehicle in the reserve.

- (2) Sub-regulation (1) does not apply to a person who drives or parks a vehicle in an area set aside by the Committee under regulation 9 (1) for the passage or parking of vehicles.

- (3) A person must not drive any vehicle or animal in the reserve at a speed in excess of 10 kilometres per hour.

- (4) A person must not park or leave a vehicle standing in the reserve.

- (5) Sub-regulation (3) does not apply to a person who parks a vehicle or leaves a

vehicle standing in an area set aside by the Committee under regulation 9 (1) for the parking of vehicles in accordance with the times or periods determined by the Committee under regulation 9 (2).

#### 15. Camping

- (1) A person must not camp in the reserve.

- (2) Sub-regulation (1) does not apply to a person who camps -

- (a) in an area set aside by the Committee under regulation 9 (1) for the purpose of camping; and

- (b) in accordance with a current permit for camping under Part 2.

#### 16. Fire

- (1) A person must not light or maintain a fire in the reserve.

- (2) Sub-regulation (1) does not apply to a person who lights or maintains a fire at a time and during a period when the lighting of fires is not prohibited under any Act if that fire is -

- (a) in a fireplace; or

- (b) in an area set aside by the Committee under regulation 9 (1) for the purpose of lighting or maintaining a fire.

- (3) A person who has lit or maintained a fire in the manner referred to in sub-regulation (2) must completely extinguish that fire before leaving the place of the fire.

#### 17. Vegetation and fauna.

- (1) A person must not -

- (a) take, cut, damage, displace, poison, deface or interfere with any timber, tree, shrub, plant, wildflower or other vegetation in the reserve; or

- (b) enter any area which is set aside under regulation 9 (1) -

- (i) for the re-establishment or planting of trees, shrubs grass or other vegetation; or

- (ii) for the protection of flora or fauna; or

- (c) plant or knowingly introduce any seed, tree, shrub, fern or other vegetation or any part of any tree, shrub or other vegetation in the reserve.

- (2) Sub-regulation (1) does not apply to a person acting in accordance with—

- (a) a current permit under Part 2 which allows a person to engage in the particular activity referred to in sub-regulation (1); or

- (b) a lease, licence, permit or other authority under the Extractive Industries Development Act 1995, the Mineral Resources Development Act 1990 or the Petroleum Act 1958.

#### 18. Animals and nests

A person must not in the reserve —

- (a) take any animal or its lair or nest; or
- (b) poison any animal.

#### 19. Improvements, signs, equipment, navigational aids

A person must not damage, move or interfere with—

- (a) any sign, noticeboard, equipment, seat, table, gate, post, fence, bridge, facility, building or structure in the reserve; or
- (b) any life-saving aid in the reserve, except for the purpose of saving life.

#### 20. Erecting or using buildings and structures

- (1) A person must not—

- (a) erect or place any building or structure in the reserve; or
- (b) enter, occupy or use the whole or any part of any building or structure in the reserve unless it is set aside as an amenity or facility for public use.

- (2) Sub-regulation (1) does not apply to a person who holds a current permit under Part 2 which allows that person to engage in the particular activity referred to in sub-regulation (1).

#### 21. Use of amenity or facility

- (1) A person must not enter or use an amenity or facility in the reserve set aside for the use of persons of the opposite sex.

- (2) Sub-regulation (1) does not apply to the entering or use of an amenity or facility by a child under the age of 6 years when accompanied by an adult.

#### 22. Games or sports

- (1) A person must not engage in any game or sport in the reserve likely to cause interference, disturbance, inconvenience or danger to other persons using the reserve.

- (2) Sub-regulation (1) does not apply to a person who is engaged in a game or sport in an area set aside for a game or sport under regulation 9 (1).

#### 23. Organised entertainment, fete or public meeting

- (1) A person must not conduct any organised entertainment, rally, festival, tour, fete or public meeting or similar event in the reserve.

- (2) Sub-regulation (1) does not apply to a person who holds a current permit under Part 2 which allows that person to engage in the particular activity referred to in sub-regulation (1).

#### 24. Public address

- (1) A person must not deliver an address or use any amplifier, public address system, loud hailer or similar device in the reserve

- (2) Sub-regulation (1) does not apply to a person who holds a current permit under Part 2 which allows that person to engage in the particular activity referred to in sub-regulation (1).

#### 25. Commercial activities

- (1) A person must not, in the reserve—

- (a) conduct a commercial enterprise or offer for sale or hire any article or service; or

- (b) distribute or display any handbills, pamphlets, books, papers or advertising matter or put up or leave any placards or notices; or

(c) take photographs for commercial purposes.

(2) Sub-regulation (1) does not apply to a person who holds a current permit under Part 2 which allows that person to engage in the particular activity referred to in sub-regulation (1).

26. *Machinery and power tools*

(1) A person must not operate any portable or stationary generator, air-compressor, chainsaw, oxy-acetylene or electrical cutting or welding apparatus in the reserve.

(2) Sub-regulation (1) does not apply to a person who holds a current permit under Part 2 to engage in the particular activity referred to in sub-regulation (1).

27. *Gates*

A person must not leave any gate in the reserve open except where the gate is already open.

28. *Offensive behaviour*

In the reserve, a person must not -

- (a) use indecent or obscene language; or
- (b) use threatening or abusive words; or
- (c) behave in a riotous, indecent, offensive or threatening manner.
- (d) play loud music or generate noise considered offensive by other occupants of the reserve, particularly at night; or
- (e) interfere with or interrupt any sport or holiday amusement or any practice thereat.

29. *Firearms and traps*

A person must not possess or carry for use in the reserve or use any firearm, trap or snare in the reserve.

30. *Stones or missiles*

A person must not propel or throw any stone or missile which is likely to cause danger or unreasonable disturbance to other persons or to animals in the reserve.

PART 4—GENERAL

31. *Obstruction*

A person must not obstruct, hinder or interfere with a member of the Committee, an authorised officer, any other officer or employee of the Committee or a person authorised by the Committee in the execution of his or her duties in the reserve.

32. *Directions to leave*

(1) An authorised officer may direct any person whom that officer believes on reasonable grounds has contravened these Regulations to leave the reserve or any part of the reserve.

(2) A person must leave the reserve or the part of the reserve immediately when directed to do so by an authorised officer.

NOTES

*Contravention of regulations*

A contravention of these regulations may result in the imposition of penalties as set out in section 13 of the **Crown Land (Reserves) Act 1978**.

*Litter*

The depositing of litter in the reserve is prohibited under the **Litter Act 1987** and may result in the imposition of penalties under that Act.

*Motor Vehicles*

Under the **Land Conservation (Vehicle Control) Regulations 1992**, motor vehicles are prohibited from being within a reserve except on a road, in a parking area or in an area declared to be a free access area. A contravention may result in the imposition of penalties under those regulations.

*Fire*

In addition to regulation 19, the lighting of fires is governed by the **Fire Protection Regulations 1992**, and failure to adhere to those Regulations may result in the imposition of penalties.

*Bicycle Path, Footway, Segregated footway or Shared Footway*

The meanings of bicycle path, footway, segregated footway and shared footway in the **Road Safety (Traffic) Regulations 1988** as at 1 March 1997 are-

"bicycle path" means a way, other than a bicycle lane, defined by a bicycle way sign at its beginning, and at its end by-

- (a) an end bicycle sign; or
- (b) a shared footway sign; or
- (c) a segregated footway sign; or
- (d) a bicycle way sign; or
- (e) a carriageway; or
- (f) a dead end-

the signs being erected adjacent to the way so as to face an approaching driver of a bicycle.

"footway" means a footpath, lane or other place provided solely for the use of pedestrians or habitually used by pedestrians and not by vehicles, but includes a segregated footway or a shared footway.

"segregated footway" means a length of footway defined by means of a segregated footway sign at its beginning, and at its end by-

- (a) an end segregated footway sign; or
- (b) a shared footway sign; or
- (c) a bicycle way sign; or
- (d) a no-bicycles sign; or
- (e) a carriageway; or
- (f) a dead end; or
- (g) a segregated footway sign.

"shared footway" means a length of footway defined by means of a shared footway sign at its beginning, and at its end by-

- (a) an end shared footway sign; or
- (b) a segregated footway sign; or
- (c) a bicycle way sign; or
- (d) a no-bicycles sign; or
- (e) a carriageway; or
- (f) a dead end, or
- (g) a shared footway.

**Co-operatives Act 1996**  
GREENHILLS PRIMARY SCHOOL  
CO-OPERATIVE LTD  
WANTIRNA SOUTH SPORTING CLUB  
CO-OPERATIVE LIMITED

Notice is hereby given in pursuance of Section 316 (1) of the **Co-operatives Act 1996** and Section 572 (2) of the **Corporations Act 1989** that, at the expiration of three months from the date hereof, the names of the aforementioned Co-operatives will, unless cause is shown to the contrary, be struck off the register and the societies will be dissolved.

Dated at Melbourne 3 December 1997

PAUL HOPKINS  
Deputy Registrar of Co-operatives

**Co-operatives Act 1996**  
DISSOLUTION OF CO-OPERATIVES  
CAMP TREK CO-OPERATIVE LTD  
MENTONE GIRLS HIGH SCHOOL  
CO-OPERATIVE LIMITED  
SHEAHANS ROAD LEISURE CENTRE  
CO-OPERATIVE LIMITED  
UPPER YARRA HIGH TECHNICAL  
SCHOOL CO-OPERATIVE LTD

I hereby notify that I have this day registered the dissolution of the abovenamed Co-operatives and cancelled their registration under the abovenamed Act.

Dated at Melbourne 8 December 1997

PAUL HOPKINS  
Deputy Registrar of Co-operatives

**Co-operatives Act 1996**  
CHANGE OF NAME OF A SOCIETY

Notice is hereby given that Travel Agents Co-operative (Victoria) Limited which was incorporated as a Trading Co-operative under the abovenamed Act on 6 August 1987 has registered a change of its name and is now incorporated under the name of Australian Travel Agents Co-operative Ltd under the said Act.

Dated at Melbourne 27 November 1997

PAUL HOPKINS  
Deputy Registrar of Co-operatives



**Gas Industry Act 1994****NOTICE OF TARIFFS, TERMS AND CONDITIONS UNDER SECTION 48M**

Notice of tariffs, terms and conditions for the sale of gas to customers, other than non-franchise customers, by Kinetik (Gas) Pty Ltd (A.C.N. 079 089 188), Ikon (Gas) Pty Ltd (A.C.N. 079 089 553) and Energy 21 (Gas) Pty Ltd (A.C.N. 079 089 213), each separately, whether acting as principal, agent or as a combination of principal and agent.

This notice takes effect from the date of its publication in the Government Gazette.

The tariffs, terms and conditions are set out below in the Schedule of Maximum Uniform Tariffs and in the Victorian Gas Customer Service Code, both forming part of each retailer's obligations under its retail licence, as amended by the Regulator-General from time to time.

**SCHEDULE OF MAXIMUM UNIFORM TARIFFS**

Tariffs for the sale of gas to customers, other than non-franchise customers or customers sold gas under a new areas licence, by Kinetik (Gas) Pty Ltd (A.C.N. 079 089 188), Ikon (Gas) Pty Ltd (A.C.N. 079 089 553) and Energy 21 (Gas) Pty Ltd (A.C.N. 079 089 213), each separately, whether acting as principal, agent or as a combination of principal and agent.

**MAXIMUM UNIFORM TARIFFS****Domestic Tariffs**

Tariffs 01/02 - Multiple Residential  
Tariff 01: Meter/Regulator capacity up to 50 m<sup>3</sup>/hr  
Tariff 02: Meter/Regulator capacity over 50 m<sup>3</sup>/hr

Supply Charge:

Tariff 01 \$25.74

Tariff 02 \$87.38

Commodity Charge:

All gas @ 0.8699 c/MJ

Tariff 03 - Domestic General

Supply Charge: \$12.66

Commodity Charge:

0 - 4000 MJ @ 0.6935 c/MJ

> 4000 MJ @ 0.8839 c/MJ

Tariff 09 - Gas lights, unmetered

Standard two mantles light - \$26.60

Additional mantles - \$13.30

**Commercial Tariffs**

Tariff 13 - up to 100 m<sup>3</sup>/hr capacity meter/regulator

Supply Charge: \$18.78

Commodity Charge:

0 - 100 000 MJ @ 0.9450 c/MJ

> 100,000 - 550 000 MJ @ 0.7443 c/MJ

> 550 000 MJ @ 0.4329 c/MJ

Tariffs 04/05 - Residential Bulk Hot Water Master Meter

Tariff 04: Meter/Regulator capacity up to 50 m<sup>3</sup>/hr

Tariff 05: Meter/Regulator capacity over 50 m<sup>3</sup>/hr

Supply Charge:

Tariff 04 \$25.74

Tariff 05 \$87.38

Commodity Charge:

All gas @ 0.8699 c/MJ

Tariffs 10/11 - Bulk Supply to flats for storage water heating

Tariff 10: Meter/Regulator capacity up to 50 m<sup>3</sup>/hr

Tariff 11: Meter/Regulator capacity over 50 m<sup>3</sup>/hr

Supply Charge:

Tariff 10 \$25.74

Tariff 11 \$87.38

Commodity Charge:

All gas @ 0.9432 c/MJ

Tariff 14 - 100.1 m<sup>3</sup>/hr to 850 m<sup>3</sup>/hr capacity meter/regulator

Supply Charge: \$171.96

Commodity Charge:

0 - 100 000 MJ @ 0.8561 c/MJ

> 100,000 - 550 000 MJ @ 0.7443 c/MJ

> 550 000 MJ @ 0.4329 c/MJ

Tariff 63 - Ministry of Housing Tariff

Commodity Charge - all gas 0.4581 c/MJ

Industrial Tariffs

Tariff 21 - up to 100 m<sup>3</sup>/hr capacity  
meter/regulator

Supply Charge: \$18.78

Commodity Charge:

0 - 100,000 MJ @ 0.9450 c/MJ

> 100,000 - 550,000 MJ @ 0.7443 c/MJ

>550,000 MJ @ 0.4329 c/MJ

Tariff 22 - 100.1 m<sup>3</sup>/hr to 850 m<sup>3</sup>/hr capacity  
meter/regulator

Supply Charge: \$171.96

Commodity Charge:

0 - 100,000 MJ @ 0.8561 c/MJ

>100,000 - 550,000 MJ @ 0.7443 c/MJ

>550,000 MJ @ 0.4329 c/MJ

Tariff 08 - Standby Power Generation Tariff

Supply charge - \$367.16 per GJ input rating of  
gas engine.

Commodity Charge: as specified in Tariffs 13, 14,  
21 or 22, as appropriate.

Contract tariff

As specified in the contract between the retailer and the contract customer.

## BILLING PARAMETERS OF MAXIMUM UNIFORM TARIFFS

Except where otherwise agreed between the retailer and the customer, Maximum Uniform Tariffs are charged to the customer on a two monthly basis unless otherwise indicated in the Tariff.

The Supply Charges and the consumption ranges of Commodity Charges shown are two monthly amounts. The Supply Charge, or the consumption range applied to calculate a Commodity Charge, for a billing period of other than two months shall be a pro-rata of the Supply Charge or consumption range shown.

Commodity Charge tariff components are charged according to the MJ of gas withdrawn in the billing period.

Commodity Charge tariff components of Tariffs 10 and 11 are charged in according to the following—

- (a) where a customer's consumption of gas is measured by the retailer solely by reference to the customer's hot water meter, the relevant tariff component, in \$/MJ, is converted into a rate per litre by multiplying the tariff component by the factor 0.50232 and charged per litre of hot water consumed.
- (b) where a customer's consumption of gas is measured by the retailer by reference both to a central cold water meter connected to the bulk hot water installation and to the customer's hot water meter, the relevant tariff component, in \$/MJ, is applied to the chargeable quantity of gas calculated according to the following formula:

$$CQG = QHW * (QGD/QW)$$

where:

CQG is the chargeable quantity of gas;

QGD is the quantity of gas, in MJ, measured by the meter at the distribution supply point to the bulk hot water installation;

QW is the quantity of water, in litres, measured at the central cold water meter connected to the bulk hot water installation; and

QHW is the quantity of water, in litres, measured at the customer's hot water meter.

Other billing parameters of Maximum Uniform Tariffs are in accordance with the Victorian Gas Customer Service Code and regulatory requirements.

### VICTORIAN GAS CUSTOMER SERVICE CODE

Terms and conditions for the sale of gas to customers, other than non-franchise customers, by Kinetik (Gas) Pty Ltd (A.C.N. 079 089 188), Ikon (Gas) Pty Ltd (A.C.N. 079 089 553) and Energy 21 (Gas) Pty Ltd (A.C.N. 079 089 213), each separately, whether acting as principal, agent or as a combination of principal and agent.



## *Office of the Regulator-General, Victoria*

### VICTORIAN GAS CUSTOMER SERVICE CODE

11 December 1997

The Victorian Gas Customer Service Code forms part of a Gas Retail Licence and Gas Distribution Licence issued under Part 4A of the **Gas Industry Act 1994**.

The Victorian Gas Customer Service Code is subject to amendment by the Office of the Regulator-General.

The Victorian Gas Customer Service Code is based on the Australian Gas Association's (AGA) Natural Gas Customer Service Code—AGA 755.

In some cases, obligations on Victorian gas suppliers or gas customers vary from the national standard established in the AGA Natural Gas Customer Service Code.

Where this occurs, the Victorian requirements are specified in the Victorian Gas Customer Service Code in boxes and, where appropriate, the national provisions are struck-through.

Provisions in the boxes form part of this Code.

The AGA Natural Gas Customer Service Code DOES NOT apply in Victoria. A copy of the AGA Natural Gas Customer Service Code is available from Australian Gas Association, G.P.O. Box 323, Canberra, Australian Capital Territory 2601.

### PREFACE TO VICTORIAN CODE

The Victorian Gas Customer Service Code (1997) is a Code of Practice developed by the Office of the Regulator-General and is based on the national Code of Practice developed by the Australian Gas Association (AGA) through its Natural Gas Customer Service Code Project Group (AGA 755).

The intention of the Victorian Gas Customer Service Code is to provide essential requirements and basic standards for adoption in the Victorian gas industry and to promote standards for gas customer service.

This Code of Practice has been prepared to:

- highlight the commitment of companies in the gas industry to standards and procedures for customer service;
- support the continued environment of co-regulation in the gas industry (combining elements of industry self regulation with government and statutory regulatory oversight); and
- provide clear processes for important relationships between gas suppliers and their customers including billing, connection and payments.

This document sets minimum conditions under which a gas supplier in Victoria may supply and sell reticulated gas to a customer.

The Code also requires each gas supplier to prepare a Gas Customer Charter which informs the consumer of the relevant requirements under the Code.

The Code will be subject to annual review by the Office of the Regulator-General. Suggestions for improvements or amendments should be sent to The Regulator-General, Victorian Gas Customer Service Code, care of the Office of the Regulator-General, Level 1, 35 Spring Street, Melbourne, Victoria 3000.

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#### SECTION 1

#### SCOPE, CUSTOMER CHARTER, CODE OPERATIONS AND DEFINITIONS

#### 1.1 SCOPE OF THE CODE

- 1.1.1 ~~The Natural Gas Customer Service Code (AG 755) is a national code of practice relating to standards and procedures of customer service in the gas distribution sector.~~

In Victoria, the Victorian Gas Customer Service Code is a Victorian code of practice relating to standards and procedures of customer service in the gas retail and distribution sector.

This Code sets minimum conditions under which a supplier may supply and sell reticulated natural gas to a customer.

This Code sets out the rights and obligations of a supplier and its customers and the Code's terms and conditions serve as the terms and conditions of the contract for the supply and sale of reticulated natural gas between a supplier and its customers unless the customer and supplier negotiate alternative terms and conditions in accordance with clause 1.3.2.

1.1.2 This Code may also be adopted as the customer service code of practice for other forms of gas delivered through reticulation including:

- a) town gas;
- b) liquefied petroleum gas (LPG);
- c) tempered liquefied petroleum gas (TLPG);
- d) bio mass gas; and
- e) synthetic natural gas

Where the Code is adopted for the supply and sale of one of these other forms of reticulated gas, any reference to natural gas in this Code shall be interpreted as a reference to the other forms of gas as outlined above.

In Victoria, this Code applies under Retail Licences issued under section 48E of the **Gas Industry Act 1994** and separately under section 48M of that Act. For those purposes, "gas" in effect means natural gas and TLPG. Accordingly, this Code applies to the supply of natural gas and TLPG to franchise customers in Victoria.

## 1.2 NATURAL GAS CUSTOMER CHARTER

1.2.1 A supplier adopting this Code shall prepare a Natural Gas Customer Charter which summarises this Code and any greater benefit which a supplier provides to a customer.

In Victoria, the form of the Gas Customer Charter must be approved by the Office of the Regulator-General.

1.2.2 Each supplier shall inform their customers on the availability of the supplier's Natural Gas Customer Charter. Each supplier shall send a copy of the Natural Gas Customer Charter to each of its customers.

In Victoria, a copy of the supplier's Gas Customer Charter will be provided by the supplier to its customers as soon as reasonably practicable after 11 December 1997 and no later than 30 April 1998.

1.2.3 Except where a supplier's Natural Gas Customer Charter confers a benefit upon a customer greater than the benefits conferred by this Code, in the case of a conflict between a supplier's Natural Gas Customer Charter and this Code, the provisions of this Code take precedence.

## 1.3 CODE OPERATIONS

In Victoria, any charges specified in this Code must be approved by the Office of the Regulator-General.

### 1.3.1 Obtaining a copy of this Code

Upon a request from a customer, a supplier shall send to the customer a copy of this Code. The supplier may impose a charge to cover the cost of printing and postage for complying with the customer's request.

### 1.3.2 Variation to be by written agreement

The terms of this Code may be varied by written agreement between a customer and a supplier. Any variation, however, shall not reduce the rights or increase the obligations of a customer without giving some corresponding benefit, whether financial or otherwise.

### 1.3.3 Code Amendment

In Victoria, the Office of the Regulator-General may propose an amendment to this Code. In addition, a supplier or the Office of the Regulator-General's Customer Consultative Committee may propose an amendment to this Code for consideration by the Office of the Regulator-General.

1.3.3.1 ~~This Code may be amended at any time by the Australian Gas Association. An outline of the Code review and amendment process is provided in Appendix C.~~

1.3.3.2 Changes to any of the documents referred to in Appendix A to this Code may also cause this Code to be amended. Where the documents incorporate regulatory requirements and other industry codes, notice of change is not required.

### 1.3.4 Code Amendment - Notification to customers

Except where a supplier's Natural Gas Customer Charter confers a benefit upon a customer equal to or greater than the benefits of the amendment to this Code, a supplier shall inform a customer of any amendment to this Code which affects the customer's rights or obligations as soon as reasonably practicable after the amendment is made. Unless the amendment to this code is to incorporate regulatory requirements, the amendment will not take effect until the supplier gives notice of the amendment in the Government Gazette, a newspaper or a notice to each customer.

### 1.3.5 Termination of the Code Application

1.3.5.1 This Code applies between a supplier and a customer until:

- (a) supply is disconnected from the customer's supply address under Section 5.1, or
- (b) in accordance with a notice of vacation of the supply address given by the customer under clause 4.3.10, the customer vacates the supply address; or
- (c) subject to clause 1.3.2 of this Code, the customer enters into a separate written agreement with a supplier.

1.3.5.2 Termination of the application of this Code in accordance with clause 1.3.5.1 does not affect rights or obligations incurred prior to the date of termination. In particular, the customer continues to have access to complaints and dispute resolution in accordance with clause 2.5.

#### Extension

In Victoria, insofar as this Code imposes standards and procedures for the benefit of a residential customer, the Office of the Regulator-General may extend the operation of the Code beyond 31 August 2001, the date on which all customers become non-franchise customers.

#### Variation from Code requirements

In Victoria, the Office of the Regulator-General may, on application by a supplier, in accordance with its licence, declare, on terms and conditions to be determined by the Office, that a provision of this Code, either generally or in a particular case, will apply to the supplier as if the provision was omitted, modified, or varied and, when such a declaration takes effect, this Code applies accordingly.



### 1.3.6 Regulatory requirements

1.3.6.1 The relationship between a customer and a supplier can be affected by regulatory requirements. Both a supplier and a customer shall comply with regulatory requirements relating to the supply of natural gas to a customer's supply address. A list of the relevant regulatory requirements appears in Appendix A.

1.3.6.2 In the relationship between the supplier and the customer, subject to clause 1.2.3, the following order of hierarchy applies :

- regulatory requirements;
- Natural Gas Customer Service Code;
- Natural Gas Customer Charter.

### 1.3.7 Obligations of a Supplier that does not operate the Distribution System

Where, because a supplier is not the owner or operator of the distribution system, the supplier is unable to fulfil an obligation under this Code, the supplier shall seek to have the owner or other person responsible for the distribution system fulfil the obligation pursuant to the agreement, arrangement or undertaking by which the supplier uses the distribution system.

### 1.3.8 Obligations of a Tenant

Where, because a customer is not the owner of the customer's supply address, the customer is unable to fulfil an obligation under this Code, the customer shall seek to have the owner or other person responsible for the supply address fulfil the obligation pursuant to the agreement, arrangement or undertaking by which the customer occupies the supply address.

### 1.3.9 Contacts for Further Information

For further information about this Code, the Customer Charter, customers should contact their supplier. Contact addresses appear in Appendix B.

## 1.4 DEFINITIONS

For the purposes of this Code the following definitions apply unless the context requires otherwise—

1.4.1 acceptable identification means in the context of a supplier requiring proof of identity in relation to connection of supply:

- (a) to a residential customer, one or more of the following: a driver's licence, a current passport or other form of photographic identification, a pension card, a Department of Social Security Entitlement Card or a birth certificate or other document as agreed with the supplier;
- (b) to a business customer which is a sole trader or a partnership, one or more of the forms of identification referred to in (a) above with respect to all of the individuals that conduct the business; or
- (c) to a business customer which is a company, the company's Australian Company Number.

1.4.2 Authority means the authority having statutory (legal) jurisdiction responsible under relevant regulatory requirements for the regulation of natural gas supply, suppliers and distribution systems.

In Victoria, a reference to Authority means the Office of the Regulator-General.
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|--------|------------------------|---|
| 1.4.3  | bank                   | means a savings or trading bank or other recognised financial institution such as a building society or a credit union.   |
| 1.4.4  | billing cycle          | means the regular recurrent period in which a customer receives a bill from the customer's supplier.  |
| 1.4.5  | business customer      | means a customer who is not a residential customer.   |
| 1.4.6  | business day           | means a day other than a Saturday, a Sunday or a public holiday.  |
| 1.4.7  | connection             | means the joining of a natural gas installation to the supplier's distribution system to allow the flow of gas from the distribution system to a natural gas installation.  |
| 1.4.8  | customer               | means a person: <ul style="list-style-type: none"> <li>(a) other than a supplier, who buys or proposes to buy natural gas from a supplier and whose name appears on the natural gas bill issued by the supplier; and</li> <li><del>(b) supplied under a pricing order; or</del></li> <li>(c) supplied as a franchise customer excluding a contract franchise customer where those terms are defined under any regulatory requirements applicable to the supplier supplying the customer.</li> </ul>   |
| 1.4.9  | date of receipt        | means, in relation to the receipt by a customer of a notice (including a disconnection warning) given by a supplier: <ul style="list-style-type: none"> <li>(a) in the case where the supplier hands the notice to the customer, the date the supplier does so;</li> <li>(b) in the case where the supplier leaves the notice at the customer's supply address, the date the supplier does so; and</li> <li>(c) in the case where the supplier gives the notice by post, a date 2-business days after the date the supplier posted the notice.</li> </ul> |
| 1.4.10 | distribution standards | means the relevant regulatory requirements (including industry based codes and standards such as AG 603: Gas Distribution Code) to regulate: <ul style="list-style-type: none"> <li>(a) the supply of natural gas to or from a supplier's distribution system; and</li> <li>(b) the way in which a customer's natural gas installation affects the distribution system to which it is connected.</li> </ul>   |
| 1.4.11 | distribution system    | means a network of pipes, meters and controls which the supplier uses to supply natural gas or a distributor uses to transport natural gas for supply to customers.   |
| 1.4.12 | distributor            | means the entity that has the care and control of the distribution system through which natural gas is transported for supply to customers.   |

- 1.4.13 emergency means an emergency due to the actual or imminent occurrence of an event which in any way endangers or threatens to endanger the safety or health of any person or which destroys or damages, or threatens to destroy or damage, any property.
- 1.4.14 gas installer means a person licensed or authorised under relevant regulatory requirements to install, repair, alter or make any addition to a natural gas installation or to any part of a natural gas installation.
- 1.4.15 meter means an instrument that measures the quantity of gas passing through it and includes associated equipment attached to the instrument to filter, control or regulate the flow of gas.
- 1.4.16 metering standards means the relevant regulatory requirements which:
- (a) regulate the basis for the installation of new metering equipment and the operation and maintenance of new and existing metering equipment at a customer's supply address;
  - (b) establish rights and obligations with respect to metered data; and
  - (c) includes relevant or prescribed industry codes or standards.
- 1.4.17 natural gas installation means any natural gas equipment at a customer's supply address that is not part of a supplier's distribution system.
- 1.4.18 point of supply means the point where the natural gas leaves the supplier's distribution system whether or not the natural gas passes through facilities owned or operated by any other person after leaving that point before being supplied to the customer (for example the meter outlet where the meter is the last part of the distribution system).
- 1.4.19 pricing order means the order issued under relevant regulatory requirements establishing a pricing mechanism according to which charges for natural gas supplied to customers are to be fixed.

In Victoria, the regulatory pricing mechanism is the Gas Tariff Order under Section 48A of the Gas Industry Act 1994.

- 1.4.20 reading means:
- (a) figures or other information shown on a meter register or instrument either read or collected directly or transmitted or transformed by electronic, radio, microwave, sonic or other means; or
  - (b) the process of collecting figures or other information from a meter either directly or through being transmitted or transformed by electronic, radio, microwave, sonic or other means.
- 1.4.21 reasonable assurance means, in relation to a customer's offer to pay, a fair and reasonable expectation (based on all the circumstances leading to, and which are anticipated to follow, the offer) that the customer will meet the terms of the offer.

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|--------|--------------------------------|--|
| 1.4.22 | refundable advance             | means an amount of money or other arrangement acceptable to the supplier as security against a customer defaulting on payment of a bill.   |
| 1.4.23 | regulatory requirements        | means any Commonwealth, State or local government legislation including acts of parliament, regulations, by-laws or other sub-ordinate legislation, judicial, administrative or regulatory decrees, or any mandatory approvals and guidelines, including industry standards and or administrative interpretations of them. |
| 1.4.24 | residential customer           | means a customer who acquires natural gas for use in domestic premises.  |
| 1.4.25 | service and installation rules | means the regulatory requirements relevant to the installation and servicing of a natural gas installation (this includes AG 601 Gas Installation Code and AG 501 Code for Commercial and Industrial Gas Fired Appliances).  |
| 1.4.26 | supplier                       | means a person who holds the relevant State or Territory authorisations and/or licences to supply natural gas to other persons.  |
| 1.4.27 | supply                         | in relation to natural gas, means the delivery and sale of natural gas and related services.   |
| 1.4.28 | supply address                 | means the address at which a supplier has supplied, supplies or may supply natural gas to a customer.  |

## 1.5 INTERPRETATION

- 1.5.1 In deciding whether a supplier has used its best endeavours, regard shall be had to relevant codes, good natural gas industry practice as defined in the distribution standards, the performance of other suppliers and to inter-State and international benchmarks.
- 1.5.2 The Code recognises that in some jurisdictions the activities of suppliers and distributors will normally be carried out by separate legal entities. However, in some jurisdictions, these activities will be carried out by a single legal entity. In this Code, any obligation in relation to a distribution system that is not a customer obligation will be an obligation on the entity having the care and control of that distribution system, whether that is the supplier or the distributor.
- 1.5.3 To avoid doubt, any requirement of this Code which provides that a supplier may take action or do or refrain from doing any thing means that the supplier has the discretion to do so, but is not required to do so.
- 1.5.4 In this Code, unless the context otherwise requires:
- (a) headings are for convenience only and do not affect the interpretation of this Code;
  - (b) words importing the singular include the plural and vice versa;
  - (c) words importing a gender include any gender;
  - (d) an expression importing a natural person includes any company, partnership, trust, joint venture, association, corporation or other body corporate and any governmental agency;
  - (e) a reference to a clause, schedule, appendix or section is to a clause, schedule, appendix or section of this Code;
  - (f) a reference to terms of an offer or agreement is to all terms, conditions and provisions of the offer or agreement;

- (g) a reference to any statute, regulation, proclamation, order in council, ordinance, by-law or rule, includes all statutes, regulations, proclamations, orders in council, ordinances by-laws or rule varying, consolidating, re-enacting, extending or replacing them and a reference to a statute includes all regulations, proclamations, orders in council, ordinances, by-laws or rules issued under that statute;
- (h) a reference to a document or a provision of a document includes an amendment or supplement to, or replacement or novation of, that document or that provision of that document;
- (i) a reference to a person includes that person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns;
- (j) a reference to a supplier includes a supplier's officers, employees, contractors, agents or other representatives;
- (k) a reference to bi-monthly means every two months;
- (l) when italicised, other parts of speech and grammatical forms of a word or phrase defined in this Code have a corresponding meaning;
- (m) a period of time which:
  - (i) dates from a given day or the day of an act or event is to be calculated exclusive of that day; or
  - (ii) commences on a given day or the day of an act or event is to be calculated inclusive of that day; and
- (n) an event which is required under this Code to occur on or by a stipulated day which is not a business day may occur on or by the next business day

## SECTION 2 INFORMATION AND COMMUNICATION

### 2.1 INFORMATION PROVISION

#### 2.1.1 Obligations of a Customer

A customer shall inform the customer's supplier as soon as possible if there is any:

- (a) change in responsibility for the payment of the supplier's bill;
- (b) change to the customer's contact details;
- (c) change to the major natural gas usage purpose of the customer's supply address;
- (d) change affecting access to metering equipment;
- (e) proposed change to the customer's natural gas installation which may affect the quality or safety of the supply of natural gas to the customer or any other person; or
- (f) gas leak or other problem with the supplier's distribution system.

#### 2.1.2 Obligations of a Supplier

2.1.2.1 A supplier shall provide customers with a free of charge copy of the supplier's Natural Gas Customer Charter (in accordance with clause 1.2) and information on:

- (a) the type and frequency of bills the customer will receive;
- (b) payment options available to the customer;
- (c) government energy assistance schemes and concessions;

- (d) how to make a complaint to, or enquiry of, the supplier;
  - (e) the supplier's 24 hour, 7 days a week emergency line;
  - (f) the supplier's language translation and disability services;
  - (g) the customer's quality of supply obligations; and
  - (h) complaints and dispute resolution processes.
- 2.1.2.2 A supplier shall, on request by a customer, provide the customer or the customer's gas installer with reasonable information on:
- (a) the supplier's tariffs, including any alternative tariffs which may be available to that customer; and
  - (b) the supplier's requirements in relation to the customer's proposed new natural gas installation, or changes to the customer's existing natural gas installation, including advice about supply extensions.
- 2.1.2.3 The information shall be:
- (a) provided to a customer free of charge within 10 business days of the customer's request; and
  - (b) if the customer requests it, provided in writing.

In Victoria, the Office of the Regulator-General will approve and prescribe any charge for complex information requests.

## 2.2 ADVICE ON THE USE OF NATURAL GAS

A supplier shall provide to a customer on request and free of charge:

- (a) advice and information to a customer on the most cost effective way to utilise natural gas (including referring a customer to a relevant information source);
- (b) advice on how, and at what estimated cost, a customer may arrange for an energy audit of the customer's supply address; and
- (c) advice on the typical running costs of major domestic appliances.

## 2.3 SPECIAL INFORMATION NEEDS

### 2.3.1 Language and large print needs

#### 2.3.1.1 A supplier shall:

- (a) provide access to multi-lingual services to meet the reasonable needs of its customers; and
- (b) provide, on request by a customer, large print versions of:
  - (i) this Code, at a charge to recover the cost of printing, handling and postage; and
  - (ii) the supplier's Natural Gas Customer Charter, free of charge.

In Victoria, multi-lingual services referred to in 2.3.1.1 (a) will be provided free of charge by the supplier.

Further, for the purposes of 2.3.1.1 (b) (i), the Office of the Regulator-General may approve charges.

## 2.4 PRIVACY AND CONFIDENTIALITY

2.4.1 A supplier shall keep customer information confidential, shall not use customer information for any purpose not related to a business operated by the supplier and shall not pass customer information to another party unless:

- (a) the supplier is required by law to disclose or use the information; or

- (b) the customer gives the supplier explicit consent.

In Victoria, for the purposes of clause 2.4.1, a supplier shall only use customer information for a purpose related to an energy related business operated by the supplier.

## 2.5 COMPLAINTS AND DISPUTE RESOLUTION

### 2.5.1 Obligations on a supplier

A supplier shall:

- (a) manage a complaint made to it by a customer in accordance with the Australian Standard on Complaints Handling (AS 4269) 1995;
- (b) publish information which will facilitate its customers accessing its complaints handling process; and
- (c) when requested by a customer, provide the customer with information about
  - (i) the supplier's complaints handling process; and
  - (ii) the external dispute resolution body.

In Victoria, it is a licence requirement for a supplier's external dispute resolution processes to be approved by the Office of the Regulator-General.

### 2.5.2 Rights of a customer

A customer may:

- (a) make a complaint to a supplier about the supplier's acts or omissions;
- (b) where the customer is not satisfied with the supplier's response to the complaint, raise the complaint to a higher level within the supplier's management structure; and
- (c) where, after raising the complaints to a higher level, the customer is not satisfied with the supplier's response, refer the complaint to the external dispute resolution body, as appropriate.

## SECTION 3 GAS CONNECTION AND SUPPLY STANDARDS

### 3.1 CONNECTION OF A CUSTOMER TO GAS SUPPLY

#### 3.1.1 Supply and metering equipment

A supplier or distributor shall, in accordance with the distribution standards:

- (a) provide, install and maintain equipment for the supply of natural gas up to the point of supply; and
- (b) provide, install and maintain metering and necessary ancillary equipment at a location at the supply address suitable to the supplier, giving due consideration to the customer's wishes.

#### 3.1.2 Existing connections

3.1.2.1 Subject to:

- (a) adequate supply being available at the required volume and pressure at the boundary of the supply address;
- (b) the natural gas installation at the supply address complying with regulatory requirements; and
- (c) the customer satisfying the requirements in clause 3.1.2.2,

a supplier shall use its best endeavours to connect the customer at a supply address previously supplied by the supplier within one business day or within a period agreed with the customer.

3.1.2.2 The customer shall:

- (a) make application (in person, by telephone or in writing) and provide acceptable identification as required by the supplier;
- (b) if requiring connection within one business day, make the application by 3pm on the previous business day;
- (c) agree to pay the supplier all relevant fees and charges;
- (d) provide contact details for billing purposes;
- (e) if the request is made in respect of a rental property, provide contact details for the property owner or the owner's agent;
- (f) if required by the supplier, satisfy the supplier that necessary safe, convenient and unhindered access to the supply address, the meter and the natural gas installation is available;
- (g) if required by the supplier, provide the supplier with estimated natural gas load information for the customer's proposed use at the supply address;
- (h) if required in accordance with Section 4.4 of this Code, provide a refundable advance, bank guarantee or enter into a payment arrangement; and
- (i) not have an outstanding debt relating to the supply of natural gas at a previous supply address (other than a debt the subject of a dispute, or for which repayment arrangements have been made).

In Victoria, for the purpose of 3.1.2.2 (i) 'repayment arrangements' include instalment plans under clause 4.3.5.

3.1.2.3 The supplier or distributor shall connect the customer's supply address only in accordance with the distribution standards.

3.1.3 New gas connections

3.1.3.1 Subject to:

- (a) adequate supply being available at the required volume and pressure at the boundary of a new supply address;
- (b) the natural gas installation at the supply address complying with regulatory requirements; and
- (c) the customer satisfying the requirements in clause 3.1.3.2,

a supplier or distributor shall use its best endeavours to make supply available at a new supply address on the date agreed with the customer or, where no date is agreed with the customer, the supplier shall connect the new supply address within 20 business days from the date of application.

3.1.3.2 The customer shall:

- (a) make application (in person, by telephone or in writing) and provide acceptable identification as required by the supplier;
- (b) if required by the supplier, ensure that the notices of installation or completion of natural gas installation work from a gas installer are provided to the supplier;



- (c) if required by the supplier, satisfy the supplier that necessary safe, convenient and unhindered access to the supply address, the meter and the natural gas installation is available;
- (d) if required by the supplier, provide the supplier with estimated natural gas load information for the customer's proposed use at the supply address;
- (e) agree to pay the supplier all relevant fees and charges;
- (f) provide contact details for billing purposes;
- (g) if required in accordance with Section 4.4 of this Code, provide a refundable advance, bank guarantee, or enter into a payment arrangement; and
- (h) not have an outstanding debt relating to the supply of natural gas at a previous supply address (other than a debt the subject of a dispute, or for which repayment arrangements have been made).

#### 3.1.4 Utilisation of supply

A customer shall not:

- (a) allow natural gas supplied by a supplier to the customer's supply address to be used at another supply address;
- (b) take at the customer's supply address, natural gas supplied to another supply address;
- (c) supply natural gas to any other person unless permitted by regulatory requirements or agreed by the supplier;
- (d) tamper with, or permit tampering with, the meter or associated equipment;
- (e) bypass, or allow natural gas supplied to the supply address to bypass the meter;
- (f) allow natural gas supplied under a residential tariff to be used for non-residential purposes other than home offices; or
- (g) allow natural gas supplied under a specific purpose tariff to be used for another purpose.

#### 3.1.5 Illegal utilisation

3.1.5.1 Where a customer has obtained supply otherwise than as permitted by this Code, the supplier may:

- (a) take action in accordance with Section 5.1 to disconnect supply to the customer's supply address;
- (b) estimate the usage for which the customer has not paid; and
- (c) take debt recovery action for the unpaid amount plus any disconnection costs and legal costs.

3.1.5.2 Where a customer's action in obtaining supply otherwise than as permitted by this Code results in damage to the supplier's equipment, the customer may be liable for repair or replacement costs and the supplier may take action to recover such costs as well as investigation costs, costs of disconnection and legal costs.

### 3.2 QUALITY OF GAS SUPPLY

#### 3.2.1 Distribution standards

A supplier or distributor shall provide supply in accordance with the distribution standards.

### 3.2.2 Compensation

Without limiting any rights that a customer may have under the **Trade Practices Act 1974** or any other legislation, a supplier may be required to compensate a customer for damage to the customer or the customer's property caused by the fault of the supplier.

### 3.2.3 Right to information by a customer

Where a customer requests, the customer's supplier shall provide, within 10 business days, an explanation for any change in the quality of the supply of its natural gas outside the allowed limits specified by the distribution standards.

### 3.2.4 Obligations on a customer concerning quality of gas supply

3.2.4.1 A customer shall, in accordance with the distribution standards, ensure that:

- (a) the distribution network; or
  - (b) the quality of supply to other customers,
- is not adversely affected by the customer's actions or equipment.

3.2.4.2 A supplier shall, on request by a customer, provide a customer with a copy of the distribution standards. A supplier may impose a charge to recover the costs of printing and postage for providing a customer with a copy of the distribution standards.

## 3.3 SAFETY OF SUPPLY

### 3.3.1 Obligations of a Supplier

A supplier or distributor shall:

- (a) ensure the distribution system is safe and meets regulatory requirements;
- (b) at the request of a customer, provide to the customer advice -
  - (i) on the facilities required to protect the supplier's equipment; and
  - (ii) on the customer's use of supply so that it does not interfere with the distribution system of the supplier or distributor or with supply to any other natural gas installation.

### 3.3.2 Obligations of a Customer

3.3.2.1 Subject to clause 3.3.2.2 a customer shall:

- (a) maintain the natural gas installation at the customer's supply address in a safe condition;
- (b) protect the supplier's or distributor's equipment at the customer's supply address from damage and interference.
- (c) provide safe, convenient and unhindered access to the supply address to enable work on the distribution system to be carried out.

3.3.2.2 A customer shall not:

- (a) allow a person, other than a person who is (to the best of the customer's knowledge) a gas installer to perform any work on the natural gas installation;
- (b) use the natural gas supply in a manner that the customer ought reasonably to be aware may:
  - (i) interfere with the supplier's distribution system or with supply to any other natural gas installation; or

- (ii) cause damage or interference to any third party; or
- (c) interfere, or knowingly allow interference, with the supplier's distribution system or any metering equipment at the supply address, except as may be permitted by law.

### 3.4 RELIABILITY OF GAS SUPPLY

#### 3.4.1 Obligations of a Supplier

Subject to this Section, a supplier or distributor shall provide a reliable supply to a customer in accordance with the distribution standards.

#### 3.4.2 Right to interrupt supply by a Supplier

Subject to this Section and Section 5.1, a supplier or distributor may interrupt supply for maintenance or repair, for installation of a new supply to another customer, in an emergency, or for health or safety reasons.

#### 3.4.3 Unplanned interruptions

In the case of an unplanned interruption, the supplier shall provide a 24 hour telephone number to enable customers to ascertain details, and the expected duration, of the interruption.

#### 3.4.4 Right to information by a Customer

A supplier shall, at the request of a customer, provide an explanation for any interruption to supply to the customer's supply address and, if the customer requests that the explanation be in writing, it shall be given in writing within 20 business days of the request or where the supplier does not own or operate the distribution system, within 10 business days of obtaining an explanation for the interruption from the distributor.

### 3.5 ACCESS TO SUPPLY ADDRESS

#### 3.5.1 Obligations on a Customer

3.5.1.1 A customer shall allow a supplier or distributor and its equipment, safe, convenient and unhindered access to the customer's supply address for the following purposes:

- (a) to read the meter at the customer's supply address;
- (b) to connect or disconnect supply;
- (c) to inspect or test the natural gas installation at the customer's supply address;
- (d) to undertake inspection, repairs, testing, or maintenance of the supplier's distribution system.

3.5.1.2 Where a customer's supply address contains a hazard, the customer shall provide the supplier or distributor seeking access to the supply address under clause 3.5.1.1 with protection against the hazard, including any necessary protective clothing.

#### 3.5.2 Obligations on a Supplier

3.5.2.1 Except in the case of an emergency, suspected illegal use, or routine meter replacements, or the customer consenting to a shorter time, a supplier or distributor intending to undertake inspections, repairs, testing or maintenance of the distribution system at the supply address, shall give the customer at that supply address notice of its intention. The notice period shall be ~~at least 24 hours~~ or such other period as specified by regulatory requirements.

In Victoria, gas transmission and distribution companies must comply with section 53 of the **Gas Industry Act 1994** which includes a requirement for 7 days written notice. Section 92 of the **Gas Industry Act 1994** also applies in relation to meter reading and meter inspections.

3.5.2.2 A supplier's or distributor's representative seeking access to a customer's supply address under clause 3.5.1.1 shall:

- (a) carry, or wear in accordance with the supplier's or distributor's requirements, official identification (eg. - the supplier's or distributor's name tag with photo); and
- (b) show that identification on request by the customer.

### 3.6 METERS

#### 3.6.1 Metering Standards

3.6.1.1 A supplier, a distributor and a customer shall comply with the relevant or prescribed metering standards and the service and installation rules.

3.6.1.2 A supplier shall on request by a customer send to the customer a copy of the relevant codes or standards referred to in 3.6.1.1. The supplier may impose a charge for complying with the customer's request.

#### 3.6.2 Meter testing

Where the customer pays a testing charge, a customer's meter may be tested for accuracy according to relevant regulatory requirements. If the meter is found to favour the supplier by more than allowable in the relevant metering standards, the supplier shall refund the testing charge and make a correction to any bill in accordance with clause 4.2.5 or 4.2.6.

In Victoria, meter testing must be carried out in accordance with the requirements of the Gas Distribution System Code. A supplier must, on request by a customer, send to the customer a copy of the Gas Distribution System Code. The supplier may impose a charge for complying with the customer's request.

## SECTION 4 TARIFFS, BILLING AND FINANCIAL TRANSACTIONS

### 4.1 TARIFFS AND CHARGES

#### 4.1.1 Maximum tariffs and charges

A supplier must observe and charge in accordance with any pricing order, but a supplier may charge a customer less than any maximum charge specified in any pricing order if able to do so under the regulatory requirements.

#### 4.1.2 Notice of tariffs

4.1.2.1 A supplier shall give notice of its tariffs upon which it supplies or sells natural gas in the Government Gazette, newspaper, a notice to each customer or as agreed with the Authority.

4.1.2.2 A supplier shall on request by a customer send to the customer free of charge a copy of its tariffs.

#### 4.1.3 Variations

4.1.3.1 A supplier shall give notice of any variation to its tariffs in the Government Gazette, newspaper public notices, a notice to each customer or as agreed with the Authority.

4.1.3.2 A supplier shall give notice to each of its customers affected by a variation in its tariffs as soon as practicable after the variation is gazetted or published and, in any event, no later than the next bill in a customer's billing cycle.

## 4.1.4 Alternative tariffs or tariff options

- 4.1.4.1 Where a supplier offers alternative tariffs or tariff options, a customer may, subject to clauses 4.1.4.2 to 4.1.4.4 and meeting the conditions of the alternative tariffs, transfer from one tariff to another.
- 4.1.4.2 A customer exercising the right given by clause 4.1.4.1 shall make an application to the supplier. The supplier shall process the application and advise the customer within 5 business days.
- 4.1.4.3 Where a customer's transfer from one tariff to another does not involve installation of new metering equipment, the supplier shall (provided the customer meets the requirements of this Code and the tariff) supply the customer at the new tariff within 5 business days of the supplier's approval of the customer's application.
- 4.1.4.4 Where a customer's transfer from one tariff to another involves installation of new metering equipment, the supplier shall make an offer to supply at the new tariff within 20 business days of the supplier's approval of the customer's application or receipt of all information it reasonably requires to make the offer.
- 4.1.4.5 Where a customer transfers from one tariff to another, the effective date of the transfer will be:
- (a) the date of the previous meter reading or estimate at the old tariff; or
  - (b) where the transfer requires a change to the meter at the customer's supply address, the date the meter change is completed.
- 4.1.4.6 Where a customer transfers from one tariff to another, the customer shall remain on the new tariff for the minimum period specified in the conditions of the new tariff, unless otherwise agreed with the supplier.
- 4.1.4.7 Where a supplier's tariff is conditional upon the nature of the customer's use at the supply address and there is a change in the customer's use at the supply address, the customer shall inform the supplier accordingly.
- 4.1.4.8 Where in accordance with clause 4.1.4.7 a customer informs a supplier of a change in use of the customer's supply address, the supplier may require the customer to transfer to a tariff applicable to the customer's use at the supply address.
- 4.1.4.9 If a customer fails to give the notice required under clause 4.1.4.7, the supplier may transfer the customer to the appropriate tariff retrospectively up to a maximum period of 12 months from the date on which the supplier became aware of the change of use and may charge the customer for any amount undercharged in respect of that appropriate tariff in the next bill issued to the customer.

In Victoria, if a customer has been billed at an incorrect tariff and the customer has been overcharged, the supplier must make the appropriate adjustment in favour of the customer to the customer's account for the period during which the customer has been supplied gas at the incorrect tariff up to a maximum period of 24 months.

## 4.2 BILLS

## 4.2.1 When bills are issued

A supplier shall issue a bill at least every three months to a customer except where the customer—

- (a) has agreed to a longer billing period; or
- (b) has a prepayment meter installed at the customer's supply address.

Where a Victorian supplier currently bills on a two monthly basis, it will consult with the Office of the Regulator-General before extending that period.

#### 4.2.2 How bills are issued

A supplier shall issue a bill to:

- (a) the customer at the address nominated by the customer; or
- (b) where the customer has made a written request of the supplier to do so, the customer's agent at the address specified in the request; or
- (c) a person authorised to act on behalf of the customer at the address specified by the person.

#### 4.2.3 Contents of a bill

4.2.3.1 The supplier shall separately itemise the following charges on any bill issued by it:

- (a) any service to property charge; and
- (b) any natural gas usage charge; and
- (c) any other charge in connection with the supply of natural gas, such as a reconnection fee or a charge for services provided, either at the request of the customer or due to the failure of a customer to perform an obligation under this Code.

4.2.3.2 Where a supplier provides goods or services additional to those referred to in clause 4.2.3.1, the supplier may bill those goods or services separately. Where a supplier chooses not to bill separately, ~~unless the customer and supplier have agreed to different terms and conditions,~~ the supplier shall:

- (a) include the charges for such goods and services as separate items in its bills; and
- (b) apply payments received from a customer as directed by the customer; and
- (c) where a customer does not direct how the payment is to be allocated, the supplier shall apply the payment to the items referred to in clause 4.2.3.1 before applying any portion of it to the additional goods or services.

In Victoria, that part of clause 4.2.3.2 struck-through does not apply.

4.2.3.3 A supplier shall include the following particulars on each bill in a customer's billing cycle and may include any additional particulars on a bill:

- (a) the dates of the previous and current meter readings or estimates;
- (b) the previous and the current meter readings or estimates;
- (c) consumption, or estimated consumption;
- (d) the relevant tariff;
- (e) the meter or property number;
- (f) the amount due;
- (g) the pay-by date;
- (h) a summary of the payment methods and instalment payment options set out in Section 4.3;
- (i) the telephone number for billing and payment enquiries;

- (j) a 24 hour contact telephone number for faults and emergencies;
- (k) the customer's supply address and any relevant mailing address;
- (l) the customer's name and account number;
- (m) the amount of arrears or credit;
- (n) the amount of any other charge (as described in clause 4.2.3.1) and details of the service provided;
- (o) on residential customer's bills only, a reference to any supplier's or Government concessions, rebates and grants available to that customer during the relevant period;
- ~~(p) the availability, upon payment of a charge, of an Authority approved meter accuracy test, and the refund of the testing charge if the meter is found to favour the supplier by more than allowable in the relevant distribution standards; and~~
- (q) the availability of interpreter services.

In Victoria, a supplier shall also include on each bill in a customer's billing cycle, the amount of any refundable advance held by the supplier on behalf of the customer.

A supplier shall also include on each bill in a customer's billing cycle the minimum number of days notice that a customer must give its supplier when requesting that supply to the customer's supply address is disconnected.

A supplier shall provide information in its Gas Customer Charter relating to the availability of meter accuracy tests as specified in 4.2.3.3.(p).

4.2.3.4 Where a customer requests and the data is available, a supplier shall provide to the customer free of charge the customer's historical billing data for the previous two years. Where the customer requests historical billing data beyond the previous two years, the supplier may impose a charge for providing the data to recover the direct costs of providing the information.

#### 4.2.4 The basis of a bill

4.2.4.1 Except where the customer's supply address is subject to an unmetred tariff or a prepayment meter is installed at the customer's supply address and subject to clauses 4.2.4.2 and 4.2.4.3, a supplier shall:

- (a) base a customer's bill on a reading of the meter at the customer's supply address; and
- (b) read the meter at the customer's supply address as frequently as is required to meet its obligation under this Section and, in any event, at least once in any 12 months.

~~4.2.4.2 To comply with the requirement of clause 4.2.4.1 to read the meter at the customer's supply address at least once in every 12 months, the supplier may, at its discretion, accept a customer's reading as its own reading. The supplier shall not make any adjustment to the bill for the billing cycle based upon this customer reading where the supplier subsequently reads the meter and finds an error in the customer's favour.~~

In Victoria, clause 4.2.4.2 does not apply.

4.2.4.3 Where a supplier is unable to base a bill on a reading of the meter at a customer's supply address because:

- (a) access is denied as a result of action by the customer, a third party, weather conditions, an industrial dispute or other reasons beyond the supplier's control;

- (b) the customer is vacating the supply address and requires a final account immediately;
  - (c) access is denied for safety reasons;
  - (d) the meter or ancillary equipment has recorded usage incorrectly; or
  - (e) the meter has been tampered with or bypassed,
- the supplier may provide the customer with an estimated bill based on:
- (i) the customer's reading of the meter; or
  - (ii) the customer's prior billing history; or
  - (iii) where the customer does not have a prior billing history, the average usage of natural gas at the relevant tariff; or the average usage for the type of natural gas installation or the average usage at the supply address.

In Victoria, where the supplier provides the customer with an estimated bill under 4.2.4.3 (iii), the basis of the bill should utilise the option which results in the most accurate bill to the customer.

4.2.4.4 Where, because of circumstances referred to in clause 4.2.4.3 (a)-(c), a supplier has provided a customer with an estimated bill, and the supplier is subsequently able to read the meter, the supplier shall adjust the estimated bill in accordance with the meter reading ~~unless the estimated bill was used to finalise the customer's account.~~

4.2.4.5 Where a customer has denied access to a supplier for the purposes of reading a meter at the customer's supply address and subsequently requests the supplier to replace an estimated bill with a bill based on a reading of the meter, provided the customer allows access to the meter, the supplier shall comply with the request and may impose a charge for doing so.

#### 4.2.5 Undercharging

4.2.5.1 Subject to clauses 4.2.5.2 and 4.2.5.3, where a supplier has undercharged a customer as a result of the supplier's error including where a meter is found to be defective, it may recover from the customer the amount undercharged.

4.2.5.2 For the purposes of clause 4.2.5.1, a meter shall be defective if an Authority approved meter accuracy test finds that the meter is failing to register or favours the customer by more than allowable in the relevant metering standards.

4.2.5.3 Where a supplier proposes to exercise its right under clause 4.2.5.1 to recover an amount undercharged as a result of its error, the supplier shall:

- (a) limit the amount to be recovered from residential customers to the amount undercharged in the 12 months prior to the customer's last bill;
- (b) list the amount to be recovered as a separate item in a special bill or in the next bill in the customer's billing cycle together with an explanation;
- (c) not charge the customer interest on the amount; and
- (d) if the customer requests it, allow the customer time to pay the amount undercharged in agreed instalments, up to a period equal to the period in which the undercharging occurred up to a maximum of 12 months.



In Victoria, in the case of franchise business customers, where a supplier proposes to exercise its right under clause 4.2.5.1 to recover an amount undercharged as a result of its error, the supplier shall limit the amount to be recovered to the amount undercharged in the 3 years prior to the business customer's last bill.

Where this occurs, if the customer requests, the supplier must allow the customer time to pay the amount undercharged in agreed instalments, up to a period equal to the period in which the undercharging occurred up to a maximum of 3 years.

4.2.5.4 Where a supplier has undercharged a customer as a result of illegal use, or use of natural gas otherwise than in accordance with this Code, the supplier may take action in accordance with clause 3.1.5 of this Code.

#### 4.2.6 Overcharging

4.2.6.1 Subject to clauses 4.2.6.2 and 4.2.6.3, where a customer has been overcharged as a result of the supplier's error including where a meter tested in accordance with clause 3.6.2 is found to be defective, the supplier shall:

- (a) inform the customer of the overcharging within 10 business days of the supplier becoming aware of the error;
- (b) refund any charge to the customer for testing a meter found to be defective; and
- (c) seek from the customer instructions whether the amount of overcharge and any refund is to be paid to
  - (i) the credit of the customer's account;
  - (ii) the customer, or
  - (iii) on the customer's written instructions, to another person.

and pay the amount in accordance with the customer's instructions.

4.2.6.2 For the purposes of clause 4.2.6.1, a meter shall be defective if a test for accuracy approved by the Authority finds that the meter favours the supplier by more than allowable in the relevant metering standards.

4.2.6.3 Where the overcharging is a result of a defective meter, the period for which the meter has been defective will be determined by the supplier ~~but will not be greater than 12 months.~~

4.2.6.4 No interest shall accrue to a credit or refund referred to in clause 4.2.6.1.

#### 4.2.7 Shortened billing cycle

In Victoria, to avoid any doubt, a shortened billing cycle does not equate to a shortened collection cycle. If a supplier offers a customer a shortened billing cycle, the supplier may not shorten the standard collection cycle.

In offering a shortened billing cycle, a supplier must observe the requirements of the Office of the Regulator-General's Gas Industry Guideline No 1: Accounts Collection Cycle.

4.2.7.1 A supplier may offer a shortened billing cycle to:

- (a) customers who are experiencing difficulties in paying bills by the pay-by dates; and
- (b) to customers generally

~~and may charge a fee for the shortened billing cycle.~~

In Victoria, a supplier may not charge a fee for a shortened billing cycle.

4.2.7.2 Where a customer moves to a shortened billing cycle or from a shortened billing cycle to a standard billing cycle, the supplier must recalculate the amount of any refundable advance in accordance with clause 4.4.

4.2.8 Period outside usual billing cycle

Where a customer's bill covers a period other than the customer's usual billing cycle, the supplier shall adjust any service to property charge and any natural gas usage calculation on a pro-rata basis.

4.2.9 Tariff changes during billing period

Where a customer's tariff is changed or a customer's tariff rate changes during a billing period, the supplier shall calculate the customer's bill on the basis of pro-rata application of each tariff to its respective period.

4.3. PAYMENTS

Gas Industry Guideline No.1: Accounts Collection Cycle

In Victoria, a supplier must observe Gas Industry Guideline No. 1: Accounts Collection Cycle when specifying payment periods or issuing notices in relation to the collection of accounts.

4.3.1 When payment is due

4.3.1.1 A customer shall pay a bill by the pay-by date specified in the bill.

4.3.1.2 Unless otherwise specified by the supplier, the date of dispatch shall be the date of the bill.

4.3.1.3 The pay-by date specified in the bill shall not be less than 10 business days from the date of dispatch of the bill ~~except where a lesser period is specified for a customer on a shortened billing cycle in accordance with clause 4.2.7 or as agreed between the supplier and the business customer.~~

In Victoria, a supplier may not issue a bill to a customer on a shortened billing cycle where the pay by date specified in the bill is less than 10 business days from the date of dispatch of the bill.

4.3.2 Methods of making payment

4.3.2.1 A supplier shall offer the following payment methods and may offer additional methods:

- (a) in person at a network of agencies or payment outlets;
- (b) by mail.

4.3.2.2 Where a customer is to be absent for a long period (eg - on a holiday or due to an illness) and is unable to arrange payment by one of the above methods, the supplier shall also offer:

- (a) payment in advance facilities; and
- (b) redirection of the customer's bill as requested by the customer.

4.3.3 Information on concessions, rebates or grants

4.3.3.1 A supplier shall, on request by a residential customer, provide free of charge, information on any concessions, rebates or grants and the eligibility requirements for such concessions, rebates or grants.

4.3.4 Payment difficulties

4.3.4.1 Where a residential customer indicates to a supplier that the customer is experiencing difficulties in paying a bill or requires payment assistance, the supplier shall offer the following options:

- (a) instalment plan options (see clause 4.3.5);

- (b) the right to have a bill redirected to a third person;
- (c) information about, and referral to, Government assistance programs; and
- (d) information on independent financial counselling services.

4.3.4.2 Nothing in clause 4.3.4.1 precludes a supplier from offering additional payment options, advice, assistance or information to customers generally.

4.3.5 Payment by instalments

4.3.5.1 A supplier shall offer the following payment options to a residential customer:

- (a) an instalment plan under which a customer may make payments in advance towards the next bill in the customer's billing cycle; and
- (b) an instalment plan under which the customer may pay arrears (including any disconnection or reconnection charges) and continuing usage.

4.3.5.2 Nothing in clause 4.3.5.1 precludes a supplier from offering the options under clause 4.3.5.1 to a business customer or from offering additional payment options to customers generally.

4.3.5.3 A supplier may require a customer to pay by instalments if the customer is in arrears or as an alternative to the customer paying a refundable advance.

4.3.5.4 A supplier is not required to offer a customer an instalment plan if the customer has, in the previous 12 months, had an instalment plan cancelled due to non-payment. In such a case, the supplier is required to offer another instalment plan only if the customer provides reasonable assurance to the supplier that the customer will comply with the plan.

In Victoria, a supplier is not required to offer a customer an instalment plan if the customer has, in the previous 12 months, had two instalment plans cancelled due to non-payment. In such a case, the supplier is required to offer another instalment plan only if the customer provides reasonable assurance to the supplier that the customer will comply with the plan.

For the purpose of this reference, reasonable assurance means, in relation to a customer's offer to pay, a fair and reasonable expectation (based on all the circumstances leading to, and which are anticipated to follow, the offer) that the customer will meet the terms of the offer.

4.3.5.5 A supplier offering an instalment plan shall:

- (a) in determining the period of the plan and calculating the amount of the instalments, take into account information from the customer about the customer's usage needs and capacity to pay including the capacity to pay any outstanding balance at the end of the instalment plan;
- (b) specify the period of the plan;
- (c) specify the number of instalments;
- (d) specify the amount of the instalments which will pay the customer's arrears (if any) and estimated usage during the period of the plan;
- (e) state how the amount of the instalments is calculated;
- (f) state that due to seasonal fluctuations in the customer's usage, paying by instalments may result in the customer being in credit or debit during the period of the plan;
- (g) monitor the customer's usage while on the plan;

- (h) have in place fair and reasonable procedures to address payment difficulties a customer may face while on the plan;
- (i) make provision for re-calculation of the amount of the instalment where the difference between the customer's estimated usage and actual usage may result in the customer being significantly in credit or debit at the end of the period of the plan; and
- (j) provide the customer with options for balancing the plan towards the end of its period, for example, a refund of credits accrued or a one-off extra payment to redress any shortfall.

#### 4.3.6 Prepayment meters

- 4.3.6.1 A supplier may offer to install a prepayment meter at the customer's supply address.

In Victoria, the introduction of prepayment meters by a supplier may only occur with the approval of, and on the basis of terms and conditions determined by, the Office of the Regulator-General.

- 4.3.6.2 A supplier offering a prepayment meter shall advise the customer of:

- (a) the basis of calculating the charges including the natural gas usage charge, the service to property charge (if any) and any other charges;
- (b) the form and content of any receipt or statement that will be issued by the supplier when payment is made by the customer or money collected from the prepayment meter; and
- (c) information sufficient to allow the customer to compare the cost of supply by this method and supply on alternative tariffs.

- 4.3.6.3 A supplier shall include the following particulars on any receipt or statement delivered to the customer with a prepayment meter when payment is made by the customer or money collected from the prepayment meter:

- (a) the amount collected from the prepayment meter or paid by the customer
- (b) the charges for the supply of gas
- (c) any other charges
- (d) the balance, if any, in favour of the supplier or customer
- (e) the availability, upon payment of a charge, of an Authority approved accuracy test for meters and the refund of the testing charge if the meter is found to favour the supplier by more than allowable in the relevant metering standards.

#### 4.3.7 Direct debit

- 4.3.7.1 Where a supplier offers the option of payment directly from an account with a bank (whether or not by instalments), the supplier shall agree with the customer the amount (which may include the full bill or an agreed instalment) and frequency of those payments (direct debits). The supplier may not alter the amount or frequency without the customer's agreement.

#### 4.3.8 Review of a bill

- 4.3.8.1 A supplier shall review a customer's bill at the customer's request.

- 4.3.8.2 Where a supplier is reviewing a bill, the customer shall pay:

- (a) that portion of the bill under review that the customer and the supplier agree is not in dispute; or

- (b) an amount equal to the average amount of the customer's bills in the previous year 12 months; or
- (c) an amount equal to the amount of the customer's bill in the corresponding period in the previous year 12 months; and
- (d) any future bills.

4.3.8.3 Where, after conducting a review of a bill and/or check readings and/or examination of a meter, a supplier is satisfied that it is:

- (a) correct, a customer may request the supplier to conduct a Authority approved meter accuracy test in accordance with the metering standards. If the meter is found to comply with the metering standards, the customer shall pay the cost of the test and pay the amount of the bill;
- (b) incorrect, the supplier shall make a correction in accordance with clause 4.2.5 or 4.2.6.

#### 4.3.9 Charges for dishonoured payments

Where a customer pays a supplier's bill by cheque, by a direct debit from an account with a bank or by credit card and the payment is dishonoured or reversed by the customer's bank resulting in the supplier incurring a bank fee, the supplier may recover the bank fee from the customer.

#### 4.3.10 Vacating a supply address: Obligations on the Customer

4.3.10.1 A customer shall give the supplier at least 3 business days notice of the date on which the customer intends to vacate the customer's supply address and a forwarding address to which a final bill may be sent.

4.3.10.2 Where a customer gives notice in accordance with clause 4.3.10.1, the customer will remain responsible for paying for natural gas supplied to the supply address and otherwise remain responsible for fulfilling the customer's obligations under this Code at the supply address to the date notified under clause 4.3.10.1 unless the customer can demonstrate to the supplier that they were forced to vacate the supply address earlier (eg an eviction).

4.3.10.3 If a customer does not give notice in accordance with clause 4.3.10.1, the customer will remain responsible for paying for natural gas supplied to the supply address and otherwise remain responsible for fulfilling the customer's obligations under this Code at the supply address until 3 business days notice is given, or until a new customer commences to take supply at the supply address, whichever occurs first.

### 4.4 REFUNDABLE ADVANCES AND SECURITY

#### 4.4.1 Refundable advances

In Victoria, it is not general practice for a supplier to require refundable advances for residential customers and business customers.

4.4.1.1 Subject to clauses 4.4.2 and 4.4.3, a supplier may require a customer to provide a refundable advance before connection to supply or continuation of supply.

4.4.1.2 The amount of a refundable advance shall be:

- (a) ~~the published refundable advance uniformly required from every customer on a particular tariff; or~~
- (b) where no published refundable advance exists:

- (i) for a customer who is on a quarterly or bi-monthly billing cycle, no greater than 1.5 times the average quarterly or bi-monthly bill for that class of customer; or
- (ii) for a customer who is on a monthly billing cycle, no greater than 2.5 times the average monthly bill, the amount to be calculated with reference to the consumption of similar customers or business types.

In Victoria, 4.4.1.2 (a) does not apply as refundable advances are not a prerequisite for connection as per practices in other States.

In Victoria, with regard to 4.4.1.2 (b) (i) and (ii), the amount of a refundable advance must be approved by the Office of the Regulator-General and reviewed annually.

#### 4.4.2 Residential customers

4.4.2.1 A supplier shall not require a residential customer to provide a refundable advance before connection to supply unless:

(a) the customer:

- (i) ~~is on a tariff that requires a published refundable advance from every customer on that particular tariff; or~~
- (ii) has left a previous supply address without settling an outstanding natural gas usage debt, the debt remains outstanding and the customer refuses to make an arrangement to pay it; or
- (iii) is a new customer and has refused to produce acceptable identification; or
- (iv) has been found within the previous 2 years to have a supply of natural gas at either the customer's current or any previous supply address otherwise than in accordance with this Code, or in breach of any regulatory requirement;

or

~~(b) the customer is:-~~

- ~~(i) a new customer who does not have a satisfactory established natural gas account payment record in the same name at another supply address; or~~
- ~~(ii) a new customer and does not have an acceptable credit reference; and has refused, or failed to agree to, an instalment plan or other payment option offered by the supplier in accordance with clauses 4.3.4 and 4.3.5.~~

In Victoria, clause 4.4.2.1 (b) will not apply in Victoria. It is not gas industry practice in Victoria.

Further, 4.4.2.1 (a) (i) will not apply in Victoria. It is not gas industry practice in Victoria to require refundable advances from all residential customers on a particular tariff.

4.4.2.2 A supplier shall not require an existing residential customer to provide a refundable advance before continuing supply unless:-

- (a) the customer has been found within the previous 2 years to have a supply of natural gas at either the customer's current or any previous supply address otherwise than in accordance with this Code, or in breach of any regulatory requirement;

or

- ~~(b) the customer does not have a satisfactory natural gas account payment history; and has refused, or failed to agree to, an instalment plan or other payment option offered by the supplier in accordance with clauses 4.3.4 and 4.3.5.~~

In Victoria, 4.4.2.2 (b) does not apply. It is not gas industry practice in Victoria.

#### 4.4.3 Business customers

- 4.4.3.1 A supplier shall not require a business customer to provide a refundable advance before connection to supply or continuation of supply unless:

- ~~(a) a published refundable advance is required from every business customer on a particular tariff; or~~
- (b) the business customer is a new business which does not have a satisfactory established natural gas account payment record in the same name at another supply address; or
- (c) the business does not have a satisfactory credit rating; or
- (d) the business does not have a satisfactory natural gas account payment history; or
- (e) the customer has left a previous supply address without settling an outstanding natural gas usage debt, the debt remains outstanding and the customer refuses to make an arrangement to pay it; or
- (f) the customer is a new customer and has refused to produce acceptable identification.

In Victoria, 4.4.3.1 (a) will not apply. It is not gas industry practice in Victoria to require refundable advances for all business customers on a particular tariff.

- 4.4.3.2 A supplier may increase a business customer's existing refundable advance, in accordance with clause 4.4.1.2, where it is insufficient to secure the customer's current natural gas usage.

- 4.4.3.3 A supplier ~~may~~ accept a bank guarantee as an alternative to any refundable advance it has required a business customer to pay.

In Victoria, in relation to clause 4.4.3.3, a supplier must accept a bank guarantee as an alternative to any refundable advance.

#### 4.4.4 Interest on refundable advances

- 4.4.3.2 Where required by regulatory requirements or the Authority, the supplier shall pay to the customer interest on the refundable advance at a rate and on terms and conditions as approved by the Authority.

- 4.4.4.2 A supplier may pay the customer interest on the refundable advance additional to that required in accordance with clause 4.4.4.1.

#### 4.4.5 Return of refundable advances

- 4.4.5.1 Where a customer has been required by a supplier to pay a refundable advance and the supplier does not require a refundable advance from all customers on the same tariff, the supplier shall, within 10 business days of a customer completing two year's of payment of the customer's billing cycle by the pay-by dates on the initial bills, inform the customer of the amount of the refundable advance and any interest payable in accordance with clause 4.4.4, and credit the customer's account, unless otherwise instructed by the customer.

In Victoria, refundable advances will be returned to a residential customer after that customer has completed one year of payment of the customer's billing cycle by the pay-by-dates on the initial bills.

Refundable advances will be returned to a business customer after that customer has completed two years of payment of the customer's billing cycle by the pay-by-dates on the initial bills.

4.4.5.2 Where a customer has:

- (a) been required by a supplier to pay a refundable advance; and
- (b) requested that a supplier cease supplying the customer's supply address,

the supplier shall, within 10 business days of the customer ceasing to take supply, inform the customer of the amount (if any) of the refundable advance and accrued interest (if any) on the refundable advance that is available for disbursement after payment of any outstanding amount due to the supplier, and credit the customer's account at another supply address within the supplier's area unless otherwise instructed by the customer.

- 4.4.5.3 Where a supplier has accepted a bank guarantee from a business customer in lieu of a refundable advance and the supplier does not require a refundable advance from all business customers on a particular tariff, the supplier shall, within 10 business days of the customer completing two year's payment of the customer's billing cycle by the pay-by dates on the initial bills, inform the customer that the bank guarantee is no longer required and return the guarantee to the customer.

4.4.6 Use of a refundable advance

- 4.4.3.2 A supplier may use a customer's refundable advance and interest (if any) which has accrued to it to offset any amount owed by a customer to the supplier:

- (a) if the customer fails to pay a bill resulting in disconnection of the supply address;
- (b) if the customer defaults on a final bill;
- (c) if the customer defaults on a bill and comes to an agreement with the supplier regarding the refundable advance to avoid possible disconnection; or
- (d) at the request of a customer who is vacating the supply address or requesting disconnection of supply to the supply address.

- 4.4.6.2 Where a supplier uses a refundable advance in accordance with clause 4.4.6.1, the supplier shall provide to the customer an account of its use of the refundable advance and pay the balance (if any) of the refundable advance to the customer within 10 business days.

In Victoria, a supplier must separately identify in its company accounts at all times, the value of refundable advances which it holds for residential customers and business customers, together with the value of accrued but unpaid interest thereon.

## SECTION 5 SUPPLY DISCONNECTION AND RECONNECTION

### 5.1 SUPPLY DISCONNECTION

In Victoria, a supplier must conform to the time frames for notices in the Office of the Regulator-General's Gas Industry Guideline No. 1: Accounts Collection Cycle before commencing disconnection proceedings.



## 5.1.1 Disconnection for unpaid bills

5.1.1.1 Subject to this Section a supplier may disconnect supply to a customer's supply address if a customer has not:

- (a) paid; or
- (b) agreed to an offer (made in accordance with clauses 4.3.4 and 4.3.5) of an instalment plan or other payment option to pay; or
- (c) adhered to the customer's obligations to make payments in accordance with an agreed payment plan relating to,

the service to property charge, natural gas usage charge or other charge of the kind referred to in clause 4.2.3.1 incurred at the current or any previous supply address.

5.1.1.2 Where a residential customer, because of a lack of sufficient income or other means on the part of that customer and any other person usually residing at the customer's supply address, is unable to pay a supplier's service to property charge or natural gas usage charge or other charge of the kind referred to in clause 4.2.3.1, the supplier shall not disconnect the supply to the customer's supply address until:

- (a) the supplier has:
  - (i) offered the customer alternative payment options of the kind referred to in Section 4.3;
  - (ii) given the customer information on government funded concessions, rebates and grants as outlined in clause 4.3.4
  - (iii) used its best endeavours to contact the customer personally, or by lettergram, facsimile or mail, or by telephone; and
  - (iv) given the customer, by way of a written disconnection warning, 5 business days notice of its intention to disconnect the customer (the 5 days shall be counted from the date of receipt of the disconnection warning),

and

- (b) the customer has:
  - (i) refused or failed to accept the offer within a time (not less than 5 business days) specified by the supplier; or
  - (ii) accepted the offer, but has refused or failed to take any reasonable action towards settling the debt within a time (not less than 5 business days) specified by the supplier.

In Victoria, for the purpose of clause 5.1.1.2(a)(iii), a supplier may not contact a customer by mail unless it is by way of registered mail.

5.1.1.3 A supplier shall not disconnect the supply to a business customer's supply address unless

- (a) the supplier has:
  - (i) used its best endeavours to contact the customer personally, or by lettergram, facsimile or mail, or by telephone;
  - (ii) offered the customer an extension of time to pay beyond the original pay-by date on terms and conditions (which may include interest at a rate approved by the Authority); and

- (iii) given the customer, by way of a written disconnection warning, 5 business days notice of its intention to disconnect the customer (the 5 days shall be counted from the date of receipt of the disconnection warning);

and

(b) the customer has:

- (i) refused or failed to accept the offer within a time (not less than 5 business days) specified by the supplier; or
- (ii) accepted the offer, but has refused or failed to take any reasonable action towards settling the debt within a time (not less than 5 business days) specified by the supplier.

In Victoria, for the purpose of clause 5.1.1.3(a)(i), a supplier may not contact a customer by mail unless it is by way of registered mail.

#### 5.1.2 Disconnection for denying access to the meter

5.1.2.1 Subject to clause 5.1.2.2, where a customer fails to comply with the customer's access obligations in Section 3.5 or a supplier is denied access to the customer's supply address for the purposes of reading the meter for the purposes of issuing 3 consecutive bills in the customer's billing cycle, the supplier may disconnect supply to the customer's supply address.

5.1.2.2 A supplier shall not exercise its disconnection right under clause 5.1.2.1 unless the supplier has:

- (a) given to the customer an opportunity to offer reasonable alternative access arrangements;
- (b) on each of the occasions it was denied access, given to the customer written notice requesting access to the meter at the supply address;
- (c) used its best endeavours to contact the customer personally, or by lettergram, facsimile or mail, or by telephone; and
- (d) given the customer, by way of a written disconnection warning, 5 business days notice of its intention to disconnect the customer (the 5 days shall be counted from the date of receipt of the disconnection warning).

In Victoria, for the purpose of clause 5.1.2.2.(c), a supplier may not contact a customer by mail unless it is by way of registered mail.

#### 5.1.3 Disconnection for emergencies

5.1.3.1 Notwithstanding any other clause in this Section, a supplier may disconnect or interrupt supply to a customer's supply address in the case of an emergency.

5.1.3.2 Where a supplier exercises its disconnection right under clause 5.1.3.1, the supplier shall:

- (a) provide, by way of its 24 hour emergency line, information on the nature of the emergency and an estimate of the time when supply will be restored; and
- (b) use its best endeavours to reconnect the customer's supply address.

#### 5.1.4 Disconnection for health and safety reasons

5.1.4.1 Notwithstanding any other clause in this Section and subject to clause 5.1.4.2, a supplier may disconnect or interrupt supply to a customer's supply address for reasons of health or safety.

5.1.4.2 Except in the case of an emergency, or where there is a need to reduce the risk of fire or where relevant regulatory requirements require it, a supplier shall not disconnect a customer's supply address for a health or safety reason unless the supplier has:

- (a) given the customer written notice of the reason;
- (b) allowed the customer 5 business days to remove the reason (the 5 days shall be counted from the date of receipt of the notice); and
- (c) at the expiration of those 5 business days given the customer, by way of a written disconnection warning, another 5 business days' notice of its intention to disconnect the customer (the 5 days shall be counted from the date of receipt of the notice).

5.1.5 Disconnection for planned maintenance

5.1.5.1 Subject to clauses 5.1.5.2 and 5.1.5.3 a supplier or distributor may disconnect or interrupt supply to a customer's supply address for the purposes of planned maintenance on, or augmentation to, the distribution system.

5.1.5.2 A supplier or distributor shall not exercise its right to disconnect under clause 5.1.5.1 unless the supplier or distributor has used its best endeavours to give the customer notice of its intention to disconnect. The notice period shall be ~~at least 24 hours or~~ such other period as specified by regulatory requirements.

In Victoria, section 53 of the **Gas Industry Act 1994**, requires gas businesses to give 7 days (5 business days) notice in writing to customers of their intention to carry out any planned maintenance.

5.1.5.3 A supplier or distributor shall use its best endeavours to minimise interruptions to supply occasioned by planned maintenance or augmentation and restore supply as soon as practicable.

5.1.6 Disconnection for illegal utilisation

Notwithstanding any other clause in this Section, a supplier or distributor may disconnect supply to a customer's supply address immediately where the customer has obtained the supply of natural at the supply address otherwise than in accordance with this Code or in breach of any regulatory requirement.

5.1.7 Disconnection for refusal to pay refundable advances

5.1.7.1 Subject to clause 5.1.7.2, a supplier may disconnect supply to a customer's supply address where the customer refuses to pay a refundable advance or provide a bank guarantee in accordance with Section 4.4 of this Code.

5.1.7.2 A supplier shall not exercise its right to disconnect under clause 5.1.7.1 unless the supplier has given the customer not less than 5 business days written notice of its intention to disconnect (the days shall be counted from the date of receipt of the notice).

5.1.8 When a supplier shall not disconnect

5.1.8.1 A supplier shall not disconnect supply to a customer's supply address:

- (a) for non-payment of a bill where the amount outstanding is less than an average bill over the past 12 months and the customer has, in accordance with Section 4.3, agreed with the supplier to repay the amount;
- (b) where the customer has made a complaint, directly related to the reason for the proposed disconnection, to an external dispute resolution body and the complaint remains unresolved;

- (c) where the customer has made an application for a government concession or grant and the application has not been decided;
- (d) where the customer has failed to pay an amount on a bill which does not relate to the service to property charge, the natural gas usage charge or other charge of the kind referred to in clause 4.2.3.1.
- (e) after 3 pm on a weekday; or
- (f) on a Friday, on a weekend, on a public holiday or on the day before a public holiday except in the case of a planned interruption.

In Victoria, a supplier shall not disconnect supply to a customer's supply address under clause 5.1.8.1 where the customer or a person residing at the customer's supply address is registered with the supplier as being dependent on continued supply for health reasons.

#### 5.1.9 Right of a Customer to request disconnection

A supplier shall use its best endeavours to disconnect supply to a customer's supply address and finalise the customer's accounts in accordance with the customer's request.

### 5.2 RECONNECTION AFTER DISCONNECTION

#### 5.2.1 Supplier and Customer obligations

5.2.1.1 Where a supplier has exercised its right to disconnect supply to a customer's supply address:

- (a) under clause 5.1.1, for non-payment of a bill and the customer has paid or agreed to accept an offer (made in accordance with clauses 4.3.4 and 4.3.5) of an instalment plan, or other payment option;
- (b) under clause 5.1.2, because it was denied access to the meter and the customer provides access to the meter;
- (c) under clause 5.1.4, for a health or safety reason and the customer has removed the reason;
- (d) under clause 5.1.6, for obtaining supply otherwise than in accordance with this Code and the customer has ceased to so obtain supply and has paid, or made an arrangement to pay, for the supply so obtained; and
- (e) under clause 5.1.7, because the customer had refused to pay a refundable advance or provide a bank guarantee and has subsequently done so,

the supplier shall reconnect the customer's supply, subject to:

- (i) Section 3.1 of this Code;
- (ii) the customer making a request for reconnection; and
- (iii) paying the supplier's reconnection fee.

#### 5.2.2 Time and response for reconnection

5.2.2.1 Where pursuant to clause 5.2.1 a supplier is under an obligation to reconnect a customer and the customer makes a request for reconnection before 3 pm on a business day, the supplier shall use its best endeavours to make the reconnection on the day of the request.

5.2.2.2 Where pursuant to clause 5.2.1, a supplier is under an obligation to reconnect a customer and the customer makes a request for reconnection after 3 pm on a business day, the supplier shall, subject to clause 5.2.2.3, make the reconnection as soon as possible on the next business day.

- 5.2.2.3 Where pursuant to clause 5.2.1, a supplier is under an obligation to reconnect a customer and the customer makes a request for reconnection after 3 pm on a business day and before 10 pm and pays the supplier's after hours reconnection charge, the supplier shall make the reconnection on the day requested by the customer.

**APPENDIX A  
ACTS, REGULATIONS, ORDERS IN COUNCIL AND RELATED OTHER RELEVANT  
CODES AND RULES**

A customer and a supplier may also be bound by the relevant provisions in the following Acts, regulations, Orders in Council and related rules and codes :

Victoria

**Gas Industry Act 1994**

Orders in Council

Gas Tariff Order

Gas Third Party Access Code

Market and System Operation Rules

Licences (issued by ORG)

Gas Distributors

requires compliance with:

Distribution System Code

Relevant provisions of the Customer Service Code

Gas Tariff Order

Gas Retailers

requires compliance with

Customer Service Code

Gas Tariff Order

**APPENDIX B  
CONTACT ADDRESSES**

**VICTORIA**

Energy 21  
196 Flinders Street  
Melbourne Victoria 3000  
G.P.O. Box 186C  
Melbourne Victoria 3001  
Telephone: 03 9652 5555  
Facsimile: 03 9652 5577

Ikon Energy  
Level 8, IBM Centre  
60 City Road  
Southbank Victoria 3006  
GPO Box 73B  
Melbourne Victoria 3001  
Telephone: 03 9926 5555  
Facsimile: 03 9926 5580

Kinetik Energy  
Level 19, East Tower  
40 City Road  
Southbank Victoria 3006  
GPO Box 363F  
Melbourne Victoria 3001  
Telephone: 03 9299 2666  
Facsimile: 03 9299 2777

Office of Fair Trading and Business  
Affairs  
Level 2, 452 Flinders Street  
Melbourne Victoria 3000  
P.O. Box 123A  
Melbourne Victoria 3001  
Telephone: 03 9203 9700  
Facsimile: 03 9686 2197

Office of Gas Safety  
1136 Nepean Highway  
Highett Victoria 3190  
Telephone: 03 9556 6300  
Facsimile: 03 9556 6450

Office of the Regulator-General  
Level 1, 35 Spring St  
Melbourne Victoria 3000  
Telephone: 03 9651 0222  
Facsimile: 03 9651 3688

**Land Acquisition and Compensation Act  
1986**

**Transport Act 1983**

**NOTICE OF ACQUISITION**

**Compulsory Acquisition of Interest in Land**

The Roads Corporation declares that by this Notice it acquires the following interest in the land described hereunder:

**Owners' Names:** M. W. and E. F. Pyle.

**Description of Interest in Land:** Part of Lots 1 and 2 on Plan of Subdivision No. 4955 and being part of Crown Allotments 5A and 5B and parts of former Government roads, Parish of Yering.

**Area:** 1.642 hectares.

**Title Details:** Part of the land contained in Certificate of Title Volume 8105, Folio 090.

**Survey Plan:** 19128A (Parcel 10).

The survey plan referred to in this notice may be viewed at Property Services, Roads Corporation, 60 Denmark Street, Kew 3101.

Published with the authority of the Roads Corporation and the Minister for Roads and Ports.

T. H. HOLDEN  
Manager Property Services  
Roads Corporation

**Survey Plan:** 19128A (Parcel 7).

The survey plan referred to in this notice may be viewed at Property Services, Roads Corporation, 60 Denmark Street, Kew 3101.

Published with the authority of the Roads Corporation and the Minister for Roads and Ports.

T. H. HOLDEN  
Manager Property Services  
Roads Corporation

**Land Acquisition and Compensation Act  
1986**

**Transport Act 1983**

**NOTICE OF ACQUISITION**

**Compulsory Acquisition of Interest in Land**

The Roads Corporation declares that by this Notice it acquires the following interest in the land described hereunder:

**Owners' Names:** W. D. Bell, F. Kneebone and F. Thompson.

**Description of Interest in Land:** Part of Crown Allotment 5A One Parish of Yering.

**Area:** 6535 square metres.

**Title Details:** Part of the land contained in Certificate of Title Volume 8077, Folio 301.

**Survey Plan:** 19128A (Parcel 9).

The survey plan referred to in this notice may be viewed at Property Services, Roads Corporation, 60 Denmark Street, Kew 3101.

Published with the authority of the Roads Corporation and the Minister for Roads and Ports.

T. H. HOLDEN  
Manager Property Services  
Roads Corporation

**Land Acquisition and Compensation Act  
1986**

**Transport Act 1983**

**NOTICE OF ACQUISITION**

**Compulsory Acquisition of Interest in Land**

The Roads Corporation declares that by this Notice it acquires the following interest in the land described hereunder:

**Owner's Name:** Statton Nominees Pty Ltd.

**Description of Interest in Land:** Part of Crown Allotment 41A and part of Crown Allotment 41, Section A, Parish of Burgoyne.

**Area:** 3405 square metres.

**Title Details:** Part of the land contained in Certificate of Title Volume 5663, Folio 598.

**Country Fire Authority Act 1958  
DECLARATION OF FIRE DANGER  
PERIOD**

In pursuance of the powers conferred by Section 4 of the **Country Fire Authority Act 1958**, I, Leonard Raymond Foster, Chairman

of the Country Fire Authority, after consultation with the Secretary of Natural Resources and Environment, hereby declare the following periods to be the Fire Danger Period in the municipal districts of the municipalities or parts of municipalities specified, commencing on the dates shown and, unless varied by subsequent declaration, ending at 0100 hours on Friday, 1 May 1998.

To commence from 0100 hours on Monday, 15 December 1997:

Bass Coast Shire Council;  
Casey City Council;  
Cardinia Shire Council;  
City of Greater Dandenong;  
Frankston City Council;  
French Island;  
Mornington Peninsula Shire Council;  
Kingston City Council (That portion not included in the Metropolitan Fire District);  
Glenelg Shire Council;  
West Wimmera Shire Council (Remainder);  
Southern Grampians Shire Council (Northern Part known as Glenisla area) That part north of Mountain Dam, Old Henty Highway (south), Henty Highway, Billywing Road, Goat Track and Syphon Road north to Glenelg River;

Southern Grampians Shire Council (Western Part) That portion west of the line described: Commencing on the Chetwynd/Nareen Road following a southerly direction to a point two kilometres north of the Wando Vale North Road then easterly to Saw Pit Gully Road and Carrols Road. Then south easterly to the Wannon River. Following the Wannon River to Murndale Road then southerly following the Condah/Coleraine Road to McMillans Road. Then easterly to the Henty Highway then north to Lens Road. Easterly to the Wallacedale/Hamilton Road to Branhholme/Byaduk Road to Kinghorn Road then following in a south westerly direction to a point south of Ryans Road where the Glenelg, Moyne and Southern Grampians Shire meet;

Northern Grampians Shire Council;  
Horsham Rural City Council (Remainder);  
Banyule City Council (That portion not included in the Metropolitan Fire District);

Manningham City Council (That portion not included in the Metropolitan Fire District);

Maroondah City Council (That portion not included in the Metropolitan Fire District);

Nillumbik Shire Council (That portion not included in the Metropolitan Fire District);

Knox City Council;

Yarra Ranges Shire Council (That portion not included in the Metropolitan Fire District);

City of Ballarat;

Central Goldfields Shire Council;

Golden Plains Shire Council;

Hepburn Shire Council;

Moorabool Shire Council;

Pyrenees Shire Council (Part) That part north of the western shire boundary, east along Streatham Road, to Meadows Lane to Callanballac Road, south on Beaufort/Carranballac Road to Settlement Road east, then south on Settlement Road to Carngham/Streatham Road, east to Skipton/Beaufort Road, south to Emu Settlement Road, east to Pitong/Chepstowe Road, south to Pitong Road to the shire boundary (east).

LEN FOSTER  
Chairman

**Petroleum (Submerged Lands) Act 1967**  
**COMMONWEALTH OF AUSTRALIA**  
Notice of Grant of a Retention Lease

A Retention Lease numbered VIC/RL8 has been granted to BHP Petroleum (Victoria) Pty Ltd, 120 Collins Street, Melbourne, Victoria 3000 and Santos (Bol) Pty Ltd, Level 29, 91 King William Street, Adelaide, South Australia 5000.

In respect of one (1) block described hereunder, to have effect for a period of five (5) years from and including 30 November 1997.

**DESCRIPTION OF BLOCK**

The graticular block numbered 2364 (Part) on the Hamilton Offshore Graticular Sections Map.

Made under the **Petroleum (Submerged Lands) Act 1967** of the Commonwealth of Australia.

Dated 4 November 1997

PATRICK McNAMARA  
Designated Authority

**Petroleum (Submerged Lands) Act 1967**  
**COMMONWEALTH OF AUSTRALIA**  
Notice of Surrender of Permit

The Exploration Permit for Petroleum numbered VIC/P31 granted to BHP Petroleum (Victoria) Pty Ltd, 120 Collins Street, Melbourne, Victoria 3000, in respect of each of the blocks that is constituted by a graticular section being a graticular section described in the Notice of Grant of Exploration Permit in the Victoria Government Gazette G9 dated 6 March 1991, has been surrendered.

Made under the **Petroleum (Submerged Lands) Act 1967** of the Commonwealth of Australia on behalf of the Commonwealth—Victoria Offshore Petroleum Joint Authority.

Dated 4 December 1997

PATRICK McNAMARA  
Designated Authority



**Heritage**  
VICTORIA

**Heritage Act 1995**  
NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended in that the Heritage Register Number 667 in the category described as a Heritage Place is now described as:

Massey Ferguson Complex, Devonshire Road, Sunshine, Brimbank City Council.

EXTENT

1. All of the buildings marked as follows on Diagram 600500 held by the Executive Director:

- B-1 Clock Tower
- B-2 Gates (excluding piers)
- B-3 Store.

2. All of the land marked L-1, L-2 and L-3 on Diagram 600500 held by the Executive Director being all of the land described in Certificate of Title Volume 10264, Folio 388 and part of the land described in Certificate of Title Volume 10199, Folio 664 and all of the road reserve marked R-1 on Plan of Subdivision 334790D.

Dated 4 December 1997

RAY TONKIN  
Executive Director



**Heritage**  
VICTORIA

**Heritage Act 1995**  
NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1383 in the category described as a Heritage Place:

A. J. Thomas's Motor Garage, Manifold Street and Cressy Road, Camperdown, Corangamite Shire Council.

EXTENT

1. All of the building marked B-1 on Diagram 608122 held by the Executive Director.

2. All of the land marked L-1 on Diagram 608122 held by the Executive Director being all of the land described in Certificate of Title Volume 5861, Folio 022.

Dated 4 December 1997

RAY TONKIN  
Executive Director



**Heritage**  
VICTORIA

**Heritage Act 1995**  
NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1384 in the category described as a Heritage Place:

Post Office, 1 Church Street, Camperdown, Corangamite Shire Council.

EXTENT

1. All of the buildings and structures marked B-1 (post office) B-2 (post box) and on Diagram 608101 held by the Executive Director.



2. All of the land marked L-1 on Diagram 608101 held by the Executive Director being all of the land described in Certificate of Title Volume 9998, Folio 184.

Dated 4 December 1997

RAY TONKIN  
Executive Director



**Heritage Act 1995**  
**NOTICE OF REGISTRATION**

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1385 in the category described as a Heritage Place:

Court House, 179 Manifold Street,  
Camperdown, Corangamite Shire Council.

**EXTENT**

1. All of the building marked B-1 on Diagram 603712 held by the Executive Director but excluding the toilet block addition.

2. All of the land marked L-1 on Diagram 603712 held by the Executive Director being all of the land reserved for court house purposes.

Dated 4 December 1997

RAY TONKIN  
Executive Director



**Heritage Act 1995**  
**NOTICE OF REGISTRATION**

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1386 in the category described as a Heritage Place:

Camperdown Steam Laundry, 6 Paton Street, Camperdown, Corangamite Shire Council.

**EXTENT**

1. All of the buildings marked B-1 (Steam Laundry and Residence) and B-2 (Concrete Water Tank/Shed) on Diagram 608110 held by the Executive Director.

2. All of the land marked L-1 on Diagram 608110 held by the Executive Director being part of the land described in Certificate of Title Volume 8530, Folio 721.

Dated 4 December 1997

RAY TONKIN  
Executive Director



**Heritage Act 1995**  
**NOTICE OF REGISTRATION**

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1387 in the category described as a Heritage Place:

Timboon House (Formerly Lake Inn), 320 Old Geelong Road, Camperdown,  
Corangamite Shire Council.

**EXTENT**

1. All of the buildings, trees and features marked as follows on Diagram 608111 held by the Executive Director:

B-1	main building
B-2	stables
T-1 and T-2	<i>Quercus robur</i> (English Oak)
T-3, T-4 and T-5	<i>Fraxinus sp</i> (Ash)
F-1	remains of former Timboon Inn and outbuildings.

2. All of the land marked L-1 on Diagram 608111 held by the Executive Director being part of the land described in Certificate of Title Volume 6928, Folio 516 and including all archaeological remains not specified above.

Dated 4 December 1997

RAY TONKIN  
Executive Director



**Heritage Act 1995**  
**NOTICE OF REGISTRATION**

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1388 in the category described as a Heritage Place:

Patterson Memorial Drinking Fountain, Victory Park, corner Barker and Mostyn Streets, Castlemaine, Mt Alexander Shire Council.

**EXTENT**

1. All of the structure known as the Patterson Memorial Drinking Fountain marked B-1 on Diagram 608098 held by the Executive Director.

2. All of the land marked L-1 on Diagram 608098 held by the Executive Director being part of the land set aside as the Gardens Reserve, Castlemaine.

Dated 4 December 1997

RAY TONKIN  
Executive Director



**Heritage Act 1995**  
**NOTICE OF REGISTRATION**

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1389 in the category described as a Heritage Place:

Royal Oaks, Taradale Public Park, Metcalfe-Taradale Road, Taradale, Mt Alexander Shire Council.

**EXTENT**

1. All of the land marked L-1 on Diagram Number 607970 held by the Executive Director being part of the Taradale Public

Park, Crown Reserve Rs 1831 [P131166] and part of the Road Reserve.

2. The two English Oaks (*Quercus robur*) known as the Royal Oaks marked T-1 and T-2 and the two commemorative plaques marked M-1 and M-2 on Diagram Number 607970 held by the Executive Director.

Dated 4 December 1997

RAY TONKIN  
Executive Director



**Heritage Act 1995**  
**NOTICE OF REGISTRATION**

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1390 in the category described as a Heritage Place:

Former Market Hall and Royal Oaks, Public Gardens Reserve, corner High and Fountain Streets, Maldon, Mt Alexander Shire Council.

**EXTENT**

1. All of the building known as the former Market Hall marked B-1, the entrance gateway and two shire hall markers in High Street marked S-1, S-2 and S-3, the axial pathway marked P-1 and the two Royal Oaks marked T-1 and T-2 on Diagram Number 604857 held by the Executive Director.

2. All of the following movable objects: the shire meeting table and the two shire map rolls.

3. All of the land marked L-1 on Diagram Number 604857 held by the Executive Director being the land set aside as the Public Gardens Reserve, Maldon, Rs 3677 [P130060].

Dated 4 December 1997

RAY TONKIN  
Executive Director



## Heritage VICTORIA

### Heritage Act 1995

#### NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1391 in the category described as a Heritage Place:

Former Royal Hotel and Theatre, High Street, Maldon, Mt Alexander Shire Council.

#### EXTENT

1. All of the building known as the former Royal Hotel and Theatre marked B-1 on Diagram 603120 held by the Executive Director.

2. All of the land marked L-1 on Diagram 603120 held by the Executive Director being all of the land described in Memorial Book 895 No. 989 and the flagstones under the verandah canopy forming the footpath in High Street marked L-2 and being part of the road reserve.

Dated 4 December 1997

RAY TONKIN  
Executive Director



## Heritage VICTORIA

### Heritage Act 1995

#### NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1392 in the category described as a Heritage Place:

Christ Church, 8 Mostyn Street, Castlemaine, Mt Alexander Shire Council.

#### EXTENT

1. All of the building marked B-1 and the brick boundary wall to Mostyn and Kennedy Streets marked B-2 on Diagram 607897 held by the Executive Director.

2. All of the land marked L-1 on Diagram 607897 held by the Executive Director being part of Crown Allotment 4 of Section 1 in the Parish of Castlemaine and part of Certificate of Title Volume 6006, Folio 125.

Dated 4 December 1997

RAY TONKIN  
Executive Director



## Heritage VICTORIA

### Heritage Act 1995

#### NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1393 in the category described as a Heritage Place:

Castlemaine North Primary School No. 2051, 274-6 Barker Street, Castlemaine, Mt Alexander Shire Council.

#### EXTENT

1. All of the building marked B1 on Diagram 607901 held by the Executive Director.

2. All of the land marked L1 on Diagram 607901 held by the Executive Director, being part of the State School reserve bounded by Hunter, Barker and Bull Streets, Castlemaine.

Dated 4 December 1997

RAY TONKIN  
Executive Director



## Heritage VICTORIA

### Heritage Act 1995

#### NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is

amended by including the Heritage Register Number 1394 in the category described as a Heritage Place:

Maldon Primary School No. 1254, South west corner of High Street and Hospital Street, Maldon, Mt Alexander Shire Council.

#### EXTENT

1. All of the building marked B-1 on Diagram 607837 held by the Executive Director.

2. All of the land marked L-1 on Diagram 607838 held by the Executive Director, being all of the land within the State School Reserve being Lots 8, 9, 10, Section B, Township of Maldon.

Dated 4 December 1997

RAY TONKIN  
Executive Director



**Heritage**  
VICTORIA

#### Heritage Act 1995 NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1395 in the category described as a Heritage and Archaeological Place:

Pontville Homestead, Websters Road, Templestowe, Manningham City Council.

#### EXTENT

1. All of the land marked L1 on Diagram Number 600539 held by the Executive Director being part of the land described as Book 805, Memorial 520 and including all archaeological remains not specified below.

2. All of the buildings, trees and features marked as follows on Diagram Number 600539 held by the Executive Director:

B-1 Homestead

B-2 Kitchen

B-3 Outbuilding and Well

T-1 Mulberry Tree (*Morus nigra*)

T-2 Hawthorn Hedge (*Crataegus monogyna*)

T-3 Italian Cypress (*Cupressus semperirens*)

F-1 Webster's Cottage (remains)

F-2 Bridge abutment (remains)

F-3 Clay Pit.

Dated 4 December 1997

RAY TONKIN  
Executive Director



**Heritage**  
VICTORIA

#### Heritage Act 1995 NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1396 in the category described as a Heritage and Archaeological Place:

Viewbank Homestead, Banyule Road, Viewbank, Banyule City Council.

#### EXTENT

1. All of the land marked L-1 on Diagram Number 501981 held by the Executive Director being part of the land described in Certificate of Title Volume 8806, Folio 673 and including all archaeological remains not specified below.

2. All of the structures, trees and features marked as follows on Diagram Number 501981 held by the Executive Director:

F-1 Homestead (remains)

F-2 Outbuildings (remains)

F-3 Driveway

F-4 Track to Yarra

F-5 Gate (remains)

F-6 Homestead Tip

F-7 Stable (remains)

F-8 Drain (remains)

F-9 Garden terraces

T-1 *Ficus rubiginosa* (Port Jackson Fig)

- T-2 - T-21 *Quercus robur* (English Oak)
- T-22 - T-25 *Cupressus sempervirens*  
(Italian Cypress)
- T-26 *Morus nigra* (Black Mulberry)
- T-27 *Gleditsia triacanthos* (Honey Locust)
- T-28 *Araucaria bidwillii* (Bunya Bunya Pine)
- T-29 - T-30 *Chamaecyparis funebris*  
(Funeral Cypress)
- T-31 - T-45 *Cupressus macrocarpa*  
"Fastigiata" (Fastigate Monterey Cypress)
- T-46 - T-47 *Pinus pinea* (Stone Pine)
- T-48 *Araucaria columnaris* (Cook's Pine)
- T-49 *Cupressus torulosa* (Bhutan Cypress)
- T-50 - T-52 *Pinus radiata* (Monterey Pine)
- T-53 - T-54 *Prunus cerasifera* (Cherry Plum)
- T-55 *Pittosporum undulatum* (Sweet Pittosporum)
- T-56 - T-58 *Schinus molle* var. *areira*  
(Pepper Tree)
- T-59 *Ulmus x hollandica* (Dutch Elm)
- T-60 *Casuarina cunninghamiana*  
(River She-oak)
- B-1 Cistern
- B-2 Silos
- B-3 Depot shed.

Dated 4 December 1997

RAY TONKIN  
Executive Director



**Heritage Act 1995**  
**NOTICE OF REGISTRATION**

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is

amended by including the Heritage Register Number 1397 in the category described as a Heritage and Archaeological Place:

Saltwater River Crossing Site and Footscray Wharves Precinct, Maribyrnong River, Footscray, Maribyrnong City Council.

**EXTENT**

1. All of the archaeological features marked F1, F2, F3 and F4 and all of the buildings marked B1, B2, B3 and B4 on Diagram 602193 held by the Executive Director.

2. All of the land marked L1, L2, L3 and L4 on Diagram 607287 held by the Executive Director being all the land contained in the three blocks bounded on the north by Hopkins Street, on the west by Moreland Street, on the south by Napier Street and on the east by Maribyrnong Street and including more particularly the land contained in Certificates of Title Volume 9703, Folio 678, Volume 9867, Folio 806, Volume 4411, Folio 124, Volume 4221, Folio 161, Volume 8058, Folio 980, Volume 4664, Folio 758, Volume 7231, Folio 048, Volume 8131, Folio 757, Volume 3841, Folio 028, Volume 3182, Folio 327, Volume 10037, Folio 946, and in Section 1 (City of Footscray, Parish of Cut Paw Paw, County of Bourke), and the portion of Crown land bounded by Maribyrnong Street and the Maribyrnong River between Hopkins Street in the north and Napier Street in the south.

Dated 4 December 1997

RAY TONKIN  
Executive Director



**Heritage**  
VICTORIA

**Heritage Act 1995**  
**NOTICE OF REGISTRATION**

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1398 in the category described as a Heritage Place:

South Morang Primary School No. 1975, Old Plenty Road, South Morang, Whittlesea City Council.

## EXTENT

1. All of the building marked B1 on Diagram 607136 held by the Executive Director.

2. All of the land marked L1 on Diagram 607136 held by the Executive Director, being part of the land described as State School Reserve, proclaimed in the Government Gazette on 11 December 1878, Page 81.

Dated 4 December 1997

RAY TONKIN  
Executive Director

**Domestic (Feral and Nuisance) Animals Act  
1994**

**GREATER GEELONG CITY COUNCIL**

In accordance with Section 26 (2) of the **Domestic (Feral and Nuisance) Animals Act 1994**, Council determined that within the areas and during the period specified, the following restrictions shall apply:

**ST HELENS BEACH**

Between 1 December 1997 and 30 April 1998 (both dates inclusive) Dogs shall not be permitted on all that area of beach at St Helens bounded on the north by the prolongation of the centre line (real or imaginary) of Bay Street extending across the beach to a point 200 metres beyond the low water mark of the beach and on the south by a line taken from the northern end of Cliff Street extending across the beach to a point 200 metres beyond the low water mark and meeting the low water mark at right angles.

**RIPPLESIDE BEACH**

Between 1 December 1997 and 30 April 1998 (both dates inclusive) Dogs shall not be permitted on that area of beach at Rippleside bounded on the north by the prolongation of the centre line (real or imaginary) of Liverpool Street extending across the beach to a point 200 metres beyond the low water mark of the beach and on the south by the prolongation of the centre line (real or imaginary) of Bell Parade extending across the beach to a point 200 metres beyond the low water mark.

**EASTERN BEACH**

Between 1 December 1997 and 30 April 1998 (both dates inclusive) Dogs shall not be permitted on all that area at Eastern Beach bounded on the south by the northern

alignment of Eastern Beach Road, on the west by the prolongation of the centre line (real or imaginary) of Bellerine Street extending across the beach to a point 200 metres beyond the low water mark of the beach and on the east by the prolongation of the centre line (real or imaginary) of Garden Street extending across the beach to a point 200 metres beyond the low water mark.

**PORTARLINGTON BEACH**

Between 1 December 1997 and 30 April 1998 (both dates inclusive) Dogs shall not be permitted on all that area of beach at Portarlinton bounded on the west by the prolongation of the centre line (real or imaginary) of Point Richards Road extending across the beach to the low water mark of the beach and on the east by the prolongation of the centre line (real or imaginary) of Fisher Street extending across the beach to the low water mark.

**ST LEONARDS BEACH**

Between 1 December 1997 and 30 April 1998 (both dates inclusive) Dogs shall not be permitted on all that area of beach at St Leonards bounded on the north by the prolongation of the centre line (real or imaginary) of Second Avenue extending across the beach to the low water mark of the beach and on the south by the prolongation of the centre line (real or imaginary) of Trewin Street extending across the beach to the low water mark.

**INDENTED HEAD BEACH**

Between 1 December 1997 and 30 April 1998 (both dates inclusive) Dogs shall not be permitted on all that area of beach at Indented Head bounded on the north by the prolongation of the centre line (real or imaginary) of Hood Road extending across the beach to the low water mark of the beach and on the south by the prolongation of the centre line (real or imaginary) of McDonald Street extending across the beach to the low water mark.

**OCEAN GROVE BEACH**

- (i) Between 1 December 1997 and 31 January 1998 (both dates inclusive) Dogs shall not be permitted;
- (ii) Between 1 February 1998 and 30 April 1998 (both dates inclusive) Dogs shall not be permitted unless restrained by means of a chain, cord or leash;

on all that area of beach at Ocean Grove bounded on the east by the prolongation of the centre line (real or imaginary) of Hodgson Street extending across the beach to the low water mark of the beach and on the west by the low water mark of east bank of the Barwon River and on the north to the prolongation of the centre line (real or imaginary) of Lelian Street across the beach to the low water mark.

#### COLLENDINA BEACH

Between 1 December 1997 and 30 April 1998 (both dates inclusive) Dogs shall not be permitted unless restrained by means of a chain, cord or leash on all that area of beach at Collendina within a zone of 75 metres of the beach access track from the car park identified by the emergency beach location marker 7W.

#### BARWON HEADS BEACH

- (i) Between 1 December 1997 and 31 January 1998 (both dates inclusive) Dogs shall not be permitted;
- (ii) Between 1 February 1998 and 30 April 1998 (both dates inclusive) Dogs shall not be permitted unless restrained by means of a chain, cord or leash;

on all that area of beach at Barwon Heads bounded on the north by the prolongation of the centre line (real or imaginary) of Talbot Street extending across the beach to the low water mark of the beach and on the south by the low water mark of the waters of Bass Strait, and on the west by the prolongation of the centre line (real or imaginary) of Ewing Blyth Drive extending across the beach to the low water mark.

#### 13TH BEACH

- (i) Between 1 December 1997 and 31 January 1998 (both dates inclusive) Dogs shall not be permitted on all that area of beach at 13th Beach bounded on the east by a line passing through the emergency beach location marker number 34W extending across the beach and meeting the low water mark of the beach at right angles and on the west by a line passing through the emergency beach location marker number 35W extending across the beach and meeting the low water mark of the beach at right angles.
- (ii) For the full year, 1 December 1997 to 30 November 1998 (both dates inclusive) Dogs shall not be permitted

on all that area of beach at 13th Beach bounded on the east by a line passing through the emergency beach location marker number 40W extending across the beach and meeting the low water mark of the beach at right angles and on the west from a point one kilometre west of the centre line (real or imaginary) of the prolongation of the centre line (real or imaginary) of Black Rock Road.

#### BANCOORA BEACH

Between 1 December 1997 and 31 January 1998 (both dates inclusive) Dogs shall not be permitted on all that area of beach within 500 metres of the beach access track in front of the Surf Life Saving Club.

#### CLIFTON SPRINGS BEACH (THE DELL)

Between 1 December 1997 and 31 January 1998 (both dates inclusive) Dogs shall not be permitted on all that area of beach at Clifton Springs extending westerly 140 metres from the emergency beach location marker number 44B.

#### AVALON BEACH

- (i) Between 1 December 1997 and 31 January 1998 (both dates inclusive) Dogs shall not be permitted.
- (ii) Between 1 February 1998 and 30 April 1998 (both dates inclusive) Dogs shall not be permitted unless restrained by means of a chain, cord or leash

on that area of beach bounded by 750 metres west and 750 metres east of the Avalon Beach boat ramp.

KERRY THOMPSON  
Acting Chief Executive

#### Livestock Disease Control Act 1994 APPOINTMENT OF INSPECTORS

I, John William Galvin, Manager Animal Health Operations, Position Number 230599, in the Department of Natural Resources and Environment, pursuant to the powers, duties and functions given to me by a delegation under Section 103 of the **Livestock Disease Control Act 1994** and of my respective powers to appoint inspectors under Section 108 of the **Livestock Disease Control Act 1994**, hereby appoint the following officers, who hold positions under the provisions of the **Public Sector Management Act 1992**, as

inspectors for the purposes of all or any of the provisions of the **Livestock Disease Control Act 1994** and in respect of all or any livestock.

<i>Name of Officer</i>	<i>Position of Officer</i>
Anthony Gerard Britt	207757
Patricia Margaret Ellis	239298
Christopher Charles Edwin Gahan	207156
Hugh Warwick Chorley Millar	207768
Terrance Richard Thomas	223593
Andrew Joseph Turner	207473

Dated 26 November 1997

JOHN WILLIAM GALVIN  
Manager Animal Health Operations

**Livestock Disease Control Act 1994**  
**APPOINTMENT OF INSPECTORS**

I, John William Galvin, Manager Animal Health Operations, Position Number 230599, in the Department of Natural Resources and Environment, pursuant to the powers, duties and functions given to me by a delegation under Section 103 of the **Livestock Disease Control Act 1994** and of my respective powers to appoint inspectors under Section 108 of the **Livestock Disease Control Act 1994**, hereby appoint the following officers, who hold positions under the provisions of the **Public Sector Management Act 1992**, as inspectors for the purposes of all or any of the provisions of the **Livestock Disease Control Act 1994** in respect of bees.

<i>Name of Officer</i>	<i>Position of Officer</i>
Russell David Goodman	207043
Peter John Kaczynski	208727
John McMonigle	208818
William Henry Shay	206685

Dated 26 November 1997

JOHN WILLIAM GALVIN  
Manager Animal Health Operations

**Livestock Disease Control Act 1994**  
**APPOINTMENT OF INSPECTORS**

I, John William Galvin, Manager Animal Health Operations, Position Number 230599, in the Department of Natural Resources and

Environment, pursuant to the powers, duties and functions given to me by a delegation under Section 103 of the **Livestock Disease Control Act 1994** and of my respective powers to appoint inspectors under Section 108 of the **Livestock Disease Control Act 1994**, hereby appoint the following officers, who hold positions under the provisions of the **Public Sector Management Act 1992**, as inspectors for the purposes of all or any of the provisions of the **Livestock Disease Control Act 1994** and in respect of all or any livestock other than for fish and bees.

<i>Name of Officer</i>	<i>Position of Officer</i>
Bruce Leslie Allen	238524
Terri Lynne Allen	135768
Bruce Parker Anderson	211120
Lewis John Armstrong	207167
Rodney Terrence Badman	202028
Geoffrey Keith Bennett	238353
Martin Lane Blandy	207190
Christopher Charles Bollen	207203
Mark Andrew James Bosson	236223
Tracey Leigh Bradley	242816
Graeme Gordon Brown	207214
Christopher Button	217717
Noel John Campbell	207939
Leo Thomas Coffey	201310
Robin James Condron	213590
Robert Douglas Crawford	207859
Jeffrey Graham Doolan	231037
Patrick Waterford Drenen	207247
Piotr Andrzej Fabijanski	217808
Lawrence Charles Gavey	208498
Robert Kenneth Greenall	232164
Thomas Glynn	221951
Hartley John Grainger	207269
John Thomas Harkin	222546
Susan Jean Hides	213002
David Grenville Hinton	207305
Ian Richard Holmes	208670
Anne Francis Hope	217364



Peter John Jackson	207724
Michael James Jeffers	207837
Richard George Keys	207065
Robert George Lambell	207076
John William Larsen	207848
Roger Arthur Lyford	208807
Roger Ian MacInnes	212178
Trevor James Makin	211721
John William Thomas McCrory	207098
Ian Duncan McKenzie	207349
Andrew James McKinnon	207280
Robert John Mellar	207189
George Thomas Miller	222273
Louise Ann Moll	237292
Alexander Ralph Moran	208567
Gordon Alan Nash	207382
Stephen James Nee	220675
Gregory Bruce Parkinson	213760
Peter James Penson	212655
Sally Elizabeth Ridge	219031
Alan Roderick Ross	207418
Christopher Robin Roycroft	207429
Richard James Rubira	236609
Gareth David Spring	222499
Michael John Terry	213024
Keryn Elizabeth Thomson	207360
Susan Elizabeth Vaughan	207407
James Anthony Walshe	230963
Gerald Francis Watt	207112
Peter James Williams	207032
William Kenneth Woonton	211776
Duncan James Worsfold	214311

Dated 26 November 1997

JOHN WILLIAM GALVIN  
Manager Animal Health Operations

**Livestock Disease Control Act 1994**  
**APPOINTMENT OF INSPECTORS**

I, John William Galvin, Manager Animal Health Operations, Position Number 230599, in the Department of Natural Resources and

Environment, pursuant to the powers, duties and functions given to me by a delegation under Section 103 of the **Livestock Disease Control Act 1994** and of my respective powers to appoint inspectors under Section 108 of the **Livestock Disease Control Act 1994**, hereby appoint the following officers, who hold positions under the provisions of the **Public Sector Management Act 1992**, as inspectors for the purposes of all or any of the provisions of the **Livestock Disease Control Act 1994** and in respect of all or any livestock other than for fish.

<i>Name of Officer</i>	<i>Position of Officer</i>
Raymond John Gribben	207327
Jane Hamilton Neale	223797
Stephen Hamilton Tate	203756

Dated 26 November 1997

JOHN WILLIAM GALVIN  
Manager Animal Health Operations

**Agricultural and Veterinary Chemicals**  
**(Control of Use) Act 1992**  
**APPOINTMENT OF AUTHORISED**  
**OFFICERS**

I, John William Galvin, Manager Animal Health Operations, Position Number 230599, in the Department of Natural Resources and Environment, pursuant to the powers, duties and functions given to me by a delegation under Section 74 of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992** and of my respective powers to appoint authorised officers under Section 53 of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**, hereby appoint the following officers who hold an office in the Public Service, as authorised officers for the purposes of all or any of the provisions of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**.

<i>Name of Officer</i>	<i>Position of Officer</i>
Terri Lynne Allen	135768
Jeffrey Graham Doolan	231037

Dated 26 November 1997

JOHN WILLIAM GALVIN  
Manager Animal Health Operations

**Adoption Act 1984**  
**APPOINTMENT OF COUNSELLORS FOR**  
**RELINQUISHMENT COUNSELLING**

Under the functions and powers assigned to me, by the Secretary, Department of Human Services Victoria under Section 10 (2) of the **Community Welfare Services Act 1970** in relation to Section 5 of the **Adoption Act 1984**, I, Arthur Rogers, approve the following person under Section 5 (1) and Section 5 (2) {A} of the **Adoption Act 1984** as an approved Counsellor for the purpose of Section 35 of the **Adoption Act 1984**.

Eastern Metropolitan Region  
 Marryatt, Susan.

ARTHUR ROGERS  
 Regional Director  
 Eastern Metropolitan Region

**Planning and Environment Act 1987**  
**HOBSONS BAY PLANNING SCHEME**  
 Notice of Approval of Amendment  
 Amendment L9

The Minister for Planning and Local Government has approved Amendment L9 to the Hobsons Bay Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment rezones land comprising Crown Allotment 203A, Section 2, Parish of Cut Paw Paw, Melbourne Road, Newport, of approximately 9.2 hectares from Reserved Land Railways—Existing Zone to Urban Residential 1 Zone with a Potentially Contaminated Land overlay.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Hobsons Bay City Council.

ADRIAN SALMON  
 Co-ordinator, Amendment Services  
 Local Government, Planning and  
 Market Information Services Division  
 Department of Infrastructure

**Planning and Environment Act 1987**  
**MOE PLANNING SCHEME**  
 Notice of Approval of Amendment  
 Amendment L42

The Minister for Planning and Local Government has approved Amendment L42 to the Moe Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment rezones the land described as Lots 1 and 2, LP129376 and Crown Allotments 4, 5, 6 and 7, Section 3, Township of Moe, Parish of Yarragon, County of Buln Buln from "Public Purposes—Civic Centre" to State Zone "Business 1 Zone".

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the La Trobe Shire Council, Civic Centre, Kay Street, Traralgon.

ADRIAN SALMON  
 Co-ordinator, Amendment Services  
 Local Government, Planning and  
 Market Information Services Division  
 Department of Infrastructure

**Planning and Environment Act 1987**  
**MOONEE VALLEY PLANNING SCHEME**  
 Notice of Approval of Amendment  
 Amendment L32

The Minister for Planning and Local Government has approved Amendment L32 to the Moonee Valley Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment rezones land on the south side of Holmes Road, between the Moonee Ponds railway line and the property boundary midway between Laura and Learmonth Streets, Moonee Ponds from a Proposed Road Widening (Secondary) Reservation to a Moonee Ponds District Centre Zone No 4—Peripheral Office Zone and a Residential C—Essendon Zone.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Moonee Valley City Council, corner Pascoe Vale Road and Kellaway Avenue, Moonee Ponds.

ADRIAN SALMON  
 Co-ordinator, Amendment Services  
 Local Government, Planning and  
 Market Information Services Division  
 Department of Infrastructure

**Planning and Environment Act 1987**  
**MORELAND PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L47

The Minister for Planning and Local Government has approved Amendment L47 to the Moreland Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment rezones land known as the former Box Forest Secondary College, located at Hillcrest Road, Oak Park, described as CT Lots 1-80, LP 8197 Part CP 1, Parish of Will Will Rook, from a Secondary School Reserve to a Residential C Zone, and to include the land in a Road Closure overlay.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Moreland City Council, 90 Bell Street, Coburg.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**MORWELL PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L62

The Minister for Planning and Local Government has approved Amendment L62 to the Morwell Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment rezones all that land contained in LP211344, LP211751, LP212149, LP215743T, LP215744R and LP219740D Princes Drive, Morwell from "Industrial E Zone" to State Section "Business 4 Zone".

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House,

80 Collins Street, Melbourne and at the offices of the LaTrobe Shire Council, Civic Centre, Kay Street, Traralgon.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**STONNINGTON PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L25

The Minister for Planning and Local Government has approved Amendment L25 to the Stonnington Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment introduces a site specific control to the Restricted Business Zone, to enable land at 14 Chapel Street, Windsor, to be used as an adult sex book shop without a permit.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Stonnington City Council, corner Chapel and Greville Streets, Prahran.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**WERRIBEE PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L117 Part 1

The Minister for Planning and Local Government has approved Amendment L117 Part 1 to the Werribee Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment:

- rezones land at 22 Princes Highway, Werribee, from Public Purposes Reservation (M.M.B.W.) to Business 5 Zone,

- includes the land at 22 Princes Highway, Werribee, in a Potentially Contaminated Land Overlay and inserts the controls for the Potentially Contaminated Land Overlay at Clause 150 of the Werribee Planning Scheme.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Wyndham City Council, Princes Highway, Werribee.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**YARRA PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L53

The Minister for Planning and Local Government has approved Amendment L53 to the Yarra Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment rezones land at 32-36 Brighton Street, Richmond; described on CT 8329/999 and CT 8413/728 and CT 7513/087 comprising a parcel of approximately 1037 square metres from Public Purposes 13 (State Electricity Commission) to Urban Residential 1 Zone with a Potentially Contaminated Land overlay; and two small lots of 40 square metres and 50 square metres respectively from Light Industrial Zone to Business 3 Zone.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Yarra City Council, 333 Bridge Road, Richmond.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**BALLARAT PLANNING SCHEME**  
Notice of Lapsing of Amendment  
Amendment L32

The Ballarat City Council has resolved to abandon Amendment L32 to the Local Section Chapter 2, of the Ballarat Planning Scheme.

The amendment proposed to rezone No. 105 Melbourne Road, Brown Hill from a Residential Development Zone to an Industrial 1 Zone. The site is located on the north side of Melbourne Road, approximately 45 metres east of Brabury Street.

The amendment lapsed on 26 November.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**BAIRNSDALE (CITY) PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L44

The Minister for Planning and Local Government has approved Amendment L44 to the Bairnsdale (City) Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment rezones 3.24 hectares at Crown Grant Volume 785, Folio 995, and part of Crown Allotment 92, Volume 7503, Folio 135, on the south west corner of Victoria Street and O'Brien Street, Bairnsdale, from "Existing Public Purposes—6—Road Construction Authority" to "Urban Residential 1 Zone", and from "Residential A" to "Urban Residential 1 Zone".

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the East Gippsland Shire Council, 55 Palmers Road, Lakes Entrance.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**BASS PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L47

The Minister for Planning and Local Government has approved Amendment L47 to the Bass Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment introduces a site specific provision within the Rural Zone allowing tourist related uses on land comprising Crown Allotment 6 and part Crown Allotments 2, 3, 4, 7, and 8A, Township of Bass, Parish of Corinella, CP109782, and portion of Stephens Road, Bass; in accordance with a Development Plan prepared to the satisfaction of the responsible authority (Bass Coast Shire Council).

The amendment reserves former Pender Road Reservation (now Crown Allotment 8A, Township of Bass, Parish of Corinella), as Proposed Road; whilst introducing the underlying zoning of the land as Rural. The amendment also modifies the Table to Clause 13 by introducing the Proposed Road Reservation within the Table.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne; Department of Infrastructure, 120 Kay Street, Traralgon and at the offices of the Bass Shire Council, Civic Centre, corner Baillieu Street and McBride Avenue, Wonthaggi.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**FLINDERS PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L157

The Minister for Planning and Local Government has approved Amendment L157 to the Flinders Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment introduces a site specific provision in the scheme to apply to Peninsula Gardens at 455 Jetty Road, Rosebud South, to allow an application to be made to use the land for a convention centre, reception rooms or the like and outdoor entertainment. An application for planning permit under the provision is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the appeal rights of Section 82 (1) of the Planning and Environment Act.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Mornington Peninsula Shire Council: Rosebud Office, Boneo Road, Rosebud 3939; Mornington Office, Queen Street, Mornington 3931; and the Hastings Office, Salmon Street, Hastings 3915.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**PAKENHAM PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L152

The Minister for Planning and Local Government has approved Amendment L152 to the Pakenham Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment introduces a site specific control to the Highway 2 Zone to allow a planning permit to be granted for the two lot subdivision of No. 230 Rix Road, Officer.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Cardinia Shire Council, Henty Way, Pakenham.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**YARRA RANGES PLANNING SCHEME**  
 Notice of Approval of Amendment  
 Amendment L49

The Minister for Planning and Local Government has approved Amendment L49 to the Yarra Ranges Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment includes a site specific provision to allow the subdivision of land at 30 Hunter Road, Wandin, into 2 lots subject to the grant of a permit.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Yarra Ranges Shire Council, Anderson Street, Lilydale.

ADRIAN SALMON  
 Co-ordinator, Amendment Services  
 Local Government, Planning and  
 Market Information Services Division  
 Department of Infrastructure

**Planning and Environment Act 1987**  
**YARRA RANGES PLANNING SCHEME**  
 Notice of Approval of Amendment  
 Amendment L72

The Minister for Planning and Local Government has approved Amendment L72 to the Yarra Ranges Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment includes a provision allowing the Council to grant a permit to subdivide land in the Rural General Farming 1, Rural General Farming 2, Rural Conservation and Rural Intensive Agriculture Zones where:

- The land is less than twice the minimum lot size for the zone;
- The land contains two houses which were lawfully established;
- One of the lots created has an area of between 0.8 ha and 1.2 ha; and
- Each lot contains one of the houses.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Yarra Ranges Shire Council, Anderson Street, Lilydale.

ADRIAN SALMON  
 Co-ordinator, Amendment Services  
 Local Government, Planning and  
 Market Information Services Division  
 Department of Infrastructure

**Planning and Environment Act 1987**  
**YARRA RANGES PLANNING SCHEME**  
 Notice of Approval of Amendment  
 Amendment L74

The Minister for Planning and Local Government has approved Amendment L74 to the Yarra Ranges Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment:

- Includes site specific exemptions to allow for the subdivision of land at:
  - 30-34 Glasgow Road, Kilsyth South, subject to the grant of a permit.
  - Harrison Road, Montrose, subject to the grant of a permit.
  - Fortune Avenue, Mt Evelyn, subject to the grant of a permit.
- Rezones land at Lots 36 and 37 Francis Crescent, Mt Evelyn, to Residential Conservation 1 and Lots 48 and 49, Francis Crescent, Mt Evelyn, to Residential Conservation 2.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Yarra Ranges Shire Council, Anderson Street, Lilydale.

ADRIAN SALMON  
 Co-ordinator, Amendment Services  
 Local Government, Planning and  
 Market Information Services Division  
 Department of Infrastructure

**Planning and Environment Act 1987**  
**YARRA RANGES PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L77

The Minister for Planning and Local Government has approved Amendment L77 to the Yarra Ranges Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment:

Includes site specific exemptions into a number of zones to enable subdivision:

1. 145-147 Old Gippsland Road, Lilydale—subdivision into 2 lots subject to permit.
2. Part CA 2 (Volume 8399, Folio 322) Victoria Road, Wandin—subdivision into 2 lots subject to permit.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Yarra Ranges Shire Council, Anderson Street, Lilydale.

**ADRIAN SALMON**  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**YARRA RANGES PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L78

The Minister for Planning and Local Government has approved Amendment L78 to the Yarra Ranges Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment includes a site specific exemption to enable the subdivision of land at Lot 11 Anne Street, Lilydale, into 2 lots.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House,

80 Collins Street, Melbourne and at the offices of the Yarra Ranges Shire Council, Anderson Street, Lilydale.

**ADRIAN SALMON**  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**COLAC OTWAY PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L15

The Minister for Planning and Local Government has approved Amendment L15 to the Colac Otway Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment:

- Changes the Village Zone Clause 110 to make a Conference Centre, General Store and Shop uses that may be permitted in the Village Zone in Skenes Creek, and
- removes the limitation of a maximum of 10 units total on Motel and Guest houses in the Village Zone in Skenes Creek, and
- removes the requirement that a restaurant may only be permitted in conjunction with a Guest House or Motel in the Village Zone in Skenes Creek.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Colac Otway Shire Council, 2-6 Rae Street, Colac.

**ADRIAN SALMON**  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**COLAC OTWAY PLANNING SCHEME**  
Notice of Refusal of Amendment  
Amendment L9

The Minister for Planning and Local Government has resolved to refuse Amendment L9 to the Colac Otway Planning Scheme.

The amendment proposed to insert a new Clause 131-9, Special Control to facilitate subdivision of 6.67 hectares of land at Telfords Access, Apollo Bay, being Lot 2, Plan of Subdivision 322410K (Certificate of Title Volume 10174, Folio 538) into two lots of 0.65 hectares and 6.02 hectares respectively.

The amendment was refused on 8 December 1997.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

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**Planning and Environment Act 1987**  
**DAREBIN PLANNING SCHEME**  
Notice of Lapsing of Amendment  
Amendment L46

The Darebin City Council has resolved to abandon Amendment L46 to the Darebin Planning Scheme.

The amendment proposed to remove the density controls pertaining to land known as 116 Clarke Street, Northcote.

The amendment lapsed on 3 November 1997.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

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**Planning and Environment Act 1987**  
**UPPER YARRA VALLEY AND**  
**DANDENONG RANGES**  
**REGIONAL STRATEGY PLAN**  
Notice of Approval of Amendment  
Amendment 101

The Parliament of Victoria and the Minister for Planning and Local Government have approved Amendment 101 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment includes a site specific provision into Schedule 6 to enable the subdivision of land at 30 Hunter Road, Wandin, into 2 lots in accordance with a permit issued by the responsible authority.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Yarra Ranges Council, Anderson Street, Lilydale.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

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**Planning and Environment Act 1987**  
**UPPER YARRA VALLEY AND**  
**DANDENONG RANGES**  
**REGIONAL STRATEGY PLAN**  
Notice of Approval of Amendment  
Amendment 103

The Parliament of Victoria and the Minister for Planning and Local Government have approved Amendment 103 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment includes a provision allowing the Council to grant a permit to subdivide land in the Rural General Farming 1, Rural General Farming 2, Rural Conservation and Rural Intensive Agriculture zones where:

- The land is less than twice the minimum lot size for the zone;
- The land contains two houses which were lawfully established;
- One of the lots created has an area of between 0.8 ha and 1.2 ha; and
- Each lot contains one of the houses.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Yarra Ranges Shire Council, Anderson Street, Lilydale.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure



**Planning and Environment Act 1987**  
**UPPER YARRA VALLEY AND**  
**DANDENONG RANGES**  
**REGIONAL STRATEGY PLAN**  
Notice of Approval of Amendment  
Amendment 104

The Parliament of Victoria and the Minister for Planning and Local Government have approved Amendment 104 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment clarifies the provisions of the Sites of Natural Significance Policy and the Extractive Industry Policy to clarify that native vegetation may be removed in the case of an expansion of an existing extractive industry where a development plan has been approved by the responsible authority and the areas of vegetation to be removed are shown on the approved plan. Also, the exceptions to the removal of native vegetation are to include "use, development and works" as well as buildings.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Yarra Ranges Shire Council, Anderson Street, Lilydale.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**UPPER YARRA VALLEY AND**  
**DANDENONG RANGES**  
**REGIONAL STRATEGY PLAN**  
Notice of Approval of Amendment  
Amendment 105

The Parliament of Victoria and the Minister for Planning and Local Government have approved Amendment 105 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment includes the following site specific exemptions into Schedule 6:

- 30-34 Glasgow Road, Kilsyth South;
- Trevallyn Road, Montrose;
- Harrison Road, Montrose;
- Fortune Avenue, Mt Evelyn;
- Lots 48 and 49, Francis Crescent, Mt Evelyn;

and changes the Policy Area maps to include land at Lots 36 and 37 Francis Crescent, Mt Evelyn, in a Township B Policy area.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Yarra Ranges Shire Council, Anderson Street, Lilydale.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**UPPER YARRA VALLEY AND**  
**DANDENONG RANGES**  
**REGIONAL STRATEGY PLAN**  
Notice of Approval of Amendment  
Amendment 106

The Parliament of Victoria and the Minister for Planning and Local Government have approved Amendment 106 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment includes a site specific exemption in Schedule 6 to enable the subdivision of land at:

1. 145-147 Old Gippsland Road, Lilydale—subdivision into 2 lots.
2. Part CA 2 (Volume 8399, Folio 322) Victoria Road, Wandin—subdivision into 2 lots.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House,

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80 Collins Street, Melbourne and at the offices  
of the Yarra Ranges Shire Council, Anderson  
Street, Lilydale.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

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**Planning and Environment Act 1987**  
**UPPER YARRA VALLEY AND**  
**DANDENONG RANGES**  
**REGIONAL STRATEGY PLAN**  
Notice of Approval of Amendment  
Amendment 107

The Parliament of Victoria and the Minister  
for Planning and Local Government have  
approved Amendment 107 to the Upper Yarra  
Valley and Dandenong Ranges Regional  
Strategy Plan.

The amendment comes into operation on the  
date this notice is published in the  
Government Gazette.

The amendment includes a site specific  
exemption into Schedule 6 to enable the  
subdivision of land at Lot 11 Anne Street,  
Lilydale, into 2 lots.

A copy of the amendment can be inspected  
free of charge during office hours at the  
Department of Infrastructure, Customer  
Service Centre, Level 3 Plaza, Nauru House,  
80 Collins Street, Melbourne and at the offices  
of the Yarra Ranges Shire Council, Anderson  
Street, Lilydale.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

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**ORDERS IN COUNCIL****Public Sector Management Act 1992**  
**AMENDMENT TO SCHEDULE 2 TO THE ACT**

The Governor in Council, under Sections 89 (2) and 89 (3) of the **Public Sector Management Act 1992**, by this Order amends Schedule 2 by making the following insertions:

**DECLARED AUTHORITIES**

<i>Column 1</i> Authority	<i>Column 2</i> Position having functions of Department Head	<i>Column 3</i> Provisions of Act or Regulations to apply to Authority
V/Line Freight Corporation.	Chief Executive.	Section 64 of the Act.

Dated 2 December 1997

Responsible Minister:

J. G. KENNETT

Premier

SILVANA VILLELLA  
Acting Clerk of the Executive Council

**Public Sector Management Act 1992**  
**AMENDMENT TO SCHEDULE 2 TO THE ACT**

The Governor in Council, under Sections 89 (2) and 89 (3) of the **Public Sector Management Act 1992**, by this Order amends Schedule 2 by making the following insertions:

**DECLARED AUTHORITIES**

<i>Column 1</i> Authority	<i>Column 2</i> Position having functions of Department Head	<i>Column 3</i> Provisions of Act or Regulations to apply to Authority
Chief Executive EcoRecycle Victoria.	Chairman of the Board, EcoRecycle Victoria.	Part 2, Division 3 and all of Part 4 of the Act.

Dated 2 December 1997

Responsible Minister:

J. G. KENNETT

Premier

SILVANA VILLELLA  
Acting Clerk of the Executive Council

**Public Sector Management Act 1992**  
**AMENDMENT TO DECLARATION**  
**OF POSITIONS TO BE**  
**SENIOR EXECUTIVE POSITIONS IN**  
**V/LINE FREIGHT CORPORATION**

Pursuant to Section 54 (1) (b) of the **Public Sector Management Act 1992**, the Governor in Council declares the following positions in the V/Line Freight Corporation to be senior executive positions:

- Chief Financial Officer
- Business Manager, Bulk Commodities
- Business Manager, Intermodal/Fast Track

- Manager, Human Resources
- Manager, Contract Services
- Manager, Strategic Planning
- Manager, Service Delivery.

Dated 2 December 1997

Responsible Minister:

J. G. KENNETT

Premier

SILVANA VILLELLA  
Acting Clerk of the Executive Council

**Local Government Act 1989  
GREATER GEELONG CITY COUNCIL  
RE-CONSTITUTION AND WARD  
BOUNDARIES**

The Governor in Council under Sections 220Q (l), (m), (n) and (na) of the **Local Government Act 1989**, orders that:

1. This Order comes into operation on the day it is published in the Government Gazette.

2. The number of Councillors assigned to the Greater Geelong City Council shall nine be made up as follows:

The municipal district of the Greater Geelong City Council shall be subdivided into four wards with one Councillor being assigned to each ward;

The remaining five Councillors will represent the whole of the municipal district.

3. On the day this Order comes into operation the boundaries of each ward shall be fixed as described in the Schedules to this Order.

**SCHEDULE 1**

**CORIO WARD**

Commencing on the shore of Corio Bay at a point in line with Edward Street; thence westerly by a line, Edward Street, a line and again Edward Street to the Princes Highway; thence northerly by that highway to Victoria Street; thence westerly by that street and northerly by Thompson Road to Separation Street; thence westerly by that street and southerly by Anakie Road to Ballarat Road; thence north-westerly by that road and the Midland Highway to the electricity transmission line near Rollins Road; thence southerly and south-westerly by that transmission line to the Moorabool River; thence north-easterly and north-westerly by that river to the city boundary, and thence generally north-westerly, generally easterly, south-easterly and generally south-westerly by the city boundary to the point of commencement.

**SCHEDULE 2**

**GEELONG CENTRAL WARD**

Commencing on the western boundary of the city at the Barwon River; thence generally easterly by the Barwon River to a point in line with Ardlui Drive; thence north-easterly by a

line and Ardlui Drive to Camden Road; thence easterly by that road to Shannon Avenue; thence northerly by that avenue to Aphrasia Street; thence easterly by that street to Pakington Street; thence northerly by that street to Laurel Bank Parade; thence easterly by that parade to Latrobe Terrace; thence southerly by that terrace and Settlement Road to the Barwon River; thence south-easterly by that river to a point in line with Boundary Road; thence northerly by a line and Boundary Road to Hickey Street; thence easterly by that street to Wilsons Road; thence northerly by that road to the Geelong-Portarlington Road; thence north-westerly by that road to Boundary Road; thence northerly by a line in continuation of Boundary Road to the shore of Corio Bay, being a point on the city boundary; thence north-westerly, generally westerly and northerly by the city boundary to point in line with Edward Street; thence westerly by a line, Edward Street, a line and again Edward Street to the Princes Highway; thence northerly by that highway to Victoria Street; thence westerly by that street and northerly by Thompson Road to Separation Street; thence westerly by that street and southerly by Anakie Road to Ballarat Road; thence north-westerly by that road and the Midland Highway to the electricity transmission line near Rollins Road; thence southerly and south-westerly by that transmission line to the Moorabool River; thence north-easterly and north-westerly by that river to the city boundary, and thence generally southerly by the city boundary to the point of commencement.

**SCHEDULE 3**

**BELLARINE WARD**

Commencing on Bass Strait at the Barwon River, being a point on the southern boundary of the city; thence generally north-easterly and north-westerly by Barwon River to the eastern shore of Lake Connemara; thence northerly, north-easterly, westerly and south-westerly by the shore of that lake to the Barwon River; thence north-westerly by that river to a point in line with Boundary Road; thence northerly by a line and Boundary Road to Hickey Street; thence easterly by that street to Wilsons Road; thence northerly by that road to the Geelong-Portarlington Road; thence north-westerly by that road to Boundary Road; thence northerly by a line in continuation of Boundary Road to the shore of Corio Bay, being a point on the

city boundary; thence generally easterly, northerly, south-easterly, north-easterly, again south-easterly, south-westerly, and westerly by the city boundary to the point of commencement.

#### SCHEDULE 4 BARWON WARD

Commencing on the western boundary of the city at the Barwon River; thence generally easterly by the Barwon River to a point in line with Ardlui Drive; thence north-easterly by a line and Ardlui Drive to Camden Road; thence easterly by that road to Shannon Avenue; thence northerly by that Avenue to Aphrasia Street; thence easterly by that street to Pakington Street; thence northerly by that street to Laurel Bank Parade; thence easterly by that parade to Latrobe Terrace; thence southerly by that terrace and Settlement Road to the Barwon River; thence south-easterly by that river to the north-western shore of Lake Connewarre; thence north-easterly, easterly, south-westerly and southerly by the shore of that lake to the Barwon River; thence south-easterly and south-westerly by that river to Bass Strait, being a point on the city boundary, and thence westerly, northerly, again westerly and again northerly by the city boundary to the point of commencement.

Dated 11 December 1997

Responsible Minister:  
ROBERT MACLELLAN  
Minister for Planning and  
Local Government

SHARNE BRYAN  
Clerk of the Executive Council

#### Environment Protection Act 1970 DECLARATION OF THE CREATION OF A REGIONAL WASTE MANAGEMENT GROUP

The Governor in Council acting under Section 50F (2) of the **Environment Protection Act 1970** declares the creation of the following regional waste management group:

**SOUTH WESTERN REGIONAL WASTE MANAGEMENT GROUP** consisting of the following members:

Corangamite Shire Council  
Glenelg Shire Council  
Moyne Shire Council

Southern Grampians Shire Council  
Warrnambool City Council.

The constitution of the South Western Regional Waste Management Group will take effect on the date of publication of this order.

The group is to be governed in accordance with Division 2A of the **Environment Protection Act 1970** and the constitution of the Group.

Dated 9 December 1997

Responsible Minister:  
MARIE TEHAN  
Minister for Conservation and  
Land Management

SHARNE BRYAN  
Clerk of the Executive Council

#### Children And Young Persons Act 1989 ABOLITION AND ESTABLISHMENT OF COMMUNITY SERVICES

The Governor in Council, acting under Section 57 of the **Children and Young Persons Act 1989**, and on the recommendation of the Minister for Youth and Community Services, by this Order abolishes the following community services established under that Act:

#### EASTERN REGION

Community Service  
June Crescent Family Group Home (No. 8)  
8 June Crescent  
TEMPLESTOWE 3106

Community Service  
June Crescent Family Group Home (No. 6)  
6 June Crescent  
TEMPLESTOWE 3106

Community Service  
Hibiscus Drive Family Group Home  
27 Hibiscus Drive  
MULGRAVE 3170

Community Service  
Ozone Road Unit  
46 Ozone Road  
BAYSWATER 3153

Loddon/Mallee Region  
Community Service  
Miralee  
19 Chaffey Avenue  
MILDURA 3500

## NORTHERN REGION

Community Service  
Archibald Street Reception/Emergency Care Unit  
4 Archibald Street  
PASCOE VALE 3044

Community Service  
Elder Street Reception/Emergency Care Unit  
105 Elder Street  
GREENSBOROUGH 3088

Community Service  
Outlook Drive Reception /Emergency Care Unit  
44 Outlook Drive  
GLENROY 3046

## SOUTHERN REGION

Community Service  
Koorana Family Group Home  
33 Balmoral Drive  
PARKDALE 3195

Community Service  
Moorabbin Short Term Unit  
14 Castles Road  
MOORABBIN 3189

Community Service  
Nagari Family Group Home  
10 Doveton Avenue  
DOVETON 3177

Community Service  
South Caulfield Short Term Unit  
13 Jupiter Street  
SOUTH CAULFIELD 3162

Community Service  
Tantini Family Group Home  
4 Delia Court  
DANDENONG 3175

## EASTERN REGION

Community Service  
Croydon Way Early Adolescent Unit  
3 Croydon Way  
CROYDON 3136

Community Service  
Fullwood House  
23 Fullwood Parade  
DONCASTER EAST 3109

Community Service  
Girdwood Unit  
Unit 1/1 Girdwood Road  
BORONIA 3155

Loddon/Mallee Region  
Community Service  
Chaffey Family Group Home  
27-29 Chaffey Avenue  
MILDURA 3500

## WESTERN REGION

Community Service  
Larkspur Drive Unit  
3 Larkspur Drive  
ST ALBANS 3021

Community Service  
Raven Grove Unit  
5 Raven Grove  
WERRIBEE 3030

This Order has effect on the day it is published in the Government Gazette.

Dated 9 December 1997

Responsible Minister:  
DENIS NAPTHINE  
Minister for Youth and  
Community Services

SHARNE BRYAN  
Clerk of the Executive Council

### Melbourne City Link Act 1995 INCREASING THE PROJECT AREA

The Governor in Council, on the recommendation of the Minister for Planning and Local Government (being the Minister administering the **Melbourne City Link Act 1995** and the Minister administering the **Planning and Environment Act 1987**), under section 8 (1) of the **Melbourne City Link Act 1995** varies the Project area by increasing the Project area by adding the land shown diagonally hatched turquoise on the plans numbered LEGL./97-54 and LEGL./97-56 lodged in the Central Plan Office.

Dated 9 December 1997

Responsible Minister:  
ROBERT MACLELLAN  
Minister for Planning and  
Local Government

SHARNE BRYAN  
Clerk of the Executive Council

### Melbourne City Link Act 1995 SURRENDER OF INTERESTS IN UNRESERVED CROWN LAND

The Governor in Council, on the recommendation of the Minister for Planning and Local Government (being the Minister administering the **Melbourne City Link Act 1995**) under section 26 (2) of the **Melbourne City Link Act 1995** declares that the interests (if any) in the area of 745 m<sup>2</sup> (being land to

which section 13 of the **Land Act 1958** applies) shown hatched on the plan numbered **LEGL/97-312** lodged in the Central Plan Office are surrendered to the Crown.

Dated 9 December 1997

Responsible Minister:  
ROBERT MACLELLAN  
Minister for Planning and  
Local Government

SHARNE BRYAN  
Clerk of the Executive Council

**Gas Industry Act 1994**  
**ORDER UNDER SECTION 5 (4)**

The Governor in Council acting under Section 5 (4) of the **Gas Industry Act 1994** (the "Act") declares that:

- (a) the system of pipelines described in the Schedule is deemed not to be part of the system of distribution pipelines referred to in paragraph (a) of the definition of "gas distribution system" in Section 3 of the Act; and
- (b) the system of pipelines described in the Schedule is deemed not to be part of the system of transmission pipelines referred to in paragraph (a) of the definition of "gas transmission system" in Section 3 of the Act.

**SCHEDULE**

The pipelines constructed and operated under the licences issued under Part IV of the **Pipelines Act 1967** described in the Table below together with all distribution pipelines (as defined in the **Gas Industry Act 1994**) which are connected to those pipelines.

**TABLE**

<i>Pipeline Licence</i>	<i>Location/Route</i>
Vic: 145	Paaratte - Allansford
Vic: 155	Allansford - Portland
Vic: 168	Curdievale - Cobden
Vic: 171	Codrington - Hamilton

Dated 9 December 1997

Responsible Minister:  
ALAN R. STOCKDALE  
Treasurer

SHARNE BRYAN  
Clerk of the Executive Council

**Gas Industry Act 1994**  
**ORDER UNDER SECTION 4**

The Governor in Council acting under Section 4 of the **Gas Industry Act 1994** (the "Act") declares:

- (a) tempered liquefied petroleum gas not to be gas for the purposes of Division 3 of Part 4A and Part 4B of the Act; and
- (b) any other gaseous fuel other than natural gas (as defined in the Act) not to be gas for the purposes of Part 4A and Part 4B of the Act.

For the purposes of this Order "tempered liquefied petroleum gas" means a mixture of vaporised liquefied petroleum gas and air.

Dated 9 December 1997

Responsible Minister:  
ALAN R. STOCKDALE  
Treasurer

SHARNE BRYAN  
Clerk of the Executive Council

**Gas Industry Act 1994**  
**ORDER UNDER SECTION 5A**

The Governor in Council acting under Section 5A of the **Gas Industry Act 1994** (the "Act") declares that, with effect from 11 December 1997:

- (a) each of the following persons is a gas transmission company for the purposes of the Act:  
Transmission Pipelines Australia Pty Ltd A.C.N. 079 089 268;  
Transmission Pipelines Australia (Assets) Pty Ltd A.C.N. 079 136 413;
- (b) each of the following persons is a gas distribution company for the purposes of the Act:  
Multinet Energy Pty Ltd A.C.N. 079 088 930;  
Westar (Gas) Pty Ltd A.C.N. 079 089 008;  
Stratus (Gas) Pty Ltd A.C.N. 079 089 099;  
Multinet (Assets) Pty Ltd A.C.N. 079 088 967;  
Westar (Assets) Pty Ltd A.C.N. 079 089 062;

Stratus Networks (Assets) Pty Ltd  
A.C.N. 079 089 142;

- (c) each of the following persons is a gas retailer for the purposes of the Act:

Ikon (Gas) Pty Ltd A.C.N. 079 089 553;

Kinetik (Gas) Pty Ltd A.C.N. 079 089 188;

Energy 21 (Gas) Pty Ltd A.C.N. 079 089 213.

Dated 9 December 1997

Responsible Minister:

ALAN R. STOCKDALE  
Treasurer

SHARNE BRYAN  
Clerk of the Executive Council

**Gas Industry Act 1994**  
**ORDER UNDER SECTION 5 (1) (b)**

The Governor in Council acting under Section 5 (1) (b) of the **Gas Industry Act 1994** declares that part of a pipeline that has a maximum design pressure exceeding 1050 kPa which is owned by a gas distribution company on 11 December 1997 not to be a transmission pipeline.

Dated 9 December 1997

Responsible Minister:

ALAN R. STOCKDALE  
Treasurer

SHARNE BRYAN  
Clerk of the Executive Council

**Gas Industry Act 1994**  
**EXEMPTION ORDER UNDER**  
**SECTION 48C**

1. The Governor in Council acting under Section 48C of the **Gas Industry Act 1994** (the "Act") exempts Esso Australia Resources Ltd A.R.B.N. 000 444 860 (the "Producer") from the requirement to obtain a licence under Section 48B of the Act authorising the sale of gas by retail to any person who is a Relevant Company.

2. For the purposes of this Order a Relevant Company means:

- (a) a related body corporate (within the meaning of the Corporations Law) of the Producer or the other seller;

- (b) a body corporate ("Body Corporate A") in respect of which the Producer, the other seller a wholly-owned subsidiary of either of them or of the ultimate holding company of either of them, alone or in conjunction with any other such company;

- (i) owns beneficially at least 50% of the issued shares;

- (ii) is in a position to cast or control the casting of at least 50% of the maximum number of votes that might be cast at a general meeting of Body Corporate A; or

- (iii) controls the composition of at least one half of the board of directors or other governing body of Body Corporate A and for the purposes of determining control Section 47 of the Corporations Law will apply with necessary changes.

3. For the purposes of Clause 2 the other seller is BHP Petroleum (Bass Strait) Pty Ltd A.C.N. 004 228 004 or BHP Petroleum Pty Ltd A.C.N. 006 918 832.

4. On the first anniversary of the commencement of this Order and annually thereafter, the Producer shall provide to the Office of the Regulator General a complete list of all Relevant Companies who engage in sale of gas by retail pursuant to the exemption granted by Clause 1 of this Order.

5. This Order comes into force on 11 December 1997 and continues for 5 years unless revoked or extended.

Dated 9 December 1997

Responsible Minister:

ALAN R. STOCKDALE  
Treasurer

SHARNE BRYAN  
Clerk of the Executive Council

**Gas Industry Act 1994**  
**EXEMPTION ORDER UNDER**  
**SECTION 48C**

1. The Governor in Council acting under Section 48C of the **Gas Industry Act 1994** (the "Act") exempts BHP Petroleum Pty Ltd A.C.N. 006 918 832 (the "Producer") from the requirement to obtain a licence under Section 48B of the Act authorising the sale of gas by retail to any person who is a Relevant Company.



2. For the purposes of this Order a Relevant Company means:

- (a) a related body corporate (within the meaning of the Corporations Law) of the Producer or the other seller;
- (b) a body corporate ("Body Corporate A") in respect of which the Producer, the other seller or a wholly-owned subsidiary of either of them or of the ultimate holding company of either of them, alone or in conjunction with any other such company;
  - (i) owns beneficially at least 50% of the issued shares;
  - (ii) is in a position to cast or control the casting of at least 50% of the maximum number of votes that might be cast at a general meeting of Body Corporate A; or
  - (iii) controls the composition of at least one half of the board of directors or other governing body of Body Corporate A and for the purposes of determining control Section 47 of the Corporations Law will apply with necessary changes.

3. For the purposes of Clause 2 the other seller is Esso Australia Resources Ltd. A.R.B.N. 000 444 860.

4. On the first anniversary of the commencement of this Order and annually thereafter, the Producer shall provide to the Office of the Regulator General a complete list of all Relevant Companies who engage in sale of gas by retail pursuant to the exemption granted by Clause 1 of this Order.

5. This Order comes into force on 11 December 1997 and continues for 5 years unless revoked or extended.

Dated 9 December 1997

Responsible Minister:  
ALAN R. STOCKDALE  
Treasurer

SHARNE BRYAN  
Clerk of the Executive Council

**Gas Industry Act 1994  
EXEMPTION ORDER UNDER  
SECTION 48C**

1. The Governor in Council acting under Section 48C of the **Gas Industry Act 1994** (the "Act") exempts BHP Petroleum (Bass

Strait) Pty Ltd A.C.N. 004 228 004 (the "Producer") from the requirement to obtain a licence under Section 48B of the Act authorising the sale of gas by retail to any person who is a Relevant Company.

2. For the purposes of this Order a Relevant Company means:

- (a) a related body corporate (within the meaning of the Corporations Law) of the Producer or the other seller;
- (b) a body corporate ("Body Corporate A") in respect of which the Producer, the other seller or a wholly-owned subsidiary of either of them or of the ultimate holding company of either of them, alone or in conjunction with any other such company;
  - (i) owns beneficially at least 50% of the issued shares;
  - (ii) is in a position to cast or control the casting of at least 50% of the maximum number of votes that might be cast at a general meeting of Body Corporate A; or
  - (iii) controls the composition of at least one half of the board of directors or other governing body of Body Corporate A and for the purposes of determining control Section 47 of the Corporations Law will apply with necessary changes.

3. For the purposes of Clause 2 the other seller is Esso Australia Resources Ltd. A.R.B.N. 000 444 860.

4. On the first anniversary of the commencement of this Order and annually thereafter, the Producer shall provide to the Office of the Regulator General a complete list of all Relevant Companies who engage in sale of gas by retail pursuant to the exemption granted by Clause 1 of this Order.

5. This Order comes into force on 11 December 1997 and continues for 5 years unless revoked or extended.

Dated 9 December 1997

Responsible Minister:  
ALAN R. STOCKDALE  
Treasurer

SHARNE BRYAN  
Clerk of the Executive Council

**Gas Industry Act 1994**  
**EXEMPTION ORDER UNDER**  
**SECTION 48C**

The Governor in Council acting under Section 48C of the **Gas Industry Act 1994** (the "Act") exempts the persons falling within the class of persons described below from the requirement to obtain a licence under Section 48B of the Act in respect of each of the activities specified below:

**CLASS OF PERSONS**

All persons who, immediately before the commencement of Section 17 of the **Gas Industry (Further Amendment) Act 1997**, were engaged in the provision of services (other than the sale of gas by retail) by means of a distribution pipeline, either as principal or agent, or were engaged in the sale of gas by retail, either as principal or agent, other than the following persons:

Multinet Energy Pty Ltd A.C.N. 079 088 930;

Westar (Gas) Pty Ltd A.C.N. 079 089 008;

Stratus (Gas) Pty Ltd A.C.N. 079 089 099;

Ikon (Gas) Pty Ltd A.C.N. 079 089 553;

Kinetik (Gas) Pty Ltd A.C.N. 079 089 188;

Energy 21 (Gas) Pty Ltd A.C.N. 079 089 213;

Esso Australia Resources Ltd A.R.B.N. 000 444 860;

BHP Petroleum (Bass Strait) Pty Ltd A.C.N. 004 228 004;

BHP Petroleum Pty Ltd A.C.N. 006 918 832;

GASCOR.

**EXEMPT ACTIVITY**

The provision of services (other than the sale of gas by retail) by means of a distribution pipeline (as defined in the Act),

either as principal or agent, and the sale of gas by retail, either as principal or agent, where the relevant activity:

(a) was occurring immediately prior to the commencement of Section 17 of the **Gas Industry (Further Amendment) Act 1997**; and

(b) was not at that time prohibited by the **Gas Industry Act 1994**.

This Order is subject to the following terms, conditions and limitations:

(a) the exemption given under this Order commences on 11 December 1997 and ends on 31 August 1998;

(b) to the extent that this Order exempts a person who was authorised under Section 40 of the Act immediately prior to the commencement of Section 15 of the Act, the exemption given under this Order is subject to any conditions to which that authority was subject; and

(c) the persons exempted by the Order must, on or before 30 June 1998, furnish to the Office of the Regulator-General such information relating to the person and the person's activities as is sufficient to enable the Office to determine whether the person should remain exempt (and, if so, for how long) or apply for a licence under Section 48D of the Act in relation to those activities.

Dated 9 December 1997

Responsible Minister:  
 ALAN R. STOCKDALE  
 Treasurer

SHARNE BRYAN  
 Clerk of the Executive Council

**Gas Industry Act 1994**  
**ESTABLISHMENT OF ACCESS CODE UNDER SECTION 48U**

The Governor in Council under Section 48U of the **Gas Industry Act 1994** hereby establishes an Access Code with respect to third party access to transmission pipelines and distributions pipelines for natural gas in the terms of the Victorian Third Party Access Code for Natural Gas Pipeline Systems (attached), with effect from 11 December 1997:

**VICTORIAN THIRD PARTY ACCESS CODE FOR**  
**NATURAL GAS PIPELINE SYSTEMS**

**INTRODUCTION**

This Code establishes an access regime for natural gas pipeline systems in Victoria. The regime is to be short-lived, as it is to be succeeded in 1998 by the proposed national access regime. This regime is intended to be very similar to the proposed national regime, differing only insofar as it must because there is no national access regime and to streamline certain administrative functions.

The objective of this Code is to establish a framework for third party access to gas pipelines that:

- (a) facilitates the development and operation of Victorian and national markets for natural gas; and
- (b) prevents abuse of monopoly power; and
- (c) promotes competitive markets for natural gas in which customers may choose suppliers, including producers, retailers and traders; and
- (d) provides rights of access to natural gas pipelines on conditions that are fair and reasonable for both Service Providers and Users; and
- (e) provides for resolution of disputes.

Under the Code, the owner of a Pipeline that is Covered under the Code is required to lodge an Access Arrangement with the Relevant Regulator. The Access Arrangement is similar in many respects to an undertaking under Part IIIA of the Trade Practices Act and is designed to allow the owner or operator of the Covered Pipeline to develop its own Tariffs and other terms and conditions under which access will be made available, subject to the requirements of the Code.

The Relevant Regulator will seek comments on the Access Arrangement and then may either accept it or reject it and specify amendments it requires to be made to the Access Arrangement. If rejected, the Access Arrangement must be modified and resubmitted. Under certain circumstances, the Relevant Regulator may draft and approve its own Access Arrangement. The legislation which implements the Code provides for administrative review of certain regulatory decisions made under the Code.

Important features of the Code are:

- Coverage - the mechanism by which Pipelines (including distribution systems) become subject to the Code;
- reliance on an up-front Access Arrangement outlining Services and Reference Tariffs applicable to a Covered Pipeline;
- pricing principles;
- ring fencing;
- information disclosure requirements;
- binding arbitration where there is a dispute; and
- specific timelines for all processes.

The Code allows for Pipeline owners and operators to adopt either a contract carriage or a market carriage approach to access.

The aim of the Code is to provide sufficient prescription so as to reduce substantially the number of likely arbitrations, while at the same time incorporating enough flexibility for the parties to negotiate contracts within an appropriate framework. The Code has also been designed to facilitate the transition to a clear national access regime, with consistency between different jurisdictions.

This introduction to the Code and the overview in italics at the beginning of each section of the Code do not form part of the Code but in certain circumstances regard may be had to them in interpreting the Code (see sections 9.4 and 9.5).

#### 1. COVERAGE

This section of the Code describes the kinds of gas infrastructure which are subject to the Code and the basis on which particular infrastructure is or may become subject to the Code.

In relation to the first issue, the scope of the Code is limited to Pipelines used for the haulage of Natural Gas. The definition of Pipeline includes gas transmission pipelines and distribution networks and related facilities, but excludes upstream facilities.

In relation to the second issue, a Pipeline may become Covered in one of four ways.

- Schedule A lists the Pipelines which are automatically Covered by the Code (section 1.1).
- In relation to other Pipelines, a case by case approach applies under which specific criteria are applied to individual Pipelines to determine whether they are Covered (sections 1.2-1.8).
- In addition, where a Pipeline is not Covered a Service Provider may itself request Coverage by proposing an Access Arrangement for the Pipeline to the Relevant Regulator for approval (sections 1.9 and 2.3).
- Finally, if a competitive tender process approved by the Relevant Regulator is used to select the Service Provider for a new Pipeline, that new Pipeline will be Covered from the time the Relevant Regulator approves the outcome of the competitive tender (section 1.10).

The Code accordingly provides a high degree of certainty for the Pipelines identified in Schedule A, while retaining the flexibility to bring in other or new Pipelines on a case-by-case basis. Additional flexibility to respond to changing circumstances exists as a result of the potential for Coverage to be Revoked where the criteria for Coverage cease to be satisfied.

In simple terms, the process for case by case Coverage is as follows:

- any person may seek Coverage of a Pipeline by applying to the Decision Maker;
- the Decision Maker considers the recommendation and decides on Coverage.

The term "Pipeline" is defined in the Gas Industry Act to include part of a Pipeline. Consequently, an application can be made for the Coverage of the whole or any part of a Pipeline provided the Pipeline or the relevant part of the Pipeline is owned or operated by the same Service Provider or group of Service Providers.

The process for Revocation is similar to the process for Coverage.

An extensions/expansions policy in the Access Arrangement for a Covered Pipeline will define when an extension to, or expansion of the Capacity of, a Covered Pipeline will be treated as part of the same Covered Pipeline and when that extension or expansion is to be regarded as a separate Pipeline which may be the subject of a separate Coverage application.

Pipelines in Schedule A are Covered

- 1.1 Each Pipeline listed in Schedule A is a Covered Pipeline from the date of commencement of the Code.

Decision Maker to decide on an Application for Coverage

- 1.2 Victorian Pipelines other than those listed in Schedule A may become Covered after the commencement of the Code where a person applies to the Decision Maker for the Pipeline to be Covered and the Decision Maker decides that the Pipeline should be Covered.
- 1.3 Any person, including the Relevant Regulator, may make an application to the Decision Maker requesting that a particular Victorian Pipeline be Covered. A single application may be made under this section 1.3 for the Coverage of the whole, or any part of a Pipeline, provided that all of that Pipeline, or all of that part of a Pipeline, is owned or operated by the same Service Provider or group of Service Providers. The Decision Maker may publish guidelines concerning the form and content of Coverage applications and specifying the amount of any fee to be paid on the making of an application. If it does so, applications must be made in accordance with those guidelines.
- 1.4 When the Decision Maker receives an application under section 1.3, the Decision Maker must decide that the Pipeline be Covered (either to the extent described, or to a greater or lesser extent than that described, in the application) if the Decision Maker is

satisfied of all of the following matters, and cannot decide that the Pipeline be Covered, to any extent, if the Decision Maker is not satisfied of one or more of the following matters:

- (a) that access (or increased access) to Services provided by means of the Pipeline would promote competition in at least one market (whether or not in Australia), other than the market for the Services provided by means of the Pipeline;
- (b) that it would be uneconomic for anyone to develop another Pipeline to provide the Services provided by means of the Pipeline;
- (c) that access (or increased access) to the Services provided by means of the Pipeline can be provided without undue risk to human health or safety; and
- (d) that access (or increased access) to the Services provided by means of the Pipeline would not be contrary to the public interest.

- 1.5 The applicant may withdraw the application by notice to the Decision Maker at any time before the Decision Maker makes a decision concerning Coverage of the Pipeline.
- 1.6 Promptly after making a decision, the Decision Maker must provide a copy of the Decision Maker's decision to the Relevant Regulator, the Service Provider, the applicant and any other person who requests a copy.
- 1.7 The decision on Coverage and the notice referred to in section 1.6 must contain a detailed description of the Pipeline the subject of the decision.
- 1.8 A decision on Coverage has effect on the date specified by the Decision Maker, which date must be earlier than 14 days after the day the decision was made.

Pipelines subject to Access Arrangements submitted under section 2.3 are Covered

- 1.9 A Pipeline which is subject to an Access Arrangement submitted under section 2.3 is, if not already Covered, Covered from the date that the Access Arrangement becomes effective until the expiry date, if any, as contemplated under section 3.22. An application may be made under section 1.3 requesting that such a Pipeline remain Covered after the Access Arrangement expires if the period from the date of the application to the date on which the Access Arrangement expires is not more than 90 days.

New Pipelines the subject of an approved competitive tender are Covered

- 1.10 If the Relevant Regulator makes a decision under section 3.34 approving the outcome of a competitive tender the Pipeline concerned shall be a Covered Pipeline from the time of that decision.

Revocation of Coverage

- 1.11 Pipelines listed in Schedule A and Pipelines which have become Covered after the commencement of the Code may cease to be Covered where a person applies to the Decision Maker for Coverage of the Pipeline to be revoked and the Decision Maker determines that Coverage of the Covered Pipeline should be revoked.
- 1.12 Any person, including the Relevant Regulator, may make an application to the Decision Maker requesting that Coverage of a particular Covered Pipeline be revoked. The Decision Maker may publish guidelines concerning the form and content of revocation applications and specifying the amount of any fee to be paid on the making of an application. If it does so, applications must be made in accordance with those guidelines.
- 1.13 When the Decision Maker receives an application it must decide:
  - (a) that Coverage of the Pipeline be revoked; or
  - (b) that Coverage of the Pipeline not be revoked.

If the Decision Maker decides that Coverage of the Pipeline be revoked, it may do so to a greater or lesser extent than requested by the applicant if, having regard to the part of the Covered Pipeline that is necessary to provide Services that Prospective Users may seek, the Decision Maker considers it appropriate.

- 1.14 The Decision Maker cannot decide that Coverage of the Covered Pipeline be Revoked, to any extent, if the Decision Maker is satisfied of all of the matters set out in paragraphs (a) to (d) of section 1.4, but the Decision Maker must decide that Coverage of the Covered Pipeline be revoked (either to the extent described, or to a greater or lesser extent than that described, in the application) if the Decision Maker is not satisfied of one or more of those matters.
- 1.15 The applicant may withdraw the application by notice to the Decision Maker at any time before the Decision Maker makes a decision concerning revocation of Coverage of the Covered Pipeline.
- 1.16 Promptly after making a decision the Decision Maker must provide a copy of its decision to the Relevant Regulator, the Service Provider, the applicant, each person who made a submission to the Decision Maker and any other person who requests a copy.
- 1.17 The decision on revocation and the notice referred to in section 1.16 must, if the decision is to revoke Coverage for part or all of the Covered Pipeline, contain a detailed description of the Covered Pipeline the subject of the decision.
- 1.18 The decision on revocation has effect on the date specified by the Decision Maker, which date must be earlier than 14 days after the day the decision was made.

#### Extensions/Expansions of a Covered Pipeline

- 1.19 An extension to, or expansion of the Capacity of, a Covered Pipeline shall be treated as part of the Covered Pipeline for all purposes under the Code if the Extensions/Expansions Policy contained in the Access Arrangement for that Covered Pipeline provides for that extension or expansion to be treated as part of the Covered Pipeline.
- 1.20 The Service Provider must notify the Code Registrar of any extension to, or expansion of the Capacity of, a Covered Pipeline which is to be treated as part of the Covered Pipeline pursuant to section 1.19 when the extension or expansion would require an amendment to the description of the Covered Pipeline on the Public Register in order for that description to remain an accurate description of the Covered Pipeline.

## 2. ACCESS ARRANGEMENTS

Where a Pipeline is Covered, this section of the Code requires a Service Provider to establish an Access Arrangement to the satisfaction of the Relevant Regulator for that Covered Pipeline. An Access Arrangement is a statement of the policies and the basic terms and conditions which apply to third party access to a Covered Pipeline. The Service Provider and a User or Prospective User are free to agree to terms and conditions that differ from the Access Arrangement (with the exception of the Queuing Policy). If an access dispute arises, however, and is referred to the Relevant Regulator, the Relevant Regulator (or any other Arbitrator it appoints) must apply the provisions of the Access Arrangement in resolving the dispute. If a Pipeline is not Covered a Service Provider may voluntarily propose an Access Arrangement to the Relevant Regulator for approval. Upon approval the Pipeline becomes a Covered Pipeline.

An Access Arrangement must be submitted to the Relevant Regulator for approval. The Relevant Regulator may approve an Access Arrangement only if the Access Arrangement satisfies the minimum requirements set out in section 3. The Relevant Regulator must not refuse to approve an Access Arrangement solely for the reason that the proposed Access Arrangement does not address a matter that section 3 does not require an Access Arrangement to address. Subject to this limit, the Relevant Regulator has a broad discretion to refuse to accept an Access Arrangement. If section 3 permits a range of outcomes on a particular issue (for example, any

Revisions Commencement Date is permitted), the Relevant Regulator may reject an outcome proposed by the Service Provider which is within the permitted range and require a particular outcome be included in the Access Arrangement (for example, a particular Revisions Commencement Date).

An Access Arrangement submitted to the Relevant Regulator for approval must be accompanied by Access Arrangement Information. Access Arrangement Information should enable Users and Prospective Users to understand the derivation of the elements of the proposed Access Arrangement and form an opinion as to the compliance of the Access Arrangement with the Code. The Access Arrangement Information must include the categories of information identified in Attachment A to the Code.

The process whereby a compulsory Access Arrangement is approved can be summarised as follows:

- The Service Provider submits a proposed Access Arrangement, together with the Access Arrangement Information, to the Relevant Regulator.
- The Relevant Regulator may require the Service Provider to amend and resubmit the Access Arrangement Information.
- The Relevant Regulator publishes a public notice and seeks submissions on the application.
- The Relevant Regulator considers the submissions, issues a draft decision and then, after considering any submissions received on the draft, makes a final decision which either:
  - approves the proposed Access Arrangement; or
  - does not approve the proposed Access Arrangement and states the revisions to the Access Arrangement which would be required before the Relevant Regulator would approve it; or
  - approves a revised Access Arrangement submitted by the Service Provider which incorporates amendments specified by the Relevant Regulator in its draft decision.
- If the Relevant Regulator does not approve the Access Arrangement, the Service Provider may propose an amended Access Arrangement which incorporates the revisions required by the Relevant Regulator. If the Service Provider does not do so, the Relevant Regulator can impose its own Access Arrangement.
- The Gas Industry Act provides a mechanism for the review of a decision by the Relevant Regulator to impose an Access Arrangement.

A similar process applies in relation to voluntary Access Arrangements, except that the Service Provider may withdraw the application at any time prior to approval of the Access Arrangement and the Relevant Regulator may only approve or disapprove the Access Arrangement; it may not impose its own Access Arrangement.

An Access Arrangement must include a date for review. In addition, changes to an Access Arrangement may be made before a review date if the Relevant Regulator and the Service Provider agree. In either case if revisions to the Access Arrangement are proposed, a process of public consultation and approval by the Relevant Regulator, similar to that followed for approving a compulsory Access Arrangement, must be followed. The Relevant Regulator may, however, dispense with public consultation if changes proposed between reviews are sufficiently minor.

#### Submission of Access Arrangements

- 2.1 The Relevant Regulator may at any time prepare and release for public comment, discussion or issues papers and hold public consultations concerning any matter relevant to its functions under the Code.

- 2.2 Subject to sections 2.52 and 9.1, if a Pipeline is Covered, every Service Provider must submit a proposed Access Arrangement together with the applicable Access Arrangement Information for the Covered Pipeline to the Relevant Regulator:
- (a) within 90 days after the Pipeline becomes Covered under section 1.8 or 1.10 if the Pipeline is not described in Schedule A; or
  - (b) within 90 days after the commencement of the Code if the Pipeline is described in Schedule A.
- 2.3 If a Pipeline is not Covered, a Service Provider may (or, in respect of a proposed Pipeline, a Prospective Service Provider may) apply to the Relevant Regulator for approval of an Access Arrangement by submitting the proposed Access Arrangement to the Relevant Regulator together with the applicable Access Arrangement Information. In sections 2.4 to 2.27 the term Service Provider includes a Prospective Service Provider. In section 2.24 the term "Covered Pipeline" includes the Pipeline the subject of an Access Arrangement submitted under this section 2.3.
- 2.4 If the Relevant Regulator so requires by a notice in writing (which may be given either before or after the Service Provider submits an Access Arrangement), the Service Provider must submit separate Access Arrangements (together with Access Arrangement Information) for different parts of the Covered Pipeline as specified by the Relevant Regulator, so that the separate Access Arrangements in total apply to the whole of the Covered Pipeline. The Service Provider may (if the Relevant Regulator agrees) voluntarily submit separate Access Arrangements (together with Access Arrangement Information) for different parts of the Covered Pipeline, so that the separate Access Arrangements in total apply to the whole of the Covered Pipeline. If separate Access Arrangements are submitted in accordance with this section, each part of a Pipeline that is the subject of an Access Arrangement will be treated as a separate Covered Pipeline for all purposes under the Code.
- 2.5 An Access Arrangement may include any relevant matter but must include at least the elements described in section 3.1 to 3.22.
- 2.6 Access Arrangement Information must contain such information as in the opinion of the Relevant Regulator would enable Users and Prospective Users to understand the derivation of the elements in the proposed Access Arrangement and form an opinion as to the compliance of the Access Arrangement with the provisions of the Code.
- 2.7 The Access Arrangement Information may include any relevant information but must include at least the information described in Attachment A.
- 2.8 Information included in Access Arrangement Information, including information of a type described in Attachment A, may be categorised or aggregated to the extent necessary to ensure the disclosure of the information is, in the opinion of the Relevant Regulator, not unduly harmful to the legitimate business interests of the Service Provider or a User or Prospective User. However, nothing in this section 2.8 limits the Relevant Regulator's power under section 48ZT of the Gas Industry Act to obtain information, including information in an uncategorised or unaggregated form.

#### Public Consultation and Approval

- 2.9 At any time after the receipt of the applicable Access Arrangement Information under section 2.2 or 2.3 and before a decision is made to approve an Access Arrangement, the Relevant Regulator:
- (a) may, of its own volition, require the Service Provider to make changes to the Access Arrangement Information if the Relevant Regulator is not satisfied that the Access Arrangement Information meets the requirements of sections 2.6 and 2.7; and



- (b) must, if requested to do so by any person, consider whether the Access Arrangement Information meets the requirements of sections 2.6 and 2.7 and decide whether or not to require the Service Provider to make changes to the Access Arrangement Information accordingly.

If the Relevant Regulator requires the Service Provider to make changes to the Access Arrangement Information it must specify the reasons for its decision and must specify a reasonable time by which the proposed Access Arrangement Information that rectifies the matters identified by the Relevant Regulator must be resubmitted. The Relevant Regulator must not require information to be included in Access Arrangement Information the release of which in the Relevant Regulator's opinion could be unduly harmful to the legitimate business interests of the Service Provider or a User or Prospective User. If the Relevant Regulator requires the Service Provider to make changes to the Access Arrangement Information, the Service Provider must submit Access Arrangement Information amended as required by the Relevant Regulator, by the date specified by the Relevant Regulator.

2.10 After receiving a proposed Access Arrangement the Relevant Regulator must:

- (a) inform each person known to the Relevant Regulator who the Relevant Regulator believes has a sufficient interest in the matter that it has received the proposed Access Arrangement and Access Arrangement Information; and
- (b) publish a notice in a national daily newspaper which at least:
  - (i) describes the Covered Pipeline to which the proposed Access Arrangement relates;
  - (ii) states how copies of the proposed Access Arrangement and the Access Arrangement Information may be obtained; and
  - (iii) requests submissions by a date specified in the notice.

2.11 The Relevant Regulator must provide a copy of the proposed Access Arrangement and the Access Arrangement Information to any person within 7 days after the person requests a copy and pays any reasonable fee required by the Relevant Regulator.

2.12 The Relevant Regulator must consider any submissions received by the date specified in the notice published under section 2.10 and it may (but is not obliged) to consider any submissions received after that date.

2.13 After considering submissions received by the date specified in the notice published under section 2.10 the Relevant Regulator must issue a draft decision which either:

- (a) proposes to approve the Access Arrangement; or
- (b) proposes not to approve the Access Arrangement and states the amendments (or nature of the amendments) which would have to be made to the Access Arrangement in order for the Relevant Regulator to approve it.

2.14 The Relevant Regulator must:

- (a) provide a copy of its draft decision to the Service Provider, any person who made a submission on the matter and any other person who requests a copy; and
- (b) request submissions from persons to whom it provides the draft decision by a date specified by the Relevant Regulator.

2.15 The Relevant Regulator must consider any submissions received by the date specified by the Relevant Regulator under section 2.14 and it may (but is not obliged) to consider any submissions received after that date.

2.16 After considering submissions received by the date specified by the Relevant Regulator under section 2.14, the Relevant Regulator must issue a final decision which:

- (a) approves the Access Arrangement; or

- (b) does not approve the Access Arrangement, provides reasons why the Relevant Regulator does not approve the Access Arrangement and states the amendments (or nature of the amendments) which would have to be made to the Access Arrangement in order for the Relevant Regulator to approve it and the date by which a revised Access Arrangement must be resubmitted by the Service Provider; or
  - (c) approves a revised Access Arrangement submitted by the Service Provider which in the Relevant Regulator's reasonable opinion incorporates the amendments specified by the Relevant Regulator in its draft decision.
- 2.17 The Relevant Regulator must provide a copy of its final decision to the Service Provider, any person who made a submission on the matter and any other person who requests a copy.
- 2.18 If the Relevant Regulator decides not to approve the Access Arrangement under section 2.16(b), the Service Provider must by the date specified by the Relevant Regulator under section 2.16(b), submit a revised Access Arrangement to the Relevant Regulator.
- 2.19 If the Service Provider submits a revised Access Arrangement by the date specified by the Relevant Regulator under section 2.16(b), which the Relevant Regulator is satisfied incorporates the amendments specified by the Relevant Regulator in its final decision, the Relevant Regulator must issue a final decision that approves the revised Access Arrangement.
- 2.20 If the Service Provider does not submit a revised Access Arrangement by the date specified by the Relevant Regulator under section 2.16(b), or submits a revised Access Arrangement which the Relevant Regulator is not satisfied incorporates the amendments specified by the Relevant Regulator in its final decision, the Relevant Regulator must:
  - (a) in the case of an Access Arrangement submitted under section 2.2, draft and approve its own Access Arrangement, instead of the Access Arrangement proposed by the Service Provider; or
  - (b) in the case of an Access Arrangement submitted voluntarily under section 2.3, not approve the Access Arrangement.
- 2.21 The Relevant Regulator must issue a final decision under section 2.16 (and sections 2.19 and 2.20, if applicable) within six months of receiving a proposed Access Arrangement. The Relevant Regulator must also ensure that:
  - (a) there is a period of at least 28 days between the publication of a notice under section 2.10(b) and the last day for submissions specified in that notice; and
  - (b) there is a period of at least 14 days between the publication of a draft decision under section 2.14 and the last day for submissions on the draft decision specified by the Relevant Regulator; and
  - (c) there is a period of at least 14 days between the publication of a final decision under section 2.16(b) and the date specified by the Relevant Regulator as the last day for the Service Provider to submit a revised Access Arrangement.

In all other respects the timing for the taking of each of the steps set out in sections 2.9, 2.10 and 2.12 to 2.20 (inclusive) is a matter for the Relevant Regulator to determine.
- 2.22 The Relevant Regulator may increase the period of six months specified in section 2.21 by periods of up to two months on one or more occasions, provided it publishes in a national newspaper notice of the decision to increase the period.
- 2.23 If a Service Provider fails to submit a proposed Access Arrangement within the time required under section 2.2, the Relevant Regulator may draft and approve its own Access Arrangement. Before approving its own Access Arrangement under this section 2.23 the Relevant Regulator must:

- (a) prepare an information package which, to the extent practicable, meets the requirements of sections 2.6 and 2.7; and
  - (b) follow the process set out in sections 2.10 to 2.15 to the extent practicable as though the Access Arrangement drafted by the Relevant Regulator had been proposed by the Service Provider and the information package prepared by the Relevant Regulator had been Access Arrangement Information proposed by the Service Provider.
- 2.24 The Relevant Regulator may approve a proposed Access Arrangement only if it is satisfied the proposed Access Arrangement contains the elements and satisfies the principles set out in sections 3.1 to 3.22. The Relevant Regulator must not refuse to approve a proposed Access Arrangement solely for the reason that the proposed Access Arrangement does not address a matter that sections 3.1 to 3.22 do not require an Access Arrangement to address. In assessing a proposed Access Arrangement, the Relevant Regulator must:
- (a) be satisfied that the proposed Access Arrangement complies with the provisions of the Code; and
  - (b) take the following into account:
    - (i) the legitimate business interests of the Service Provider;
    - (ii) firm and binding contractual obligations of the Service Provider or other persons (or both) already using the Covered Pipeline;
    - (iii) the operational and technical requirements necessary for the safe and reliable operation of the Covered Pipeline;
    - (iv) the economically efficient operation of the Covered Pipeline;
    - (v) the public interest, including the public interest in having competition in markets (whether or not in Australia);
    - (vi) the interests of Users and Prospective Users; and
    - (vii) any other matters that the Relevant Regulator thinks are relevant.
- 2.25 The Relevant Regulator must not approve an Access Arrangement (or draft and approve its own Access Arrangement), any provision of which would, if applied, deprive any person of a contractual right in existence prior to the date the proposed Access Arrangement was submitted (or required to be submitted), other than an Exclusivity Right which arose on or after 30 March 1995.
- 2.26 A decision by the Relevant Regulator under section 2.20(a) or 2.23 is a decision to which section 48ZQ of the Gas Industry Act applies and is subject to review by the Relevant Appeals Body under the Gas Industry Act. Subject to Gas Industry Act, the Relevant Regulator's decision to approve the proposed Access Arrangement has effect on the date specified by the Relevant Regulator, which date must be not less than 14 days after the day the decision was made.
- 2.27 A Service Provider may withdraw a proposed Access Arrangement submitted under section 2.3 at any time before it is approved by the Relevant Regulator. In those circumstances the Service Provider is not required to comply with a related decision made under section 2.9.

#### Review of an Access Arrangement

- 2.28 By the date provided for in the Access Arrangement as the Revisions Submission Date (or as otherwise required by an Access Arrangement), the Service Provider must, and at any other time the Service Provider may, submit to the Relevant Regulator proposed revisions to the Access Arrangement together with the applicable Access Arrangement Information.

2.29 The Access Arrangement as revised by the proposed revisions may include any relevant matter but must include at least the elements described in section 3.1 to 3.22.

2.30 At any time after receipt of the applicable Access Arrangement Information under section 2.28 and before a decision is made to approve revisions to an Access Arrangement the Relevant Regulator:

- (a) may, of its own volition, require the Service Provider to make changes to the Access Arrangement Information if the Relevant Regulator is not satisfied that the Access Arrangement Information meets the requirements of sections 2.6 and 2.7; and
- (b) must, if requested to do so by any person, consider whether the Access Arrangement Information meets the requirements of sections 2.6 and 2.7 and decide whether or not to require the Service Provider to make changes to the Access Arrangement Information accordingly.

If the Relevant Regulator requires the Service Provider to make changes to the Access Arrangement Information it must specify the reasons for its decision and must specify a reasonable time by which the proposed Access Arrangement Information that rectifies the matters identified by the Relevant Regulator must be resubmitted. The Relevant Regulator must not require information to be included in the Access Arrangement Information the release of which in the Relevant Regulator's opinion could be unduly harmful to the legitimate business interests of the Service Provider or a User or Prospective User. If the Relevant Regulator requires the Service Provider to make changes to the Access Arrangement Information, the Service Provider must submit Access Arrangement Information amended as required by the Relevant Regulator, by the date specified by the Relevant Regulator.

2.31 After receiving a proposed revision to an Access Arrangement the Relevant Regulator must:

- (a) inform each person known to the Relevant Regulator who the Relevant Regulator believes has a sufficient interest in the matter that it has received the proposed revision to the Access Arrangement and Access Arrangement Information; and
- (b) publish a notice in a national daily newspaper which at least:
  - (i) describes the Covered Pipeline to which the proposed revisions to the Access Arrangement relates;
  - (ii) states how copies of the revisions to the Access Arrangement and the Access Arrangement Information may be obtained; and
  - (iii) requests submissions by a date specified in the notice.

2.32 The Relevant Regulator must provide a copy of the proposed revisions to the Access Arrangement and the Access Arrangement Information to any person within 7 days after the person requests a copy and pays any reasonable fee required by the Relevant Regulator.

2.33 The Relevant Regulator may dispense with the requirement to produce Access Arrangement Information in respect of proposed revisions and may approve or not approve the proposed revisions without consultation with, or receiving submissions from, persons other than the Service Provider if:

- (a) the revisions have been proposed by the Service Provider other than as required by the Access Arrangement; and
- (b) the Relevant Regulator considers that the revisions proposed are not material and will not result in changes to Reference Tariffs or to the Services that are Reference Services.

- 2.34 The Relevant Regulator must consider any submissions received by the date specified in the notice published under section 2.31 and it may (but is not obliged) to consider any submission received after that date.
- 2.35 After considering submissions received by the date specified in the notice published under section 2.31 the Relevant Regulator must issue a draft decision which either:
- (a) proposes to approve the revisions to the Access Arrangement; or
  - (b) proposes not to approve the revisions to the Access Arrangement and provides reasons why the Relevant Regulator proposes not to approve the revisions to the Access Arrangement (and, if the revisions have been proposed by the Service Provider as required by the Access Arrangement, states the amendments which would have to be made to the revisions in order for the Relevant Regulator to approve them).
- 2.36 The Relevant Regulator must:
- (a) provide a copy of its draft decision to the Service Provider, any person who made a submission on the matter and any other person who requests a copy; and
  - (b) request submissions on the draft decision from persons to whom it provides the draft decision by a date specified by the Relevant Regulator.
- 2.37 The Relevant Regulator must consider any submissions received by the date specified by the Relevant Regulator under section 2.36 and it may (but is not obliged) to consider submissions received after that date.
- 2.38 After considering any submissions received by the date specified by the Relevant Regulator under section 2.35, the Relevant Regulator must issue a final decision which:
- (a) approves the revisions to the Access Arrangement; or
  - (b) does not approve the revisions to the Access Arrangement and provides reasons why the Relevant Regulator does not approve the revisions to the Access Arrangement (and, if the revisions have been proposed by the Service Provider as required by the Access Arrangement, states the amendments (or nature of the amendments) which would have to be made to the revisions in order for the Relevant Regulator to approve them and the date by which the amended revisions to the Access Arrangement must be resubmitted by the Service Provider); or
  - (c) approves amended revisions to the Access Arrangement submitted by the Service Provider which the Relevant Regulator is satisfied incorporates the amendments specified by the Relevant Regulator in its draft decision.
- 2.39 The Relevant Regulator must provide a copy of its final decision to the Service Provider, any person who made a submission on the matter and any other person who requests a copy.
- 2.40 If the Relevant Regulator decides not to approve the revisions to the Access Arrangement under section 2.38(b) the Service Provider must, if the revisions it proposed were proposed as required by the Access Arrangement, submit amended revisions to the Relevant Regulator by the date specified by the Relevant Regulator under section 2.38(b).
- 2.41 If the Service Provider submits amended revisions to the Access Arrangement by the date specified by the Relevant Regulator under section 2.38(b) which, the Relevant Regulator is satisfied incorporates the amendments specified by the Relevant Regulator in its final decision, the Relevant Regulator must issue a final decision that approves the amended revisions to the Access Arrangement.
- 2.42 If the Service Provider does not submit amended revisions to the Access Arrangement by the date specified by the Relevant Regulator under section 2.38(b) or submits amended revisions which the Relevant Regulator is not satisfied incorporates the

amendments specified by the Relevant Regulator in its final decision, the Relevant Regulator must draft and approve its own revisions to the Access Arrangement, instead of the revisions proposed by the Service Provider.

- 2.43 The Relevant Regulator must issue a final decision under section 2.38 (and sections 2.41 or 2.42 if applicable) within six months of receiving proposed revisions to an Access Arrangement. The Relevant Regulator must also ensure that:
- (a) there is a period of at least 28 days between the publication of a notice under section 2.31(b) and the last day for submissions specified in that notice;
  - (b) there is a period of at least 14 days between the publication of a draft decision under section 2.36(b) and the last day for submissions on the draft decision specified by the Relevant Regulator; and
  - (c) there is a period of at least 14 days between the publication of a final decision under section 2.38(b) and the date specified by the Relevant Regulator as the last day for the Service Provider to submit amended revisions to the Access Arrangement.
- In all other respects the timing for the taking of each of the steps set out in sections 2.30, 2.31 and 2.33 to 2.42 (inclusive) is a matter for the Relevant Regulator to determine.
- 2.44 The Relevant Regulator may increase the period of six months specified in section 2.43 by periods of up to two months on one or more occasions provided it publishes in a national newspaper notice of the decision to increase the period.
- 2.45 If the Service Provider fails to submit revisions to an Access Arrangement as required by the Access Arrangement, the Relevant Regulator may draft and approve its own revisions to the Access Arrangement. Before approving its own revisions to an Access Arrangement under this section 2.45 the Relevant Regulator must:
- (a) prepare an information package which, to the extent practicable, meets the requirements of sections 2.6 and 2.7;
  - (b) follow the process set out in sections 2.31 to 2.37 to the extent practicable as though the revisions to the Access Arrangements drafted by the Relevant Regulator has been proposed by the Service Provider and the information package drafted by the Relevant Regulator has been Access Arrangement Information proposed by the Service Provider.
- 2.46 The Relevant Regulator may approve proposed revisions to an Access Arrangement only if it is satisfied the Access Arrangement as revised would contain the elements and satisfy the principles set out in sections 3.1 to 3.22. The Relevant Regulator must not refuse to approve proposed revisions to the Access Arrangement solely for the reason that the Access Arrangement as revised would not address a matter that sections 3.1 to 3.22 do not require an Access Arrangement to address. In assessing proposed revisions to the Access Arrangement, the Relevant Regulator must:
- (a) be satisfied that the revised Access Arrangement complies with the provisions of this Code; and
  - (b) take into account the factors described in section 2.24; and
  - (c) take into account the provisions of the Access Arrangement.
- 2.47 The Relevant Regulator must not approve revisions to an Access Arrangement (or draft and approve its own revisions to an Access Arrangement) if a provision of the Access Arrangement as revised would, if applied, deprive any person of a contractual right in existence prior to the date the revisions to the Access Arrangement were submitted (or were required to be submitted), other than an Exclusivity Right which arose on or after 30 March 1995.

- 2.48 A decision by the Relevant Regulator under section 2.42 or 2.45 is a decision to which section 48ZQ of the Gas Industry Act applies and is subject to review by the Relevant Appeals Body under the Gas Industry Act. Subject to the Gas Industry Act, revisions to an Access Arrangement come into effect on the date specified by the Relevant Regulator in its decision to approve the revisions (which date must not be earlier than either a date 14 days after the day the decision was made or, except where the Service Provider submitted the revisions voluntarily or because a mechanism of a type referred to in section 3.20(a) included in the Access Arrangement was triggered, the Revisions Commencement Date).

Changes to an Approved Access Arrangement between Reviews

- 2.49 An Access Arrangement which has become effective may only be changed pursuant to this section 2.

Access Arrangement not to limit Access

- 2.50 For the avoidance of doubt, nothing (except for the Queuing Policy) contained in an Access Arrangement (including the description of Services in a Services Policy) limits:
- (a) the Services a Service Provider can agree to provide to a User or Prospective User;
  - (b) the Services which can be the subject of a dispute under section 6;
  - (c) the terms and conditions a Service Provider can agree with a User or Prospective User; or
  - (d) the terms and conditions which can be the subject of a dispute under section 6.

Previous Access Arrangements

- 2.51 This clause has been left deliberately blank.

- 2.52 A Service Provider need not submit a proposed Access Arrangement or Access Arrangement Information in accordance with section 2.2 with respect to a Covered Pipeline where:

- (a) before the date on which this Code takes effect, the Service Provider (or, where the Service Provider does not at the relevant time yet exist, a person able to represent and bind the future Service Provider) has submitted a proposed Access Arrangement with respect to the Covered Pipeline together with the applicable Access Arrangement Information (if relevant) to the person who is under this Code the Relevant Regulator for that Covered Pipeline; and
- (b) that Relevant Regulator, having:
  - (i) in substance done the things it would have been required to do in relation to the proposed Access Arrangement and the applicable Access Arrangement Information submitted in accordance with section 2.2; and
  - (ii) certified in writing that those things have been done,the Relevant Regulator has approved the proposed Access Arrangement and Access Arrangement Information.

In such circumstances the proposed Access Arrangement and Access Arrangement Information shall be deemed to have been accepted under this Code and to be the Access Arrangement and Access Arrangement Information with respect to the relevant Covered Pipeline for all purposes under this Code.

3. CONTENT OF AN ACCESS ARRANGEMENT

An Access Arrangement must, as a minimum, include the elements described in section 3 of the Code. Section 3 establishes the following requirements:

Services Policy - An Access Arrangement must include a policy on the Services to be offered. The Services Policy must:

- include a description of one or more Services which are to be offered;
- where reasonable and practical, allow Prospective Users to obtain a Service that includes only those elements that the User wishes to be included in the Service; and
- where reasonable and practical, allow Prospective Users to obtain a separate tariff in regard to a separate element of a Service.

Reference Tariff - An Access Arrangement must contain one or more Reference Tariffs (the Relevant Regulator may require more than one Reference Tariff when appropriate). A Reference Tariff operates as a benchmark tariff for a specific Service, in effect giving the User a right of access to the specific Service at the Reference Tariff, and giving the Service Provider the right to levy the Reference Tariff for that Service. Ordinarily a Reference Tariff must be set in accordance with the principles set out in section 8.

As an alternative it is possible to have Reference Tariffs for a new Pipeline set by a competitive tender process. Any person may conduct a competitive tender to determine Reference Tariffs for a new Pipeline (and a review date for those Reference Tariffs). The person conducting a tender must first obtain the approval of the Relevant Regulator for the tender process proposed. Before granting approval the Relevant Regulator must be satisfied, amongst other things, that the successful tenderer will be selected principally on the basis that the tender will deliver the lowest sustainable tariffs to users generally over the life of the proposed Pipeline.

After the tender process has been conducted and the successful tender selected, the person conducting the tender must submit the outcome of the process to the Relevant Regulator for the Relevant Regulator's final approval. Before granting final approval the Relevant Regulator must be satisfied, amongst other things, that the tender process proposed was followed and that the successful tenderer was selected in accordance with the selection criteria set out in the tender approval request. Once final approval is granted the Reference Tariffs proposed by the successful tenderer will become the Reference Tariffs for the proposed Pipeline.

It is intended that by using this process, Reference Tariffs will have been set in a competitive market and will therefore naturally achieve the objectives in section 8.1.

Terms and Conditions - An Access Arrangement must include the terms and conditions on which the Service Provider will supply each Reference Service.

Capacity Management Policy - An Access Arrangement must state whether the Covered Pipeline is a Contract Carriage Pipeline or a Market Carriage Pipeline.

Trading Policy - An Access Arrangement for a Contract Carriage Pipeline must include a policy on the trading of capacity. The Trading Policy must, amongst other things, allow a User to transfer capacity:

- without the Service Provider's consent, if the contract between the User and the Service Provider is unaltered by the Transfer; and
- with the Service Provider's consent, in any other case. Consent may be withheld only on reasonable commercial or technical grounds.

In concept a Trading Policy is inconsistent with market carriage where there is no Contracted Capacity to be traded.

Queuing Policy - An Access Arrangement must include a policy for defining the priority that Prospective Users have to negotiate for access to a Covered Pipeline (a Queuing Policy).

Extensions/Expansions Policy - An Access Arrangement must include a policy setting out a method for determining whether an extension or expansion to the Covered Pipeline is or is not to be treated as part of the Covered Pipeline for the purposes of the Code.

Review Date - An Access Arrangement must include a date on or by which revisions to the Access Arrangement must be submitted and a date on which the revised Access Arrangement is intended to commence.



Access Arrangement

- 3.1 An Access Arrangement submitted by a Service Provider to the Relevant Regulator must be in writing and may specify Relevant Regulatory Instruments or a class of Relevant Regulatory Instruments with which the Service Provider will comply.
- 3.2 Without limiting the effect of section 3.1, a Service Provider must have sufficient rights in respect of the Covered Pipeline the subject of its Access Arrangement to enable the Service Provider to make available its Services in accordance with its Access Arrangement.

Services to be Offered

- 3.3 An Access Arrangement must include a policy on the Service or Services to be offered (a Services Policy).
- 3.4 The Services Policy must comply with the following principles:
  - (a) The Access Arrangement must include a description of one or more Services that the Service Provider will make available to Users or Prospective Users, including:
    - (i) one or more Services that are likely to be sought by a significant part of the market; and
    - (ii) any Service or Services which, in the Relevant Regulator's opinion should be included in the Services Policy.
  - (b) To the extent practicable and reasonable, a User or Prospective User must be able to obtain a Service which includes only those elements that the User or Prospective User wishes to be included in the Service.
  - (c) To the extent practicable and reasonable, a Service Provider must provide a separate Tariff for an element of a Service if this is requested by a User or Prospective User.

Reference Tariffs and Reference Tariff Policy

- 3.5 An Access Arrangement must include a Reference Tariff for:
  - (a) at least one Service that is likely to be sought by a significant part of the market; and
  - (b) each Service that is likely to be sought by a significant part of the market and for which the Relevant Regulator considers a Reference Tariff should be included.
- 3.6 Unless a Reference Tariff has been determined through a competitive tender process as outlined in sections 3.23 to 3.38, an Access Arrangement and any Reference Tariff included in an Access Arrangement must, in the Relevant Regulator's opinion, comply with the Reference Tariff Principles described in section 8.
- 3.7 An Access Arrangement must also include a policy describing the principles that are to be used to determine a Reference Tariff (a Reference Tariff Policy). A Reference Tariff Policy must, in the Relevant Regulator's opinion, comply with the Reference Tariff Principles described in section 8.

Terms and Conditions

- 3.8 An Access Arrangement must include the terms and conditions on which the Service Provider will supply each Reference Service. The terms and conditions included must, in the Relevant Regulator's opinion, be reasonable.
- 3.9 To the extent permitted by the law of a jurisdiction outside Victoria, the terms and conditions of the Access Arrangement of a Service Provider who provides Services by means of a Covered Pipeline or system of Covered Pipelines which are situated both in Victoria and in another jurisdiction:

- (a) must not differentiate between that part of the Covered Pipeline or Covered Pipelines situated in Victoria and that part of the Covered Pipeline or Covered Pipelines situated outside Victoria merely because they are situated in different jurisdictions; and
- (b) must comply with the provisions of the Code.

#### Capacity Management Policy

- 3.10 An Access Arrangement must include a statement (a Capacity Management Policy) that the Covered Pipeline is either:
- (a) a Contract Carriage Pipeline; or
  - (b) a Market Carriage Pipeline.

#### Trading Policy

- 3.11 The Access Arrangement for a Covered Pipeline which is described in the Access Arrangement as a Contract Carriage Pipeline must include a policy that explains the rights of a User to trade its right to obtain a Service to another person (a Trading Policy).
- 3.12 The Trading Policy must comply with the following principles:

- (a) A User must be permitted to transfer or assign all or part of its Contracted Capacity without the consent of the Service Provider concerned if:
  - (i) the User's obligations under the contract with the Service Provider remain in full force and effect after the transfer or assignment; and
  - (ii) the terms of the contract with the Service Provider are not altered as a result of the transfer or assignment (a Bare Transfer).

In these circumstances the Trading Policy may require that the transferee notify the Service Provider prior to utilising the portion of the Contracted Capacity subject to the Bare Transfer and of the nature of the Contracted Capacity subject to the Bare Transfer, but the Trading Policy must not require any other details regarding the transaction to be provided to the Service Provider.

- (b) Where commercially and technically reasonable, a User must be permitted to transfer or assign all or part of its Contracted Capacity other than by way of a Bare Transfer with the prior consent of the Service Provider. The Service Provider may withhold its consent only on reasonable commercial or technical grounds and may make its consent subject to conditions only if they are reasonable on commercial and technical grounds. The Trading Policy may specify conditions in advance under which consent will or will not be given and conditions that must be adhered to as a condition of consent being given.
  - (c) Where commercially and technically reasonable, a User must be permitted to change the Delivery Point or Receipt Point from that specified in any contract for the relevant Service with the prior written consent of the Service Provider. The Service Provider may withhold its consent only on reasonable commercial or technical grounds and may make its consent subject to conditions only if they are reasonable on commercial and technical grounds. The Trading Policy may specify conditions in advance under which consent will or will not be given and conditions that must be adhered to as a condition of consent being given.
- 3.13 Examples of things that would be reasonable for the purposes of section 3.12(b) and (c) are:
- (a) the Service Provider refusing to agree to a User's request to change its Delivery Point where a reduction in the amount of the Service provided to the original Delivery Point will not result in a corresponding increase in the Service Provider's ability to provide that Service to the alternative Delivery Point; and

- (b) the Service Provider specifying that, as a condition of its agreement to a change in the Delivery Point or Receipt Point, the Service Provider must receive the same amount of revenue it would have received before the change.

#### Queuing Policy

- 3.14 An Access Arrangement must include a policy for determining the priority that a Prospective User has, as against any other Prospective User, to obtain access to a Service provided by means of a Covered Pipeline and the Developable Capacity of a Covered Pipeline (and to seek dispute resolution under section 6) (a Queuing Policy).
- 3.15 The Queuing Policy must:
  - (a) set out sufficient detail to enable Users and Prospective Users to understand in advance how the Queuing Policy will operate;
  - (b) accommodate, to the extent reasonably possible, the legitimate business interests of the Service Provider and of Users and Prospective Users; and
  - (c) generate, to the extent reasonably possible, economically efficient outcomes.
- 3.16 The Relevant Regulator may require the Queuing Policy to deal with any other matter the Relevant Regulator thinks fit taking into account the matters listed in section 2.24.
- 3.17 Notwithstanding anything else contained in this Code, the Service Provider must comply with a Queuing Policy specified in the Service Provider's Access Arrangement.

#### Extensions/Expansions Policy

- 3.18 An Access Arrangement must include a policy (an Extensions/Expansions Policy) which sets out:
  - (a) the method to be applied to determine whether any extension to, or expansion of the Capacity of, the Covered Pipeline:
    - (i) should be treated as part of the Covered Pipeline for all purposes under the Code; or
    - (ii) should not be treated as part of the Covered Pipeline for any purpose under the Code;(for example, the Extensions/Expansions Policy could provide that the Service Provider may, with the Relevant Regulator's consent, elect at some point in time whether or not an extension or expansion will be part of the Covered Pipeline or will not be part of the Covered Pipeline);
  - (b) specify how any extension or expansion which is to be treated as part of the Covered Pipeline will affect Reference Tariffs;  
(for example, the Extensions/Expansions Policy could provide:
    - (i) Reference Tariffs will remain unchanged but a Surcharge may be levied on Incremental Users where permitted by sections 8.25 and 8.26; or
    - (ii) specify that a review will be triggered and that the Service Provider must submit revisions to the Access Arrangement pursuant to section 2.27);
  - (c) if the Service Provider agrees to fund New Facilities if certain conditions are met, a description of those New Facilities and the conditions on which the Service Provider will fund the New Facilities.

The Relevant Regulator may not require the Extensions/Expansions Policy to state that the Service Provider will fund New Facilities unless the Service Provider agrees.

#### Review and Expiry of the Access Arrangement

- 3.19 An Access Arrangement must include:
  - (a) a date upon which the Service Provider must submit revisions to the Access Arrangement (a Revisions Submission Date); and

- (b) a date upon which the next revisions to the Access Arrangement are intended to commence (a Revisions Commencement Date).

In approving the Revisions Submissions Date and Revisions Commencement Date, the Relevant Regulator must have regard to the objectives in section 8.1, and may in making its decision on an Access Arrangement (or revisions to an Access Arrangement), if it considers it necessary having had regard to the objectives in section 8.1:

- (i) require an earlier or later Revisions Submission Date and Revisions Commencement Date than proposed by the Service Provider in its proposed Access Arrangement;
  - (ii) require that specific major events be defined that trigger an obligation on the Service Provider to submit revisions prior to the Revisions Submission Date.
- 3.20 An Access Arrangement Period accepted by the Relevant Regulator may be of any length; however, except in the case of an initial Access Arrangement which has a review date before 1 January 2003, if the Access Arrangement Period is more than five years, the Relevant Regulator must not approve the Access Arrangement without considering whether mechanisms should be included to address the risk of forecasts on which the terms of the Access Arrangement were based and approved proving incorrect. These mechanisms may include:
- (a) requiring the Service Provider to submit revisions to the Access Arrangement prior to the Revisions Submission Date if certain events occur, for example:
    - (i) if a Service Provider's profits derived from a Covered Pipeline are outside a specified range or if the value of Services reserved in contracts with Users are outside a specified range;
    - (ii) if the type or mix of Services provided by means of a Covered Pipeline changes in a certain way; or
  - (b) a Service Provider returning some or all revenue or profits in excess of a certain amount to Users, whether in the form of lower charges or some other form.

Where a mechanism is included in an Access Arrangement pursuant to section 3.20(a), the Relevant Regulator must investigate no less frequently than once every five years whether a review event identified in the mechanism has occurred.

- 3.21 Nothing in section 3.20 shall be taken to imply that the Relevant Regulator may not approve an Access Arrangement Period longer than 5 years if the Relevant Regulator considers this appropriate, having regard to the objectives of section 8.1.
- 3.22 An Access Arrangement submitted under section 2.3 may include a date at which time the Access Arrangement will expire. If an Access Arrangement submitted under section 2.3 expires, the Covered Pipeline the subject of the Access Arrangement ceases to be Covered on the expiry date. The Service Provider must notify the Code Registrar if a Pipeline ceases to be covered under this section and the Code Registrar must update the Public Register accordingly.

#### Determining Reference Tariffs through a Competitive Tender Process

- 3.23 Any person who wishes to conduct a tender in relation to a Pipeline that has not been built may make an application to the Relevant Regulator (a Tender Approval Request) requesting the Relevant Regulator to approve the use of a tender process to determine:
- (a) Reference Tariffs for certain Reference Services to be provided by means of the proposed Pipeline; and
  - (b) other specified items which are required to be included in an Access Arrangement and which are directly relevant to the determination of the Reference Tariffs concerned (including, without limitation, the Revisions Submission Date and Revisions Commencement Date).

## 3.24 A Tender Approval Request must:

- (a) nominate the location or locations from where the proposed Pipeline will take gas and the location or locations of the gas market to which the proposed Pipeline will deliver gas;
- (b) detail the process (including procedures and rules) proposed to be followed in conducting the tender process, including the minimum requirements which a tender must meet before it will be accepted as a conforming tender (for example, the date by which tenders must be received);
- (c) detail the selection criteria to be applied in selecting the successful tender; and
- (d) specify a possible Revisions Commencement Date or a series of possible Revisions Commencement Dates to be established for the proposed Pipeline, in relation to which tenderers are asked to submit tenders and propose Reference Tariffs.

The specification of a Revisions Commencement Date in a Tender Approval Request and a decision to approve such a Tender Approval Request do not limit in any way the Relevant Regulator's discretion to approve or not approve a Revisions Commencement Date pursuant to section 3.35(d).

## 3.25 Subject to section 3.29, within 14 days after receiving a Tender Approval Request which conforms with section 3.24, the Relevant Regulator must:

- (a) inform each person known to the Relevant Regulator who the Relevant Regulator believes has a sufficient interest in the matter that it has received a Tender Approval Request; and
- (b) publish a notice in a national daily newspaper which at least:
  - (i) describes the proposed Pipeline to which the Tender Approval Request relates;
  - (ii) states how copies of the Tender Approval Request can be obtained; and
  - (iii) requests submissions by a date specified in the notice (not being a date earlier than 14 days, or later than 28 days, after the date of the notice).

## 3.26 The Relevant Regulator must provide a copy of those parts of the Tender Approval Request that it has not agreed to keep confidential to any person within seven days after the person requests a copy and pays any reasonable fee required by the Relevant Regulator.

## 3.27 Within 28 days of the date specified in the notice published under section 3.25(b), the Relevant Regulator must make a decision in relation to a Tender Approval Request that:

- (a) approves the Tender Approval Request; or
- (b) does not approve the Tender Approval Request.

In making a decision under this section 3.27, the Relevant Regulator must consider any submissions received within the time specified in the notice published under section 3.25(b) and may (but is not obliged to) consider any submissions received after the time.

## 3.28 The Relevant Regulator may reject a Tender Approval Request without further consideration if it is of the opinion that the application has been made on trivial or vexatious grounds.

## 3.29 The Relevant Regulator may at any time decide not to approve a Tender Approval Request if it is of the opinion that the person who submitted the Tender Approval Request may have, or may appear to have, a conflict of interest if it conducted the tender process.

The Relevant Regulator may decide not to approve a Tender Approval Request under this section 3.29 without conducting the public consultation required under section 3.25. If the Relevant Regulator decides not to approve a Tender Approval Request under this section 3.29 on conflict of interest grounds, another person may submit a new Tender Approval Request under section 3.23 in relation to the same proposed Pipeline.

- 3.30 The Relevant Regulator must decide to approve a Tender Approval Request if satisfied of all of the following and must decide not to approve a Tender Approval Request if not satisfied of all of the following:
- (a) (new pipeline): that the proposed Pipeline will be a new Pipeline;
  - (b) (public interest and Reference Tariff objectives): that using the tender process as outlined in the Tender Approval Request to determine Reference Tariffs is in the public interest and is an appropriate mechanism in the circumstances for ensuring that Reference Tariffs achieve the objectives in section 8.1;
  - (c) (tender process will be competitive): that the number and character of tenders likely to be received would be such as to ensure a competitive outcome;
  - (d) (exclusion of certain tenders): that the proposed procedures and rules to be followed in conducting the proposed tender will result in a tender being excluded from consideration if it:
    - (i) does not include a statement of the Reference Tariffs the tenderer proposes and the Reference Services to which those Reference Tariffs would apply;
    - (ii) does not include a policy on whether the additional revenue which would result in the volume of gas actually transported by the proposed Pipeline exceeds a certain volume will either be retained by the Service Provider or returned in whole or in part to Users in the form of lower charges or some other form (an Additional Revenue Policy);
    - (iii) does not provide that the residual value of the proposed Pipeline after the expiration of the initial Reference Tariff will be based on depreciation over the Pipeline's economic life;
    - (iv) limits or purports to limit the Services to which access might be sought under this Code; or
    - (iv) otherwise includes elements inconsistent with this Code except as contemplated by section 3.36;
  - (e) (consideration of all conforming tenders): that the proposed procedures and results to be followed in conducting the proposed tender will result in no tender being excluded from consideration except in the circumstances outlined in paragraph (d) or if the tender does not conform to other reasonable requirements in the request for tenders or does not meet reasonable prudential and technical requirements;
  - (f) (selection criteria): that the selection criteria to be applied in conducting the proposed tender:
    - (i) will result in the successful tender being selected principally on the basis that the tender will deliver the lowest sustainable tariffs (including but not limited to Reference Tariffs) to Users generally over the life of the proposed Pipeline; and
    - (ii) are likely to result in Reference Tariffs that meet the criteria specified in section 3.35(c);
  - (g) (determination of items with the Reference Tariffs): that the tender documents specify which items required to be included in an Access Arrangement other than Reference Tariffs will be determined by the tender and that those items are directly relevant to the determination of Reference Tariffs;
  - (h) (configuration of Pipeline not limited): that the tender documents published by the person conducting the tender will not specify the configuration of the Proposed Pipeline, including the areas the proposed Pipeline will service, pipeline dimensions, level of compression and other technical specifications, unless the Relevant Regulator is satisfied it would be appropriate to do so; and

- (i) (other documents): that any document supporting or relating to the tender process is consistent with this Code and does not purport to limit:
  - (i) the Services which the Service Provider may provide or to which access may be sought under this Code;
  - (ii) the configuration of the proposed Pipeline including the areas the proposed Pipeline will service, pipeline dimensions, level of compression and other technical specifications unless the Relevant Regulator is satisfied it would be appropriate to do so; or
  - (iii) the construction or operation of other Pipelines which could deliver gas to the same gas market as the proposed Pipeline.
- 3.31 If the Relevant Regulator has made a decision under section 3.27 approving a Tender Approval Request and a tender process has been conducted, the person who conducted the tender process may apply in writing to the Relevant Regulator for final approval under section 3.34 (a Final Approval Request). A Final Approval Request must include a statement of which tender was selected and the reasons for that selection based on the selection criteria.
- 3.32 After the successful tenderer has been selected, the Relevant Regulator may permit the person who conducted the tender process and the successful tenderer to agree to changes to the terms of the tender which result in minor changes to the Reference Tariffs proposed in the tender, provided the Relevant Regulator is satisfied the changes are consistent with the requirements in section 3.30(a) to (i). The amended Reference Tariffs shall be considered to be the Reference Tariffs determined in accordance with the tender process for the purposes of the Relevant Regulator making a decision to approve or not approve a Final Approval Request.
- 3.33 The Relevant Regulator may, before it makes a decision under section 3.34, require the person who submitted the Final Approval Request to provide the Relevant Regulator with any information or assistance the Relevant Regulator reasonably requires.
- 3.34 If the Relevant Regulator receives a Final Approval Request, the Relevant Regulator must within 28 days of receiving all information it requires under section 3.33 make a decision that:
  - (a) approves the Final Approval Request; or
  - (b) does not approve the Final Approval Request.
- 3.35 The Relevant Regulator must decide to approve the Final Approval Request if satisfied of all of the following and must decide not to approve the Final Approval Request if not satisfied of all of the following:
  - (a) that the successful tender was selected in accordance with the selection criteria approved by the Relevant Regulator under section 3.27;
  - (b) that the tender process was conducted in accordance with the procedures and rules specified in the Tender Approval Request approved by the Relevant Regulator under section 3.27;
  - (c) that the Reference Tariffs determined in accordance with the tender process:
    - (i) achieve the objectives in section 8.1; and
    - (ii) contain or reflect an allocation of costs between Services and an allocation of costs between Users which is fair and reasonable;
  - (d) that the Revisions Commencement Date in the Access Arrangement for the proposed Pipeline is not later than 15 years after the Access Arrangement for the proposed Pipeline is approved or such later date as the Relevant Regulator considers appropriate for the proposed Pipeline on the basis of the proposed tariffs (including but not limited to Reference Tariffs); and

- (e) that the successful tenderer's Access Arrangement for the proposed Pipeline will contain an Additional Revenue Policy that is appropriate for the proposed Pipeline on the basis of the proposed tariffs (including but not limited to Reference Tariffs).
- 3.36 If the Relevant Regulator makes a decision under section 3.34 approving a Final Approval Request then the proposed Pipeline concerned shall be a Covered Pipeline from the time of that decision. In any Access Arrangement for that Covered Pipeline:
- (a) for each Reference Service for which a Reference Tariff was determined by the tender process, the Reference Tariff shall be the Reference Tariff that was determined in accordance with the tender process and approved by the Relevant Regulator; and
- (b) each other item required to be included in an Access Arrangement, which the tender documents specified would be determined by the tender process, shall be as determined in accordance with the tender process and approved by the Relevant Regulator.

Nothing in this section 3.36 limits the Reference Services for which the Relevant Regulator can require a Reference Tariff to be established.

- 3.37 If the Relevant Regulator makes a decision under section 3.34 approving a Final Approval Request, then, the Access Arrangement Information need not contain the information required by sections 2.6 and 2.7, or any other information, in respect of Reference Tariffs determined pursuant to section 3.5(a).
- 3.38 Nothing in section 3.36 limits or affects the operation of any provision of this Code except the provisions of section 3 relating to the content of an Access Arrangement to the extent that a Reference Tariff or other item included in the Access Arrangement may, under section 3.36, be determined in accordance with the tender process.

#### 4. RING FENCING ARRANGEMENTS

This section of the Code requires a Service Provider to establish arrangements to segregate or "ring fence" its business of providing Services using a Covered Pipeline. As a minimum, a Service Provider must:

- be a legal entity;
- not carry on a Related Business (essentially a business of producing, purchasing or selling Natural Gas);
- establish and maintain separate accounts for the activity that is the subject of each Access Arrangement;
- establish and maintain a consolidated set of accounts for all the activities undertaken by the Service Provider;
- allocate costs shared between different accounts in a fair and reasonable manner;
- ensure that Confidential Information provided by a User or a Prospective User is used only for the purposes for which it was provided and is not disclosed without the User or Prospective User's consent;
- ensure that Confidential Information obtained by a Service Provider which might reasonably be expected to materially affect the commercial interests of a User or Prospective User is not disclosed to any other person without the permission of the User or Prospective User to whom the information pertains;
- ensure that Marketing Staff of a Service Provider are not also working for an Associate that takes part in a Related Business; and
- ensure that Marketing Staff of an Associate that takes part in a Related Business are not also working for the Service Provider.



In addition to these minimum requirements, the Relevant Regulator may require the Service Provider to meet additional ring fencing obligations. The Relevant Regulator also has a discretion to dispense with some of the ring fencing obligations. The Gas Industry Act provides a mechanism for review by the Relevant Appeals Body of a decision by the Relevant Regulator in relation to imposing additional ring fencing obligations or waiving minimum ring fencing obligations.

This section of the Code also requires the Service Provider to establish procedures to ensure compliance with the ring fencing obligations.

#### Ring Fencing Minimum Obligations

- 4.1 A person who is a Service Provider in respect of a Covered Pipeline (regardless of whether it is also a Service Provider in respect of a Pipeline that is not Covered) must comply with the following (but in the case of paragraphs (a), (b), (h) and (i), as from the date that is 6 months after the relevant Pipeline became Covered):
- (a) be a legal entity incorporated pursuant to the Corporations Law, a statutory corporation, a government or an entity established by royal charter;
  - (b) not carry on a Related Business;
  - (c) establish and maintain a separate set of accounts in respect of Services provided by each Covered Pipeline in respect of which the person is a Service Provider;
  - (d) establish and maintain a separate consolidated set of accounts in respect of the entire business of the Service Provider;
  - (e) allocate any costs that are shared between an activity that is covered by a set of accounts described in section 4.1(c) and any other activity according to a methodology for allocating costs that is consistent with the principles in section 8.1 and is otherwise fair and reasonable;
  - (f) ensure that all Confidential Information provided by a User or Prospective User is used only for the purpose for which that information was provided and that such information is not disclosed to any other person without the approval of the User or Prospective User who provided it, except:
    - (i) if the Confidential Information comes into the public domain otherwise than by disclosure by the Service Provider; or
    - (ii) to comply with any law, any legally binding order of a court, government, government or semi-government authority or administrative body or the listing rules of any relevant recognised Stock Exchange;
  - (g) ensure that all Confidential Information obtained by the Service Provider or by its servants, consultants, independent contractors or agents in the course of conducting its business and which might reasonably be expected to affect materially the commercial interests of a User or Prospective User is not disclosed to any other person without the approval of the User or Prospective User to whom that information pertains, except:
    - (i) if the Confidential Information comes into the public domain otherwise than by disclosure by the Service Provider; or
    - (ii) to comply with any law, any legally binding order of a court, government, government or semi-government authority or administrative body or the listing rules of any relevant recognised Stock Exchange;
  - (h) ensure that its Marketing Staff are not also servants, consultants, independent contractors or agents of an Associate that takes part in a Related Business and, in the event that they become or are found to be involved in a Related Business contrary to this section, must procure their immediate removal from its Marketing Staff;

- (i) ensure that none of its servants, consultants, independent contractors or agents are Marketing Staff of an Associate that takes part in a Related Business and, in the event that any servants, consultants, independent contractors or agents are found to be the Marketing Staff of such an Associate contrary to this section, must procure their immediate removal from their position with the Service Provider.
- 4.2 In complying with sections 4.1(c), (d) and (e) a Service Provider must:
- (a) if the Relevant Regulator has published general accounting guidelines for Service Providers which apply to the accounts being prepared, comply with those guidelines; or
  - (b) if the Relevant Regulator has not published such guidelines, comply with guidelines prepared by the Service Provider and approved by the Relevant Regulator or, if there are no such guidelines, comply with such guidelines (if any) as the Relevant Regulator advises the Service Provider apply to that Service Provider from time to time.

Such guidelines may, amongst other things, require the accounts to contain sufficient information, and to be presented in such a manner, as would enable the verification by the Relevant Regulator of the calculation of the Reference Tariffs for Covered Pipelines.

#### Additional Ring Fencing Obligations

- 4.3 The Relevant Regulator may by notice to a Service Provider require the Service Provider to comply with obligations in addition to those contained in section 4.1, having regard to the following objectives:
- (a) ensuring that the Service Provider does not have regard to the interests of an Associate in priority to the interests of other Users or Prospective Users with respect to the supply of Services (except as provided for on a basis that deals fairly between all Users and Prospective Users under an applicable Queuing Policy); and
  - (b) ensuring that ring fencing obligations do not impose unreasonable compliance costs on the Service Provider or its Associates.
- 4.4 Without limiting the additional obligations that may be imposed under section 4.3, the Relevant Regulator may require that:
- (a) the Service Provider ensure its Additional Staff are not also servants, consultants, independent contractors or agents of an Associate that takes part in a Related Business and, in the event that they become or are found to be involved in a Related Business, ensure their immediate removal from the Additional Staff;
  - (b) at least one director of the Service Provider is not also a director of a company (whether or not an Associate) that takes part in a Related Business or is or may become a User; and
  - (c) the electronic, physical and procedural security measures employed in respect of the offices of the Service Provider and of all offices of its Associates are satisfactory to the Relevant Regulator.

The examples given in this section 4.4 shall not be construed as limiting the types of action a Service Provider may have to take in order to comply with section 4.1.

#### Procedures for Adding Ring Fencing Obligations

- 4.5 The Relevant Regulator must before issuing a notice under section 4.3:
- (a) inform each person known to the Relevant Regulator who the Relevant Regulator believes has a sufficient interest in the matter that it is considering issuing a notice under section 4.3 with respect to a particular Service Provider; and
  - (b) publish a notice in a national daily newspaper which at least:

- (i) states who the Service Provider concerned is and the obligations the Relevant Regulator is considering adding;
  - (ii) requests submissions by a date specified in the notice (not being a date earlier than 14 days after the date of the notice).
- 4.6 The Relevant Regulator must consider any submissions received by the date specified in the notice published under section 4.5 and may (but is not obliged) to consider any submissions received after that date.
- 4.7 Within 14 days after the last day for submissions specified in the notice published under section 4.5 the Relevant Regulator must issue a draft decision stating whether or not it intends to issue a notice under section 4.3.
- 4.8 The Relevant Regulator must:
  - (a) provide a copy of its draft decision to the Service Provider, any person who made a submission on the matter and any other person who requests a copy; and
  - (b) request submissions from persons to whom it provides the draft decision by a specified date (not being a date earlier than 14 days after the date the draft decision was issued).
- 4.9 The Relevant Regulator must consider any submissions it receives by the date specified by the Relevant Regulator under section 4.8 and it may (but is not obliged) to consider any submissions received after that date.
- 4.10 Within 21 days after the last day for submissions on the draft decision specified by the Relevant Regulator, the Relevant Regulator must issue a final decision stating whether or not it will issue a notice under section 4.3.
- 4.11 Subject to the Gas Industry Act, a notice under section 4.3 has effect 14 days after the notice is given to the Service Provider or such later date as the Relevant Regulator specifies in the notice. A Service Provider may under the Gas Industry Act have a decision to issue a notice under section 4.3 reviewed by the Relevant Appeals Body as a decision by the Relevant Regulator under section 4.3 is a decision to which section 48ZQ of the Gas Industry Act applies.

#### Compliance Procedures and Compliance Reporting

- 4.12 A Service Provider must establish and maintain appropriate internal procedures to ensure it complies with its obligations under this section 4. The Relevant Regulator may require the Service Provider to demonstrate the adequacy of these procedures upon reasonable notice. However, any statement made or assurance given by the Relevant Regulator concerning the adequacy of the Service Provider's compliance procedures does not affect the Service Provider's obligations under this section 4.
- 4.13 A Service Provider must provide a report to the Relevant Regulator, at reasonable intervals determined by the Relevant Regulator, describing the measures taken by the Service Provider to ensure compliance with its obligations under this section 4, and providing an accurate assessment of the effect of those measures.
- 4.14 A Service Provider must provide a report of any breach of any of its obligations under this section 4 to the Relevant Regulator immediately upon becoming aware that the breach has occurred.

#### Waiver of Ring Fencing Obligations

- 4.15 The Relevant Regulator may waive any of a Service Provider's obligations under:
  - (a) section 4.1(b) where the Relevant Regulator is satisfied that:
    - (i) either the Covered Pipeline is not a significant part of the Victorian Pipeline system or there is more than one Service Provider in relation to the Covered Pipeline and the Service Provider concerned does not have a significant interest in the Covered Pipeline and does not actively participate in the management or operation of the Covered Pipeline; and

- (ii) the administrative costs to the Service Provider and its Associates of complying with that obligation outweighs any public benefit arising from the Service Provider meeting the obligation, taking into account arrangements put in place by the Service Provider (if any) to ensure that Confidential Information the subject of sections 4.1(f) and (g) is not disclosed to the Service Provider or is not disclosed to the servants, consultants, independent contractors or agents of the Service Provider who take part in a Related Business; and
  - (iii) an arrangement has been established between the Service Provider and the Relevant Regulator which the Relevant Regulator is satisfied replicates the manner in which section 7.1 would operate if the Service Provider complied with section 4.1(b); and
- (b) sections 4.1(h) and (i) where the Relevant Regulator is satisfied that the administrative costs to the Service Provider and its Associates of complying with that obligation outweigh any public benefit arising from the Service Provider meeting the obligation.

#### Procedures for Waiving Ring Fencing Obligations

- 4.16 A Service Provider may apply to the Relevant Regulator requesting the Relevant Regulator to issue a notice under section 4.15.
- 4.17 When the Relevant Regulator receives an application under section 4.16 the Relevant Regulator must:
- (a) if it considers that the application has been made on trivial or vexatious grounds, reject the application without further consideration; or
  - (b) in all other cases within 14 days after receipt of the application:
    - (i) inform each person known to the Relevant Regulator who the Relevant Regulator believes has a sufficient interest in the matter that it has received the application; and
    - (ii) publish a notice in a national daily newspaper which at least:
      - (A) states who the Service Provider concerned is and the obligations the application seeks to have waived;
      - (B) states how copies of the application can be obtained; and
      - (C) requests submissions by a date specified in the notice (not being a date earlier than 14 days after the date of the notice).
- 4.18 The Relevant Regulator must provide a copy of the application to any person within 7 days after the person requests a copy and pays any reasonable fee required by the Relevant Regulator.
- 4.19 The Relevant Regulator must consider any submissions received by the date specified in the notice published under section 4.7 and it may (but is not obliged) to consider any submissions received after that date.
- 4.20 Within 14 days after the last day for submissions specified in the notice published under section 4.7, the Relevant Regulator must issue a draft decision stating whether or not it intends to issue a notice under section 4.15.
- 4.21 The Relevant Regulator must:
- (a) provide a copy of its draft decision to the Service Provider, any person who made a submission on the matter and any other person who requests a copy; and
  - (b) request submissions from persons to whom it provides the draft decision by a specified date (not being a date earlier than 14 days after the date the draft decision was issued).

- 4.22 The Relevant Regulator must consider any submissions it receives by the date specified by the Relevant Regulator under section 4.21 and it may (but is not obliged) to consider any submissions received after that date.
- 4.23 Within 21 days after the last day for submissions on the draft decision specified by the Relevant Regulator, the Relevant Regulator must issue a final decision stating whether or not it will issue a notice under section 4.15.
- 4.24 Subject to the Gas Industry Act, a notice under section 4.15 has effect 14 days after the notice is given to the Service Provider or such later date as the Relevant Regulator specifies in the notice. A Service Provider or other person adversely affected may under the Gas Industry Act have a decision by the Relevant Regulator to issue or not issue a notice under section 4.15 reviewed by the Relevant Appeals Body as a decision by the Relevant Regulator under section 4.3 is a decision to which section 48ZQ of the Gas Industry Act applies.

#### 5. INFORMATION AND TIMELINES FOR NEGOTIATION

This section of the Code places obligations on Service Providers and Users to disclose to the market information relevant to obtaining access to Services provided by means of a Covered Pipeline.

Service Providers are required to:

- establish, and provide to bona fide Prospective Users who request it, an Information Package containing general information on the terms and conditions of access and explaining how to make a specific access request;
- respond within 30 days to a Specific Request for access; and
- establish and maintain a public register of Spare and Developable Capacity.

In a Contract Carriage Pipeline, users with Contracted Capacity which they do not expect to use must make available to any person who requests it information about the quantity, type and timing of that unutilised Contracted Capacity. The User may notify the Service Provider of its unutilised Contracted Capacity so that it is included on the Service Provider's public register.

Equivalent rules exist to enable Prospective Users to gain access, with minimum barriers, to Market Carriage Pipelines.

General Requests from Prospective Users

- 5.1 A Service Provider must establish and maintain an Information Package in relation to each Covered Pipeline that contains at least the following information:
- (a) the Access Arrangement and Access Arrangement Information for the relevant Pipeline;
  - (b) a summary of the contents of the public register referred to in section 5.9, updated at reasonable intervals;
  - (c) information relating to all major trunk and mains pipes comprised in the relevant Covered Pipeline (for example, a map showing the location and size of those pipes);
  - (d) a description of the Service Provider's procedures relating to specific access requests, including a detailed description of the information the Service Provider requires in order to consider an access request; and
  - (e) any other information the Relevant Regulator reasonably requires to be included under section 5.2.
- 5.2 The Relevant Regulator may require the Service Provider to amend or include additional information in the Information Package if the Relevant Regulator considers the amendment or additional information will assist Prospective Users to decide whether or not to seek Services from the Service Provider or to determine how to go

about seeking Services from the Service Provider. The Relevant Regulator must not require information to be included in the Information Package if its disclosure could in the Relevant Regulator's opinion be unduly harmful to the legitimate business interests of the Service Provider or a User or Prospective User.

- 5.3 The Service Provider must provide a copy of the Information Package to any bona fide Prospective User within 14 days after the Prospective User requests a copy and pays any applicable fee. The Service Provider may require the payment of a reasonable fee (determined in a manner approved by the Relevant Regulator) for copying the Access Arrangement Information, but must not charge a fee for any other item included in the Information Package.

#### Specific Requests from Prospective Users

- 5.4 If a Service Provider receives a specific request for access to Services provided by means of a Covered Pipeline, it must, within 30 days after it has received the information required to consider the request (as set out in the Information Package), respond to the Prospective User:

- (a) confirming that Spare Capacity exists to satisfy the request and specifying the charges and terms and conditions upon which it will make the Service available; or
- (b) advising that Spare Capacity does not exist to satisfy the request; or
- (c) advising that investigations are required to be undertaken prior to responding to the request.

- 5.5 If the Service Provider advises that investigations are required to be undertaken prior to responding to the request, it must also advise the Prospective User of:

- (a) the nature of the investigations;
- (b) a plan, including a time schedule, for completing the investigations; and
- (c) any reasonable costs which the Prospective User may be required to meet in respect of the investigations.

Upon obtaining the Prospective User's consent to the plan and the proposed allocation of costs, the Service Provider must proceed forthwith with the agreed plan.

- 5.6 If the Service Provider advises that Capacity does not exist to satisfy the request, it must provide an explanation outlining those aspects of the request which cannot be satisfied and indicating, based on current commitments, when the requirement might be able to be satisfied.

- 5.7 If a Prospective User or a Service Provider provides the other with information pursuant to section 5.4, 5.5 or 5.6 which it notifies the other is confidential, the recipient must not disclose that information to any other person except:

- (a) if the information comes into the public domain otherwise than by disclosure by the recipient; or
- (b) to comply with any law, any legally binding order of a court, government, government or semi-government authority or administrative body or the listing rules of any relevant recognised Stock Exchange.

#### Information Provided by Users to the Market

- 5.8 Notwithstanding anything contained in an Access Arrangement, where a User does not expect to utilise fully its Contracted Capacity and where the unutilised Contracted Capacity is a Marketable Parcel then the User:

- (a) must promptly provide to any person who requests it, information about the quantity, type and timing of the unutilised Contracted Capacity and may make publicly available the proposed terms and conditions (which may include price) for the sale of the unutilised Contracted Capacity; and

- (b) may notify the Service Provider of the unutilised Contracted Capacity, including the quantity, type and timing of the unutilised Contracted Capacity and the proposed terms and conditions (which may include price) for the sale of the unutilised Contracted Capacity.

#### Public Register of Capacity

5.9 The Service Provider must establish and maintain a public register which includes:

- (a) an indication of the Spare Capacity that it reasonably believes exists for delivery to defined points along the Pipeline (being defined points that are likely to be relevant commercially for a significant number of Prospective Users and the number of which is reasonable on commercial and technical grounds);
- (b) to the extent that it is commercially and technically reasonable to include it, information on planned or committed Developable Capacity and reasonably expected additions to Spare Capacity at the defined points along the Covered Pipeline referred to in paragraph (a), except where such disclosure may be unduly harmful to the legitimate business interests of the Service Provider or a User or Prospective User; and
- (c) information provided to the Service Provider by a User under section 5.8(b).

Where a Covered Pipeline comprises a hierarchy of pipes that are differentiated by, amongst other things, pipeline operating pressure and pipeline diameter, the information referred to in paragraphs (a) and (b) may be limited to the trunk and mains pipes.

#### 6. DISPUTE RESOLUTION

This section of the Code establishes a mechanism whereby disputes between Prospective Users and Service Providers about the terms and conditions of access can be submitted to the Arbitrator for arbitration. This section of the Code sets out rules relating to notification of a dispute, withdrawal and termination of a dispute, the nature of the arbitration decision to be made and certain guidelines and restrictions the Arbitrator must follow in making its decision. The Gas Industry Act contains the detailed procedural rules that will apply in an arbitration.

The Code does not limit the ability of a Service Provider and User to reach an agreement about access without recourse to these dispute resolution procedures. The Code also does not limit the terms and conditions on which a Service Provider and User can reach agreement. In particular, parties can agree to a Tariff other than the Reference Tariff. The provisions in section 6 will apply only if parties cannot reach agreement and a dispute is notified to the Relevant Regulator.

The dispute resolution mechanism applies only to a dispute about Service provided by means of a Covered Pipeline (for example, a dispute about access to Spare Capacity or Developable Capacity or a dispute about interconnection). Spare Capacity is defined as meaning, in the case of a Contract Carriage Pipeline, essentially, capacity that has not already been reserved in a contract plus contractually reserved capacity that is not being used. Although the Arbitrator can determine that access should be provided to contractually reserved capacity that is not being used, it must not make a decision that deprives a person of a contractual right. Consequently, access to contracted but unused capacity can be ordered but the original contract holder retains a priority right to that capacity.

For a Market Carriage Pipeline, the dispute resolution mechanism applies to the terms and conditions of connection or modification of an existing connection.

Although an Access Arrangement (apart from the Queuing Policy) cannot limit the scope for commercial negotiation, or limit the range of matters that can be the subject of an access dispute, the Relevant Regulator is bound to apply the provisions of the Access Arrangement in an access arbitration. The implications of this are that:

- except in relation to the Queuing Policy, the dispute resolution procedure is the mechanism through which a User can require the Service Provider to grant access according to the terms of the Access Arrangement (for example, to grant access to the Reference Service at the Reference Tariff); and

- the Access Arrangement provides a degree of certainty as to the outcome of an access dispute.

The Arbitrator may before arbitrating a dispute:

- require the parties to continue negotiations or engage in some alternative dispute resolution process; and
- require written reports from the parties.

If the Arbitrator decides the sole subject of dispute is what tariff should apply to a Reference Service, the Arbitrator may short cut the dispute resolution process and make an immediate decision requiring the Reference Service to be provided at the Reference Tariff.

In any other case, the Arbitrator must in reaching a decision:

- apply the provisions of the Access Arrangement; and
- take into account the factors listed in section 6.16.

The Arbitrator must not make a decision that:

- is inconsistent with the Access Arrangement;
- would prevent a User from obtaining a Service to the extent provided for in a contract;
- deprives a person of any contractual right that existed prior to the notification of the dispute, other than an Exclusivity Right which arose on or after 30 March 1995;
- affects the valid priority rights of another person under the Queuing Policy; or
- requires a Service Provider, User or Prospective User to accept a tariff for a Reference Service other than the Reference Tariff.

Because the Arbitrator cannot deprive a person of a contractual right, "foundation shippers" contracts cannot be overturned by the Arbitrator at either the Service Provider's or foundation shipper's request.

The Arbitrator is also precluded from granting access where the Service Provider believes that access is incompatible with the safe operation of the Covered Pipeline and prudent pipeline practice accepted in the industry. If the Arbitrator is precluded from granting access on these grounds, the Service Provider must disclose to the Prospective User the assumptions it used in forming its belief. The Prospective User also has the option of requiring an independent expert to provide an opinion on the matter. The expert opinion cannot override the Service Provider's reasonable belief on safety. In certain circumstances, however, further action could be taken by the Relevant Regulator or the Prospective User under the hindering provisions of the Gas Industry Act if the advice of the expert contradicts the position of the Service Provider. In certain circumstances, the Arbitrator may require a Service Provider to install a New Facility to expand capacity.

The final decision comes into effect 14 days after the decision is made. The Service Provider is bound by the decision. The Prospective User is also bound by the decision unless it notifies the Arbitrator within 14 days of the decision that it does not intend to be bound by the decision. As part of a decision, the Arbitrator may require the parties to represent the decision in the form of a binding contract.

#### Notification of a Dispute

- 6.1 If a Prospective User and a Service Provider are unable to agree on one or more aspects of access to a Service the Prospective User or Service Provider may notify the Relevant Regulator in writing that a dispute exists. A Prospective User or Service Provider may not give a notice to the Relevant Regulator under this section unless an Access Arrangement has been accepted by the Relevant Regulator (or the Relevant Regulator has drafted and approved its own Access Arrangement) with respect to the Covered Pipeline concerned.



- 6.2 On receiving the notification, the Relevant Regulator must give notice in writing of the access dispute to:
- (a) the Service Provider, if another person notified the access dispute;
  - (b) the other person, if the Service Provider notified the access dispute.
- The parties to an arbitration are the Prospective User or Users and the Service Provider or Providers who are in dispute and no other persons.
- 6.3 Before arbitrating a dispute, the Arbitrator may:
- (a) require the parties to continue negotiations or engage in an alternative dispute resolution process; and
  - (b) require reports from each party setting out the nature of the latest offers, the basis upon which those offers were made and the nature of any conflicts of interest that the Service Provider may have that may affect its willingness to resolve the dispute with the Prospective Users.
- 6.4 Unless the Arbitrator makes a decision under section 6.3, the Arbitrator must require the parties to make submissions to the Arbitrator regarding the dispute by a specified date.
- 6.5 If a dispute arises which involves at least one Service Provider in respect of a Transmission Pipeline, and one Service Provider in respect of a Distribution Pipeline, the Relevant Regulator responsible for the dispute is the ACCC.

#### Withdrawal and Termination of a Dispute

- 6.6 The person who notified the dispute under section 6.1 or the Prospective User may withdraw notification of a dispute at any time by notice to the Arbitrator. If the notification is withdrawn, it is taken for the purposes of this section 6 never to have been given.
- 6.7 The Relevant Regulator may at any time terminate an arbitration (without making a decision) if the Relevant Regulator considers that:
- (a) the notification of the dispute was vexatious; or
  - (b) the subject-matter of the dispute is trivial, misconceived or lacking in substance; or
  - (c) the party who notified the dispute has not engaged in negotiations in good faith.

#### The Arbitration

- 6.8 Unless the Arbitrator terminates the arbitration under section 6.6, the Arbitrator must make a decision on access by the Prospective User to a Service.
- 6.9 The Arbitrator's decision may deal with any matter relating to the provision of a Service to a Prospective User. By way of example, the decision may:
- (a) require the Service Provider to offer to enter into a contract to provide a Service to the Prospective User at a specified Tariff and on specified terms and conditions; or
  - (b) require the Service Provider to install a New Facility to increase the Capacity of the Pipeline pursuant to section 6.23.
- The decision does not have to require the Service Provider to provide a Service to the Prospective User.
- 6.10 Subject to section 6.15, in making a decision under section 6.8, the Arbitrator must:
- (a) consider submissions received from the parties before the date specified by the Arbitrator under section 6.4;
  - (b) after considering submissions received by the date specified by the Arbitrator under section 6.4, provide a draft decision to the parties and request submissions from the parties by a specified date;

- (c) consider submissions received from the parties before the date specified by the Arbitrator under paragraph (b); and
  - (d) after considering submissions received by the date specified by the Arbitrator under paragraph (b) provide a final decision to the parties.
- 6.11 The Arbitrator may, but need not, by whatever means it considers appropriate seek written submissions from persons who are not parties to the dispute and take those submissions into account in making its decision under section 6.8.
- 6.12 The Arbitrator must provide a final decision under section 6.8 within three months of requiring parties to make submissions under section 6.4. The Arbitrator must also ensure that there is a period of at least 14 days:
- (a) between requiring parties to make submissions under section 6.3 and the last day for such submissions specified by the Arbitrator; and
  - (b) between providing a draft decision to the parties under section 6.10(b) and the last day for submissions on the draft decision specified by the Arbitrator.
- In all other respects, the timing for the taking of each of the steps set out in section 6.10 is a matter for the Arbitrator to determine.
- 6.13 The Arbitrator may increase the period of three months specified in section 6.12 by periods of up to one month on one or more occasions provided it provides the parties (and each person who has made a written submission to the Arbitrator) with a notice of the decision to increase the period.
- 6.14 Subject to sections 6.20 and 6.21, if:
- (a) the sole subject of a dispute is the question of which Tariff should apply to a Reference Service; and
  - (b) a decision requiring the Service Provider to provide the Prospective User with the Reference Service that the Prospective User seeks would not be inconsistent with sections 6.19 and 6.22,
- the Arbitrator must make a decision requiring the Service Provider to provide the Prospective User with the Reference Service that the Prospective User seeks at the Reference Tariff and on the terms and conditions specified under section 3.8.
- 6.15 The Arbitrator need not before making a decision under section 6.14 issue a draft decision.

#### Guidance for the Arbitrator

- 6.16 When arbitrating a dispute, the Arbitrator must, subject to sections 6.19(b), (c) and (d), use its best endeavours to give effect to the provisions of the Access Arrangement for the Covered Pipeline concerned. Where more than one Access Arrangement is relevant to the dispute, the Arbitrator may balance any conflicting aspects in the Access Arrangements in any manner it sees fit. In addition, the Relevant Regulator must take into account:
- (a) the Service Provider's legitimate business interests and investment in the Covered Pipeline;
  - (b) the costs to the Service Provider of providing access, including any costs of extending the Covered Pipeline, but not costs associated with losses arising from increased competition in upstream or downstream markets;
  - (c) the economic value to the Service Provider of any additional investment that the Prospective User or the Service Provider has agreed to undertake;
  - (d) the interests of all Users;
  - (e) firm and binding contractual obligations of the Service Provider or other persons (or both) already using the Covered Pipeline;

- (f) the operational and technical requirements necessary for the safe and reliable operation of the Covered Pipeline;
  - (g) the economically efficient operation of the Covered Pipeline; and
  - (h) the benefit to the public from having competitive markets.
- 6.17 A Service Provider must comply with a decision of the Arbitrator made under this section 6 from the date specified by the Arbitrator.
- 6.18 The Arbitrator may refuse to make a decision that requires the Service Provider to provide a particular Service to the Prospective User if, without limitation, the Arbitrator considers there is substantial competition in the market for the provision of the Service in question.

#### Restrictions on Decisions

- 6.19 The Arbitrator must not make a decision that:
- (a) subject to paragraphs (b), (c) and (d), is inconsistent with the Access Arrangement;
  - (b) would impede the existing right of a User to obtain Services;
  - (c) would deprive any person of a contractual right that existed prior to the notification of the dispute, other than an Exclusivity Right which arose on or after 30 March 1995;
  - (d) is inconsistent with the applicable Queuing Policy; or
  - (e) requires the Service Provider to provide, or the User or Prospective User to accept, a Reference Service at a Tariff other than the Reference Tariff.

#### Effect of a Surcharge

- 6.20 If:
- (a) a dispute relates (wholly or partly) to the Tariff to be charged for a Service; and
  - (b) but for this section, the Arbitrator would have made a decision requiring the Service Provider to provide a specified Service at a specified Tariff (which could be the Reference Service at the Reference Tariff); and
  - (c) the Prospective User is a Prospective Incremental User; and
  - (d) there is a Surcharge relating to the relevant Incremental Capacity;
- the Arbitrator's decision under section 6.8 or section 6.14 may require the Service Provider to provide the Service that would (but for this section) have been specified under paragraph (b) at a Tariff equal to the Tariff that would (but for this section) have been specified under paragraph (b) plus the Surcharge.

#### Prior Capital Contributions

- 6.21 If a User or Prospective User claims it has funded the construction of all or part of a Pipeline, either directly or by agreeing to pay the Service Provider a higher charge than it would have paid in the absence of such a capital contribution, then in making a decision the Arbitrator must:
- (a) consider whether the User or Prospective User did make a capital contribution to the construction of all or part of the Covered Pipeline; and
  - (b) consider the extent to which the User or Prospective User has recouped any such capital contribution.
- If the Arbitrator considers that the User or Prospective User has made a capital contribution which has not been fully recouped, the Arbitrator's decision under section 6.8 or section 6.14 may require the Service Provider to provide the Service at a Tariff set in a way that allows the User or Prospective User to recoup some or all of the unrecouped portion of the capital contribution.

## Safe Operation of a Covered Pipeline

6.22 Where the Service Provider reasonably believes that it is not possible to accommodate a Prospective User's requirement for a Service consistently with the safe operation of the Covered Pipeline and prudent pipeline practices accepted in the industry:

- (a) the Arbitrator must not make a decision that the Service Provider believes is not consistent with the safe operation of the Covered Pipeline and prudent pipeline practices accepted in the industry;
- (b) where the Service is being sought by the Prospective User on a non interruptible basis, the Arbitrator may require the Service Provider to offer a similar Service on an interruptible basis and for the corresponding interruptible price, where that would be consistent with the safe operation of the Covered Pipeline and prudent pipeline practices accepted in the industry; and
- (c) the Service Provider must disclose to the Prospective User the assumptions it has used in determining that it is not possible to accommodate the Service Provider's requirement for a Service consistently with the safe operation of the Covered Pipeline and prudent pipeline practices accepted in the industry and must provide the Prospective User with the option of having an independent expert nominated by the Service Provider, at the cost of the Prospective User, give a (nonbinding) opinion on the matter.

## Obligation to Develop Capacity

6.23 In making a decision under section 6.8 or section 6.14, the Arbitrator may require the Service Provider to expand the Capacity of a Covered Pipeline to meet the requirements of a Prospective User, provided that:

- (a) the Service Provider is not required to extend the geographical range of a Pipeline;
- (b) the expansion is technically and economically feasible and consistent with the safe and reliable provision of the Service;
- (c) the Service Provider's legitimate business interests are protected;
- (d) the Prospective User does not become the owner of a Covered Pipeline or part of a Covered Pipeline without the agreement of the Service Provider; and
- (e) the Service Provider is not required to fund part or all of the expansion (except where the Extensions/Expansions Policy in the Access Arrangement for the Covered Pipeline states that the Service Provider will fund the New Facility and conditions specified in the Extensions/Expansions Policy have been met).

6.24 If the Arbitrator requires the Service Provider to install a New Facility under section 6.23 and the Prospective User bears the cost of the expenditure on the New Facility, then:

- (a) all expenditure on the New Facility constitutes New Facilities Investment by the Service Provider for the purposes of determining the Reference Tariffs;
- (b) the Service Provider must levy a Surcharge on Incremental Users (apart from the Prospective User) consistent with the principles for Surcharges contained in section 8 (with the Prospective User treated as if it were paying a Surcharge for the purposes of calculating a fair and reasonable Surcharge for other Incremental Users); and
- (c) the terms of access for the Prospective User shall reflect the value to the Service Provider of the contribution made by the Prospective User.

## Prospective User May Decide Not to Take a Service

6.25 Where a decision made under section 6.8 or section 6.14 requires the Service Provider to provide, and the Prospective User to accept, a Service on terms and conditions specified in the decision, then:

- (a) subject to paragraph (b), the Prospective User becomes bound by the decision on the 14th day after the day on which the decision was made, or, if earlier, on the day the Prospective User notifies the Service Provider that it intends to be bound by the decision; and
- (b) the Prospective User is not bound by the decision if it notifies the Arbitrator that it does not intend to be bound by the decision within 14 days after the day on which the decision was made (unless it has previously notified the Service Provider under paragraph (a), in which case paragraph (a) applies).

#### Reservation of Capacity During an Access Dispute

- 6.26 No priority rights of a User or Prospective User who is a party to a dispute shall be altered during the period of that dispute until the Arbitrator's decision has been made under section 6.8 or section 6.14.

#### Obligation to Reflect the Decision in a Draft Contract

- 6.27 Where a decision under section 6.8 or section 6.14 requires the Service Provider to provide a Service to the Prospective User on terms and conditions specified in the decision, the Arbitrator may, as part of that decision, require the Service Provider and Prospective User to represent that decision in the form of a contract between the parties and to submit to the Arbitrator, within 14 days following the date the decision comes into effect, either (at the choice of the Service Provider or Prospective User):

- (a) a copy of a draft contract; or
- (b) a copy of a signed contract.

- 6.28 If the parties do not submit the draft contract (or a copy of a signed contract) to the Arbitrator within the 14 day period referred to in section 6.27, then the Arbitrator may make a decision on the form of any terms and conditions in the draft contract that have not been resolved within that time.

### 7. GENERAL REGULATORY AND MISCELLANEOUS PROVISIONS

This section of the Code contains a number of miscellaneous provisions, including provisions dealing with the following.

**Associate Contracts:** A Service Provider is required to obtain the Relevant Regulator's consent before entering into certain contracts (principally any contract with an Associate for the provision of a Service provided by means of a Covered Pipeline). The Relevant Regulator's decision to not approve an Associate Contract may be subject to review by the Relevant Appeals Body under the Gas Industry Act.

**Decisions of the Decision Maker, Relevant Regulator and Arbitrator -** Each decision to be made by the Decision Maker, Relevant Regulator or Arbitrator under the Code must include reasons. A copy of the decision and the reasons for it should be placed on a Public Register.

**Extensions to Time Limits -** Provision is made for the extension of certain time limits in the Code.

#### Approval of Relevant Regulator Required for Associate Contracts

- 7.1 A Service Provider must not enter into an Associate Contract without first obtaining the approval of the Relevant Regulator. The Relevant Regulator must not refuse to approve a proposed Associate Contract unless it considers that the contract would have the effect, or would be likely to have the effect, of substantially lessening, preventing or hindering competition in a market.
- 7.2 If an Associate Contract provides for the supply of Services at the Reference Tariff, the Relevant Regulator may make a decision under section 7.1 without conducting public consultation.
- 7.3 In all other cases the Relevant Regulator must, prior to making a decision under section 7.1, conduct such public consultations as it considers appropriate. In conducting such public consultations the Relevant Regulator may, but need not, make public the content

of the Associate Contract. The Relevant Regulator must not make public any part of the Associate Contract which the Service Provider claims is confidential or commercially sensitive except where the Relevant Regulator is of the opinion the disclosure of the part of the Associate Contract concerned would not be unduly harmful to the legitimate business interests of the Service Provider or a User or Prospective User.

- 7.4 The Relevant Regulator is deemed to have approved an Associate Contract if it does not notify the Service Provider that it does not approve the Contract within:
- (a) 21 days after the day on which the Service Provider's application to enter into the Associate Contract was received by the Relevant Regulator; or
  - (b) if, within that 21 day period, the Relevant Regulator notifies the Service Provider that it requires additional information from the Service Provider to consider the application - the period of 21 days after the day on which the Service Provider's application to enter into the Associate Contract was received by the Relevant Regulator plus the number of days in the period commencing on the day on which the Relevant Regulator gave notice to the Service Provider and ending on the day on which the Relevant Regulator receives the additional information from the Service Provider.
- 7.5 If the Relevant Regulator conducts a public consultation in relation to an Associate Contract the references in section 7.4 to 21 days shall be read as references to 49 days.
- 7.6 A decision by the Relevant Regulator not to approve an Associate Contract is a decision to which section 48ZQ of the Gas Industry Act applies and is subject to review by the Relevant Appeals Body under the Gas Industry Act.

*Decisions by the Decision Maker, Relevant Regulator and Arbitrator*

- 7.7 If the Decision Maker, Relevant Regulator or Arbitrator is required under this Code to make a draft decision or a final decision, the Decision Maker, Relevant Regulator or Arbitrator concerned must include its reasons in its draft decision or the final decision.
- 7.8 Subject to section 7.12, each Relevant Regulator shall as soon as possible provide to the Code Registrar to place on the Public Register:
- (a) each application for Coverage of a Pipeline and application for revocation of Coverage of a Pipeline;
  - (b) each submission received by the Decision Maker in relation to any such application;
  - (c) each recommendation made by the Decision Maker in relation to any such application and the reasons given for such a recommendation; and
  - (d) each decision made by the Decision Maker (and the Relevant Appeals Body under the Gas Industry Act, if applicable) in relation to any such application and the reasons given for such a decision, including a description of the Pipeline the subject of that decision.
- 7.9 Subject to section 7.11, the Relevant Regulator shall as soon as possible provide to the Code Registrar to place on the Public Register:
- (a) in relation to Access Arrangements a copy of:
    - (i) each proposed Access Arrangement or proposed revisions of an Access Arrangement;
    - (ii) each proposed Access Arrangement Information or proposed revisions of Access Arrangement Information;
    - (iii) each submission received by the Relevant Regulator in relation to the Access Arrangement or revisions to the Access Arrangement;
    - (iv) each submission received by the Relevant Regulator in relation to the Access Arrangement Information or revisions to the Access Arrangement Information;

- (v) each draft decision and final decision made by the Relevant Regulator (and the Relevant Appeals Body under the Gas Industry Act if applicable) in relation to a proposed Access Arrangement, proposed revisions to an Access Arrangement, proposed Access Arrangement Information or proposed revisions to Access Arrangement Information and the reasons given for each such draft or final decision;
- (vi) if an Access Arrangement submitted under section 2.3 is accepted, a description of the Pipeline which thereby became Covered;
- (b) in relation to competitive tender processes a copy of:
  - (i) each Tender Approval Request and Final Approval Request the Relevant Regulator receives;
  - (ii) each submission and other document the Relevant Regulator receives relating to a Tender Approval Request and Final Approval Request;
  - (iii) each decision by the Relevant Regulator relating to a Tender Approval Request or Final Approval Request and the reasons given for each such decision;
  - (iv) a description of any proposed Pipeline that becomes a Covered Pipeline pursuant to section 3.36;
- (c) in relation to arbitrations, if the Relevant Regulator considers it appropriate, a copy of each draft or final decision of the Relevant Regulator (or an Arbitrator appointed by it) under section 6 of the Code and the reasons given for each such draft or final decision;
- (d) in relation to ring fencing a copy of:
  - (i) each application received by the Relevant Regulator under section 4;
  - (ii) each submission received by the Relevant Regulator in relation to adding to or waiving ring fencing obligations;
  - (iii) any draft or final decision by the Relevant Regulator (and the Relevant Appeals Body under the Gas Industry Act if applicable) to add to or waive ring fencing obligations and the reasons given for any such draft or final decision;
- (e) in relation to Associate Contracts, a copy of:
  - (i) each decision made by the Relevant Regulator under section 7.1 and the reasons given for any such decision; and
  - (ii) if the Relevant Regulator considers it appropriate, the proposed Associate Contract.

#### Public Register

7.10 Subject to section 7.12 the Code Registrar shall keep a Public Register and place on that register:

- (a) a description of each Covered Pipeline;
- (b) each document provided to it by the Decision Maker under section 7.8 of the Code;
- (c) each document provided to it by the Relevant Regulator under section 7.10; and;
- (d) each document provided to it by a Service Provider under either section 1.20 or section 3.22.

#### Treatment of Confidential Information

7.11 Where a person furnishes information or a document to the Decision Maker or Relevant Regulator (other than in compliance with a notice given by the Relevant Regulator under the Gas Industry Act or the Office of the Regulator-General Act) the person may, at the time when the document is furnished, state that the information or document or part of the information or document is of a confidential or commercially sensitive nature.

- 7.12 The Decision Maker and Relevant Regulator must not disclose the contents of any such information or document or any such part of the information or document to any person or provide it to the Code Registrar to place on the Public Register except where the Decision Maker or Relevant Regulator is of the opinion that the disclosure of the information or document or part of the information or document would not be unduly harmful to the legitimate business interests of the person who furnished the information or document or any other person to which the information or document relates.
- 7.13 Notwithstanding section 7.12 the information provided to the Code Registrar by the Relevant Regulator under section 7.9 must include at least the information stated below for the decision identified:
- (a) A decision in relation to an Access Arrangement or revisions to an Access Arrangement:
    - (i) the valuations derived from employing each asset valuation methodology to which regard was had pursuant to section 8.10(a) and (b) and the assumptions on which those valuations were based;
    - (ii) the Initial Capital Base for a Pipeline that is in existence at the commencement of the Code; and
    - (iii) a summary of the assumptions and reasoning that resulted in the figure adopted as the Initial Capital Base for a Pipeline that is in existence at the commencement of the Code, including if the Initial Capital Base for a Pipeline that is in existence at the commencement of the Code is outside the range of values determined according to sections 8.10(a) and (b), detailed reasons as to why a figure outside that range was selected.
  - (b) A decision in relation to an Access Arrangement or revisions to an Access Arrangement where the decision was to approve a proposed Access Arrangement or proposed revisions: details of where the assumptions adopted by the Relevant Regulator in approving the (or drafting and approving its own) Access Arrangement differ from the assumptions described in the Access Arrangement Information and reasons for that difference.
- 7.14 The Relevant Regulator may provide a person who makes a request for further information with such further information relevant to the decision as it sees fit, other than information which could not be provided to the Code Registrar under section 7.12.

#### Operational Guidelines

- 7.15 In exercising any functions under the Code, the Relevant Regulator and the Arbitrator may take into account any guidelines on operational procedures approved by the ORG or the Office of Gas Safety established under the *Gas Safety Act 1997* (Vic).

#### Extensions to Time Limits

- 7.16 If any section of this Code requires the Decision Maker to do something within a certain period, the Decision Maker may, in a particular case, increase the period it has to do the thing in question, by the period originally specified in the section of the Code concerned.
- 7.17 The Decision Maker may only increase the period it has to do a thing under section 7.16 if, before the day on which the Code would have required the thing to be done, it publishes in a national newspaper notice of the decision to increase the period.
- 7.18 The Decision Maker may increase the period it has to do a thing any number of times provided on each occasion it does so it complies with section 7.17.
- 7.19 The Relevant Regulator may on one or more occasions, at its discretion, grant extensions to any time period in this Code that applies to a person other than the Relevant Regulator or the Decision Maker, provided that an application for that extension has been received by it before the expiration of the time period in question. Time periods applying to the Relevant Regulator or Decision Maker may be extended as otherwise provided in this Code.



## 8. REFERENCE TARIFF PRINCIPLES

This section of the Code sets out the principles with which Reference Tariffs and a Reference Tariff Policy (the principles underlying the calculation of Reference Tariffs) included in an Access Arrangement must comply.

### General Principles

The Reference Tariff Principles are designed to ensure that certain key principles are reflected in the Reference Tariff Policy and in the calculation of all Reference Tariffs. Within these parameters, the Reference Tariff Principles are designed to provide a high degree of flexibility so that the Reference Tariff Policy can be designed to meet the specific needs of each pipeline system. The overarching requirement is that when Reference Tariffs are determined and reviewed, they should be based on the efficient cost (or anticipated efficient cost) of providing the Reference Services.

The Principles also require that, where appropriate, Reference Tariffs be designed to provide the Service Provider with the ability to earn greater profits (or less profits) than anticipated between reviews if it outperforms (or underperforms against) the benchmarks that were adopted in setting the Reference Tariffs. The intention is that, to the extent possible, Service Providers be given a market-based incentive to improve efficiency and to promote efficient growth of the gas market (an Incentive Mechanism).

The Reference Tariff Policy and all Reference Tariffs should be designed to achieve a number of objectives, including providing the Service Provider with the opportunity to earn a stream of revenue that recovers the costs of delivering the Reference Service over the expected life of the assets used in delivering that Service, to replicate the outcome of a competitive market, and to be efficient in level and structure.

### Principles for determining the Total Revenue

Reference Tariffs are to be set on the basis of the sales of all Services provided by the Covered Pipeline delivering (or being forecast to deliver) a certain amount of revenue (Total Revenue) over the period for which the Reference Tariffs remain in effect (the Reference Tariff Period).

The Reference Tariff Principles specify three methodologies for determining the Total Revenue:

- Cost of Service: where the Total Revenue is set to recover 'costs' with those costs to be calculated on the basis of a return (Rate of Return) on the value of the assets that form the Covered Pipeline (Capital Base), depreciation on the Capital Base (Depreciation) and the operating, maintenance and other non-capital costs (Non-Capital Costs) incurred in delivering all Services.
- IRR: where the Total Revenue is set to provide an acceptable Internal Rate of Return (IRR) for the Covered Pipeline on the basis of forecast costs and sales.
- NPV: where the Total Revenue is set to deliver a Net Present Value (NPV) for the Covered Pipeline (on the basis of forecast costs and sales) equal to zero, using an acceptable discount rate.

While these methodologies are different ways of assessing the Total Revenue, their outcomes should be consistent (for example, it is possible to express any NPV calculation in terms of a Cost of Service calculation by the choice of an appropriate depreciation schedule). In addition, other methodologies that can be translated into one of these forms are acceptable (such as a method that provides a real rate of return on an inflation-indexed capital base).

The principles that guide the determination of the Reference Tariff Period are set out in section 3 of the Code. These principles permit the Reference Tariff Period to be any length of time that is consistent with the objectives for setting Reference Tariffs. However, the Relevant Regulator must consider (but is not bound to require) inserting safeguards against excessive forecast error if the Reference Tariff Period is over five years.

The Reference Tariff Principles recognise that these methods for calculating the Total Revenue may provide a range of feasible outcomes. In narrowing this range, the Relevant Regulator is permitted to have regard to various financial and performance indicators.

Broad principles for establishing the Capital Base when Reference Tariffs are set initially and reviewed are set out, including principles for:

- establishing the Initial Capital Base (including principles for valuing pipelines in existence at the commencement of the Code and those that come into existence after the commencement of the Code);
- valuing investment in new facilities (including principles for determining whether New Facilities Investment may be included in the Capital Base and for addressing differences between forecast and actual capital expenditure; and
- reducing the Capital Base where assets cease to contribute, or make a reduced contribution, to the delivery of Services.

These principles apply equally to all of the methodologies for assessing Total Revenue, and to clarify this, certain detailed principles are translated into a form that is applicable to the IRR and NPV methodologies.

Broad principles for determining the Rate of Return are also set out, essentially requiring a return which is commensurate with the prevailing conditions in the market for funds and the risks involved in delivering the Reference Service.

A number of principles are specified for the Depreciation Schedule, which include that:

- the time-path for Reference Tariffs that is implied by the Depreciation Schedule be consistent with efficient market growth, and in particular, to avoid delivering Reference Tariffs that are excessively high in early years and low in later years;
- depreciation should be over the economic life of the assets that form the Covered Pipeline; and
- assets be depreciated once for the purposes of setting Reference Tariffs.

Again, these principles apply equally to all of the methodologies for assessing Total Revenue, and to clarify this, certain detailed principles are translated into a form that is applicable to the IRR and NPV methodologies.

Finally, the Reference Tariff Principles specify that Non Capital Costs are the operating, maintenance and other costs incurred (or forecast to be incurred) in the delivery of all Services provided by the Pipeline, and provide that these can be factored into Reference Tariffs if 'prudent'.

#### Allocation of the Total Revenue

The Reference Tariff Principles set out broad principles for determining the portion of the Total Revenue that a Reference Tariff should be designed to recover from sales of the Reference Services and the portion of revenue that should be recovered from each User of that Reference Service. These principles essentially require that the Charge paid by any User of a Reference Service be cost reflective, although substantial flexibility is provided.

An exception to the allocation rule is the case of 'prudent discounts'. Where a User is receiving a discount (which implies the Service Provider is receiving less revenue from that User than that assumed in the calculation of Reference Tariffs), and such a discount is 'prudent', the Relevant Regulator has the discretion (when Reference Tariffs are set initially or reviewed) to permit the Service Provider to recover some or all of that shortfall in revenue by raising Reference Tariffs to other Users (if the discount is prudent, the Reference Tariff would be lower for all Users).

#### Other Principles

This section also establishes:

- principles concerning the use and design of Incentive Mechanisms;
- a mechanism whereby certain parts of the Reference Tariff cannot be changed at a review of the Access Arrangement for a certain period; and

- principles for the charging of Surcharges in relation to Incremental Capacity.

#### General Principles

8.1 A Reference Tariff and Reference Tariff Policy should be designed with a view to achieving the following objectives:

- (a) providing the Service Provider with the opportunity to earn a stream of revenue that recovers the efficient costs of delivering the Reference Service over the expected life of the assets used in delivering that Service;
- (b) replicating the outcome of a competitive market;
- (c) ensuring the safe and reliable operation of the Pipeline;
- (d) not distorting investment decisions in Pipeline transportation systems or in upstream and downstream industries;
- (e) efficiency in the level and structure of the Reference Tariff; and
- (f) providing an incentive to the Service Provider to reduce costs and to develop the market for Reference Services and other Services.

To the extent that any of these objectives conflict in their application to a particular Reference Tariff determination, the Relevant Regulator may determine the manner in which they can best be reconciled or which of them should prevail.

8.2 The factors about which the Relevant Regulator must be satisfied in determining to approve a Reference Tariff are that:

- (a) the revenue to be generated from the sales (or forecast sales) of all Services over the Access Arrangement Period (the Total Revenue) should be established consistently with the principles and according to one of the methodologies contained in this section 8;
- (b) to the extent that the Covered Pipeline is used to provide a number of Services, that portion of Total Revenue that a Reference Tariff is designed to recover (which may be based upon forecasts) is calculated consistently with the principles contained in this section 8;
- (c) a Reference Tariff (which may be based upon forecasts) is designed so that the portion of Total Revenue to be recovered from a Reference Service (referred to in paragraph (b)) is recovered from the Users of that Reference Service consistently with the principles contained in this section 8;
- (d) Incentive Mechanisms are incorporated into the Reference Tariff wherever the Relevant Regulator considers appropriate and such Incentive Mechanisms are consistent with the principles contained in this section 8; and
- (e) any forecasts required in setting the Reference Tariff represent best estimates arrived at on a reasonable basis.

#### Form of Regulation

8.3 Subject to these requirements and to the Relevant Regulator being satisfied that it is consistent with the objectives contained in section 8.1, the manner in which a Reference Tariff may vary within a Access Arrangement Period through implementation of the Reference Tariff Policy is within the discretion of the Service Provider. For example, a Reference Tariff may be designed on the basis of:

- (a) a "price path" approach, whereby a series of Reference Tariffs are determined in advance for the Access Arrangement Period to follow a path that is forecast to deliver a revenue stream calculated consistently with the principles in this section 8, but is not adjusted to account for subsequent events until the commencement of the next Access Arrangement Period;
- (b) a "cost of service" approach, whereby the Tariff is set on the basis of the anticipated costs of providing the Reference Service and is adjusted continuously in light of actual outcomes (such as sales volumes and actual costs) to ensure that the Tariff recovers the actual costs of providing the Service; or

- (c) variations or combinations of these approaches.

#### Total Revenue

- 8.4 The Total Revenue (a portion of which will be recovered from sales of Reference Services) should be calculated according to one of the following methodologies:

Cost of Service: The Total Revenue is equal to the cost of providing all Services (some of which may be the forecast of such costs), and with this cost to be calculated on the basis of:

- (a) a return (Rate of Return) on the value of the capital assets that form the Covered Pipeline (Capital Base);
- (b) depreciation of the Capital Base (Depreciation); and
- (c) the operating, maintenance and other non-capital costs incurred in providing all Services provided by the Covered Pipeline (Non-Capital Costs).

IRR: The Total Revenue will provide a forecast Internal Rate of Return (IRR) for the Covered Pipeline that is consistent with the principles in sections 8.30 and 8.31. The IRR should be calculated on the basis of a forecast of all costs to be incurred in providing such Services (including capital costs) during the Access Arrangement Period.

The initial value of the Covered Pipeline in the IRR calculation is to be given by the Capital Base at the commencement of the Access Arrangement Period and the assumed residual value of the Covered Pipeline at the end of the Access Arrangement Period (Residual Value) should be calculated consistently with the principles in this section 8.

NPV: The Total Revenue will provide a forecast Net Present Value (NPV) for the Covered Pipeline equal to zero. The NPV should be calculated on the basis of a forecast of all costs to be incurred in providing such Services (including capital costs) during the Access Arrangement Period, and using a discount rate that would provide the Service Provider with a return consistent with the principles in sections 8.30 and 8.31.

The initial value of the Covered Pipeline in the NPV calculation is to be given by the Capital Base at the commencement of the Access Arrangement Period and the assumed Residual Value at the end of the Access Arrangement Period should be calculated consistently with the principles in this section 8.

The methodology used to calculate the Cost of Service, an IRR or NPV should be in accordance with generally accepted industry practice.

- 8.5 Other methodologies may be used provided the resulting Total Revenue can be expressed in terms of one of the methodologies described above.
- 8.6 In view of the manner in which the Rate of Return, Capital Base, Depreciation Schedule and Non Capital Costs may be determined (in each case involving various discretions), it is possible that a range of values may be attributed to the Total Revenue described in section 8.4. In order to determine an appropriate value within this range the Relevant Regulator may have regard to any financial and operational performance indicators it considers relevant in order to determine the level of costs within the range of feasible outcomes under section 8.4 that is most consistent with the objectives contained in section 8.1.
- 8.7 If the Relevant Regulator has considered financial and operational performance indicators for the purposes of section 8.6, it must identify the indicators and provide an explanation of how they have been taken into account.

#### Principles for Establishing the Capital Base

- 8.8 Principles for establishing the Capital Base for the Covered when a Reference Tariff is first proposed for a Reference Service (ie, for the first Access Arrangement Period) are set out in sections 8.10 to 8.14.

8.9 Sections 8.15 to 8.29 then describe the principles to be applied in adjusting the value of the Capital Base over time as a result of additions to the Covered Pipeline and as a result of parts of the Covered Pipeline ceasing to be used for the delivery of Services. Consistently with those principles, the Capital Base at the commencement of each Access Arrangement Period after the first, for the Cost of Service methodology, is determined as:

- (a) the Capital Base at the start of the immediately preceding Access Arrangement Period; plus
- (b) the New Facilities Investment or Recoverable Portion (whichever is relevant) in the immediately preceding Access Arrangement Period (adjusted as relevant as a consequence of section 8.22 to allow for the differences between actual and forecast New Facilities Investment); less
- (c) Depreciation for the immediately preceding Access Arrangement Period; less
- (d) Redundant Capital identified prior to the commencement of that Access Arrangement Period,

and for the IRR or NPV methodology, is determined as:

- (e) the Residual Value assumed in the previous Access Arrangement Period (adjusted as relevant as a consequence of section 8.22 to allow for the differences between actual and forecast New Facilities Investment); less
- (f) Redundant Capital identified prior to the commencement of that Access Arrangement Period.

#### Initial Capital Base - Existing Pipelines

8.10 When a Reference Tariff is first proposed for a Reference Service provided by a Covered Pipeline that was in existence at the commencement of the Code, the following factors should be considered in establishing the initial Capital Base for that Pipeline:

- (a) the value that would result from taking the actual capital cost of the Covered Pipeline and subtracting the accumulated depreciation for those assets charged to Users (or thought to have been charged to Users) prior to the commencement of the Code;
- (b) the value that would result from applying the "depreciated optimised replacement cost" methodology in valuing the Covered Pipeline;
- (c) the value that would result from applying other well recognised asset valuation methodologies in valuing the Covered Pipeline;
- (d) the advantages and disadvantages of each valuation methodology applied under paragraphs (a), (b) and (c);
- (e) international best practice of Pipelines in comparable situations and the impact on the international competitiveness of energy consuming industries;
- (f) the basis on which Tariffs have been (or appear to have been) set in the past, the economic depreciation of the Covered Pipeline, and the historical returns to the Service Provider from the Covered Pipeline;
- (g) the reasonable expectations of persons under the regulatory regime that applied to the Pipeline prior to the commencement of the Code;
- (h) the impact on the economically efficient utilisation of gas resources;
- (i) the comparability with the cost structure of new Pipelines that may compete with the Pipeline in question (for example, a Pipeline that may by-pass some or all of the Pipeline in question);
- (j) the price paid for any asset recently purchased by the Service Provider and the circumstances of that purchase; and

(k) any other factors the Relevant Regulator considers relevant.

- 8.11 The initial Capital Base for Covered Pipelines that were in existence at the commencement of the Code normally should not fall outside the range of values determined under paragraphs (a) and (b) of section 8.10.

**Initial Capital Base - New Pipelines**

- 8.12 When a Reference Tariff is first proposed for a Reference Service provided by a Covered Pipeline that has come into existence after the commencement of the Code, the initial Capital Base for the Covered Pipeline is, subject to section 8.13, the actual capital cost of those assets at the time they first enter service. A new Pipeline does not need to pass the tests described in section 8.16.
- 8.13 If the period between the time the Covered Pipeline first enters service and the time the Reference Tariff is proposed is such as reasonably to warrant adjustment to the actual capital cost in establishing the initial Capital Base, then that cost should be adjusted to account for New Facilities Investment or the Recoverable Portion (whichever is relevant), Depreciation and Redundant Capital incurred or identified during that period (as described in section 8.9).

**Initial Capital Base - After the Expiry of an Access Arrangement**

- 8.14 Where an Access Arrangement has expired, the initial Capital Base at the time a new Access Arrangement is approved is the Capital Base applying at the expiry of the previous Access Arrangement adjusted to account for New Facilities Investment or the Recoverable Portion (whichever is relevant), Depreciation and Redundant Capital (as described in section 8.9) as if the previous Access Arrangement had remained in force.

**New Facilities Investment**

- 8.15 The Capital Base for a Covered Pipeline may be increased from the commencement of a new Access Arrangement Period to recognise additional capital costs incurred in constructing New Facilities for the purpose of providing Services.
- 8.16 The amount by which the Capital Base may be increased is the amount of the actual capital cost incurred (New Facilities Investment) provided that:
- (a) that amount does not exceed the amount that would be invested by a prudent Service Provider acting efficiently, in accordance with accepted good industry practice, and to achieve the lowest sustainable cost of delivering Services; and
  - (b) one of the following conditions is satisfied:
    - (i) the Anticipated Incremental Revenue generated by the New Facility exceeds the New Facilities Investment; or
    - (ii) the Service Provider and/or Users satisfy the Relevant Regulator that the New Facility has system-wide benefits that, in the Relevant Regulator's opinion, justify the approval of a higher Reference Tariff for all Users; or
    - (iii) the New Facility is necessary to maintain the safety, integrity or Contracted Capacity of Services.
- 8.17 For the purposes of administering section 8.16(a), the Relevant Regulator must consider:
- (a) whether the New Facility exhibits economies of scale or scope and the increments in which Capacity can be added; and
  - (b) whether the lowest sustainable cost of delivering Services over a reasonable time frame may require the installation of a New Facility with Capacity sufficient to meet forecast sales of Services over that time frame.
- 8.18 A Reference Tariff Policy may, at the discretion of the Service Provider, state that the Service Provider will undertake New Facilities Investment that does not satisfy the requirements of section 8.16. If the Service Provider incurs such New Facilities Investment, the Capital Base may be increased by that part of the New Facilities Investment which does satisfy section 8.16 (the Recoverable Portion).

8.19 The Reference Tariff Policy may also provide that an amount in respect of the balance of the New Facilities Investment may subsequently be added to the Capital Base if at any time the type and volume of services provided using the increase in Capacity attributable to the New Facility change such that any part of the Speculative Investment Fund (as defined below) would then satisfy the requirements of section 8.16. The amount of the Speculative Investment Fund at any time is equal to:

- (a) the difference between the New Facilities Investment and the Recoverable Portion, less any amount the Service Provider notifies the Relevant Regulator (at the time the expenditure is incurred) that it has elected to recover through a Surcharge under section 8.25 (Speculative Investment); plus
- (b) an annual increase in that amount calculated on a compounded basis at a rate of return approved by the Relevant Regulator which rate of return may, but need not, be different from the rate of return implied in the Reference Tariff; less
- (c) any part of the Speculative Investment Fund previously added to the Capital Base under this section 8.19.

#### Forecast Capital Expenditure

8.20 Consistent with the methodologies described in section 8.4, Reference Tariffs may be determined on the basis of New Facilities Investment that is forecast to occur within the Access Arrangement Period provided that the New Facilities Investment is reasonably expected to pass the requirements in section 8.16 when the New Facilities Investment is forecast to occur.

8.21 If the Relevant Regulator agrees to Reference Tariffs being determined on the basis of forecast New Facilities Investment, this need not (at the discretion of the Relevant Regulator) imply that such New Facilities Investment will meet the requirements of section 8.16 when the Relevant Regulator considers revisions to an Access Arrangement submitted by a Service Provider. However, the Relevant Regulator may, at its discretion, agree (on written application by the Service Provider) at the time at which the New Facilities Investment takes place that it meets the requirements of section 8.16, the effect of which is to bind the Relevant Regulator's decision when the Relevant Regulator considers revisions to an Access Arrangement submitted by the Service Provider. For the purposes of public consultation, any such application must be treated as if it were a proposed revision to the Access Arrangement submitted under section 2.28.

8.22 For the purposes of calculating the Capital Base at the commencement of the subsequent Access Arrangement Period, either the Reference Tariff Policy should describe or the Relevant Regulator shall determine when the Relevant Regulator considers revisions to an Access Arrangement submitted by a Service Provider, how the New Facilities Investment is to be determined for the purposes of section 8.9. This includes whether (and how) the Capital Base at the commencement of the next Access Arrangement Period should be adjusted if the actual New Facilities Investment is different from the forecast New Facilities Investment (with this decision to be designed to best meet the objectives in section 8.1).

#### Capital Contributions

8.23 New Facilities Investment may also be added to the Capital Base when a User makes a Capital Contribution (as defined below) in respect of a New Facility. Nothing in this Code prevents a User agreeing to pay the Service Provider a Charge which exceeds the Charge that would apply under a Reference Tariff for a Reference Service (or, in relation to another Service, under the Equivalent Tariff in any circumstance including, without limitation, if the excess is paid in respect of the funding of a New Facility (in which case the extra payment is a Capital Contribution).

8.24 Any expenditure on a New Facility in respect of which a User makes a Capital Contribution constitutes New Facilities Investment incurred by the Service Provider for the purposes of this section 8. The User's obligations to the Service Provider and the Service Provider's obligations to the User with respect to the Capital Contribution shall be as agreed between the Service Provider and User.

### Surcharges

- 8.25 As contemplated in section 8.19(a), unless precluded by the Service Provider's Extensions/Expansions Policy, a Service Provider may elect by written notice to the Relevant Regulator to recover all or part of an amount that it would not recover at the Prevailing Tariffs through a Surcharge (after commencement of the next Access Arrangement Period, this amount is that amount that would otherwise constitute Speculative Investment. A Surcharge is a Charge in addition to the Charge that would apply under a Reference Tariff for a Reference Service (or, in relation to another Service, under the Tariff that would be determined by the Arbitrator in arbitrating an access dispute under section 6) that is levied on Users of Incremental Capacity in order for the Service Provider to recover some or all of the cost of New Facilities Investment that cannot be included in the Capital Base in subsequent Access Arrangement Periods). If the Relevant Regulator receives such a written notice, it may approve the Surcharge, with an approval having the effect of binding the Arbitrator in an access dispute under section 6. For the purposes of public consultation, the notice shall be treated as if it were a proposed revision to the Access Arrangement submitted under section 2.28.
- 8.26 A Service Provider may levy a Surcharge on Users of Incremental Capacity, provided the following principles apply:
- (a) the Surcharges are designed to recover only that part of the New Facilities Investment that satisfies the requirement in section 8.16(a);
  - (b) the costs that the Surcharges are designed to recover do not include any costs that are included in the Speculative Investment Fund; and
  - (c) the structure of the Surcharges reflect a fair and reasonable sharing of the total recoverable cost between Incremental Users (and for this purpose any User who is paying a Capital Contribution should be assumed to be paying a Surcharge).

### Capital Redundancy

- 8.27 A Reference Tariff Policy may include (and the Relevant Regulator may require that it include) a mechanism that will, with effect from the commencement of the next Access Arrangement Period, remove an amount from the Capital Base (Redundant Capital) for a Covered Pipeline so as to:
- (a) ensure that assets which cease to contribute in any way to the delivery of Services are not reflected in the Capital Base; and
  - (b) share costs associated with a decline in the volume of sales of Services provided by means of the Covered Pipeline between the Service Provider and Users.
- Before approving a Reference Tariff which includes such a mechanism, the Relevant Regulator must take into account the uncertainty such a mechanism would cause and the effect that uncertainty would have on the Service Provider, Users and Prospective Users. If a Reference Tariff does include such a mechanism, the determination of the Rate of Return (under sections 8.30 and 8.31) and the economic life of the assets (under section 8.33) should take account of the resulting risk (and cost) to the Service Provider of a fall in the revenue received from sales of Services provided by means of the Covered Pipeline or part of the Covered Pipeline.
- 8.28 If assets that are the subject of Redundant Capital subsequently contribute, or make an enhanced contribution, to the delivery of Services, the assets may be treated as a New Facility having New Facilities Investment (for the purpose of sections 8.16, 8.17, 8.18 and 8.19) equal to the Redundant Capital Value increased annually on a compounded basis by the Rate of Return from the time the Redundant Capital Value was removed from the Capital Base.
- 8.29 A Reference Tariff Policy may include (and the Relevant Regulator may require it to include) other mechanisms that have the same effect on Reference Tariffs as the above but which do not result in the removal of any amount from the Capital Base.



**Rate of Return**

- 8.30 The Rate of Return used in determining a Reference Tariff should provide a return which is commensurate with prevailing conditions in the market for funds and the risk involved in delivering the Reference Service (as reflected in the terms and conditions on which the Reference Service is offered and any other risk associated with delivering the Reference Service).
- 8.31 By way of example, the Rate of Return may be set on the basis of a weighted average of the return applicable to each source of funds (equity, debt and any other relevant source of funds). Such returns may be determined on the basis of a well accepted financial model, such as the Capital Asset Pricing Model. In general, the weighted average of the return on funds should be calculated by reference to a financing structure that reflects standard industry structures for a going concern and best practice. However, other approaches may be adopted where the Relevant Regulator is satisfied that to do so would be consistent with the objectives contained in section 8.1.

**Depreciation Schedule - Cost of Service**

- 8.32 The Depreciation Schedule is the set of depreciation schedules (one of which may correspond to each asset or group of assets that form part of the Covered Pipeline ) that is the basis upon which the assets that form part of the Capital Base are to be depreciated for the purposes of determining a Reference Tariff [Depreciation Schedule].
- 8.33 The Depreciation Schedule should be designed:
- (a) so as to result in the Reference Tariff changing over time in a manner that is consistent with the efficient growth of the market for the Services provided by the Pipeline (and which may involve a substantial portion of the depreciation taking place in future periods, particularly where the calculation of the Reference Tariffs has assumed significant market growth and the Pipeline has been sized accordingly);
  - (b) so that each asset or group of assets that form part of the Covered Pipeline is depreciated over the economic life of that asset or group of assets;
  - (c) so that, to the maximum extent that is reasonable, the depreciation schedule for each asset or group of assets that form part of the Covered Pipeline is adjusted over the life of that asset or group of assets to reflect changes in the expected economic life of that asset or group of assets; and
  - (d) subject to section 8.27, so that an asset is depreciated only once (that is, so that the sum of the Depreciation that is attributable to any asset or group of assets over the life of those assets is equivalent to the value of that asset or group of assets at the time at which the value of that asset or group of assets was first included in the Capital Base.

**Application of Depreciation Principles to the IRR/NPV Methodology**

- 8.34 If the IRR or NPV methodology is used, then the notional depreciation over the Access Arrangement Period for each asset or group of assets that form part of the Covered Pipeline is:
- (a) for an asset that was in existence at the commencement of the Access Arrangement Period, the difference between the value of that asset in the Capital Base at the commencement of the Access Arrangement Period and the value of that asset that is reflected in the Residual Value; and
  - (b) for a New Facility installed during the Access Arrangement Period, the difference between the actual cost or forecast cost of the Facility (whichever is relevant) and the value of that asset that is reflected in the Residual Value,

and, to comply with section 8.33:

- (c) the Residual Value of the Covered Pipeline should reflect notional depreciation that meets the principles of section 8.33; and
  - (d) the Reference Tariff should change over the Access Arrangement Period in a manner that is consistent with the efficient growth of the market for the Services provided by the Pipeline (and which may involve a substantial portion of the depreciation taking place towards the end of the Access Arrangement Period, particularly where the calculation of the Reference Tariffs has assumed significant market growth and the Pipeline has been sized accordingly).
- 8.35 In implementing the principles in section 8.33 or 8.34, regard must be had to the reasonable cash flow needs for Non Capital Costs, financing cost requirements and similar needs of the Service Provider.

#### Non Capital Costs

- 8.36 Non Capital Costs are the operating, maintenance and other costs incurred in the delivery of the Reference Service.
- 8.37 A Reference Tariff may provide for the recovery of all Non Capital Costs (or forecast Non Capital Costs, as relevant) except for any such costs that would not be incurred by a prudent Service Provider, acting efficiently, in accordance with accepted and good industry practice, and to achieve the lowest sustainable cost of delivering the Reference Service.

#### Allocation of Revenue (Costs) between Services

- 8.38 Subject to sections 8.40 and 8.43, to the maximum extent that is commercially and technically reasonable, the portion of the Total Revenue (referred to in section 8.4) that a Reference Tariff should be designed to recover (which may be based on forecasts) should include:
- (a) all of the Total Revenue that reflects costs incurred (including capital costs) that are directly attributable to the Reference Service; and
  - (b) a share of the Total Revenue that reflects costs incurred (including capital costs) that are attributable to providing the Reference Service jointly with other Services, with this share to be determined in accordance with a methodology that meets the objectives in section 8.1 and is otherwise fair and reasonable.
- 8.39 If the Relevant Regulator requires that a different methodology be used to determine the portion of Total Revenue to be recovered from particular Reference Services pursuant to section 8.39 than that proposed by the Service Provider and described in the Access Arrangement Information, the Relevant Regulator shall in its decision on the Access Arrangement or revisions to an Access Arrangement concerned provide a detailed explanation of the methodology that it requires to be used to allocate costs pursuant to section 8.38.
- 8.40 Notwithstanding section 8.38, if the revenue assumed in the Total Revenue calculation under section 8.4 reflects costs (including capital costs) that are attributable to providing the Reference Service jointly with a Rebatable Service, then all or part of the Total Revenue that would have been recovered from the Rebatable Service under section 8.38 (if that Service was a Reference Service) may be recovered from the Reference Service, provided that an appropriate portion of any revenue realised from sales of any such Rebatable Service is rebated to Users of the Reference Service (either through a reduction in the Reference Tariff or through a direct rebate to the relevant User or Users). The structure of such a rebate mechanism should be determined having regard to the following objectives:
- (a) providing the Service Provider with an incentive to promote the efficient use of Capacity, including through the sale of Rebatable Services; and
  - (b) Users of the Reference Service sharing in the gains from additional sales of Services, including from sales of Rebatable Services.

- 8.41 Alternative approaches to allocating the costs described in section 8.4 may be used provided they have substantially the same effect as the approach outlined in sections 8.38 and 8.40.

**Allocation of Revenue (Costs) between Users**

- 8.42 Subject to section 8.43, a Reference Tariff should, to the maximum extent that is technically and commercially reasonable, be designed so that a particular User's share of the portion of Total Revenue to be recovered from sales of a Reference Service (which may be on the basis of forecasts) is consistent with the principles described in section 8.38.

**Prudent Discounts**

**8.43 If:**

- (a) the nature of the market in which a User or Prospective User of a Reference Service or some other Service operates, or the price of alternative fuels available to such a User or Prospective User, is such that the Service, if priced at the nearest Reference Tariff (or, if the Service is not a Reference Service, at the Equivalent Tariff), would not be used by that User or Prospective User; and
- (b) a Reference Tariff (or Equivalent Tariff) calculated without regard to revenues from that User or Prospective User would be greater than the Reference Tariff (or Equivalent Tariff) if calculated having regard to revenues received from that User or Prospective User on the basis that it is served at a price less than the Reference Tariff (or Equivalent Tariff),

then the Relevant Regulator may, with effect from the commencement of an Access Arrangement Period, permit some or all of any discount given to, or to be given to, that User or Prospective User (where the discount is the difference between the Reference Tariff (or the Equivalent Tariff) and the Tariff actually paid or to be paid by the User or Prospective User) to be either:

- (c) recovered from other Users of the Reference Service under section 8.42, in a manner that the Relevant Regulator is satisfied is fair and reasonable; or
- (d) recovered from the Reference Service or some other Service or Services under section 8.38 in a manner that the Relevant Regulator is satisfied is fair and reasonable.

**Use of Incentive Mechanisms**

- 8.44 The Reference Tariff should, wherever the Relevant Regulator considers appropriate, contain a mechanism that permits the Service Provider to retain all, or a share of, any returns to the Service Provider from the sale of a Reference Service during an Access Arrangement Period that exceeds the level of returns expected at the beginning of the Access Arrangement Period (an Incentive Mechanism), particularly where the additional returns are attributable (at least in part), to the efforts of the Service Provider. Such additional returns may result, amongst other things, from lower Non Capital Costs or greater sales of Services than forecast.

- 8.45 An Incentive Mechanism may include (but is not limited to) the following:

- (a) specifying the Reference Tariff that will apply during each year of the Access Arrangement Period based on forecasts of all relevant variables (and which may assume that the Service Provider can achieve defined efficiency gains) regardless of the realised values for those variables;
- (b) specifying a target for revenue from the sale of all Services provided by means of the Covered Pipeline, and specifying that a certain proportion of any revenue received in excess of that target shall be retained by the Service Provider and that the remainder must be used to reduce the Tariffs for all Services provided by means of the Covered Pipeline (or to provide a rebate to Users of the Covered Pipeline); and

- (c) a rebate mechanism for Rebatable Services pursuant to section 8.40 that provides for less than a full rebate of revenues from the Rebatable Services to the Users of the Reference Service.

8.46 An Incentive Mechanism should be designed with a view to achieving the following objectives:

- (a) to provide the Service Provider with an incentive to increase the volume of sales of all Services, but to avoid providing an artificial incentive to favour the sale of one Service over another;
- (b) to provide the Service Provider with an incentive to minimise the overall costs attributable to providing those Services, consistent with the safe and reliable provision of such Services;
- (c) to provide the Service Provider with an incentive to develop new Services in response to the needs of the market for Services;
- (d) to provide the Service Provider with an incentive to undertake only prudent New Facilities Investment and to incur only prudent Non Capital Costs, and for this incentive to be taken into account when determining the prudence of New Facilities Investment and Non Capital Costs for the purposes of sections 8.16 and 8.37; and
- (e) to ensure that Users and Prospective Users gain from increased efficiency, innovation and volume of sales (but not necessarily in the Access Arrangement Period during which such increased efficiency, innovation or volume of sales occur).

#### Certain Reference Tariff Principles Not Subject to Periodic Review

- 8.47 The Reference Tariff Policy may provide that certain principles are fixed for a specified period and not subject to change when a Service Provider submits reviews to an Access Arrangement without the agreement of the Service Provider. A Fixed Principle is an element of the Reference Tariff Policy that cannot be changed without the agreement of the Service Provider [Fixed Principle]. The period during which the Fixed Principle may not be changed is the Fixed Period [Fixed Period].
- 8.48 A Fixed Principle may include any Structural Element, but in assessing whether any Structural Element may be a Fixed Principle, regard must be had to the interests of the Service Provider and the interests of Users and Prospective Users. A Market Variable Element cannot be a Fixed Principle. The Fixed Period may be for all or part of the duration of an Access Arrangement, but in determining a Fixed Period, regard must be had to the interests of the Service Provider and the interests of Users and Prospective Users.

#### Assessment of Compliance with Section 8

- 8.49 Subject to the requirement for public consultation, the Relevant Regulator may determine its own policies for assessing whether a Reference Tariff meets the requirements of this section 8. For example, the Relevant Regulator may:
  - (a) draw an inference that an appropriate Incentive Mechanism will result in:
    - (i) New Facilities Investment that meets the requirements of section 8.16(a) and 8.16(b)(i); and/or
    - (ii) that Non Capital Costs meet the requirements of section 8.37;
  - (b) draw an inference that an appropriate policy by the Service Provider in relation to New Facilities Investment and/or Non Capital Costs will, if adhered to, result in:
    - (i) New Facilities Investment that meets the requirements of section 8.16; and/or
    - (ii) Non Capital Costs that meet the requirements of section 8.37;

- (c) assess whether New Facilities Investment in relation to a number of New Facilities (for example, an investment program) considered together meet the requirements of section 8.16, and then use this to draw an inference as to whether the New Facilities Investment when considered in relation to each individual New Facility meets the requirements of section 8.16.

## 9. INTERPRETATION

### How this Code applies to Multiple Service Providers

- 9.1 (a) This section 9.1 applies if there is more than one Service Provider in connection with a Covered Pipeline and:
- (i) the Covered Pipeline is owned by two or more persons as a joint venture or partnership; or
  - (ii) the Covered Pipeline is operated by two or more persons as a joint venture or partnership; or
  - (iii) a Covered Pipeline is legally owned by a person or persons on trust for others, but does not apply where the Covered Pipeline is merely owned and operated by different persons.
- In such a case, each Service Provider in connection with the Covered Pipeline is referred to in this section 9.1 as a "Participant".
- (b) If this Code requires or permits something to be done by the Service Provider, that thing may be done by one of the Participants on behalf of all the Participants. So, for example, a proposed Access Arrangement may be submitted under section 2.2 by one Participant on behalf of all Participants.
- (d) If a provision of this Code refers to the Service Provider bearing any costs, the provision applies as if the provision referred to any of the Participants bearing any costs.
- (e) If a provision of this Code, other than section 4, refers to the Service Provider doing something, the provision applies as if the provision referred to one or more of the Participants doing the thing on behalf of all the Participants.

### 9.2 Where:

- (a) there is more than one Service Provider in connection with a Covered Pipeline;
  - (b) one is the owner and another is the operator; and
  - (c) responsibility for complying with the obligations imposed by this Code on the Service Provider is allocated among them by their Access Arrangements, or their Access Arrangement Information,
- each Service Provider is responsible only for complying with the obligations allocated to it.

### How this Code applies to successor Service Providers

- 9.3 If a person becomes a Service Provider in relation to a Covered Pipeline (for example, if the person purchases a Covered Pipeline):
- (a) the Covered Pipeline shall remain a Covered Pipeline;
  - (b) any Access Arrangement approved pursuant to the Code shall:
    - (i) continue to apply to the Covered Pipeline concerned despite the change in Service Provider; and
    - (ii) bind the person in the same way it bound other Service Providers immediately before the person became a Service Provider with respect to the Covered Pipeline concerned; and
  - (c) any arbitration decision made pursuant to the Code shall:

- (i) continue to apply to the Covered Pipeline concerned despite the change in Service Provider; and
- (ii) bind the person in the same way it bound other Service Providers immediately before the person became a Service Provider with respect to the Covered Pipeline concerned.

#### Overviews

- 9.4 The introduction to this Code and the overview in italics at the beginning of each section of this Code do not form part of this Code.
- 9.5 In interpreting a provision of this Code consideration should be given to the introduction to this Code and the overview in italics at the beginning of the relevant section of this Code:
- (a) to confirm that the meaning of the provision is the ordinary meaning conveyed by the text of the provision; or
  - (b) to determine the meaning of the provision when:
    - (i) the provision is ambiguous or obscure; or
    - (ii) the ordinary meaning conveyed by the text of the provision leads to a result that is manifestly absurd or unreasonable.

#### Notices

- 9.6 Where this Code requires or contemplates the giving or making of any notice, application, submission, opinion, consent, approval, agreement, reason, explanation, report or other communication it must be given or made in writing.

#### Relevant Regulatory Instruments and Documents

- 9.7 Where this Code refers to a Relevant Regulatory Instrument or a document, that reference includes all amendments to, supplements to and replacements of that Relevant Regulatory Instrument or document duly made from time to time.

#### Regulatory and Conduct Provisions

- 9.8 For the purposes of the Gas Industry Act:
- (a) The following sections shall be Regulatory Provisions:
    - 2.2 and 2.28 [Service Provider must submit a proposed Access Arrangement or proposed revisions to Access Arrangement together with Access Arrangement Information];
    - 2.4 [Relevant Regulator may require more than one Access Arrangement];
    - 2.9 and 2.30 [Relevant Regulator may require changes to Access Arrangement Information];
    - 4.1(a), (b), (c), (d), (e), (h) and (i) and 4.2 [basic ring fencing obligations other than in relation to confidential information];
    - 4.3 [additional ring fencing obligations];
    - 4.12 [establishing compliance procedures];
    - 4.13 [report to the Relevant Regulator];
    - 4.14 [reporting own non-compliance];
    - 5.1 and 5.2 [establishing information package];
    - 5.3 [provide information package];
    - 5.4 to 5.6 [response to access request];
    - 5.8 [information to be provided to the market about unutilised contract capacity];

- 5.9 [public register of capacity];
- (b) the following sections shall be Conduct provisions:
  - 3.17 [enforcement of queuing policy];
  - 4.1(f) and (g) [basic ring fencing obligations in relation to confidential information];
  - 5.7 [keeping additional information confidential];
  - 6.17 [requiring compliance with outcome of arbitration];
  - 7.1 [Associate Contracts].

#### Definitions

9.9 The following definitions apply, unless the context otherwise requires:

“ACCC” means the Australian Competition and Consumer Commission established by section 6A of the **Trade Practices Act 1974** (Cth).

“Access Arrangement” means an arrangement for access to a Covered Pipeline that has been approved by the Relevant Regulator pursuant to section 2.16 or 2.24 or 2.52.

“Access Arrangement Information” means information provided by a Service Provider to the Relevant Regulator pursuant to section 2.2, 2.9, 2.28 or 2.30.

“Access Arrangement Period” means the period from when an Access Arrangement or revisions to an Access Arrangement take effect (by virtue of a decision pursuant to section 2) until the next Revisions Commencement Date.

“Additional Staff” means servants, consultants, independent consultants and agents of a Service Provider who are not Marketing Staff and who the Relevant Regulator regards as indirectly involved in the sale or advertising of Services.

“Additional Revenue Policy” has the meaning given in section 3.30(d).

“Anticipated Incremental Revenue” means the present value (calculated at the Rate of Return) of the reasonably anticipated future revenue from the sale of Services at the Prevailing Tariffs which would not have been generated without the Incremental Capacity, minus the present value (calculated at the Rate of Return) of the best reasonable forecast of the increase in Non Capital Costs directly attributable to the sale of those Services.

“Applicable Relevant Regulatory Instruments” means in relation to a Service Provider any Relevant Regulatory Instrument or class of Relevant Regulatory Instruments with which, in its Access Arrangement, the Service Provider states that it or any User or class of Users of Services provided by it must comply.

“Arbitrator” has the meaning given in section 48V of the Gas Industry Act.

“Associate” has the meaning given in section 48ZS of the Gas Industry Act.

“Associate Contract” means:

- (a) a contract, arrangement or understanding between the Service Provider and an Associate in connection with the provisions of a Service; or
- (b) a contract, arrangement or understanding between the Service Provider and any person in connection with the provision of a Service which provides a direct or indirect benefit to an Associate and which is not an arm’s length transaction.

“Bare Transfer” has the meaning given in section 3.12.

“Capacity” means the measure of the potential of a Covered Pipeline as currently configured to deliver a particular Service between a Receipt Point and a Delivery Point at a point in time.

“Capacity Management Policy” has the meaning given in section 3.10.

"Capital Base" has the meaning given in section 8.4.

"Capital Contribution" has the meaning given in section 8.23.

"Charge", for a Service, means the amount that is payable by a User to the Service Provider for that Service.

"Code" means this Victorian Third Party Access Code for Natural Gas Pipeline Systems as changed from time to time in accordance with the Gas Industry Act.

"Code Registrar" means the ORG.

"Confidential Information" means information that is by its nature confidential or is known by the other party to be confidential and includes:

- (a) any information relating to the financial position of the party and in particular includes information relating to the assets or liabilities of the party and any other matter that affects or may affect the financial position or reputation of the party;
- (b) information relating to the internal management and structure of the party or the personnel, policies and strategies of the party;
- (c) information of the party to which the other party has access, other than information referred to in paragraphs (a) and (b), that has any actual or potential commercial value to the first party or to the person or corporation which supplied that information; and
- (d) any information in the party's possession relating to the other party's clients or suppliers and like information.

"Contracted Capacity" means that part of the Capacity which has been reserved by a User or Users pursuant to a contract entered into with the Service Provider.

"Contract Carriage" is a system of managing third party access whereby:

- (a) the Service Provider normally manages its ability to provide Services primarily by requiring Users to use no more than the quantity of Service specified in a contract;
- (b) Users normally are required to enter into a contract that specifies a quantity of Service;
- (c) charges for use of a Service normally are based at least in part upon the quantity of Service specified in a contract; and
- (d) a User normally has the right to trade its right to obtain a Service to another User.

"Coverage/Covered" means, in relation to a Pipeline or part of a Pipeline, that Pipeline or part of a Pipeline is subject to the provisions of this Code pursuant to sections 1.1, 1.9 or 1.10.

"Covered Pipeline" means, subject to section 2.3, the whole or a particular part of a Pipeline which is Covered and any extension to, or expansion of the Capacity of, that Covered Pipeline which is to be treated as part of the Covered Pipeline in accordance with the Extensions/Expansions Policy contained in the Access Arrangement for that Covered Pipeline and any expansion of that Covered Pipeline required to be installed under section 6.23.

"Decision Maker" means the Treasurer.

"Delivery Point" means the point or points within the Covered Pipeline at which the custody of Natural Gas is transferred from a Service Provider to a User.

"Depreciation" means, in any year and on any asset or group of assets, the amount calculated according to the Depreciation Schedule for that year and for that asset or group of assets.

"Depreciation Schedule" has the meaning given in section 8.32.



"Developable Capacity" means the difference between the Capacity and the Capacity which would be available if additions of plant and/or pipeline were made, but does not include any extension of the geographic range of a Covered Pipeline.

"Distribution Pipeline" means a pipeline for the conveyance of gas but does not include:

- (a) a Transmission Pipeline;
- (b) a gathering line within the meaning of section 30(10) of the **Petroleum Act 1958** (Vic).

"Distribution Service Provider" means a person who owns (whether legally or equitably) or operates the whole or any part of a Distribution Pipeline.

"Equivalent Tariff" means, in relation to a Service that is not a Reference Service, the Tariff that it is reasonably likely would have been set as a Reference Tariff had the Service been a Reference Service.

"Exclusivity Right" means a contractual right that by its terms either:

- (a) expressly prevents a Service Provider from supplying Services to persons who are not parties to the contract; or
- (b) expressly places a limitation on the Service Provider's ability to supply Services to persons who are not parties to the contract,

but does not include a User's contractual right to obtain a certain volume of Services.

"Final Approval Request" has the meaning given in section 3.31.

"Fixed Period" has the meaning given in section 8.47.

"Fixed Principle" has the meaning given in section 8.48.

"Gas Industry Act" means the **Gas Industry Act 1994** (Vic).

"Gas Pipelines Access Law" means the Gas Pipelines Access Law other than this Code.

"Incentive Mechanism" has the meaning given in section 8.44.

"Incremental Capacity" means the increase in Capacity attributable to a New Facility.

"Incremental Revenue" means revenue generated by sales of Incremental Capacity.

"Incremental User" is a User that could not have been serviced without the addition of the Incremental Capacity.

"Information Package" means the Information Package described in section 5.1.

"Market Carriage" is a system of managing third party access whereby:

- (a) the Service Provider does not normally manage its ability to provide Services primarily by requiring Users to use no more than the quantity of Service specified in a contract;
- (b) Users are normally not required to enter into a contract that specifies a quantity of Service;
- (c) charges for use of Services are normally based on actual usage of Services; and
- (d) a User normally does not have a right to trade its right to obtain a Service to another User.

"Market Variable Element" means a factor that has a value assumed in the calculation of a Reference Tariff, where the value of that factor will vary with changing market conditions during the Access Arrangement Period or in future Access Arrangement Periods, and includes the sales or forecast sales of Services, any index used to estimate the general price level, real interest rates, Non Capital Cost and any costs in the nature of capital costs.

"Marketable Parcel" means all or part of a User's Contracted Capacity which the User reasonably expects:

- (a) that the User will not utilise and does not require for technical or safety reasons;
- (b) to be of a size and type capable of being sold to another User or to a Prospective User; and
- (c) to be able to sell without incurring transaction costs which exceed the price which that User would receive from another User or Prospective User.

"Marketing Staff" means servants, consultants, independent contractors or agents directly involved in sales, sale provision and advertising of Services (whether or not they are also involved in other functions) but does not include servants, consultants, independent contractors or agents involved only in:

- (a) strategic decision making, including the executive officer or officers to whom Marketing Staff report either directly or indirectly;
- (b) technical, administrative, accounting or service functions.

"Natural Gas" means a naturally occurring mixture of hydrocarbon and non-hydrocarbon gases, the principal constituent of which is methane.

"New Facilities Investment" has the meaning given in section 8.16.

"New Facility" means:

- (a) any extension to, or expansion of the Capacity of, a Covered Pipeline which is to be treated as part of the Covered Pipeline in accordance with the Extensions/Expansions Policy contained in the Access Arrangement for that Covered Pipeline; and
- (b) any expansion of the Capacity of a Covered Pipeline required to be installed under section 6.23.

"Non Capital Costs" has the meaning given in section 8.4.

"ORG" means the Office of the Regulator-General established under the Office of the Regulator-General Act.

"Office of the Regulator-General Act" means the Office of the **Regulator-General Act 1994** (Vic).

"Pipeline" means a pipe or system of pipes used to transport Natural Gas and includes the entire lengths of the pipe or system of pipes and any tanks, reservoirs, machinery or equipment directly attached thereto, but does not include:

- (a) a gathering system operated as part of an upstream producing operation; or
- (b) any tanks, reservoirs, machinery or equipment used to remove or add components to or change Natural Gas (other than odourisation facilities) such as a gas processing plant.

"Prevailing Tariff" for a Reference Service means the applicable Reference Tariff, and for any other Service, means the Equivalent Tariff.

"Prospective Incremental User" means a person which may become an Incremental User.

"Prospective Service Provider" means a person who seeks or may seek to own (whether legally or equitably) or operate the whole or any part of a Covered Pipeline.

"Prospective User" means a person who seeks or who is reasonably likely to seek to enter into a contract for a Service and includes a User which seeks or may seek to enter into a contract for an additional Service.

"Public Register" means the public register kept by the Code Registrar pursuant to section 7.10.

"Queuing Policy" has the meaning given in section 3.14.

"Rate of Return" has the meaning given in section 8.4.

"Rebatable Service" is a Service where:

- (a) there is substantial uncertainty regarding expected future revenue from sales of that Service due to the nature of the Service and/or the market for that Service; and
- (b) the nature of the Service and the market for that Service is substantially different to any Reference Service and the market for that Reference Service.

"Receipt Point" means the point or points within the Covered Pipeline at which the custody of Natural Gas is transferred from a User to a Service Provider.

"Recoverable Portion" has the meaning given in section 8.18.

"Redundant Capital" has the meaning given in section 8.27.

"Reference Service" means a Service which is specified in an Access Arrangement and in respect of which a Reference Tariff has been specified in that Access Arrangement.

"Reference Tariff" means a Tariff specified in an Access Arrangement as corresponding to a Reference Service and which has the operation that is described in sections 6.14 and 6.17.

"Reference Tariff Policy" has the meaning given in section 3.7.

"Regulatory Instrument" means a statute, regulation, proclamation, ordinance, by-law, order in council, licence, code, sub-code, rule, including MSO Rules, Australian standard, determination, a regulatory instrument applicable under a licence or code, including a determination, decision and guideline, and any other instrument regulating or affecting the terms and conditions on which access to a Pipeline may be obtained, as amended from time to time.

"Related Business" means the business of producing, purchasing or selling Natural Gas, but does not include purchasing or selling of Natural Gas to the extent necessary:

- (a) for the safe and reliable operation of a Covered Pipeline; or
- (b) to enable a Service Provider to provide balancing services in connection with a Covered Pipeline.

"Relevant Appeals Body" means the appeal panel established under section 48ZQ(3) of the Gas Industry Act.

"Relevant Regulator" means:

- (a) the ACCC in relation to Transmission Pipelines; and
- (b) the ORG in relation to Distribution Pipelines.

"Residual Value" has the meaning given in section 8.4.

"Revisions Commencement Date" has the meaning given in section 3.19.

"Revisions Submission Date" has the meaning given in section 3.19.

"Service" means a service provided by means of a Covered Pipeline (or when used in section 1 a service provided by means of a Pipeline including (without limitation)):

- (a) haulage services (such as firm haulage, interruptible haulage, spot haulage and backhaul);
- (b) the right to interconnect with the Covered Pipeline; and
- (c) services ancillary to the provisions of such services,

but does not include the production, sale or purchasing of Natural Gas.

"Services Policy" has the meaning given in section 3.3.

"Service Provider" means a person who owns (whether legally or equitably) or operates the whole or any part of a Pipeline.

"Spare Capacity" means:

- (a) in relation to a Covered Pipeline described in the Access Arrangement as a Contract Carriage Pipeline:
  - (i) the difference between the Capacity and the Contracted Capacity; plus
  - (ii) the difference between the Contracted Capacity and the Contracted Capacity which is being used; and
- (b) in relation to a Covered Pipeline described in the Access Arrangement as a Market Carriage Pipeline, the capacity to provide a Service without impeding the provision of the Service to any other User.

"Speculative Investment" has the meaning given in section 8.19.

"Speculative Investment Fund" has the meaning given in section 8.19.

"Structural Element" means any principle or methodology that is used in the calculation of a Reference Tariff where that principle or methodology is not a Market Variable Element and has been structured for Reference Tariff making purposes over a longer period than a single Access Arrangement Period, and includes the Depreciation Schedule, the financing structure that is assumed for the purposes of section 8.30, and that part of the Rate of Return (calculated pursuant to section 8.30) that exceeds the return that could be earned on an asset that does not bear any market risk.

"Surcharge" has the meaning given in sections 8.25 and which has the effect defined in section 6.20.

"Tariff", for a Service, means the criteria that, when applied to a User's characteristics and requirements, determine the Charge that is payable by that User to the Service Provider (this shall not provide any limitation on the Tariff that may apply to a Service).

"Tender Approval Request" has the meaning given in section 3.23.

"Total Revenue" has the meaning given in section 8.2.

"Trading Policy" has the meaning given in section 3.11.

"Transmission Pipeline" means:

- (a) a pipeline for the conveyance of gas:
  - (i) in respect of which a person is, or is deemed to be, the licensee under the **Pipelines Act 1967** (Vic); and
  - (ii) that has a maximum design pressure exceeding 1050kPa - other than a gathering line within the meaning of section 30(10) of the **Petroleum Act 1958** (Vic);
- (b) a pipeline that is declared under section 5 of the Gas Industry Act to be a transmission pipeline.

"Transmission Service Provider" means a person who owns (whether legally or equitably) or operates the whole or any part of a Transmission Pipeline.

"User" means a person who has a current contract for a Service or an entitlement to a Service as a result of an arbitration.

#### **ATTACHMENT A INFORMATION DISCLOSURE BY A SERVICE PROVIDER TO INTERESTED PARTIES**

Pursuant to section 2.7 the following categories of information must be included in the Access Arrangement Information.

The specific items of information listed under each category are examples of the minimum disclosure requirements applicable to that category but, pursuant to sections 2.8 and 2.9, the Relevant Regulator may:

- allow some of the information disclosed to be categorised or aggregated; and
- not require some of the specific items of information to be disclosed,

if in the Relevant Regulator's opinion it is necessary in order to ensure the disclosure of the information is not unduly harmful to the legitimate business interests of the Service Provider or a User or Prospective User.

Category 1: Information Regarding Access & Pricing Principles

- Tariff determination methodology
- Cost allocation approach
- Incentive structures

Category 2: Information Regarding Capital Costs

- Asset values for each pricing zone, service or category of asset
- Information as to asset valuation methodologies - historical cost or asset valuation
- Assumptions on economic life of asset for depreciation
- Depreciation
- Accumulated depreciation
- Committed capital works and capital investment
- Description of nature and justification for planned capital investment
- Rates of return - on equity and on debt
- Capital structure - debt/equity split assumed
- Equity returns assumed - variables used in derivation
- Debt costs assumed - variables used in derivation

Category 3: Information Regarding Operations & Maintenance

- Fixed versus variable costs
- Cost allocation between zones, services or categories of asset & between regulated/unregulated
- Wages & Salaries - by pricing zone, service or category of asset
- Cost of services by others including rental equipment
- Gas used in operations - unaccounted for gas to be separated from compressor fuel
- Materials & supply
- Property taxes

Category 4: Information Regarding Overheads & Marketing Costs

- Total service provider costs at corporate level
- Allocation of costs between regulated/unregulated segments
- Allocation of costs between particular zones, services or categories of asset

Category 5: Information Regarding System Capacity & Volume Assumptions

- Description of system capabilities
- Map of piping system - pipe sizes, distances and maximum delivery capability
- Average daily and peak demand at "city gates" defined by volume and pressure
- Total annual volume delivered - existing term and expected future volumes
- Annual volume across each pricing zone, service or category of asset
- System load profile by month in each pricing zone, service or category of asset
- Total number of customers in each pricing zone, service or category of asset

Category 6: Information Regarding Key Performance Indicators

- Industry KPIs used by the Service Provider to justify "reasonably incurred" costs
- Service Provider's KPIs for each pricing zone, service or category of asset

# SCHEDULE A PIPELINES TO BE COVERED FROM COMMENCEMENT

## VICTORIAN THIRD PARTY ACCESS CODE FOR NATURAL GAS PIPELINE SYSTEMS

Schedule A

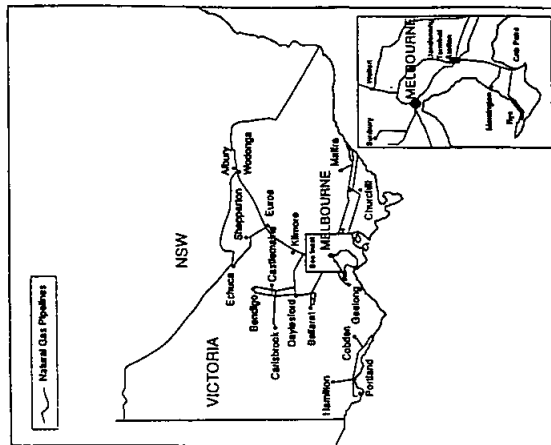
### AUSTRALIAN NATURAL GAS TRANSMISSION PIPELINES

#### LISTS AND MAPS

#### VICTORIA

Pipeline Licence	T No	Location/Route	Operator	Length (km)	Pipe Diameter (mm)	Regulator
		GTC Systems	GTC			ACCC
Vic-50	T1	Dandenong to Morwell to Rural Eastern		128.6	450, 100, 80	
Vic-107	T32	Traralgon		2	100	
Vic-67	T37	Clyde North		5.6	150	
Vic-91	T44	Tyers Maryvale		4.7	100	
Vic-75	T60	Lardner to Waragul		173.5	750	
Vic-117 & T60		Longford Dandenong		65.1	750	
Vic-120		Longford to Rosedale to Tyers		15.7	500	
Vic-121	T63	Tyers to Morwell		19	750	
Vic-135	T60	Rusby Parkham		91	750	
Vic-141	T61	Pakistham to Wollert		326.37	300, 200	
Vic-P101	T74, T59	Rural Central Northern Wollert to Wodonga/Guroa, Shepparton		16	200	
Vic-P132	T71	Shepparton to Tatura		22	200	
Vic-136	T71	Tatura to Kyabram		30.5	150	
Vic-152	T85	Kyabram to Echuca		14.3	200	
	T96	Chiltern to Rutherglen		88.1	200	
	T98	Rutherglen to Koonong		196.8	200, 150	
Vic-P78	T56, T57, T70	Rural Central Brooklyn, Ballan, Ballarat, Bendigo		33	150	
Vic-125	T67	Guildford to Maryborough		24	300	
Vic-128	T66	Mt Franklin to Kyneton		53	300	
Vic-131	T70	Mt Franklin to Bendigo		23	300	
Vic-134	T57	Ballan to Ballarat		59	300	
Vic-143	T75	Wandong to Kyneton Rural Western		34	150	
Vic-145	T81	Paratle to Allandford		115	150	
Vic-155	T86	Allandford to Portland		27.7	150	
Vic-168	T91	Curdie Vale to Cobden		34.5	150	
Vic-171	T93	Codrington to Hamilton				

Vic = Pipeline Licence issued under the Pipelines Act 1967 (Vic)



Schedule A

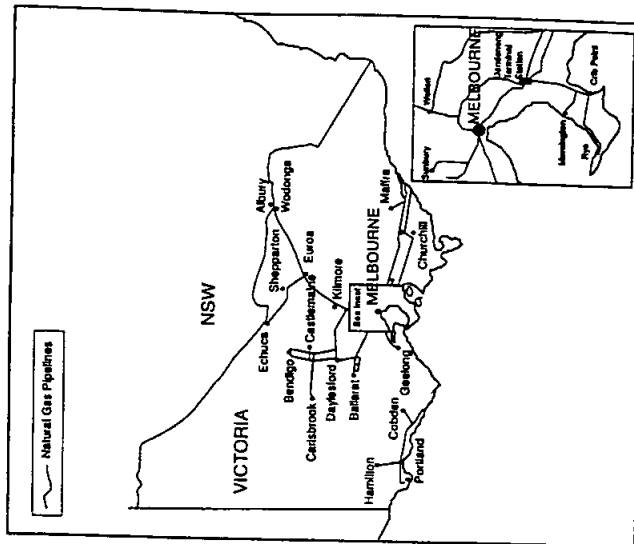
## AUSTRALIAN NATURAL GAS TRANSMISSION PIPELINES

VICTORIA continued...

## LISTS AND MAPS

Pipeline Licence	T No	Location/Route	Operator	Length (km)	Pipe Diameter (mm)	Regulator
Vic:P101	T74	GTC Systems contd. Northern Metropolitan Keon Park to Wollert	GTC	13.58	600	ACCC
Vic:36	T16	South Eastern Metropolitan Dandenong to West Melbourne		35.6	750, 200	
Vic:129	T65	Dandenong to Princes Highway		5	750, 500	
Vic:108	T33	Western Metropolitan South Melbourne to Brooklyn		12.1	750	
Vic:122	T62	Derrinut to Sunbury		24	150	
Vic:164	T89	Port Melbourne Boundary Road		0.44	150	
Vic:162	T88	Laverton North to BHP Geelong		1.6	150	
Vic:81	T74	Brooklyn Corio		53.4	350, 400	

Vic = Pipeline Licence issued under the Pipelines Act 1967 (Vic)



Schedule A

## AUSTRALIAN NATURAL GAS DISTRIBUTION SYSTEMS

## VICTORIA

Pipeline Licence	T No	Location/Route	Operator	Description	Regulator
		Stratus Networks Systems - Marrington Peninsula W (Crib Point) to Dankoway Hastings Long (Main) PT (Evo) Tynabb Marrington Hastings (Lysegit) Bittern to Dromana Pearcedale to Frankton Dromana to Rye South Eastern Metropolitan Dandenong to Frankton Northern Metropolitan North Melbourne to Fairfield (CSL) Parkville Dandenong to West Melbourne (Ring Main) Rural Central Shepparton New Dookie Road Rural Eastern Longford, Sale, Maffra BCLV Supply Wodonga Murray River	Stratus Networks		ORG
Vic11	T13				
Vic61	T51				
Vic62	T34				
Vic115	T49				
Vic137	T72				
Vic139	T69				
Vic167	T90				
VicP149	T14				
Vic66	T36				
VicP140	T18				
Vic103	T28				
Vic43 & Vic44	T27				
Vic50	T82				
VicP1101	T73				

Vic = Pipeline Licence issued under the Pipelines Act 1967 (Vic)

\* Includes those distribution pipelines owned by the Operator downstream of the points listed as at 1 December 1997



Schedule A

## AUSTRALIAN NATURAL GAS DISTRIBUTION SYSTEMS

## VICTORIA

Pipeline Licence	T No	Location/Route	Operator	Description	Regulator
VicP1102	T31	Status Networks Systems* contd. Wodonga West to Wodonga Melbourne (northern & south-eastern suburbs) Benalla Broadford Churchill Clyde Darum Droutin Echaca Euroa Girgore Hastings Healeville Kyabram Longwarry Loy Yang Power Sin Maffra Merrigum Moe Morwell Officer Pakenham Puckapunyal Rochester Rosedale Sale Seymour Shepparton Stanhope Tatara Tongala	Status Networks		ORG

Vic = Pipeline Licence issued under the Pipelines Act 1987 (Vic)

\* Includes those distribution pipelines owned by the Operator downstream of the points listed as at 1 December 1997

Schedule A

## AUSTRALIAN NATURAL GAS DISTRIBUTION SYSTEMS

VICTORIA continued....

Pipeline Licence	T No	Location/Route	Operator	Description	Regulator
		Stratus Networks Systems * contd...	Stratus Networks		ORG
		Trafalgar			
		Traralgon			
		Tyabb			
		Wallan			
		Wangaratta			
		Waragul			
		Wodonga			
		Yarragon			
		Multinet Gas Systems *	Multinet Gas		ORG
		Eastern Metropolitan Area			
Vic28	T26	Ringwood to			
		Vermont			
Vic51	T40	Ringwood to			
		Lilydale			
Vic51, Vic100 & Vic77	T40	Ringwood, Croydon, Moonoolback, Lilydale			
		South Eastern Metropolitan Area			
Vic13	T2	Dandenong to			
		Highett			
Vic14	T3	Highett to Spencer			
		St Bridge and Park			
VicPI56	T7	St South Melbourne			
		Murrumbidgee			
VicPI36	T25	Highett			
		South Melbourne			
Vic33	T21	Cedl to Fiddles St			
		Dandenong to			
VicPI56	T17	Edithvale			
		Dandenong, Queens			
		Wharf Road, West			
		Melbourne			

Vic = Pipeline Licence issued under the Pipelines Act 1987 (Vic)

\* Includes those distribution pipelines owned by the Operator downstream of the points listed as at 1 December 1997

Schedule A

## AUSTRALIAN NATURAL GAS DISTRIBUTION SYSTEMS

VICTORIA continued....

Pipeline Licence	T No	Location/Route	Operator	Description	Regulator
VicP49	T14	Mullinet Gas Systems* contd.	Mullinet Gas		ORG
VicP56	T6	Dandenong to Frankston			
Vic47	T29	Dandenong Clow and Hulton Streets			
Vic85	T48	Dandenong Aust Fibre Glass to GMH			
Vic142	T76	Bangholme to MMBW			
VicP40	T18	Roxville to Fernree Gully			
		Dandenong to West Melbourne (Ring Main)			
		Melbourne (eastern suburbs)	Western Energy		ORG
Vic15	T4	Western Energy Systems*			
Vic16	T9	Western Metropolitan			
Vic17	T10	PRA Altona to West Melbourne			
Vic79	T11	Altona to Derrimut			
VicP40	T18	Derrimut to West Melbourne			
		Altona Carbon Black			
		Dandenong to West Melbourne (Ring Main)			
Vic54	T30	Campbellfield to Coburg			
Vic82	T42	Forest St, Sunshine			
VicP84	T43	Francis St, Yarraville			
Vic18	T53	Footscray to Sunshine			
Vic19 & VicP84	T43 & T52	West Footscray to Williamstown			

Vic = Pipeline Licence issued under the Pipelines Act 1967 (Vic)

\* Includes those distribution pipelines owned by the Operator downstream of the points listed as at 1 December 1997

Schedule A

## AUSTRALIAN NATURAL GAS DISTRIBUTION SYSTEMS

VICTORIA continued....

Pipeline Licence	T No	Location/Route	Operator	Description	Regulator
		Western Energy Systems* contd.	Western Energy		ORG
Vic64	T35	Campbellfield to Craigburn			
Vic113	T34	Brookland Altona			
Vic118	T78	Footscray, Kinnear Street			
Vic76	T79	Maidstone to Braybrook			
Vic57	T19 & T22	Geelong Ballarat			
Vic80 & Vic59	T23	Corio - Malop Street, Belmont, Pt Henry North Geelong to Fyansford to Warrum Ponds			
Vic97	T46	Corio Street			
Vic-P78	T39	Ballarat CG to Dana Street			
Vic90	T47	Esford to Melton			
Vic-P78	T41	Bendigo CG to Able Street			
Vic-P155	T87	Rural Western Portland to PSS Melbourne (western suburbs) Bacchus Marsh Ballan Ballarat Bendigo Castlemaine Daylesford Diggers Rest Geelong & Avalon Airport Kyneton Lara			

Vic = Pipeline Licence issued under the Pipelines Act 1987 (Vic)

\* Includes those distribution pipelines owned by the Operator downstream of the points listed as at 1 December 1997

Schedule A

## AUSTRIAN NATURAL GAS DISTRIBUTION SYSTEMS

VICTORIA continued....

Pipeline Licence	Location/Route	Operator	Description	Regulator
	Westat Energy Systems* resid. Maryborough Melton Point Cook Portland Sunbury Wallace Warrnambool Werribee	Westat Energy		ORG

Vic - Pipeline Licence issued under the Pipelines Act 1987 (Vic)

\* Includes those distribution pipelines owned by the Operator downstream of the points listed as at 1 December 1997

Dated 9 December 1997

Responsible Minister:  
ALAN R. STOCKDALE  
TreasurerSHARNE BRYAN  
Clerk of the Executive Council

**Gas Industry Act 1994**  
**TARIFF ORDER UNDER SECTION 48A**

The Governor in Council under Section 48A of the **Gas Industry Act 1994** hereby makes an Order regulating certain gas industry tariffs and charges in the terms of the Victorian Gas Industry Tariff Order (attached), with effect from 11 December 1997.

**VICTORIAN GAS INDUSTRY TARIFF ORDER**

**CHAPTER 1 INTRODUCTION**

**1.1 What do italicised words mean?**

Words and phrases in italics in this Order are defined in chapter 10, the Tariff Schedule, or the Formula Schedule.

**1.2 What interpretation principles apply to this Order?**

This Order must be interpreted according to the principles in chapter 10.

**1.3 What does this Order do?**

(a) This Order regulates the pricing of tariffed services and excluded services provided by certain persons within the Victorian gas industry.

(b) This Order:

- (1) specifies the initial tariffs;
- (2) specifies the initial prices for scheduled excluded services;
- (3) specifies the principles, procedures and formulas which apply during the initial regulatory period for:
  - (A) altering;
  - (B) closing; and
  - (C) introducing new,tariffs and prices for scheduled excluded services; and
- (4) provides guidance to the Regulator for the making of a price determination to regulate transmission tariffs and distribution tariffs in the subsequent regulatory period.

**1.4 How long does a tariff or a price for a scheduled excluded service apply?**

Once a tariff or a price for a scheduled excluded service has been set under this Order, the tariff or price:

(a) cannot be altered or closed except under this Order; and

(b) continues to apply until the earliest of:

- (1) the date the tariff or price is altered or closed under this Order; and
- (2) for maximum uniform tariffs, 31 August 2001 and for transmission tariffs and distribution tariffs and prices for scheduled excluded services, 31 December 2002.

**1.5 Are the prices prescribed prices for the purposes of the ORG Act, and the services declared services for the purposes of the GIA?**

(a) The distribution tariffs, maximum uniform tariffs and prices for excluded distribution services regulated under this Order are prescribed prices in respect of the gas industry for the purposes of the ORG Act.

(b) If the price for a tariffed distribution service, a tariffed retail service or an excluded distribution service is regulated under this Order, then the tariffed distribution service, tariffed retail service or excluded distribution service is a prescribed service in respect of the gas industry for the purposes of the ORG Act.

- (c) If a price for a tariffed service or an excluded service is regulated under this Order, then the tariffed service or excluded service is a declared service for the purposes of section 48A(2) of the GIA.
- 1.6 What is the power of the ACCC to make a price determination or determination on transmission services?
- (a) Subject to chapter 9, the ACCC may regulate prices for tariffed transmission services by making a price determination.
  - (b) Subject to this Order, a price determination made under clause 1.6(a) may regulate prices in any manner the ACCC considers appropriate including:
    - (1) fixing the price or the rate of increase or decrease in the price;
    - (2) fixing a maximum price or maximum rate of increase or minimum rate of decrease in the maximum price;
    - (3) fixing an average price or an average rate of increase or decrease in the average price;
    - (4) specifying pricing policies or principles;
    - (5) specifying an amount determined by reference to a general price, the cost of production, a rate of return on assets employed, or any other specified factor; or
    - (6) specifying an amount determined by reference to quantity, location, period or other specified factor relevant to the rate or supply of the services.
  - (c) In making a determination under this clause 1.6, the ACCC must have regard to:
    - (1) the costs of supplying the services;
    - (2) the return on assets in the gas industry;
    - (3) any relevant interstate and international benchmarks for prices, costs and return on assets in private sector industries comparable to the gas industry;
    - (4) the financial implications of the determination; and
    - (5) any other factors the ACCC considers relevant.
  - (d) The ACCC may, subject to clause 9.3, make a determination that an excluded transmission service will become a competitive transmission service.
- 1.7 Can the Regulator modify the time periods specified in the Order?
- The Regulator may by written notice to a Regulated Entity extend:
- (a) the time by which a thing required to be done by the Regulated Entity under this Order must be done; or
  - (b) the period within which a thing required to be done by the Regulated Entity under this Order must be done,
- as requested in writing by that Regulated Entity.
- 1.8 Can the Regulator revoke or alter a decision or determination?
- (a) If the Regulator has made a decision or a determination under this Order after the date of this Order, and it later appears to the Regulator that the decision or determination was made on the basis of information provided by or on behalf of a Regulated Entity to which the decision or determination applies, that was false or misleading in a material particular, then the Regulator may revoke or alter the decision or determination.

## (b) If the Regulator:

- (1) revokes a decision or determination under clause 1.8(a), then the Regulator must make a new decision or determination in substitution for the revoked decision or determination which applies from the time the Regulator made the decision or determination revoked under clause 1.8(a); or
- (2) alters but does not revoke a decision or determination under clause 1.8(a), then the alteration to the decision or determination applies from the latest of:
  - (A) the time the Regulator made the decision or determination altered under clause 1.8(a); or
  - (B) such later date as the Regulator decides.
- (c) If the Regulator makes a new decision or determination under clause 1.8(b) in substitution for a decision or determination revoked under clause 1.8(a) or alters a decision or determination under clause 1.8(a), then the new decision or determination must only differ from the revoked decision or determination and the alteration must only be made to the extent necessary to correct for the false or misleading information on which the decision or determination revoked or altered under clause 1.8(a) was based.

## 1.9 Can the Regulator amend and re-issue the Zone Schedule?

- (a) The Regulator may amend the Zone Schedule to:
  - (1) accommodate changes in postcodes that may occur from time to time; or
  - (2) make other changes to the Zone Schedule that the Regulator considers necessary,but only so as to reflect the position as at the date of this Order.
- (b) The Regulator must cause the amended Zone Schedule to be gazetted as soon as practicable after an amendment is made to it under clause 1.9(a).

## 1.10 Can the Regulator request a person to provide information?

- (a) A person must make available to the Regulator any information the Regulator reasonably requests for the purpose of making a decision, or exercising any of its powers, under this Order.
- (b) If the Regulator makes a request for information under clause 1.10(a), any time period within which the Regulator is required to make a decision, notify any person or exercise any of its powers under chapters 7 or 8 of this Order, stops running until the information requested by the Regulator is provided to the Regulator, at which time that period starts to run again.
- (c) The Regulator must keep confidential any confidential information which comes into the possession or control of the Regulator:
  - (1) by way of a request by the Regulator for that information under clause 1.10(a); or
  - (2) by way of being otherwise disclosed to the Regulator under this Order,and the Regulator:
  - (3) must not disclose confidential information to any person except as permitted under this Order;
  - (4) must only use or reproduce confidential information for the purpose for which it was requested by the Regulator, or otherwise disclosed to the Regulator, under this Order; and



- (5) must use all reasonable endeavours to ensure that any person who has access to that confidential information observes the provisions of this clause 1.10(c) in relation to the information.

1.11 What accounting and other information are Regulated Entities required to keep?

- (a) A Regulated Entity must establish and maintain a set of accounts in respect of its:
  - (1) tariffed services;
  - (2) excluded services, if any; and
  - (3) competitive services, if any,in accordance with the Access Code and any applicable guidelines published by the Regulator.
- (b) TPA, the Tariffed Distributors and the Franchise Retailers must keep such records as to enable them to apply the formulas used in the Formula Schedule and to demonstrate compliance with the relevant principles and formulas in the Formula Schedule to the Regulator.

1.12 When does this Order commence?

This Order takes effect on the earlier of:

- (a) the date this Order is gazetted; and
- (b) 1 December 1997.

## CHAPTER 2 TRANSMISSION SERVICES

2.1 What must TPA charge?

- (a) TPA must not charge more than an amount calculated in accordance with the relevant tariff for tariffed transmission services.
- (b) TPA must not charge more than an amount based on the price set under this Order for scheduled excluded transmission services.
- (c) TPA must charge for non-scheduled excluded transmission services on a fair and reasonable basis which is not inconsistent with:
  - (1) this Order;
  - (2) the Access Code; and
  - (3) any applicable guidelines published by the Regulator.

2.2 What are the initial transmission tariffs and initial prices for scheduled excluded transmission services?

- (a) The initial transmission tariffs are in the Tariff Schedule.
- (b) The initial price for the scheduled excluded transmission service is in the Excluded Services Price Schedule.

2.3 How are transmission tariffs and prices for scheduled excluded transmission services altered, closed or new tariffs or prices introduced during the initial regulatory period?

Procedures for:

- (a) altering;
  - (b) closing; and
  - (c) introducing new,
- transmission tariffs and prices for scheduled excluded transmission services during the initial regulatory period are in chapter 6.

**2.4 What are the obligations of TPA to provide information?**

TPA must provide information in relation to which transmission tariff a supply point has been assigned under paragraph (b) of the Assignment Schedule to:

- (a) the Regulator;
- (b) a Customer who is provided with tariffed services at that supply point; or
- (c) a Consumer who withdraws gas at that supply point, within 20 business days of that information being requested by that person.

**CHAPTER 3 DISTRIBUTION SERVICES****3.1 What must Tariffed Distributors charge?**

- (a) Tariffed Distributors must not charge more than an amount calculated in accordance with the relevant tariff for tariffed distribution services.
- (b) Tariffed Distributors must not charge more than an amount based on the price set under this Order for scheduled excluded distribution services.
- (c) Tariffed Distributors must charge for non-scheduled excluded distribution services on a fair and reasonable basis which is not inconsistent with:
  - (1) the Access Code; and
  - (2) any applicable guidelines published by the Regulator.

**3.2 What are the initial distribution tariffs and initial prices for scheduled excluded distribution services?**

- (a) The initial distribution tariffs are in the Tariff Schedule.
- (b) The initial prices for scheduled excluded distribution services are in the Excluded Services Price Schedule.

**3.3 How are distribution tariffs and prices for scheduled excluded distribution services altered, closed or new tariffs or prices introduced during the initial regulatory period?**

Procedures for:

- (a) altering;
- (b) closing; and
- (c) introducing new,

distribution tariffs and prices for scheduled excluded distribution services during the initial regulatory period are in chapter 6.

**3.4 What are the obligations of a Tariffed Distributor to provide information?**

A Tariffed Distributor must provide information in relation to which distribution tariff a supply point on the Tariffed Distributor's distribution pipeline has been assigned under paragraph (a) of the Assignment Schedule to:

- (a) the Regulator;
- (b) a Customer who is provided with tariffed services at that supply point; or
- (c) a Consumer who withdraws gas at that supply point, within 20 business days of that information being requested by that person.

**CHAPTER 4 RETAIL SERVICES****4.1 What must Franchise Retailers charge?**

Franchise Retailers must not charge more than an amount calculated in accordance with the relevant maximum uniform tariff for tariffed retail services.

## 4.2 What are the initial maximum uniform tariffs?

The initial maximum uniform tariffs are in the Tariff Schedule.

## 4.3 How are maximum uniform tariffs altered, closed or new tariffs introduced during the initial regulatory period?

Procedures for:

- (a) altering;
- (b) closing; and
- (c) introducing new,

maximum uniform tariffs during the initial regulatory period are in chapter 6.

## 4.4 What are the obligations of Franchise Retailers to inform Customers?

- (a) Subject to clause 4.4(b), each Franchise Retailer must give each of its Tariffed Franchise Customers who the Franchise Retailer could reasonably expect to become Non-Franchise Customers on the first dates specified in sections 6B(1)(b), 6B(1)(c), and 6B(1)(d) of the GIA, and the date specified in section 6B(1)(e) of the GIA, at least 2 calendar months' notice in writing before that date of the fact that the Franchise Retailer reasonably expects the Tariffed Franchise Customer to become a Non-Franchise Customer on that date.
- (b) If it is not possible for a Franchise Retailer to give a Tariffed Franchise Customer notice as required under clause 4.4(a) for any reason beyond the control of the Franchise Retailer, then the Franchise Retailer must give the maximum period of notice that is reasonable under the circumstances.

## CHAPTER 5 VENCORP SERVICES

## 5.1 What must VENCORP charge?

- (a) VENCORP must not charge more than an amount calculated in accordance with the relevant tariff for tariffed VENCORP services.
- (b) VENCORP must use reasonable endeavours to ensure its tariffs, prices and charges do not result in VENCORP recovering on an annual basis in total more than the aggregate of VENCORP total annual costs and charges to VENCORP for system security services.
- (c) VENCORP must, when altering tariffs, introducing new tariffs or closing tariffs under chapter 6, have regard to the VENCORP tariff methodology.

## 5.2 What are the initial VENCORP tariffs?

The initial VENCORP tariffs are in the Tariff Schedule.

## 5.3 How are the VENCORP tariffs altered, closed or new tariffs introduced during the initial regulatory period?

Procedures for:

- (a) altering;
- (b) closing; and
- (c) introducing new,

VENCORP tariffs during the initial regulatory period are in chapter 6.

## 5.4 What are VENCORP's total annual costs for the regulatory year ending 30 June 1999?

For the regulatory year ending 30 June 1999, VENCORP's total annual costs allocated to tariffed VENCORP services are \$12,100,000.

## CHAPTER 6 ALTERING, INTRODUCING AND CLOSING TARIFFS AND PRICES FOR SCHEDULED EXCLUDED SERVICES

## 6.1 What are the principles that apply to altering tariffs?

- (a) For a regulatory year after the regulatory year ending 31 December 1998 or, in the case of VENCORP, 30 June 1999, at least 30 business days before the start of that regulatory year:
  - (1) each of TPA, the Tariffed Distributors and the Franchise Retailers must give the Regulator a statement:
    - (A) setting out its proposed tariffs for that regulatory year;
    - (B) setting out the proposed tariff components for each of those tariffs; and
    - (C) demonstrating compliance of the proposed tariffs and tariff components with the relevant principles and formulas in the Formula Schedule; and
  - (2) VENCORP must give the Regulator a statement setting out for that regulatory year:
    - (A) its forecast of VENCORP total annual costs and the allocation of those forecast VENCORP total annual costs to:
      - (i) each tariffed VENCORP service excluding system security services charged for under the system security tariff; and
      - (ii) competitive VENCORP services, if any;
    - (B) its proposed tariff for each tariffed VENCORP service (excluding system security services charged for under the system security tariff) designed to recover:
      - (i) the forecast of VENCORP total annual costs allocated in accordance with clause 6.1(a)(2)(A)(i); and
      - (ii) any difference between its revenue from the tariffs excluding the system security tariff and its VENCORP total annual costs allocated in accordance with clause 6.1(a)(2)(A)(i), in preceding regulatory years as provided to the Regulator under 6.1(a)(2)(C) or 6.1(a)(2)(D);
    - (C) for a regulatory year after the regulatory year ending 30 June 1999, its estimate of any difference between its revenue from VENCORP tariffs excluding the system security tariff and its VENCORP total annual costs allocated in accordance with clause 6.1(a)(2)(A)(i) in the preceding regulatory year;
    - (D) for a regulatory year after the regulatory year ending 30 June 2000, in addition to its estimate provided under clause 6.1(a)(2)(C), any difference between its actual revenue from VENCORP tariffs excluding the system security tariff and its VENCORP total annual costs allocated in accordance with clause 6.1(a)(2)(A)(i), in the regulatory year before the preceding regulatory year;
    - (E) sufficient information to enable the Regulator to decide whether the proposed VENCORP tariffs are consistent with this Order, the Access Code and the VENCORP tariff methodology; and
    - (F) its proposed system security tariff to pass through amounts charged to VENCORP for system security services and any difference between its revenue from the system security tariff and the amounts charged to VENCORP for system security services in preceding regulatory years.

- (b) TPA, a Tariffed Distributor and, in a regulatory year after the regulatory year ending 31 December 1998, a Franchise Retailer, may alter a tariff component during the regulatory year with the Regulator's approval.
- (c) To seek the Regulator's approval to alter a tariff component, TPA, a Tariffed Distributor or a Franchise Retailer must give the Regulator a statement:
  - (1) setting out its proposed change in the tariff component; and
  - (2) demonstrating compliance with the relevant principles and formulas in the Formula Schedule.
- (d) Subject to clause 6.1(h), the Regulator must not approve a statement
  - (1) given by TPA, a Tariffed Distributor or a Franchise Retailer under clause 6.1(a) or (c) if the statement does not comply with the relevant principles and formulas in the Formula Schedule;
  - (2) given by VENCORP under clause 6.1(a) if the statement is inconsistent with this Order, the Access Code or the VENCORP tariff methodology; or
  - (3) given by a Regulated Entity under clause 6.1(a) or (c) if a forecast included in the statement is not satisfactory to the Regulator.
- (e) The Regulator must approve a statement given by TPA, a Tariffed Distributor or a Franchise Retailer under clause 6.1(a) or (c), if:
  - (1) the statement complies with the relevant principles and formulas in the Formula Schedule; and
  - (2) all the forecasts included in the statement are satisfactory to the Regulator.
- (f) The Regulator must, in deciding under clause 6.1(d) or (e) whether a statement given by TPA, a Tariffed Distributor or a Franchise Retailer under clause 6.1(c) complies with the relevant principles and formulas in the Formula Schedule, decide whether the statement adopts procedures and principles that are consistent with the Formula Schedule, including but not limited to:
  - (1) ensuring that proposed average revenue outcomes are consistent with the average revenue formula, and the applicable CPI-X price path;
  - (2) ensuring that individual tariff components are consistent with the rebalancing formula; and
  - (3) the value at the date of the alteration, of any correction factor to correct for differences between forecast and actual quantities,and nothing in the Formula Schedule implies that tariff components can only be varied at the start of each regulatory year.
- (g) If the Regulator does not notify a Regulated Entity of the Regulator's decision regarding a statement given by the Regulated Entity under clause 6.1(a) or (c) within 20 business days of the Regulator receiving the statement, the Regulator is taken to approve the statement with effect from the 21st business day after the Regulator receives the statement.
- (h) The Regulator may approve a statement submitted by TPA when a forecast included in the statement in relation to gas flows relating to a transfer point between a TPA transmission pipeline and a transmission pipeline located wholly or partly in another State, which has a material impact on the value of  $MATT_i$  (as defined in Part A of the Formula Schedule), is not satisfactory to the Regulator, but only on the conditions that:
  - (1) the Regulator may substitute the forecast with a revised forecast to determine the value of  $MATT_i$  which is subsequently to be used in calculating:

- (A)  $KTa_t$  (as defined in Part A of the Formula Schedule) for the next regulatory year (and in which case the value appears in the formula for  $KTa_t$  as  $MATT_{t-1}$ ); and
  - (B)  $KTb_t$  (as defined in Part A of the Formula Schedule) for the regulatory year after the regulatory year referred to in clause 6.1(h)(1)(A), (and in which case the value appears in the formula for  $KTb_t$  as  $MATT_{t-2}$ ); and
  - (2) the Regulator may only substitute the revised forecast in relation to  $MATT_t$  prior to approving a statement under clause 6.1(a) or (c) for the next regulatory year.
  - (i) If, under clause 6.1(d), subject to clause 6.1(h), the Regulator must not approve a statement given by a Regulated Entity, and the Regulator has not approved the statement under clause 6.1(h), the Regulator may allow the Regulated Entity to replace the statement within such time as specified by the Regulator.
  - (j) Where a statement has been replaced under clause 6.1(i):
    - (1) if the replaced statement:
      - (A) was provided under clause 6.1(a), the replacement statement will be taken to be a statement provided at least 30 business days before the start of the regulatory year under clause 6.1(a); or
      - (B) was provided under clause 6.1(c), the replacement statement will be taken to be a statement provided under clause 6.1(c); and
    - (2) the replaced statement will be taken not to have been submitted by the Regulated Entity.
  - (k) The tariffs in the statement given by a Regulated Entity under clause 6.1(a) or (c) approved or taken to be approved by the Regulator must apply from the latest of:
    - (1) the date on which the Regulator approves or is taken to approve the alteration;
    - (2) the start of the regulatory year in which the tariffs are to apply; and
    - (3) in the case of statements given under clause 6.1(c), the date specified by the Regulated Entity.
  - (l) If a Regulated Entity does not provide a statement to the Regulator required under clause 6.1(a), in relation to a regulatory year or such a statement is provided but not approved by the Regulator, the Regulator may re-set the relevant tariffs for that Regulated Entity for the regulatory year in a manner in which the Regulator could have approved of the tariffs if included in a statement given by that Regulated Entity under clause 6.1(a).
- 6.2 How are new tariffs introduced?
- (a) A Regulated Entity, but in the case of a Franchise Retailer subject to clause 6.2(c), may introduce a new tariff with the Regulator's approval.
  - (b) To seek the Regulator's approval to a new tariff a Regulated Entity must give to the Regulator a statement setting out:
    - (1) a description of the service to which the new tariff is to apply;
    - (2) the proposed new tariff;
    - (3) sufficient information to enable the Regulator to assess whether the proposed new tariff is consistent with whichever are applicable of:
      - (A) this Order;
      - (B) the Access Code;
      - (C) a retail licence; and

- (D) a distribution licence,
- (4) if the new tariff is intended to replace an existing tariff, details of the relevant existing tariff;
- (5) the effect of the proposed new tariff on Customers and Consumers;
- (6) information as to which of the Customers who are currently charged based on an existing tariff will be charged based on the new tariff;
- (7) in the case of TPA, a Tariffed Distributor or a Franchise Retailer:
  - (A) how the Regulated Entity proposes to recalculate and present the tariff components of the new tariff to demonstrate compliance with this Order and whichever are applicable of:
    - (i) this Order;
    - (ii) the Access Code;
    - (iii) a retail licence; or
    - (iv) a distribution licence; and
  - (B) the basis for forecasting the MHQ or annual GJ of distribution supply points assigned to the new tariff; and
- (8) in the case of VENCORP, the proposed allocation of the VENCORP total annual costs to the service to which the new tariff is to apply;
- (c) A Franchise Retailer may introduce a new tariff in respect of a Tariffed Franchise Customer only if:
  - (1) a Tariffed Franchise Customer supplied under the existing tariff when the new maximum uniform tariff is proposed to commence to apply will continue to be supplied under the existing maximum uniform tariff, unless the Tariffed Franchise Customer elects to be supplied under:
    - (A) the new tariff; or
    - (B) another of the Franchise Retailer's pricing structures under which the Tariffed Franchise Customer is eligible to be supplied; and
  - (2) the Franchise Retailer ensures that the Tariffed Franchise Customer supplied under the existing tariff has sufficient information to make an informed decision whether to make the election in clause 6.2(c)(1) (including information relating to the likely future movement in the prices applying under the existing tariff and the new tariff).

### 6.3 How are tariffs closed?

- (a) A Regulated Entity may close a tariff with the Regulator's approval.
- (b) To seek the Regulator's approval, a Regulated Entity must give the Regulator a statement setting out:
  - (1) sufficient information to enable the Regulator to assess whether the proposed tariff closure is consistent with whichever are applicable of:
    - (A) this Order;
    - (B) the Access Code;
    - (C) a retail licence; and
    - (D) a distribution licence.
  - (2) details of the tariff the Regulated Entity proposes to close;
  - (3) the effect of the proposed closure on Customers and Consumers;

- (4) the tariff on which Customers are to be charged after the closure of the existing tariff; and
    - (5) in the case of VENCORP, the proposed allocation of VENCORP total annual costs to the remaining tariffed VENCORP services after the closure.
  - (c) If TPA, VENCORP or a Tariffed Distributor obtains approval to close a tariff under clause 6.3(a), that Regulated Entity may:
    - (1) continue to charge for tariffed services to a supply point previously subject to the closed tariff under that tariff; or
    - (2) within 20 business days of the Regulator approving or being taken to approve the closure of the tariff under clause 6.3(a):
      - (A) decide to which of its other tariffs a supply point previously subject to that closed tariff is to be assigned; and
      - (B) charge Customers who receive tariffed services at that supply point according to that other tariff after notifying those Customers of the assignment.
  - (d) If a Franchise Retailer obtains approval to close a tariff under clause 6.3(a), it must continue to charge a Tariffed Franchise Customer who receives tariffed retail services at a supply point which is assigned to the tariff at the time the tariff is closed, under that closed tariff, unless the Franchise Retailer and the Tariffed Franchise Customer agree:
    - (1) in writing; or
    - (2) in another form approved by the Regulator,  
that:
      - (3) the supply point is to be assigned to another tariff; or
      - (4) the services supplied to the Tariffed Franchise Customer at that supply point are not tariffed retail services.
- 6.4 What procedure is the Regulator to adopt in approving or disapproving a new tariff or a closure of a tariff?
- (a) The Regulator must not approve a statement given by a Regulated Entity under clause 6.2(b) or 6.3(b) if:
    - (1) the statement is inconsistent with whichever are applicable of:
      - (A) this Order;
      - (B) the Access Code;
      - (C) a retail licence; and
      - (D) distribution licence; or
    - (2) a forecast included in the statement is not satisfactory to the Regulator.
  - (b) If the Regulator does not notify a Regulated Entity of the Regulator's decision regarding a statement given by that Regulated Entity under clause 6.2(b) or 6.3(b) within 20 business days of the Regulator receiving the statement, the Regulator is taken to approve the statement with effect from the 21st business day after the Regulator receives the statement.
  - (c) If, under clause 6.4(a), the Regulator is unable to approve a statement given by a Regulated Entity, the Regulator may allow that Regulated Entity to replace the statement within such time as the Regulator allows.
  - (d) Where a statement has been replaced under clause 6.4(c):



- (1) the replacement statement will be taken to be a statement submitted by that Regulated Entity under the same clause as the replaced statement was submitted; and
    - (2) the replaced statement will be taken not to have been submitted by that Regulated Entity.
  - (e) The Regulator may require a Regulated Entity to recalculate and present the tariff components or components of a proposed new tariff in the manner the Regulator thinks appropriate.
  - (f) The introduction of a new tariff, or closure of a tariff approved or taken to be approved by the Regulator, must apply from the latest of:
    - (1) the date on which the Regulator approves, or is taken to approve the new tariff, or closure of a tariff; and
    - (2) the date specified by the Regulated Entity in the statement given under clause 6.2(b) or 6.3(b).
- 6.5 What are the factors the Regulator must consider in deciding whether to approve or disapprove a new VENCORP tariff or an alteration or closure of a VENCORP tariff?
- In deciding whether to approve a new VENCORP tariff or the alteration or closure of a VENCORP tariff the Regulator must also take into account the following factors:
- (a) the regulatory objectives;
  - (b) VENCORP's functions under the GIA;
  - (c) VENCORP's responsibility to use reasonable endeavours to ensure its tariffs do not result in VENCORP recovering on an annual basis in total more than VENCORP total annual costs and pass through costs;
  - (d) the VENCORP tariff methodology;
  - (e) a tariff for system security must only pass through the amount charged to VENCORP for system security services; and
  - (f) any other factor the Regulator considers relevant.
- 6.6 What information about tariffs must a Regulated Entity provide?
- (a) TPA, a Tariffed Distributor or a Franchise Retailer must provide a statement setting out its current tariffs for tariffed services as soon as practicable after being requested to do so by a person.
  - (b) If a Regulated Entity obtains approval to introduce a new tariff under clause 6.2, it must:
    - (1) within 20 business days of the Regulator approving or being taken to approve the introduction of the new tariff, decide which supply points on that Regulated Entity's pipeline will be assigned to the new tariff; and
    - (2) notify each of the Customers who receive tariffed services at supply points on that Regulated Entity's pipeline assigned to the new tariff, of that assignment.
  - (c) When a maximum uniform tariff is altered, a new maximum uniform tariff is introduced or a maximum uniform tariff is closed under this chapter 6, the Franchise Retailer whose maximum uniform tariff has been altered, introduced or closed, must:
    - (1) cause the new tariff, altered tariff or the fact that the tariff has been closed to be gazetted; and
    - (2) where the alteration, introduction or closure of the tariff requires new assignment rules to be provided, cause the new assignment rules to be gazetted, in accordance with the GIA.

- 6.7 What are the general principles that apply to introducing a new price, or altering or closing prices for scheduled excluded services during the initial regulatory period?
- (a) TPA or a Tariffed Distributor may introduce, alter or close a price for a scheduled excluded service with the Regulator's approval.
  - (b) To seek the Regulator's approval, TPA or a Tariffed Distributor must give the Regulator a statement:
    - (1) setting out the proposed price for the scheduled excluded service or the price it intends to close; and
    - (2) demonstrating that the proposed introduction, alteration or closure is consistent with whichever are applicable of:
      - (A) this Order;
      - (B) the Access Code; and
      - (C) a distribution licence.
  - (c) The Regulator must, in deciding whether to approve a statement provided under clause 6.7(b) by a Tariffed Distributor in relation to an alteration of a price for a scheduled excluded distribution service, take into account the allocation of costs between the relevant scheduled excluded distribution service and tariffed distribution services in deciding whether the proposed alteration is fair and reasonable.
  - (d) If the Regulator does not notify TPA or a Tariffed Distributor of the Regulator's decision regarding a statement given by TPA or the Tariffed Distributor under clause 6.7(b) within 20 business days of the Regulator receiving the statement, the Regulator is taken to have approved the statement with effect from the 21st business day after the Regulator receives the statement.
  - (e) The introduction, alteration or closure of prices approved or taken to be approved by the Regulator must apply from the later of:
    - (1) the date on which the Regulator approves or is taken to approve the introduction, alteration or closure; and
    - (2) the date specified in the statement under clause 6.7(b) which was approved.
- 6.8 Can the Regulator re-issue the Tariff Schedule and publish maximum uniform tariffs that have been altered or closed, or new maximum uniform tariffs that have been introduced?
- (a) The Regulator may, when a tariff is altered, a new tariff is introduced or a tariff is closed under this chapter 6, issue an amended Tariff Schedule which:
    - (1) reflects the then current tariffs; and
    - (2) contains any consequential changes that are necessary to properly give effect to the alteration, introduction or closure of the tariff.
  - (b) The Regulator may, when a maximum uniform tariff is altered, a new maximum uniform tariff is introduced or a maximum uniform tariff is closed under this chapter 6:
    - (1) cause the new tariff, altered tariff or the fact that the tariff has been closed to be gazetted; and
    - (2) where the alteration, introduction or closure of the tariff requires new assignment rules to be provided, cause the new assignment rules to be gazetted.
  - (c) Where the Regulator gazettes tariffs under clause 6.8(b), the Franchise Retailer to whom the tariff relates is deemed to have gazetted the new tariff, altered tariff or the fact that the tariff has been closed in accordance with the GIA and clause 6.6(c).

## CHAPTER 7 CHANGE IN TAX PASS THROUGH

## 7.1 What can a Regulated Entity do if a change in taxes event occurs?

If a change in taxes event occurs, a Regulated Entity may give a statement to the Regulator within 3 months of the change in taxes event occurring specifying:

- (a) details of the change in taxes event concerned;
- (b) the date the change in taxes event took or takes effect;
- (c) the estimated financial effect of the change in taxes event on the Regulated Entity;
- (d) the pass through amount the Regulated Entity proposes in relation to the change in taxes event; and
- (e) the basis on which the pass through amount is to apply.

## 7.2 What must the Regulator do if it receives a statement under clause 7.1?

- (a) If the Regulator receives a statement under clause 7.1, the Regulator must decide whether the change in taxes event specified in the statement occurred or is continuing, and if the Regulator decides that the change in taxes event occurred or is continuing, the Regulator must decide:
  - (1) the pass through amount; and
  - (2) the basis on which the pass through amount is to apply, and notify the Regulated Entity in writing of the Regulator's decision.
- (b) If the Regulator does not give a notice to the Regulated Entity under clause 7.2(a) within 20 business days of receiving a statement from the Regulated Entity under clause 7.1, on the 21st business day after receiving the statement from the Regulated Entity under clause 7.1, the Regulator is taken to have notified the Regulated Entity of its decision under clause 7.2(a) that the pass through amount and the basis on which the pass through amount is to apply are as specified in the statement given by the Regulated Entity under clause 7.1.

## 7.3 What can the Regulator do if a change in taxes event occurs?

- (a) If a change in taxes event occurs and a Regulated Entity likely to be affected by the change in taxes event does not give the Regulator a statement under clause 7.1 concerning the change in taxes event, the Regulator may decide on a pass through amount and the basis on which the pass through amount is to apply.
- (b) Where under clause 7.3(a) the Regulator decides on a negative pass through amount, the Regulator:
  - (1) may decide to require a Regulated Entity to pass through the negative pass through amount decided by the Regulator on the basis decided by the Regulator; and
  - (2) where the Regulator decides to require the Regulated Entity to pass through the negative pass through amount, must notify the Regulated Entity in writing, of the negative pass through amount, the basis on which the negative pass through amount is to apply and the reasons for the Regulator's decision.

## 7.4 What factors must the Regulator consider in making a decision under clause 7.2 or 7.3?

In deciding the pass through amount and the basis on which the pass through amount is to apply under clause 7.2 or 7.3, the Regulator must ensure that the financial effect on the Regulated Entity associated with the change in taxes event concerned is economically neutral taking into account:

- (a) the relative amounts of tariffed services supplied to each Customer;
- (b) the time cost of money for the period over which the pass through amount is to apply;

- (c) the manner in which and period over which the pass through amount is to apply;
- (d) the financial effect to the Regulated Entity associated with the provision of tariffed services directly attributable to the change in taxes event concerned, and the time at which the financial effect arises;
- (e) the amount of any change in another tax which, in the Regulator's opinion, was introduced as complementary to the change in taxes event concerned;
- (f) the effect of any other previous change in taxes event since the later of the date of:
  - (1) this Order; and
  - (2) the last decision made under clause 7.2 or 7.3(b);
- (g) any pass through amount applied under this chapter 7 relating to a previous change in taxes event which resulted in the Regulated Entity recovering an amount either more or less than the financial effect on the Regulated Entity of that previous changes in taxes event; and
- (h) any other factors the Regulator considers relevant.

7.5 When does a Regulated Entity apply a pass through amount?

- (a) A Regulated Entity:
  - (1) may, after
    - (A) receipt of a notice from the Regulator or a deemed receipt of a notice under clause 7.2 as to a positive pass through amount; and
    - (B) notifying its Customers of:
      - (i) the positive pass through amount which the Regulator has approved or is deemed to have approved; and
      - (ii) the basis on and date from which the Regulated Entity will apply the positive pass through amount,apply the positive pass through amount specified in the notice to Customers on the basis indicated in the notice; and
  - (2) must, after receipt of a notice or deemed receipt of a notice from the Regulator, under clause 7.2, or after receipt of a notice under clause 7.3 as to a negative pass through amount apply the negative pass through amount on the basis decided by the Regulator.
- (b) The pass through amount must be:
  - (1) shown separately on each Customer's invoice; or
  - (2) otherwise identified in a manner approved by the Regulator.
- (c) A Regulated Entity can only seek to reclaim from Customers positive pass through amounts in respect of services provided from the time that the Regulated Entity:
  - (1) notified its Customers under clause 7.5(a)(1)(B); and
  - (2) started showing or identifying the positive pass through amount as required under clause 7.5(b).

7.6 Is the pass through amount within the price control calculations?

A pass through amount applied by a Regulated Entity under this chapter 7 is not:

- (a) taken into account in deciding the Regulated Entity's revenues, tariffs or tariff components used in the Formula Schedule in deciding whether the Regulated Entity's tariffs or tariff components comply with the principles and formulas in the Formula Schedule; and
- (b) subject to the procedures in chapter 6.

## CHAPTER 8 FORCE MAJEURE PASS THROUGH

## 8.1 What can a Franchise Retailer do if a force majeure event occurs?

If a force majeure event occurs, a Franchise Retailer may give a statement to the Regulator specifying:

- (a) details of the force majeure event concerned;
- (b) the date or dates on which the force majeure event occurred;
- (c) the estimated financial effect of the force majeure event on the Franchise Retailer in respect of the provision of tariffed retail services; and
- (d) the force majeure pass through amount the Franchise Retailer proposes in relation to the force majeure event; and
- (e) the basis on which the force majeure pass through amount is to apply.

## 8.2 What must the Regulator do if it receives a statement under clause 8.1?

- (a) If the Regulator receives a statement under clause 8.1, the Regulator must decide if the force majeure event specified in the statement occurred or is continuing, and if the Regulator decides that the force majeure event occurred or is continuing, the Regulator must decide:

- (1) the force majeure pass through amount; and
- (2) the basis on which the force majeure pass through amount is to apply, and notify the Franchise Retailer in writing of the Regulator's decision.

- (b) If the Regulator does not give a notice to the Franchise Retailer under clause 8.2(a) within 20 business days of receiving a statement from the Franchise Retailer under clause 8.1, the Regulator is taken to have notified the Franchise Retailer of its decision under clause 8.2(a) that the force majeure pass through amount and the basis on which the force majeure pass through amount is to apply are as specified in the statement given by the Franchise Retailer under clause 8.1.

## 8.3 What factors must the Regulator consider in making a decision under clause 8.2?

In deciding the force majeure pass through amount and the basis on which a force majeure pass through amount is to apply under clause 8.2, the Regulator must ensure that the financial effect on the Franchise Retailer associated with the force majeure event concerned is economically neutral, taking into account:

- (a) the relative amounts of tariffed retail services supplied to each Tariffed Franchise Customer;
- (b) the time cost of money for the period over which the force majeure pass through amount is to apply;
- (c) the manner in which and period over which the force majeure pass through amount is to apply;
- (d) the financial effect to the Franchise Retailer associated with the provision of tariffed retail services directly attributable to the force majeure event concerned and the time at which the financial effect arises;
- (e) any force majeure pass through amount applied under this chapter 8 relating to a previous force majeure event which resulted in a Franchise Retailer recovering an amount either more or less than the financial effect on the Franchise Retailer of that previous force majeure event.
- (f) any other factors the Regulator considers relevant.

## 8.4 When does a Franchise Retailer pass through an amount in respect of a force majeure event?

- (a) A Franchise Retailer may, after:

- (1) receipt of a notice from the Regulator or a deemed receipt of a notice under clause 8.2 as to a force majeure pass through amount to be passed through; and
- (2) notifying its Tariffed Franchise Customers of,
  - (A) the force majeure pass through amount which the Regulator has approved or is deemed to have approved;
  - (B) the circumstances giving rise to the force majeure event; and
  - (C) the basis on and date from which the Franchise Retailer will apply the force majeure pass through amount,

apply the force majeure pass through amount specified in the notice to Tariffed Franchise Customers, on the basis indicated in the notice.

- (b) The force majeure pass through amount must be:
  - (1) shown separately on each Tariffed Franchise Customer's invoice; or
  - (2) otherwise identified in a manner approved by the Regulator.
- (c) A Franchise Retailer can only seek to reclaim from Tariffed Franchise Customers force majeure pass through amounts in respect of services provided from the time that the Regulated Entity:
  - (1) notified its Customers in accordance with clause 8.4(a)(2); and
  - (2) started showing or identifying the force majeure pass through amount as required under clause 8.4(b).

#### 8.5 Is the force majeure pass through amount within the price control calculations?

A force majeure pass through amount applied under this chapter 8 is not:

- (a) taken into account in deciding the Franchise Retailer's revenues, tariffs or tariff components used in the Formula Schedule in deciding whether the Franchise Retailer's tariffs or tariff components comply with the principles and formulas in the Formula Schedule; and
- (b) subject to the procedures in chapter 6.

### CHAPTER 9 SUBSEQUENT REGULATORY PERIOD

#### 9.1 What is the period during which chapters 2 to 8 and the Schedules to this Order apply?

- (a) Chapters 2 to 8 and the Schedules to this Order cease to have effect:
  - (1) in relation to tariffed transmission services and tariffed distribution services on 31 December 2002; and
  - (2) in relation to tariffed retail services on 31 August 2001.
- (b) Subject to clause 9.2, the Regulator must make a price determination under:
  - (1) clause 1.6 regulating transmission tariffs, or
  - (2) section 25 of the ORG Act regulating distribution tariffs;
 which must take effect on and from 1 January 2003 for a period of five years.
- (c) Except as otherwise contemplated in this Order, the Regulator must not make a price determination under:
  - (1) clause 1.6 of this Order regulating transmission tariffs; or
  - (2) section 25 of the ORG Act regulating distribution tariffs,
 which takes effect before 1 January 2003.
- (d) Nothing in this chapter 9, but subject to clause 9.2(1), shall limit the Regulator's powers or discretions in regulatory periods after the subsequent regulatory period.

- (e) Clause 9.1(c) does not limit the Regulator's powers relating to prices for services which are not tariffed transmission services or tariffed distribution services.

9.2 What is the guidance to the Regulator to decide price regulation arrangements for the subsequent regulatory period?

In making a price determination under clause 9.1(b) for the subsequent regulatory period, the Regulator is to adopt the following procedures and methodologies:

- (a) utilise incentive-based regulation adopting a CPI-X approach and not rate of return regulation;
- (b) set the X factor in the CPI-X formula so that only one X factor applies without revision for the entire subsequent regulatory period to which the decision applies;
- (c) where a rate of return is required to be taken into account to determine the value of the X factor to be set in accordance with clause 9.2(b), apply a weighted average return which is commensurate with prevailing conditions in the market for investments having a similar nature and degree of business risks as those faced by TPA or the Tariffed Distributor;
- (d) where the value of TPA's or the Tariffed Distributor's fixed asset base is required to be taken into account to determine the value of the X factor to be set in accordance with clause 9.2(b), use the fixed asset base for TPA or the Tariffed Distributor at the start of the initial regulatory period, being the value specified in its access arrangement, adjusted to take account of inflation since 1 July 1997, depreciation, additions and disposals in the ordinary course of business since 1 July 1997, other than a disposal of:
  - (1) all of the assets and liabilities of TPA or the Tariffed Distributor;
  - (2) assets interdependent with a transaction pursuant to which all of the issued shares in or the assets and business of TPA or the Tariffed Distributor cease to be held by or on behalf of the State of Victoria or a statutory authority; or
  - (3) assets pursuant to which the assets of TPA or the Tariffed Distributor are sold and leased back to TPA or the Tariffed Distributor;
- (e) in using the fixed asset base in accordance with clause 9.2(d), have regard to the public policy adjustments to TPA's or the Tariffed Distributor's fixed asset base which are identified in its access arrangement and which are designed to protect the interests of Consumers;
- (f) ensure a fair sharing between
  - (1) TPA and its Customers; and
  - (2) a Tariffed Distributor and its Customers,of the benefits achieved through efficiency gains if, in the initial regulatory period, TPA or the Tariffed Distributor have achieved efficiencies greater than the values implied by:
  - (3) for TPA, the value of XT, which is the X factor that applies to TPA under the CPI-X formula in the initial regulatory period, as set by Part A of the Formula Schedule; and
  - (4) for the Tariffed Distributor, the value of XD, which is the X factor that applies to the Tariffed Distributor under the CPI-X formula in the initial regulatory period, as set by Part B of the Formula Schedule.and, in ensuring a fair sharing of the benefits, may have regard to the following matters without limitation:
  - (5) the need to offer TPA or the Tariffed Distributor a continuous incentive to improve efficiencies both in operational matters and in capital investment; and

- (6) the desirability of rewarding TPA or the Tariffed Distributor for efficiency gains, especially where those gains arise from management initiatives to increase the efficiency of the relevant business;
  - (g) have regard to the need to take into account the value of  $KT_t$  (as defined in Part A of the Formula Schedule) for TPA, and the value of  $KD_t$  (as defined in Part B of the Formula Schedule) for the Tariffed Distributor, for the first year of the subsequent regulatory period, as though that year represented regulatory year "t" for the purposes of applying the formulas for  $KT_t$  and  $KD_t$ ;
  - (h) have regard to:
    - (1) the cost of making, producing or supplying the goods or services which TPA or the Tariffed Distributor makes, produces or supplies;
    - (2) any relevant interstate or international benchmarks for prices, costs and returns on assets in private sector industries comparable to those in which TPA or the Tariffed Distributor operates; and
    - (3) the level of executive remuneration in TPA or the Tariffed Distributor by reference to any relevant interstate and international private sector benchmarks for that remuneration;
  - (i) to the extent that a tariff is not cost reflective at the end of the initial regulatory period, facilitate a smooth transition of the tariff to cost reflectivity over time;
  - (j) apply the rebalancing formula in Part B of the Formula Schedule to the tariff components of distribution tariff V, or equivalent distribution tariff applying to small Customers receiving tariffed distribution services;
  - (k) in deciding the transitional arrangements in clause 9.2(i) and the application of the rebalancing formula referred to in clause 9.2(j), decide whether metering services and distribution connection services associated with distribution tariff V, or equivalent distribution tariff applying to small Customers receiving tariffed distribution services, should remain tariffed services for the period in which the transitional arrangements in clause 9.2(i) apply;
  - (l) the Regulator may, in ensuring a fair sharing of the benefits of efficiency gains under clause 9.2(f), choose to share the benefits referred to in that clause in the subsequent regulatory period, both in the subsequent regulatory period and in regulatory periods after the subsequent regulatory period, subject to this not being inconsistent with any other applicable laws; and
  - (m) the Regulator may issue statements of regulatory intent which elaborate on how the Regulator will exercise his powers under clause 9.2(f).
- 9.3 What is the power of the Regulator to make a determination that an excluded service is to become a competitive service?
- The Regulator may make a determination under:
- (a) clause 1.6 in relation to excluded transmission services; or
  - (b) section 25 or 26 or both of the ORG Act regulating excluded distribution services, to the effect that an excluded service will become a competitive service but only to take effect on or after 1 January 2003.

## CHAPTER 10 GLOSSARY AND INTERPRETATION

### 10.1 Glossary

ACCC The Australian Competition and Consumer Commission established by section 6A of the Trade Practices Act.



access arrangement	An arrangement for access to a pipeline, part of a pipeline or a storage facility that has been approved by the Regulator under the Access Code (or, if no such arrangement has been approved by the Regulator, the latest version of the arrangement lodged with the Regulator, as if that arrangement has been approved by the Regulator) and including any accompanying information provided by TPA or a Tariffed Distributor to the Regulator under the Access Code. For TPA, the arrangements for access to the Principal Pipeline and the Western Pipeline are to be regarded as a single arrangement for the purposes of this Order.
Access Code	The Victorian Third Party Access Code for Natural Gas Pipeline Systems or the National Third Party Access Code for Natural Gas Pipeline Systems, whichever is applicable at the relevant time or, if the reference is to a provision of the Victorian Third Party Access Code for Natural Gas Pipeline Systems, the equivalent provision of the National Third Party Access Code for Natural Gas Pipeline Systems. If neither the Victorian Third Party Access Code for Natural Gas Pipeline Systems or the National Third Party Access Code for Natural Gas Pipeline Systems is in force, the latest version of the Victorian Third Party Access Code for Natural Gas Pipeline Systems or the National Third Party Access Code for Natural Gas Pipeline Systems lodged with the Regulator, as if that latest version was in force.
annual GJ	The quantity of gas (in GJ) withdrawn at a supply point in a 12 month period.
annual GJ volume limit	10,000 GJ of gas withdrawn at a supply point in the immediately preceding 12 month period. If less than 12 months' data is available, the consumption is pro-rated to 365 days.
annual MHQ	The highest quantity of gas (in GJ) withdrawn at a supply point in any hour in the calendar year.
Assignment Schedule	Schedule 4.
anytime period	The calendar year.
augmentation	The process of upgrading the capacity or service potential of a transmission pipeline or a distribution pipeline by: <ol style="list-style-type: none"> <li>replacing or enhancing existing plant or equipment; or</li> <li>adding new plant or equipment.</li> </ol>
Authority	Any: <ol style="list-style-type: none"> <li>government or regulatory department, body, instrumentality, minister, agency or other authority; or</li> <li>body which is the successor to the administrative responsibilities of that department, body, instrumentality, minister, agency or authority.</li> </ol>
business day	A day other than a Saturday a Sunday or a day which is proclaimed as a public holiday in Victoria.
capacity	The quantity of gas conforming with the gas quality specifications which can be transmitted in the pipeline between an injection point and a supply point.
change in taxes event	A change in the way or rate at which a relevant tax is calculated or the removal or imposition of a relevant tax to the extent that the change, removal or imposition is directly attributable to supplying tariffed services and results in:

- (a) a Regulated Entity being required to pay an amount that the Regulated Entity would not have been required to pay; or
  - (b) a change in the amount which a Regulated Entity is required to pay from that which it would have been required to pay,

under the law that applied at the date of this Order (whether directly by way of tax or indirectly through prices paid for goods or services to another Regulated Entity) as a result of a new statute or amendment of any statute or the interpretation of an existing statute resulting from the decision of a court, tribunal, arbitrator or Authority which is binding on the Regulated Entity
- commercial tariff A maximum uniform tariff which applies at a distribution supply point which is not subject to the contract tariff and at which gas is supplied to a business, charitable body, government institution, club, community service organisation or religious body not being at a distribution supply point that would otherwise be assigned to the industrial tariff.
- competitive distribution services A service provided by a Tariffed Distributor which is not:
  - (a) a tariffed distribution service; or
  - (b) an excluded distribution service.
- competitive retail services A service provided by a Franchise Retailer which is not a tariffed retail service.
- competitive services
  - (a) competitive VENCORP services;
  - (b) competitive transmission services;
  - (c) competitive distribution services; and
  - (d) competitive retail services.
- competitive transmission services A service provided by TPA which is not:
  - (a) a tariffed transmission service; or
  - (b) an excluded transmission service.
- competitive VENCORP services A service provided by VENCORP which is not a tariffed VENCORP service.
- confidential information Information in relation to a Regulated Entity which is commercially sensitive or by its nature confidential, or which has been provided to the Regulator on the basis that it is confidential, and which includes:
  - (a) any information relating to the financial position of the Regulated Entity and in particular includes information relating to the assets or liabilities of the Regulated Entity and any other matter that affects or may affect the financial position or reputation of the Regulated Entity;
  - (b) information relating to the internal management and structure of the Regulated Entity or the personnel, policies and strategies of the Regulated Entity;
  - (c) information of the Regulated Entity to which the Regulator has access, other than information referred to in paragraphs (a) and (b), that has any actual or potential commercial value to the Regulated Entity;
  - (d) any information relating to a Regulated Entity's clients or suppliers and like information; and

- (e) any information that is derived from information which is confidential or commercially sensitive.

Consumer		A person who consumes or proposes to consume gas at a supply point.
Contract Franchise Customer		A Tariffed Franchise Customer who is supplied gas under a contract with Gascor or with a Franchise Retailer at a tariff other than the domestic tariff, the commercial tariff or the industrial tariff.
contract tariff		The tariff that applies to a distribution supply point at which a Contract Franchise Customer is supplied with gas.
CPI		For a regulatory year: <ol style="list-style-type: none"> <li>(a) where the All Groups Consumer Price Index for Melbourne for the September quarter before the start of that year and the September quarter before the September quarter previously referred to are published, is:               <ol style="list-style-type: none"> <li>(1) the All Groups Consumer Price Index for Melbourne published by the Australian Bureau of Statistics for the September quarter before the start of that year;</li> </ol>               divided by:               <ol style="list-style-type: none"> <li>(2) the All Groups Consumer Price Index for Melbourne published by the Australian Bureau of Statistics for the September quarter before the September quarter referred to in paragraph (a)(1);</li> </ol> </li> <li>(b) where the All Groups Consumer Price Index for Melbourne for either of the September quarters referred to in paragraph (a) has not been published, CPI is calculated using an index officially substituted for the All Groups Consumer Price Index for Melbourne, which reflects changes in the cost of living in Melbourne; and</li> <li>(c) where the All Groups Consumer Price Index has not been published for Melbourne for either of the September quarters referred to in paragraph (a) and no index has been officially substituted for the All Groups Consumer Price Index for Melbourne, CPI is calculated using an index that the Regulator decides reflects changes in the cost of living in Melbourne.</li> </ol>
Customer		A person with whom a Regulated Entity contracts in relation to the provision of a tariffed service. The person with whom a Regulated Entity contracts to provide a tariffed service is regarded as the person to whom the tariffed service is provided.
Customer Service Code		The Natural Gas Customer Service Code (AG 755 1997) of the Australian Gas Association which sets minimum conditions under which gas is supplied and sold to Franchise Customers, or if no such Natural Gas Customer Service Code is in force, the latest version of the Natural Gas Customer Service Code to be submitted to the Regulator, as if that latest version was in force.
5 day MDQ	injection	The aggregate of the quantities of gas (in GJ) injected on behalf of the Customer at the Longford injection point on the 5 gas days in the peak period that the 5 highest quantities of gas (in GJ) were injected at the Longford injection point.

5 day withdrawal MDQ	<p>The aggregate of the quantities of gas (in GJ) withdrawn by a Customer at a supply point:</p> <ul style="list-style-type: none"> <li>(a) for a supply point in a transmission zone other than the Western transmission zone, during the 5 gas days in the peak period when the 5 highest quantities of gas (in GJ) were withdrawn at the transmission supply points in all transmission zones, excluding the Western transmission zone;</li> <li>(b) for a supply point in the Western transmission zone, during the 5 gas days in the peak period when the 5 highest quantities of gas (in GJ) were withdrawn at the transmission supply points in the Western transmission zone;</li> <li>(c) for a transmission pipeline supply point, during the 5 days in the peak period when the 5 highest quantities of gas (in GJ) were withdrawn at the transmission pipeline supply point.</li> </ul>
distribution connection	Gas equipment on a Consumer's premises that allows the flow of gas from a distribution main for consumption on the Consumer's premises.
distribution demand tariff component	A tariff component of distribution tariff D, in \$/GJ for annual MHQ.
distribution fixed tariff component	A tariff component of distribution tariff V, in \$/day.
distribution injection point	A point on the tariffed distribution pipeline at which gas is injected into a Tariffed Distributor's distribution pipeline.
distribution licence	A licence to provide services by means of a distribution pipeline under the GIA.
distribution main	A tariffed distribution pipeline not on a Consumer's premises.
distribution pipeline	The same meaning as in the GIA.
distribution supply point	A supply point on a tariffed distribution pipeline.
Distribution System Code	The Distribution System Code which forms part of a Tariffed Distributor's access arrangement, or, if no such Distribution System Code is in force, the latest version of the Distribution System Code lodged with the Regulator, as if that latest version was in force.
distribution tariff D	The tariff which applies to a tariffed distribution service and comprises distribution demand tariff components.
distribution tariffs	Tariffs for tariffed distribution services.
distribution tariff V	The tariff which applies to a tariffed distribution service and comprises a distribution fixed tariff component and distribution volume tariff components.
distribution transfer point	A transfer point between a distribution pipeline by means of which one Gas Distribution Company provides services to a distribution pipeline by means of which another Gas Distribution Company provides services.
distribution volume tariff component	A tariff component of distribution tariff V, in \$/GJ for GJs of gas withdrawn in the peak period or in the off-peak period.
distribution zone	An area defined by postcodes as at 30 June 1997 in paragraph (b) of the Zone Schedule and as further defined in the relevant Tariffed Distributor's access arrangement.

- domestic tariff      The maximum uniform tariff which applies at a distribution supply point which is not subject to the contract tariff and at which gas is supplied for domestic use.
- energy calculation      The same meaning as in the MSO Rules.
- excluded distribution services
- (a) Distribution connection services other than those that are tariffed distribution services;
  - (b) metering services other than those using standard meters;
  - (c) provision of equipment and installations for the collection of metering data, and the collection of metering data;
  - (d) validating, processing and storing metering data and energy calculations;
  - (e) provision of wholesale market interface services;
  - (f) provision of a register of information relating to the meter and associated equipment and installations for the collection of metering data;
  - (g) augmentation or extension of the distribution pipeline to provide services other than tariffed distribution services;
  - (h) distribution mains extensions other than those which are tariffed distribution services;
  - (i) provision of services that but for paragraph (h) in the definition of tariffed distribution services would be tariffed distribution services;
  - (j) miscellaneous services, including:
    - (1) connection of new LPG services;
    - (2) services (including provision of meters, pipework or pressure regulating equipment) for the specific benefit of a third party (and requested by the third party) and not made available by a Tariffed Distributor as a normal part of standard service to all Customers, for example:
      - (A) charges for moving distribution mains, meters, regulators or associated equipment forming part of a Tariffed Distributor's distribution pipeline to accommodate extension, re-design or redevelopment of any premises;
      - (B) providing pre-payment meters to Customers where the cost of providing those meters exceeds the cost of providing standard meters for those Customers;
      - (C) providing remote meter readings to Customers;
    - (3) charges for specific services for identified Customers;
    - (4) charges for temporary supplies;
    - (5) charges for reserve (duplicate) supply;
    - (6) charges for supplies with higher reliability standards than required by the Distribution System Code;
    - (7) charges for multiple connection points to a single premises not recovered through the distribution tariffs;

- (8) charges for a disconnection from and reconnection to the distribution pipeline;
  - (9) charges for repair of damage and reinstatement costs resulting from damage to the distribution pipeline caused by third parties;
  - (10) charges for testing meters at the request of the Customer where the meter accuracy is shown to be within statutory limits; and
  - (11) charges for enlargement in size or capacity of a standard distribution connection.
- excluded services (a) Excluded transmission services; and  
(b) excluded distribution services.
- Excluded Services Schedule 2.  
Price Schedule
- excluded transmission services
- (a) Supplying, operating, maintaining and calibrating the transmission connection facilities installed at a supply point or transfer point;
  - (b) augmentation or extension of the transmission pipeline to provide services other than tariffed transmission services;
  - (c) operating or maintaining a transmission pipeline which is not a tariffed transmission pipeline;
  - (d) additional transmission services and storage facility services which may be developed and offered to Customers as the gas transmission market grows and matures, including, for example, a pressure service;
  - (e) that part of a transmission service with a higher quality or service rating than the standard specified in the MSO Rules or TPA's access arrangement for a tariffed transmission service, and which involves TPA installing additional equipment or incurring additional expenditure to provide that service:
    - (1) for which the excluded service price may be submitted to the Regulator for approval as a surcharge to apply to all of TPA's Customers or a group of TPA's Customers, on the basis that that service has system-wide benefits;
    - (2) which service might comprise, for example, providing:
      - (A) non-standard pressure requirements;
      - (B) additional MDQ requirements; and
      - (C) heaters,
    - (3) but only that level additional to the tariffed transmission service is an excluded transmission service;
  - (f) providing augmented facilities to a Customer by an agreement which covers the costs to plan, design and build a new facility, including facilities for transmission augmentations;
  - (g) any special service provided to a Tariffed Distributor or other gas pipeline owner at its request, including:
    - (1) providing Williamsons equipment for standard or emergency purposes;

- (2) providing equipment, services or personnel to assist in an emergency situation related to safety or security of supply;
- (3) a delay in scheduled maintenance which causes TPA to incur additional costs;
- (4) providing data related to the transmission pipeline where this is not covered by this Order;
- (h) any services provided to Customers which lessen the impact on Customers of a failure of a Producer to provide agreed quantities of gas at the agreed gas quality specifications and agreed injection point pressures and withdrawal rates;
- (i) chargeable work undertaken at the request of another person, including:
  - (1) alterations to the tariffed transmission pipeline existing at the date of this Order resulting from the activities of the third party, including relocating distribution mains;
  - (2) alterations to transmission connection facilities required by a Customer, including relocation of transmission transportation services, valves, security fences, heaters, meters and data acquisition and transmission equipment; and
  - (3) testing meters outside the standard testing and calibration procedures carried out at the request of a Customer;
- (j) LNG service facilities providing system security services as defined under the MSO Rules;
- (k) metering services;
- (l) provision of equipment and installations for the collection of metering data, and the collection of metering data;
- (m) validity, processing and storing metering data and energy calculations;
- (n) provision of wholesale market interface services;
- (o) provision of a register of information relating to the meter and associated equipment and installations for the collection of metering data;
- (p) any services provided which involve special facilities for exceptional or unusual flow patterns; and
- (q) provision of services that but for paragraph (c) of the definition of tariffed transmission services would be tariffed transmission services.

extension

Extending a pipeline to provide supply of gas to areas not supplied with gas prior to extending the pipeline.

force majeure event

A force majeure event under an Agency Agreement between Gasco and a Franchise Retailer which results in the Franchise Retailer incurring materially higher costs in providing tariffed retail services than it would have incurred had the force majeure event under that Agency Agreement not occurred.

force majeure pass through amount

In relation to the occurrence of a force majeure event, an amount that a Tariffed Franchise Customer is required to pay a Franchise Retailer or a factor by which amounts the Tariffed Franchise Customer is required to pay the Franchise Retailer are increased.

Formula Schedule	Schedule 5.
Franchise Customer	A Customer of a Franchise Retailer who is not a Non-franchise Customer.
Franchise Retailer	(a) Kinetik (Gas) Pty Ltd (ACN 079 089 188); (b) Ikon (Gas) Pty Ltd (ACN 079 089 553); and (c) Energy 21 (Gas) Pty Ltd (ACN 079 089 213), and includes those entities acting as principal, agent or as a combination of principal and agent.
gas	The same meaning as in the GIA.
Gascor	The body corporate of that name established under the GIA.
Gas Distribution Company	The same meaning as in the GIA.
gas day	The same meaning as in the MSO Rules.
gas production facility	Any gas processing plant and associated facilities, excluding an LNG processing facility or an LNG storage facility.
gas quality specifications	The gas quality specifications in the MSO Rules or the Distribution System Code (whichever is applicable).
gazette	Publish in the Victorian Government Gazette.
GIA	The <b>Gas Industry Act 1994</b> (Victoria).
GJ	Gigajoule. Equal to one thousand million Joules (1,000,000,000J).
GTC	The Gas Transmission Corporation established under the GIA.
hourly load factor	The ratio of the average hourly requirement to the maximum hourly requirement, calculated as: $\text{annual GJ} \div (\text{annual MHQ} \times 365 \times 24)$
incremental tariff for transmission extension	A tariff which applies to a transmission withdrawal service to a tariffed transmission extension, and comprises a transmission volume tariff component, in \$/GJ for GJs of gas delivered in the anytime period, and a transmission demand tariff component, in \$/GJ for 5 day withdrawal MDQ.
industrial tariff	A maximum uniform tariff which applies at a distribution supply point which is not subject to the contract tariff, and at which gas is supplied to a factory.
initial distribution tariffs	The tariffs that apply to tariffed distribution services from the start of the initial regulatory period until the earlier of: (a) the date the tariffs are altered or closed under this Order; and (b) 31 December 2002.
initial maximum uniform tariffs	The tariffs that apply to tariffed retail services from the start of the initial regulatory period until the earlier of: (a) the date the tariffs are altered or closed under this Order; and (b) 31 August 2001.
initial prices	The prices for excluded services that apply from the start of the start of the initial regulatory period to the earlier of: (a) the date the prices are altered or closed under this Order; and (b) 31 December 2002.



initial regulatory period		From 1 December 1997 to 31 December 2002.
initial tariffs		(a) initial VENCORP tariffs; (b) initial transmission tariffs; (c) initial distribution tariffs; and (d) initial maximum uniform tariffs.
initial transmission tariffs		The tariffs that apply to tariffed transmission services from the start of the initial regulatory period until the earlier of: (a) the date the tariffs are altered or closed under this Order; and (b) 31 December 2002.
initial VENCORP tariffs		The tariffs that apply to tariffed VENCORP services from the start of the initial regulatory period until the date the tariffs are altered or closed under this Order.
injection point		A transmission injection point or a distribution injection point.
J		Joule. A unit of energy as defined in AS1000-1979 "The International System of Units (SI) and its Application".
kPa		Kilopascal. Equal to 1000 pascals as defined in Australian Standard AS1000-1979 "The International System of Units (SI) and its Application" and, unless otherwise specified, refers to a gauge pressure greater than the atmospheric pressure.
LNG		Liquefied natural gas.
LNG storage facilities		The LNG storage facility for LNG owned by TPA located at Dandenong, Victoria.
Longford injection point		The transmission injection point at Longford, Victoria.
m <sup>3</sup>		Standard cubic metre. The quantity of dry gas at a temperature of 15 degrees Celsius and an absolute pressure of 101.325kPa enclosed in a volume of 1 cubic metre.
market		A market administered by VENCORP for: (a) injecting gas into, and withdrawing gas from the transmission pipeline; and (b) balancing gas flows in or through the transmission pipeline.
Market Participant		The same meaning as in the MSO Rules.
matched injection factor		The factor specified in column 4 of the table in paragraph 1(a) of the Tariff Schedule which is multiplied by the corresponding transmission demand tariff component to calculate the transmission injection tariff for the corresponding transmission zone or transmission pipeline supply point.
matched withdrawal factor		The factor specified in the column 5 of the tables in paragraphs 1(b), 1(c) and 1(d) of the Tariff Schedule which is multiplied by the corresponding peak period transmission volume tariff component or transmission demand tariff component to calculate the transmission volume tariff component or transmission demand tariff component for the particular transmission zone or transmission pipeline supply point.
maximum uniform tariff		Tariffs that apply to tariffed retail services.

MDQ	Maximum daily quantity of gas (in GJ).
meter	A device which measures and records data relating to the volumes and/or quantities of gas, and associated equipment.
metering	Recording the volume and/or quantity of gas.
metering data	The data obtained from a meter and associated equipment and installations installed at a supply point, including data relating to the volume, pressure and temperature of gas.
MHQ	Maximum hourly quantity of gas (in GJ).
MHQ demand limit	10GJ of gas withdrawn at a distribution supply point in any hour in the immediately preceding 12 month period.
MJ	Megajoule. Equal to one million Joules (1,000,000 J).
MSO Rules	The same meaning as in the GIA or, if no such MSO Rules are in force, the latest version of the Market and System Operation Rules to have been submitted to the Regulator, as if that latest version was in force.
negative pass through amount	In relation to the occurrence of a change in taxes event, an amount that a Regulated Entity is required to pay to its Customers or a factor by which amounts the Customer is required to pay the Regulated Entity are reduced.
Non-franchise Customer	The same meaning as in the GIA.
non-scheduled excluded distribution services	Excluded distribution services other than scheduled excluded distribution services.
non-scheduled excluded transmission services	Excluded transmission services other than scheduled excluded transmission services.
Northern injection point	The transfer point between the TPA transmission pipeline and the transmission pipeline connecting NSW via Culcairn.
off-peak period	The period of a calendar year except the peak period.
Order	This Victorian Gas Industry Tariff Order.
ORG	The Office of the Regulator-General under the ORG Act.
ORG Act	The <b>Office of the Regulator-General Act 1994</b> .
pass through amount	A positive pass through amount or a negative pass through amount.
peak period	The period of 1 June to 30 September each year.
pipeline	The same meaning as in the GIA.
positive pass through amount	In relation to the occurrence of a change in taxes event, an amount that a Customer is required to pay to a Regulated Entity or a factor by which amounts the Customer is required to pay the Regulated Entity are increased.
pressure service	Delivering gas through the transmission pipeline: <ol style="list-style-type: none"> <li>to a specified transmission supply point at a higher pressure than the standard pressure specified in the MSO Rules or in TPA's access arrangement; and</li> </ol>

	(b) for which special facilities may have to be installed and maintained.
Producer	A person who owns or operates a gas production facility or is engaged in producing and processing gas.
Regulated Entity	VENCorp, TPA, a Tariffed Distributor or a Franchise Retailer.
Regulator	In relation to:
	(a) VENCorp tariffs, transmission tariffs and prices for excluded transmission services, the ACCC; and
	(b) distribution tariffs, maximum uniform tariffs and prices for excluded distribution services, the ORG.
regulatory objectives	The relevant regulatory objectives that apply to a Regulator under:
	(a) the Trade Practices Act;
	(b) the ORG Act; or
	(c) the GIA;
	as applicable.
regulatory year	The following periods:
	(a) for TPA, a Tariffed Distributor and a Franchise Retailer
	(1) the period from the start of the initial regulatory period to 31 December 1998; and
	(2) after that period, a period of 12 months ending on 31 December each year during the initial regulatory period.
	(b) for VENCorp:
	(1) the period from the start of the initial regulatory period to 30 June 1998; and
	(2) after that period, a period of 12 months ending on 30 June each year.
relevant tax	Any tax but excluding any:
	(a) income tax (or State equivalent income tax), fringe benefits tax or capital gains tax;
	(b) payroll tax;
	(c) fees and charges paid or payable to the Regulator for retail licences, or distribution licences or any other membership, contributory or other charge payable to other regulatory bodies in the gas industry;
	(d) land tax or any other tax on the ownership or occupancy of premises;
	(e) customs and import duty;
	(f) municipal rates, taxes and other charges imposed by local authorities;
	(g) stamp duty, financial institutions duty, bank accounts debits tax or similar taxes or duties;
	(h) penalties and interest for late payment relating to any tax; or
	(i) any tax that replaces any of the taxes referred to in (a) to (h).

Retailer	The same meaning as "gas retailer" in the GIA.
retail licence	A licence to sell gas by retail under the GIA.
retail zone	An area defined by postcodes as at 30 June 1997 in paragraph (c) of the Zone Schedule.
scheduled excluded distribution services	The excluded distribution services in paragraph (b) of the Excluded Services Price Schedule.
scheduled excluded services	Scheduled excluded transmission services and scheduled excluded distribution services.
scheduled excluded transmission services	The excluded transmission services in paragraph (a) of the Excluded Services Price Schedule.
service entry point	The point at which the distribution connection crosses the boundary of the Consumer's premises, so as to make the distribution connection perpendicular to the distribution main to which the distribution connection is connected, in accordance with the Tariffed Distributor's procedures.
standard meter	The least overall cost, technically acceptable meter with no by-pass leg required to measure and record the quantity of gas reasonably expected to be consumed by a Consumer at a distribution supply point in a 12 month period at a metering pressure of 1.1 kilopascals and at an hourly load factor of at least 5%.
storage facility	A facility for storing gas, including LNG storage facility and underground storage services.
subsequent regulatory period	The period of 5 calendar years from 1 January 2003.
supply point	The same meaning as in section 6C of the GIA but as if the definition in that section was also in relation to the provision of services to a Customer at the supply point and not just in relation to the withdrawal of gas.
tariff	The combination of tariff components applying to a tariffed service supplied to a Customer.
tariff component	An individual price element comprising part of a tariff.
tariffed distribution augmentations	Augmentation of the distribution pipeline in existence at 30 June 1997 which is identified in a Tariffed Distributor's access arrangement.
tariffed distribution extensions	Extensions of the distribution pipeline which extend up to 1 kilometre radially from any distribution main included in a distribution pipeline in existence at 30 June 1997.
tariffed distribution pipeline	In the initial regulatory period is: <ul style="list-style-type: none"> <li>(a) the distribution pipeline in existence at 30 June 1997 which is identified in a Tariffed Distributor's access arrangement;</li> <li>(b) tariffed distribution extensions; and</li> <li>(c) tariffed distribution augmentations,</li> </ul> and in the subsequent regulatory period, the above assets as varied by the Regulator consistently with chapter 9 and in accordance with the Access Code.
tariffed distribution services	(a) Allowing injection of gas into distribution injection points;

		<ul style="list-style-type: none"> <li>(b) allowing withdrawal of gas at distribution supply points;</li> <li>(c) providing up to 20 metres of a distribution mains extension for servicing a distribution supply point assigned to distribution tariff V;</li> <li>(d) providing a distribution connection for a distribution supply point assigned to distribution tariff V within a Customer's premises and less than 20 metres from the service entry point on the boundary of the Customer's premises;</li> <li>(e) providing a standard meter at a distribution supply point assigned to distribution tariff V,</li> </ul>
		except to the extent that:
		<ul style="list-style-type: none"> <li>(f) before the start of the initial regulatory period, Gascor and the Customer have agreed in writing that specific pricing applies to that service;</li> <li>(g) after the start of the initial regulatory period the Tariffed Distributor and the Customer agree in writing or in such other form as approved by the Regulator that the service is not to be a tariffed distribution service; or</li> <li>(h) the services provided to a distribution transfer point that, but for this paragraph (h), would be tariffed distribution services.</li> </ul>
Tariffed Distributors		<ul style="list-style-type: none"> <li>(a) Stratus (Gas) Pty Ltd (ACN 079 089 099);</li> <li>(b) Multinet Energy Pty Ltd (ACN 079 088 930); and</li> <li>(c) Westar (Gas) Pty Ltd (ACN 079 089 008).</li> </ul>
Tariffed Franchise Customer		A Franchise Customer who withdraws gas at a distribution supply point or a transmission supply point.
tariffed retail services		The supply and sale of gas by a Franchise Retailer to a Tariffed Franchise Customer, either as principal, agent or a combination of principal and agent, except to the extent that after the start of the initial regulatory period, the Franchise Retailer and the Tariffed Franchise Customer agree in writing or in other such form approved by the Regulator that the service is not to be a tariffed retail service.
Tariff Schedule		Schedule 1.
tariffed services		<ul style="list-style-type: none"> <li>(a) Tariffed VENCORP services;</li> <li>(b) tariffed transmission services;</li> <li>(c) tariffed distribution services; and</li> <li>(d) tariffed retail services.</li> </ul>
tariffed transmission augmentations		Augmentation of the transmission pipeline in existence at 30 June 1997 which is identified in TPA's access arrangement and augmentation of tariffed transmission extensions as indicated in TPA's access arrangement.
tariffed transmission extension		The proposed transmission pipeline for the Murray Valley as set out in TPA's access arrangement.
tariffed transmission pipeline		In the initial regulatory period is: <ul style="list-style-type: none"> <li>(a) the transmission pipelines in existence at 30 June 1997 which are identified in TPA's access arrangement;</li> <li>(b) tariffed transmission extensions; and</li> </ul>

		(c) tariffed transmission augmentations, and in the subsequent regulatory period, the above assets as varied by the Regulator consistently with chapter 9 and in accordance with the Access Code.	
tariffed transmission services		Transmission injection services or transmission withdrawal services, except to the extent that:	
		(a) before the start of the initial regulatory period, GTC and the Customer have agreed in writing that specific pricing applies to that service;	
		(b) after the start of the initial regulatory period, TPA and the Customer agree in writing or as otherwise approved by the Regulator that the service is not to be a tariffed transmission service;	
		(c) the services provided to a transmission transfer point that but for this paragraph (c) would be tariffed transmission services.	
tariffed services	VENCorp	(a) The services performed by VENCorp that are set out in the MSO Rules; and	
		(b) the services performed by VENCorp in relation to the Western transmission zone.	
TPA		Transmission Pipelines Australia Pty Ltd (ACN 079 089 268).	
Trade Practices Act		The Trade Practices Act (Cth) 1974.	
transfer point		A point at which gas is transferred from:	
		(a) a transmission pipeline to a transmission pipeline;	
		(b) a transmission pipeline to a distribution pipeline;	
		(c) a distribution pipeline to a transmission pipeline; or	
		(d) a distribution pipeline to a distribution pipeline.	
transmission connection facilities		Any gas equipment at a transfer point allowing the flow of gas between TPA's transmission pipeline and:	
		(a) another transmission pipeline;	
		(b) a distribution pipeline; or	
		(c) a Customer.	
transmission delivery tariff D		A tariff which applies to a transmission withdrawal service to a transmission delivery zone, and comprises a transmission volume tariff component, in \$/GJ for GJs of gas withdrawn in the anytime period, and a transmission demand tariff component, in \$/GJ for 5 day withdrawal MDQ.	
transmission delivery tariff V		A tariff which applies to a transmission withdrawal service and comprises transmission volume tariff components.	
transmission demand component	tariff	The tariff component of the transmission injection tariff, in \$/GJ for 5 day injection MDQ, and a tariff component of transmission delivery tariff D; the transmission pipeline supply point tariff; and the incremental tariff for tariffed transmission extension, in \$/GJ, for 5 day withdrawal MDQ.	
transmission injection point		A point at which gas is injected into the tariffed transmission pipeline.	
transmission injection services		Allowing injection of gas at transmission injection points and which, if the MSO Rules apply, has been accepted by VENCorp under the MSO Rules for injection into transmission injection points.	

transmission injection tariff		A tariff which applies to a transmission injection service and comprises a transmission demand tariff component in \$/GJ for 5 day injection MDQ.
transmission pipeline		The same meaning as in the GIA.
transmission pipeline owner		The same meaning as in the MSO Rules.
transmission pipeline supply point		A transmission supply point from which gas is withdrawn for injection into another transmission pipeline and comprising: <ul style="list-style-type: none"> <li>(a) the Carisbrook transmission supply point supplying the Wimmera transmission pipelines;</li> <li>(b) the Chiltern Valley transmission supply point supplying the Murray Valley transmission pipeline; and</li> <li>(c) the Barnawatha transmission supply point supplying the Interconnect transmission pipeline.</li> </ul>
transmission pipeline supply point tariff		A tariff which applies to a transmission withdrawal service to a transmission pipeline supply point, and comprises a transmission volume tariff component, in \$/GJ for GJs of gas delivered in the anytime period, and a transmission demand tariff component, in \$/GJ for 5 day withdrawal MDQ.
transmission services		Tariffed transmission services and excluded transmission services.
transmission supply point		A supply point on a tariffed transmission pipeline.
transmission tariffs		Tariffs for tariffed transmission services.
transmission transfer point		A transfer point, except a transmission pipeline supply point, between a transmission pipeline by means of which one transmission pipeline owner provides services, to a transmission pipeline by means of which another transmission pipeline owner provides services.
transmission volume component	tariff	A tariff component of transmission delivery tariff V in \$/GJ for GJs of gas delivered in the peak period or in the anytime period, and a tariff component of transmission delivery tariff D; the transmission pipeline supply point tariff; and the incremental tariff for tariffed transmission extension, in \$/GJs of gas delivered in the anytime period.
transmission withdrawal services		Allowing withdrawal of gas at transmission supply points and which, if the MSO Rules apply, has been accepted by VENCORP under the MSO Rules for withdrawal at transmission supply points.
transmission zone		An area defined by postcodes as at 30 June 1997 in paragraph (a) of the Zone Schedule, and as further defined in TPA's access arrangement.
underground storage services		Receiving into and storing gas in any of 4 underground reservoirs (Iona, North Paaratte, Grumby and Wallaby Creek) in Port Campbell.
VENCORP		The same meaning as in the GIA.
VENCORP tariff methodology	tariff	The methodology used in setting the initial VENCORP tariffs, as specified in VENCORP's access arrangement.
VENCORP tariffs		Tariffs for tariffed VENCORP services.
VENCORP total annual costs	total	The total costs incurred by VENCORP in a regulatory year excluding amounts charged to VENCORP for system security services.
Zone Schedule		Schedule 3.

## 10.2 Principles of interpretation

- (a) Unless the contrary intention appears, these principles of interpretation apply to this Order:
- (1) words denoting persons include unincorporated associations, firms, governments and governmental agencies;
  - (2) a reference to a person includes that person's agents, successors and permitted assigns, persons who have control over any assets of a person and receivers, managers, trustees, administrators, liquidators and similar persons appointed over:
    - (A) a person; or
    - (B) any assets of a person;;
  - (3) headings are only inserted for convenience and do not affect the interpretation of this Order; and
  - (4) a reference to an agreement, document or regulatory instrument is a reference to that agreement, document or regulatory instrument as varied from time to time and includes any schedules or attachments to the agreement or document.
- (b) All tariffs and tariff components calculated under this Order must be rounded to the accuracy, in terms of the number of decimal places, required by the relevant Regulated Entity's charging and billing systems.
- (c) A tariff which has been calculated and rounded under the principles in clause 10.2(b) must not be rounded to a different level of accuracy when utilised in calculations made under this Order.
- (d) All values used in calculations made under this Order, except those values to which clauses 10.2(b) and (c) apply, must not be rounded.
- (e) When a calculation is required under this Order:
- (1) regulatory year "t" is the regulatory year in respect of which the calculation is being made;
  - (2) regulatory year "t-1" is the regulatory year immediately preceding regulatory year "t"; and
  - (3) regulatory year "t-2" is the regulatory year immediately preceding regulatory year "t-1".

## SCHEDULE 1: TARIFF SCHEDULE

## 1. INITIAL TRANSMISSION TARIFFS

## (a) Transmission injection tariff

## Injection at Longford Injection Point

1	2	3	4
Tariff No.	For withdrawal in a transmission zone or at a transmission pipeline supply point	Transmission demand tariff component (\$/GJ, for 5 day injection MDQ)	Matched injection factor
1	All except La Trobe and Lurgi transmission zones	2.703	
2	LaTrobe	2.703	0.314
3	Lurgi	2.703	0.344



To decide what transmission delivery tariff applies, refer to:

- (1) the Zone Schedule, which prescribes what transmission zone the supply points are in; and
- (2) paragraph (b) of the Assignment Schedule to determine whether transmission delivery tariff D or transmission delivery tariff V applies to the supply point in a transmission zone.

(b) Transmission delivery tariff V

1	2	3	4	5
Tariff no.	Transmission zone	Transmission volume tariff component - peak period (\$/GJ)	Transmission volume tariff component - anytime period (\$/GJ)	Matched with-drawal factor
1	LaTrobe	0.127	0.057	0.5
3	Lurgi	0.348	0.139	
4	Metro	0.282	0.085	
5	Calder	1.496	0.256	
6	South Hume	0.410	0.099	
7	Echuca	1.454	0.243	
8	North Hume	1.618	0.201	
9	Western	0.728	0.329	

(c) Transmission delivery tariff D

1	2	3	4	5
Tariff no.	Transmission zone	Transmission demand tariff component (\$/GJ, for 5 day withdrawal MDQ)	Transmission volume tariff component - anytime period (\$/GJ)	Matched with-drawal factor
1	LaTrobe	1.793	0.057	0.5
3	Lurgi	5.365	0.139	
4	Metro	4.827	0.085	
5	Calder	25.625	0.256	
6	South Hume	9.030	0.099	
7	Echuca	25.201	0.243	
8	North Hume	26.502	0.201	
9	Western	13.026	0.329	

## (d) Transmission pipeline supply point tariff

1	2	3	4	5
Tariff no.	Transmission pipeline supply point	Transmission demand tariff component (\$/GJ, for 5 day withdrawal MDQ)	Transmission volume tariff component - anytime period (\$/GJ)	Matched withdrawal factor
1	Carisbrook	20.459	0.279	0.5
2	Chiltern Valley	22.252	0.182	
3	Barnawatha	20.444	0.190	

## (e) Incremental tariff for tariffed transmission extension

1	2	3	4
Tariff No.	Tariffed transmission extension	Transmission demand tariff component, (\$/GJ, for 5 day withdrawal MDQ)	Transmission volume tariff component - anytime period (\$/GJ)
1	Murray Valley	56.194	0.117

(2) Tariff no. 1 in the above table is incremental to transmission pipeline supply point tariff no. 2 in the table in paragraph 1(d) of this Tariff Schedule.

## (f) Matched withdrawal factors

The matched withdrawal factor in paragraphs 1(b), (c) and (d) above applies where a quantity of gas equivalent to a quantity of gas withdrawn at a supply point in the relevant transmission zone was injected at the Northern injection point by or on behalf of the Customer receiving tariffed transmission services in connection with the withdrawal of gas at that supply point in accordance with the provisions in the MSO Rules regulating matched flows.

(g) A tariff component which is charged to a Customer by applying a matched withdrawal factor is not taken into account in deciding TPA's revenues, tariffs or tariff components used in the Formula Schedule in deciding whether TPA's tariffs or tariff components comply with the principles and formulas in the Formula Schedule.

## (h) Billing parameters

Transmission tariffs are charged in accordance with the billing parameters defined below.

(1) Except where otherwise agreed between TPA and the Customer, the Customer will be charged monthly.

(2) Transmission volume tariff components applying to the anytime period are charged in accordance with the following procedure:

(A) for a billing period between January and November, the monthly charge is calculated by applying the relevant tariff components to EMCA, where EMCA is a monthly allocation, using a load profile, of forecast usage in the anytime period for regulatory year "t", using either.

- (I) the Customer's actual load profile and usage in the anytime period for regulatory year "t-1"; or
  - (II) a quantity agreed between TPA and the Customer.
- (B) for the December billing period, the monthly charge is calculated by applying the following:  
$$MCA = AACA - CBTDA$$
where:  
MCA is the charge for the December billing period in regulatory year "t".  
CBTDA is the sum of the charges for all prior billing periods of regulatory year "t".  
AACA is the annual charge calculated by applying the relevant tariff components to the actual usage in the anytime period for regulatory year "t".
- (3) Transmission volume tariff components applying to the peak period and transmission demand tariff components, whichever applicable, are charged in aggregate according to the following procedure:
  - (A) for a billing period between January and November, the monthly charge is calculated by applying the relevant tariff components to EMC, where EMC is:
    - (i) for a transmission demand tariff component of the transmission injection tariff, a monthly allocation, using a load profile, of forecast 5 day injection MDQ for regulatory year "t", using either:
      - (I) the Customer's actual load profile and 5 day injection MDQ for regulatory year "t-1"; or
      - (II) a quantity agreed by TPA and the Customer; and
    - (ii) for a transmission demand tariff component of the transmission delivery tariff D, a monthly allocation, using a load profile, of forecast 5 day withdrawal MDQ for regulatory year "t", using either:
      - (I) the Customer's actual load profile and 5 day withdrawal MDQ for regulatory year "t-1"; or
      - (II) a quantity agreed between TPA and the Customer; and
    - (iii) for a transmission volume tariff component applying to the peak period, a monthly allocation, using a load profile, of forecast usage in the peak period for regulatory year "t", using either:
      - (I) the Customer's actual load profile and usage in the peak period for regulatory year "t-1"; or
      - (II) a quantity agreed between TPA and the Customer.
  - (B) for the December billing period, the monthly charge is calculated by applying the following formula:  
$$MC = AAC - CBTD$$
where:  
MC is the charge for the December billing period in regulatory year "t".  
CBTD is the sum of the charges for all prior billing periods of regulatory year "t".

AAC is the annual charge calculated by applying the relevant tariff components to EAD.

where EAD is:

- (i) for a transmission demand tariff component of the transmission injection tariff, the actual 5 day injection MDQ for regulatory year "t";
- (ii) for a transmission demand tariff component of transmission delivery tariff D, the actual 5 day withdrawal MDQ for regulatory year "t"; and
- (iii) for a transmission volume tariff component applying to the peak period, the actual usage in the peak period for regulatory year "t".

## 2. INITIAL DISTRIBUTION TARIFFS

To decide what distribution tariff applies at a distribution supply point, refer to:

- (1) the Zone Schedule, which prescribes what distribution zone the distribution supply point is in; and
- (2) paragraph (a) of the Assignment Schedule to determine whether distribution tariff V or distribution tariff D applies to the distribution supply point.

### (a) Multinet

#### (1) Distribution Tariff V

Distribution fixed tariff component - \$0.07/day

1	2	3
Consumption range (GJ/day)	Distribution volume tariff component - peak period (\$/GJ)	Distribution volume tariff component - off-peak period (\$/GJ)
0-0.1	4.25	3.75
>0.1-1.4	3.16	2.66
>1.4	1.05	0.55

#### (2) Distribution Tariff D

1	2
annual MHQ (GJ)	Distribution demand tariff component (\$/GJ)
0-50	616
>50	270

### (b) Stratus

#### (1) Distribution Tariff V

Stratus North

Distribution fixed tariff component- \$0.07/day

1	2	3
Consumption range (GJ/day)	Distribution volume tariff component - peak period (\$/GJ)	Distribution volume tariff component - off-peak period (\$/GJ)
0-0.1	3.77	3.77
>0.1-1.4	3.21	3.21
>1.4	1.23	0.73

## Stratus Central

Distribution fixed tariff component- \$0.07/day

1	2	3
Consumption range (GJ/day)	Distribution volume tariff component - peak period (\$/GJ)	Distribution volume tariff component - off-peak period (\$/GJ)
0-0.1	4.90	4.40
>0.1-0.2	4.60	4.10
>0.2-1.4	3.32	2.82
>1.4	1.23	0.73

## Stratus Murray

Distribution fixed tariff component- \$0.17/day

1	2	3
Consumption range (GJ/day)	Distribution volume tariff component - peak period (\$/GJ)	Distribution volume tariff component - off-peak period (\$/GJ)
0-1.4	3.10	2.60
>1.4	1.23	0.73

## (2) Distribution Tariff D

1	2
annual MHQ (GJ)	Distribution demand tariff component (\$/GJ)
0-10	1138
>10-50	563
>50	359

## (c) Westar

## (1) Distribution Tariff V

Distribution fixed tariff component- \$0.07/day

## Westar Central

1	2	3
Consumption range (GJ/day)	Distribution volume tariff component - peak period (\$/GJ)	Distribution volume tariff component - off-peak period (\$/GJ)
0-0.1	5.00	4.50
>0.1-1.4	3.69	3.19
>1.4	1.20	0.70

## Westar West

1	2	3
Consumption range (GJ/day).	Distribution volume tariff component - peak period (\$/GJ)	Distribution volume tariff component off-peak period (\$/GJ)
0-0.1	3.90	3.85
>0.1-1.4	3.50	3.45
>1.4	1.20	0.70

## (2) Distribution Tariff D

1	2
annual (GJ) MHQ	Distribution demand tariff component (\$/GJ)
0-10	1,060
>10-50	620
>50	311

## (d) Billing parameters

Distribution tariffs are charged in accordance with the billing parameters defined below.

- (1) Except where otherwise agreed between the Tariffed Distributor and the Customer, the Customer will be charged:
  - (A) two monthly, in the case of distribution tariff V; and
  - (B) monthly, in the case of distribution tariff D.
- (2) The distribution fixed tariff components and consumption ranges shown in paragraphs 2(a) to (c), as applicable, are daily amounts. The distribution fixed tariff component or consumption range applied to calculate a charge for a billing period shall be the tariff component or consumption range shown in paragraph 2(a) to (c), as applicable, multiplied by the number of days in the billing period.
- (3) Distribution volume tariff components
  - (A) Distribution volume tariff components are charged according to the actual GJs of gas withdrawn in the billing period.
  - (B) Where some of the days in the billing period are in the peak period:
    - (i) if the total number of days in the billing period is less than 100, the GJs of gas withdrawn in the peak period are:

$$GPP = TAG \times \frac{PPBP}{TBP}$$

where:

GPP is the GJs of gas withdrawn in the peak period;

TAG is the total actual GJs of gas withdrawn in the billing period;

PPBP is the number of days in the billing period which are in the peak period; and

TBP is the total number of days in the billing period.

- (ii) if the total number of days in the billing period is greater than or equal to 100, the GJs of gas withdrawn in the peak period are:

$$GPP = TAG \times \frac{2 \times PPBT}{(2 \times PPBT) + (TBP - PPBT)}$$

where:

GPP is as defined in paragraph 2(d)(3)(B)(i) of this Tariff Schedule;

TAG is as defined in paragraph 2(d)(3)(B)(i) of this Tariff Schedule;

PPBT is as defined in paragraph 2(d)(3)(B)(i) of this Tariff Schedule; and

TBP is as defined in paragraph 2(d)(3)(B)(i) of this Tariff Schedule.

- (iii) the GJs of gas withdrawn in the off-peak period are:

$$GOPP = TAG - GPP$$

where:

GOPP is the GJs of gas withdrawn in the off-peak period;

TAG is as defined in paragraph 2(d)(3)(B)(i) of this Tariff Schedule; and

GPP is:

- (I) where the total number of days in the billing period is less than 100, calculated in accordance with paragraph 2(d)(3)(B)(i) of this Tariff Schedule; and

- (II) where the total number of days in the billing period is greater than or equal to 100, calculated in accordance with paragraph 2(d)(3)(B)(ii) of this Tariff Schedule.

- (iv) If the total number of days in the billing periods is greater than or equal to 100, then a 5% surcharge is added to each tariff component to be paid by a Customer under paragraphs 2(a), 2(b) and 2(c) of this Tariff Schedule.

(4) Distribution demand tariff components

- (A) Except where otherwise agreed between the Tariffed Distributor and the Customer, the Customer will be charged monthly.

- (B) Distribution demand tariff components are charged according to the following formula:

$$MC = \frac{EAC - CBTD}{RBP}$$

where:

MC is the charge for a particular month in regulatory year "t".

EAC is the estimated annual charge calculated by applying the relevant tariff components to EAD;

CBTD is the sum of the charges for all prior billing periods of regulatory year "t";

RBP is the remaining billing periods in regulatory year "t", as set out below:

Month	RBP
January	12
February	11
March	10
April	9
May	8
June	7
July	6
August	5
September	4
October	3
November	2
December	1

EAD is:

- (i) for billing periods between January and September, the higher of:
    - (I) the forecast annual MHQ for regulatory year "t"; and
    - (II) the annual MHQ, as measured to date during regulatory year "t", where the forecast annual MHQ for regulatory year "t" is either:
      - (III) the actual annual MHQ for regulatory year "t-1"; or
      - (IV) a quantity agreed between the Tariffed Distributor and the Customer.
  - (ii) for billing periods between October and December, the actual annual MHQ for regulatory year "t".
- (C) Where a Consumer is connected at a distribution supply point during a regulatory year:
- (i) the first month's charge after the Consumer is connected is calculated as:

$$\text{initial monthly charge} = \frac{\frac{RDM}{30} \times \frac{RDY}{365} \times EAC}{RBP}$$

where:

RDM is the remaining days in that month on the day that the Consumer first withdrew gas at that distribution supply point.

RDY is the remaining days in the calendar year on the day that the Consumer first withdrew gas at that distribution supply point.

EAC is the estimated annual charge as defined in paragraph 2(d)(4)(B) of this Tariff Schedule.

RBP is the remaining billing periods, as set out in paragraph 2(d)(4)(B) of this Tariff Schedule.



- (ii) the monthly charge for subsequent months in that year is calculated in accordance with the following formula:

$$\text{monthly charge} = \frac{\left( \frac{RDY}{365} \times EAC \right) - CBTD}{RBP}$$

where:

RDY is the remaining days in the calendar year as defined in paragraph 2(d)(4)(C)(i) of this Tariff Schedule.

EAC is the estimated annual charge as defined in paragraph 2(d)(4)(B) of the Tariff Schedule;

CBTD is the charges billed to date as defined in paragraph 2(d)(4)(B) of this Tariff Schedule; and

RBP is the remaining billing periods as defined in paragraph 2(d)(4)(B) of this Tariff Schedule.

- (D) Where a Consumer who withdraws gas at a distribution supply point ceases to withdraw gas at that distribution supply point in a month:

- (i) the Tariffed Distributor may charge the Customer in respect of that distribution supply point, for the whole of the month in which the Consumer ceased withdrawal of gas;
- (ii) the Tariffed Distributor must not charge the Customer in respect of that distribution supply point, for any month after the month in which the Consumer ceased withdrawal of gas;
- (iii) where another Consumer starts to withdraw gas at that distribution supply point, the quantity of forecast highest MHQ for the year for that distribution supply point must be agreed between the Tariffed Distributor and the Customer in respect of that distribution supply point.

- (E) Where a Consumer who withdraws gas at a distribution supply point ceases to be a Customer of a particular Retailer during a month and becomes:

- (i) a Customer of another Retailer; or
  - (ii) a Customer of the Tariffed Distributor,
- the Tariffed Distributor must charge:
- (iii) the Retailer of whom the Consumer became a Customer in that month; or
  - (iv) the Customer who became a Customer of the Tariffed Distributor in that month,
- for that month.

(5) Unmetered tariff components

Where a distribution supply point has been assigned to distribution tariff V under paragraph (a)(11) of the Assignment Schedule, because it is an unmetered distribution supply point, the distribution supply point is taken not to have withdrawn gas for charging purposes.

3. INITIAL MAXIMUM UNIFORM TARIFFS

To determine what maximum uniform tariff applies in respect of a distribution supply point, refer to paragraph (c) of the Assignment Schedule.

- (a) Domestic tariffs;

## (1) Tariffs 01/02 - Multiple Residential

Tariff 01: Meter/Regulator capacity up to 50 m<sup>3</sup>/hrTariff 02: Meter/Regulator capacity over 50 m<sup>3</sup>/hr

Supply Charge:

Tariff 01 \$25.74

Tariff 02 \$87.38

Commodity Charge:

All gas @ 0.8699 c/MJ

## (2) Tariff 03 - Domestic General

Supply Charge: \$12.66

Commodity Charge:

0 - 4000 MJ @ 0.6935 c/MJ

&gt; 4000 MJ @ 0.8839 c/MJ

## (3) Tariffs 04/05 - Residential Bulk Hot Water Master Meter

Tariff 04: Meter/Regulator capacity up to 50 m<sup>3</sup>/hrTariff 05: Meter/Regulator capacity over 50 m<sup>3</sup>/hr

Supply Charge:

Tariff 04 \$25.74

Tariff 05 \$87.38

Commodity Charge:

All gas @ 0.8699 c/MJ

## (4) Tariffs 10/11 - Bulk Supply to flats for storage water heating

Tariff 10: Meter/Regulator capacity up to 50 m<sup>3</sup>/hrTariff 11: Meter/Regulator capacity over 50 m<sup>3</sup>/hr

Supply Charge:

Tariff 10 \$25.74

Tariff 11 \$87.38

Commodity Charge:

All gas @ 0.9432 c/MJ

## (5) Tariff 09 - Gas lights, unmetered

Standard two mantles light - \$26.60.

Additional mantles - \$13.30.

## (b) Commercial tariffs

(1) Tariff 13 - up to 100 m<sup>3</sup>/hr capacity meter/regulator

Supply Charge (per 2 months): \$18.78

Commodity Charge:

0 - 100 000 MJ @ 0.9450 c/MJ

&gt; 100,000 - 550 000 MJ @ 0.7443 c/MJ

&gt; 550 000 MJ @ 0.4329 c/MJ

(2) Tariff 14 - 100.1 m<sup>3</sup>/hr to 850 m<sup>3</sup>/hr capacity meter/regulator

Supply Charge: \$171.96

Commodity Charge:

0 - 100 000 MJ @ 0.8561 c/MJ

&gt; 100,000 - 550 000 MJ @ 0.7443 c/MJ

&gt; 550 000 MJ @ 0.4329 c/MJ

## (3) Tariff 63 - Ministry of Housing Tariff

Commodity Charge - all gas 0.4581 c/MJ

## (c) Industrial Tariffs

(1) Tariff 21 - up to 100 m<sup>3</sup>/hr capacity meter/regulator

Supply Charge: \$18.78

Commodity Charge:

0 - 100,000 MJ @ 0.9450 c/MJ

&gt; 100,000 - 550,000 MJ @ 0.7443 c/MJ

&gt; 550,000 MJ @ 0.4329 c/MJ

(2) Tariff 22 - 100.1 m<sup>3</sup>/hr to 850 m<sup>3</sup>/hr capacity meter/regulator

Supply Charge: \$171.96

Commodity Charge:

0 - 100,000 MJ @ 0.8561 c/MJ

&gt; 100,000 - 550,000 MJ @ 0.7443 c/MJ

&gt; 550,000 MJ @ 0.4329 c/MJ

## (3) Tariff 08 - Standby Power Generation Tariff

Supply charge - \$367.16 per GJ input rating of gas engine.

Commodity Charge: as specified in Tariffs 13, 14, 21 or 22, as appropriate.

## (d) Contract tariff

As specified in the contract between the Franchise Retailer and the Contact Franchise Customer.

## (e) Billing parameters

Maximum uniform tariffs are charged in accordance with the billing parameters defined below.

(1) Except where otherwise agreed between the Franchise Retailer and the Customer, the Customer will be charged on a two monthly basis unless otherwise indicated in the tariff.

(2) The Supply Charges and the consumption ranges of Commodity Charges shown in paragraphs 3(a) to (c), as applicable, are two monthly amounts. The Supply Charge or consumption range applied to calculate a charge for a billing period of other than two months shall be a pro-ration of the Supply Charge or consumption range shown in paragraph 3(a) to (c), as applicable.

## (3) Commodity Charges

(A) Commodity Charge tariff components are charged according to the actual MJ's of gas withdrawn in the billing period.

(B) Where some of the days in the billing period are in the peak period:

- (i) if the total number of days in the billing period is less than 100, the MJ's of gas withdrawn in the peak period are:

$$GPP = TAG \times \frac{PPBP}{TBP}$$

where:

GPP is the MJ's of gas withdrawn in the peak period;

TAG is the total actual MJ's of gas withdrawn in the billing period;

PPBP is the number of days in the billing period which are in the peak period; and

TBP is the total number of days in the billing period.

- (ii) if the total number of days in the billing period is greater than or equal to 100, the MJ's of gas withdrawn in the peak period are:

$$GPP = TAG \times \frac{2 \times PPBT}{(2 \times PPBT) + (TBP - PPBT)}$$

where:

GPP is as defined in paragraph 3(e)(3)(B)(i) of this Tariff Schedule;

TAG is as defined in paragraph 3(e)(3)(B)(i) of this Tariff Schedule;

PPBT is as defined in paragraph 3(e)(3)(B)(i) of this Tariff Schedule; and

TBP is as defined in paragraph 3(e)(3)(B)(i) of this Tariff Schedule.

- (iii) the MJ's of gas withdrawn in the off-peak period are:

$$GOPP = TAG - GPP$$

where:

GOPP is the MJ's of gas withdrawn in the off-peak period;

TAG is as defined in paragraph 3(e)(3)(B)(i) of this Tariff Schedule; and

GPP is:

- (I) where the total number of days in the billing period is less than 100, calculated in accordance with paragraph 3(e)(3)(B)(i) of this Tariff Schedule; and
- (II) where the total number of days in the billing period is greater than or equal to 100, calculated in accordance with paragraph 3(e)(3)(B)(ii) of this Tariff Schedule.

- (C) Commodity Charge tariff components of maximum uniform tariffs 10 and 11 are charged in accordance with the billing parameters defined below:

- (i) where the Customer's consumption of gas is measured by the Franchise Retailer solely by reference to the Customer's hot water meter the relevant tariff component, in \$/MJ, is converted into a rate per litre by multiplying the tariff component by the factor 0.50232 and is charged per litre of hot water consumed.

- (ii) where the Customer's consumption of gas is measured by the Franchise Retailer by reference both to a central cold water meter connected to the bulk hot water installation and to the Customer's hot water meter, the relevant tariff component, in \$/MJ, is applied to the chargeable quantity calculated according to the following formula:

$$CQG = QHW * (QGD/QW)$$

where:

CQG is the chargeable quantity of gas;

QGD is the quantity of gas, in MJ, measured by the meter at the distribution supply point to the bulk hot water installation;

QW is the quantity of water, in litres, measured at the central cold water meter connected to the bulk hot water installation; and

QHW is the quantity of water, in litres, measured at the Customer's hot water meter.

#### 4. INITIAL VENCORP TARIFFS

##### (a) VENCORP Tariffs

- (1) Registration \$30/day
- (2) Metering data management

VENCORP metering data management tariffs are charged according to the type of meter that is read by VENCORP -

- (A) for a meter at a transmission supply point:

\$7/day for each Market Participant provided with services in connection with that meter; and

- (B) for a meter at a distribution supply point assigned to distribution tariff D:

\$2.40/day.

- (3) Commodity

For a supply point other than a supply point in the Western transmission zone, VENCORP commodity tariffs are charged according to the assignment of the supply point to which gas is supplied:

- (A) for a supply point assigned to either transmission delivery tariff D or distribution tariff D - \$0.0308/GJ; and

- (B) for a supply point assigned to either transmission delivery tariff V or distribution tariff V - \$0.0764/GJ.

- (4) System security

system security: \$0.00671/GJ.

- (5) VENCORP services to the Western transmission zone

For a supply point in the Western transmission zone: \$0.0282/GJ.

##### (b) Billing parameters

VENCORP tariffs are charged to Market Participants in accordance with the MSO Rules.

The billing parameters of VENCORP tariffs are defined in the MSO Rules.

## SCHEDULE 2: EXCLUDED SERVICES PRICE SCHEDULE

- (a) Initial prices for scheduled excluded transmission services  
LNG system security: \$1,400,000 per annum.
- (b) Initial prices for scheduled excluded distribution services
- (1) Charges for disconnection from and reconnection to the distribution pipeline:
- (A) disconnection at the meter by a Tariffed Distributor's field officer - \$15.00.
  - (B) meter removal for debt, performed by a licensed gasfitter - \$30.00.
  - (C) disconnection of supply in the street (generally due to no access to meter) - \$80.00.
  - (D) disconnection for illegal gas use - \$80.00.
- (2) Charges for testing meters at the Customer's request where the meter accuracy is shown to be within the limits required by the Distribution System Code - \$40.00. Where the meter accuracy is shown not to be within the limits required by the Distribution System Code - no charge.
- (3) Charges for providing and installing service pipe to a distribution supply point subject to distribution tariff V more than 20 metres from the premises entry point - \$20.55 for each lineal metre over 20 metres.

## SCHEDULE 3: ZONE SCHEDULE

- (a) Transmission
- (1) Transmission Zones

Transmission Zone	Postcodes
LaTrobe	3840, 3842, 3844, 3847, 3850, 3851, 3852, 3860
Lurgi	3816, 3818, 3820, 3822, 3823, 3824, 3825
Metro	3000, 3002, 3003, 3004, 3005, 3006, 3011, 3012, 3013, 3015, 3016, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3078, 3079, 3081, 3082, 3083, 3084, 3085, 3087, 3088, 3089, 3090, 3091, 3093, 3094, 3095, 3096, 3097, 3099, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3111, 3113, 3114, 3115, 3116, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3158, 3159, 3160, 3161, 3162, 3163, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3204, 3205, 3206, 3207, 3211, 3212, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3335, 3337, 3338, 3427, 3428, 3429, 3750, 3752, 3754, 3755, 3759, 3760, 3761, 3765, 3766, 3767, 3770, 3777, 3781,

	3782, 3783, 3785, 3786, 3787, 3788, 3789, 3791, 3792, 3793, 3795, 3796, 3802, 3803, 3804, 3805, 3806, 3807, 3808, 3809, 3810, 3812, 3813, 3814, 3815, 3910, 3911, 3912, 3913, 3915, 3916, 3918, 3919, 3920, 3921, 3926, 3927, 3928, 3929, 3930, 3931, 3933, 3934, 3936, 3937, 3938, 3939, 3940, 3941, 3942, 3943, 3944, 3975, 3976, 3977, 3978, 3980, 3981, 3984, 3987
Calder	3340, 3342, 3350, 3352, 3355, 3356, 3357, 3430, 3437, 3444, 3450, 3451, 3460, 3461, 3464, 3465, 3550, 3551, 3555, 3556
South Hume	3658, 3659, 3660, 3662, 3666, 3751, 3753, 3756, 3757, 3763, 3764, 3775
Echuca Lateral	3561, 3564, 3616, 3618, 3620, 3621, 3623, 3624, 3629, 3630, 3631, 3636, 3638
North Hume	3004, 3006, 3101, 3102, 3103, 3104, 3105
Western	3266, 3277, 3280, 3282, 3300, 3305

## (2) TPA extensions

Zone	Postcodes
Murray Valley	3641, 3644, 3687, 3730

## (b) Distribution Zones

Distribution Zones	Postcodes
Multinet	3004, 3006, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3111, 3113, 3114, 3115, 3116, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3158, 3159, 3160, 3161, 3162, 3163, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175 (note 2), 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3202, 3204, 3205, 3206, 3207, 3765, 3766, 3767, 3770 (note 3), 3781, 3782, 3783, 3785, 3786, 3787, 3788, 3789, 3791, 3792, 3793, 3795, 3796, 3802
Stratus North	3561, 3564, 3616, 3618, 3620, 3621, 3623, 3624, 3629, 3630, 3631, 3636, 3638, 3658, 3659, 3660, 3662, 3666, 3672, 3677, 3683, 3685, 3690, 3691, 3694, 3751, 3753, 3756, 3757, 3763, 3764, 3775
Stratus Central	3000, 3002, 3003, 3005, 3050, 3051, 3052, 3053, 3054, 3055 (Note 1), 3056, 3057, 3065, 3066, 3067, 3068, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3078, 3079, 3081, 3082, 3083, 3084, 3085, 3087, 3088, 3089, 3090, 3091, 3093, 3094, 3095, 3096, 3097 (Note 4), 3099, 3121, 3139, 3198, 3199, 3200, 3201 (Note 5), 3750,

	3752, 3754, 3755, 3759, 3760, 3761, 3777, 3803, 3804 (Note 6), 3805, 3806, 3807, 3808, 3809, 3810, 3812, 3813, 3814, 3815, 3816, 3818, 3820, 3822, 3823, 3824, 3825, 3840, 3842, 3844, 3847, 3850, 3851, 3852, 3860, 3910, 3911, 3912, 3913, 3915, 3916, 3918, 3919, 3920, 3921, 3926, 3927, 3928, 3929, 3930, 3931, 3933, 3934, 3936, 3937, 3938, 3939, 3940, 3941, 3942, 3943, 3944, 3975, 3976, 3977, 3978, 3980, 3981, 3984, 3987
Stratus Murray	3641, 3644, 3687, 3730
Westar Central	3011, 3012, 3013, 3015, 3016, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3031, 3032, 3033, 3034, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3211, 3212, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3228, 3335, 3337, 3338, 3427, 3428, 3429
Westar West	3249, 3250, 3266, 3277, 3280, 3282, 3300, 3305, 3340, 3342, 3350, 3352, 3355, 3356, 3357, 3377, 3380, 3400, 3430, 3437, 3444, 3450, 3451, 3460, 3461, 3464, 3465, 3550, 3551, 3555, 3556

## Notes

- (1) Postcode 3055 is shared between Stratus Central and Westar Central. Westar Central distribution supply points are currently connected at the date of this Order in Galtes Crescent, Southam Street, Morrow Street, Hopetoun Avenue, Moreland Road and Flannery Court.
- (2) Postcode 3175 is shared between Multinet and Stratus Central. Stratus Central distribution supply points are currently connected in Abbots Road.
- (3) Postcode 3770 is shared between Multinet and Stratus Central. Stratus Central distribution supply points are currently connected in Maddens Lane and the Maroondah Highway.
- (4) Postcode 3097 is shared between Stratus Central and Multinet. Multinet distribution supply points are currently connected in Menzies Road.
- (5) Postcode 3201 is shared between Stratus Central and Multinet. Multinet distribution supply points are currently connected in Wadsley Road.
- (6) Postcode 3804 is shared between Stratus Central and Multinet. Multinet distribution supply points are currently connected in Caithwell Court, Ebeli Cl, Lyala Court and Waterfore Cl.

## (c) Retail Zones

Retailer	Postcodes
Kinetik	3000, 3002, 3003, 3005, 3024, 3029, 3030, 3050, 3051, 3052, 3053, 3054, 3055 (Note 1), 3056, 3057, 3065, 3066, 3067, 3068, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3078, 3079, 3081, 3082, 3083, 3084, 3085, 3087, 3088, 3089, 3090, 3091, 3093, 3094, 3095, 3096, 3097



	(Note 4), 3099, 3121, 3211, 3212, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3228, 3249, 3250, 3266, 3277, 3280, 3282, 3300, 3305, 3335, 3337, 3338, 3340, 3342, 3350, 3352, 3355, 3356, 3357, 3377, 3380, 3400, 3427, 3429, 3430, 3437, 3444, 3450, 3451, 3460, 3461, 3464, 3465, 3550, 3551, 3555, 3556, 3751, 3754, 3759
Energy 21	3004, 3006, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3111, 3113, 3114, 3115, 3116, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3151, 3153, 3154, 3155, 3159, 3181, 3198, 3199, 3200, 3201, 3561, 3564, 3616, 3618, 3620, 3621, 3623, 3624, 3629, 3630, 3631, 3636, 3638, 3641, 3644, 3658, 3659, 3660, 3662, 3666, 3672, 3677, 3683, 3685, 3687, 3690, 3691, 3694, 3730, 3751, 3753, 3755, 3756, 3757, 3760, 3761, 3763, 3764, 3765, 3766, 3767, 3770 (Note 3), 3775, 3777, 3781, 3782, 3783, 3787, 3788, 3789, 3791, 3792, 3793, 3795, 3796, 3803, 3804, 3805, 3806, 3807, 3808, 3809, 3810, 3812, 3813, 3814, 3815, 3816, 3818, 3820, 3822, 3823, 3824, 3825, 3840, 3842, 3844, 3847, 3850, 3851, 3852, 3860, 3910, 3911, 3912, 3913, 3915, 3916, 3918, 3919, 3920, 3921, 3926, 3927, 3928, 3929, 3930, 3931, 3933, 3934, 3936, 3937, 3938, 3939, 3940, 3941, 3942, 3943, 3944, 3975, 3976, 3977, 3978, 3980, 3981, 3984, 3987
Ikon	3011, 3012, 3013, 3015, 3016, 3018, 3019, 3020, 3021, 3022, 3023, 3025, 3026, 3027, 3028, 3031, 3032, 3033, 3034, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3150, 3152, 3156, 3158, 3160, 3161, 3162, 3163, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175 (Note 2), 3177, 3178, 3179, 3180, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3202, 3204, 3205, 3206, 3207, 3428, 3785, 3786, 3802

## Notes:

- (1) Postcode 3055 is shared between Kinetik and Ikon. Ikon Customers are currently connected in Galtes Crescent, Southam Street, Morrow Street, Hopetoun Avenue, Moreland Road and Flannery Court.
- (2) Postcode 3175 is shared between Ikon and Kinetik. Kinetik Customers are currently connected in Abbotts Road.
- (3) Postcode 3770 is shared between Energy 21 and Kinetik. Kinetik Customers are currently connected in Maddens Lane and the Maroondah Highway.
- (4) Postcode 3097 is shared between Kinetik and Energy 21. Energy 21 Customers are currently connected in Menzies Road.

## SCHEDULE 4: ASSIGNMENT SCHEDULE

## (a) Distribution tariffs

The rules for assigning a distribution tariff to a distribution supply point are as follows:

- (1) Where a Tariffed Distributor charges for providing tariffed distribution services to a Customer at a distribution supply point under a distribution tariff, the distribution supply point is to be regarded as being assigned to that distribution tariff.
- (2) Each Tariffed Distributor must:
  - (A) within 20 business days after the date of this Order, decide the distribution tariff to which each distribution supply point is assigned at the date of this Order; and
  - (B) as soon as practicable after deciding the distribution tariff to which a distribution supply point is assigned under paragraph (a)(2)(A) of this Assignment Schedule, notify each Customer to whom tariffed distribution services are provided, of the distribution tariff applicable to each distribution supply point at which the Customer is provided with tariffed distribution services.
- (3) If, after the date of this Order, a Tariffed Distributor becomes aware that a Customer is to be provided with tariffed distribution services at a distribution supply point which did not exist at the date of this Order, the Tariffed Distributor must:
  - (A) within 20 business days decide the distribution tariff to which the distribution supply point will be assigned under this Assignment Schedule based on reasonable estimates of the consumption characteristics of that distribution supply point over the next 12 month period; and
  - (B) as soon as practicable after deciding the distribution tariff to which a distribution supply point is assigned under paragraph (a)(3)(A) of this Assignment Schedule, notify the Customer to whom tariffed distribution services are provided at that distribution supply point of the distribution tariff to which the distribution supply point has been assigned.
- (4) If after, the date of this Order, a Tariffed Distributor becomes aware that the Consumer who receives gas at a distribution supply point has changed, the Tariffed Distributor must:
  - (A) within 20 days of becoming aware that the Consumer has changed, decide, based on reasonable estimates of the consumption characteristics at that distribution supply point over the next 12 month period, whether the distribution supply point should remain assigned to the distribution tariff to which it had been assigned prior to the Consumer changing, or whether the distribution supply point should be re-assigned to another distribution tariff; and
  - (B) where the Tariffed Distributor decides to re-assign the distribution supply point in accordance with paragraph (a)(4)(A) of this Assignment Schedule, as soon as possible after re-assigning the distribution supply point in accordance with paragraph (a)(4)(A), notify the Customer to whom tariffed distribution services are provided at that distribution supply point, of the distribution tariff to which that distribution supply point has been re-assigned.
- (5) A distribution supply point will be assigned to distribution tariff D if it meets the following consumption characteristics:
  - (A) the quantity of gas withdrawn at that distribution supply point exceeds the annual GJ volume limit; or

- (B) the quantity of gas withdrawn at that distribution supply point exceeds the MHQ demand limit.
- (6) If a distribution supply point is not assigned to distribution tariff D under paragraph (a)(5) of this Assignment Schedule, that distribution supply point is assigned to distribution tariff V.
- (7) If, after the initial assignment of a distribution tariff to a Customer's distribution supply point, a Tariffed Distributor becomes aware that the quantity of gas withdrawn at that distribution supply point has changed so that the distribution supply point should no longer be assigned to the distribution tariff to which it is currently assigned, the Tariffed Distributor must notify the Customer within 20 business days that the distribution supply point is, subject to paragraphs (a)(8) and (10) of this Assignment Schedule to be assigned to another distribution tariff.
- (8) Where a Customer receives notice under paragraph (a)(7) that a distribution supply point is to be reassigned from distribution tariff V to distribution tariff D, it will be assigned to distribution tariff D unless the Customer makes a written request to the Tariffed Distributor to remain on distribution tariff V within 20 business days of receiving the notice and the Tariffed Distributor approves the request.
- (9) Where a distribution supply point is assigned to distribution tariff D :
- (A) the Customer to whom tariffed distribution services are provided at that distribution supply point must pay for a meter which complies with the appropriate metering standard specified in the MSO Rules or Distribution System Code, whichever is applicable, and which is capable of recording MHQ;
- (B) the Customer to whom tariffed distribution services are provided at that distribution supply point must pay an excluded distribution services charge, for providing connection assets and mains extensions that have been previously undertaken for that distribution supply point; and
- (C) the Tariffed Distributor can require the distribution supply point to continue to be assigned to distribution tariff D for a period of up to 1 year from the time of the assignment of the distribution supply point to distribution tariff D.
- (10) A Customer to whom tariffed distribution services are provided at a distribution supply point may require that the distribution supply point will be assigned to distribution tariff D, provided that the Customer:
- (A) agrees to pay for or purchase a meter which complies with the appropriate metering standard, and which is capable of recording MHQ;
- (B) agrees to pay an excluded distribution services charge for providing connection assets and mains extensions that have been previously undertaken for that distribution supply point; and
- (C) agrees to take or pay for a minimum MHQ of 1.15GJ.
- (11) A distribution supply point which does not have a meter is assigned to Distribution Tariff V, unless otherwise agreed between the Tariffed Distributor and the Customer to whom tariffed distribution services are provided at that distribution supply point.
- (b) Transmission tariffs
- (1) A Customer in a transmission zone and connected at a distribution supply point is assigned to a transmission tariff such that:
- (A) a distribution supply point assigned to distribution tariff V, is assigned to transmission delivery tariff V; and

- (B) a distribution supply point assigned to distribution tariff D is assigned to transmission delivery tariff D.
- (2) A Customer in a transmission zone and connected at a transmission supply point is assigned to transmission delivery tariff D.
- (c) Maximum uniform tariffs
- (1) The contract tariff applies to each supply point at which a Contract Franchise Customer receives gas.
- (2) A distribution supply point not subject to the contract tariff at which gas is supplied for domestic use is assigned to the domestic tariff. The characteristics of the distribution supply point determine the domestic tariff charged as follows:
- (A) if the distribution supply point supplies gas at a multiple residence, tariffs 01 or 02 apply;
- (B) if the distribution supply point supplies gas at a general domestic residence, tariff 03 applies;
- (C) if the distribution supply point provides for residential bulk hot water, tariffs 04 or 05 apply; and
- (D) if the distribution supply point provides for bulk supply to flats for storage water heating, tariffs 10 and 11 apply.
- (3) A distribution supply point at which gas is supplied to a business, charitable body, government institution, club, religious body or community service organisation which is not subject to the contract tariff, is charged according to commercial tariffs, regardless of whether the gas is used for profit making purposes.
- (4) A distribution supply point at which gas is supplied to a factory, and is not subject to the contract tariff is charged according to industrial tariffs.

SCHEDULE 5: FORMULA SCHEDULE  
PART A  
TRANSMISSION PRICE CONTROL FORMULAE

A.1 Application

Transmission price control formulae apply to TPA.

A.2 Forecasts

Where an application for altered tariffs is made prior to the start of a regulatory year (as contemplated in Clause 6.1 (a)), forecasts of demand, volume and revenue for the regulatory year should be based on the best estimates available at the time of application.

Where an application for altered tariffs is made during a regulatory year (as contemplated in Clause 6.1 (b)), forecasts of demand, volume and revenue for the regulatory year should be based on the actual results available to date for the regulatory year and the best estimates available for the remainder of the regulatory year.

A.3 Average Revenue Control Formulae

A.3.1 The average revenue control is:

The forecast average transmission tariff (FATT) must be less than the maximum average transmission tariff (MATT),

where:

FATT is calculated in accordance with A.3.2 and MATT is calculated in accordance with A.3.3.

$$A.3.2 \quad FATT_t = \frac{FTR_t}{FTV_t}$$

where:

$FATT_t$  (in \$/GJ) is the forecast average transmission tariff for regulatory year "t".

$FTR_t$  (in \$) is the forecast transmission revenue based on the full transmission tariffs which are being submitted to the Regulator for approval for regulatory year "t" (ie no discounts are to be included).

$FTV_t$  (in GJ) is the forecast anytime period volume of gas transmitted in regulatory year "t".

A.3.3 If regulatory year "t" is the year ended 31 December 1998 then  $MATT_t$  is calculated as for  $FATT_{1998}$ .

Otherwise,  $MATT_t$  is calculated using the following formula:

$$MATT_t = (CPI_t - XT) * ATT_{t-1} - KT_t$$

where:

$MATT_t$  (in \$/GJ) is the maximum average transmission tariff for regulatory year "t".

$CPI_t$  is the CPI for regulatory year "t"

$XT$  is a set factor for average transmission revenue control.  $XT=3.4\%$ .

$ATT_{t-1}$  is the average transmission tariff for the regulatory year "t-1", re-weighted by forecast volumes for the regulatory year "t", as calculated in accordance with A.3.4,

$KT_t$  is a retrospective correction factor, calculated in accordance with A.3.5

A.3.4  $ATT_{t-1}$  (in \$/GJ) is determined in accordance with the following formula:

$$ATT_{t-1} = \frac{\sum_{tz=1}^n ATDT_{tz,t-1}^v * FTV_{tz,t-1}^v + \sum_{tz=1}^n ATDT_{tz,t-1}^d * FTV_{tz,t-1}^d + \sum_{tz=1}^n ITC_{tz,t-1} * FTV_{tz,t-1}}{FTV_t}$$

where:

$ATDT_{tz,t-1}$  (in \$/GJ) is the average transmission delivery tariff for Tariff V customers in transmission zone "tz" in regulatory year "t-1", determined as follows:

(a) if regulatory year "t" is the year ending 31 December 1999 (ie, regulatory year "t-1" is the year ending 31 December 1998), then  $ATDT_{tz,t-1}$  is the average transmission delivery tariff for Tariff V customers (in \$/GJ) for each transmission zone "tz", for the regulatory year ending 31 December 1998, as set out in the following table:

Transmission Zone "tz"	$ATDT_{tz,1998}^v$ \$/GJ	Transmission Zone "tz"	$ATDT_{tz,1998}^v$ \$/GJ
LaTrobe	0.123654	South Hume	0.327676
Lurgi	0.316920	Echuca	1.038739
Metro	0.235390	North Hume	1.085288
Calder	1.047841	Western	0.689526

(b) if regulatory year "t" is after the year ending 31 December 1999, then

$ATDT_{tz,t-1}^V$  is determined in accordance with the following formula:

$$ATDT_{tz,t-1}^V = ATDT_{tz,t-2}^V * (CPI_{t-1} - XT)$$

where:

$ATDT_{tz,t-2}^V$  is determined in the same manner as  $ATDT_{tz,t-1}^V$  but for regulatory year "t-1" instead of "t".

$CPI_{t-1}$  is the CPI for regulatory year "t-1", and

XT is defined above.

$FTV_{tz,t}^V$  (in GJ) is the forecast anytime period volume of gas in regulatory year "t" for transmission delivery tariff V customers for each transmission zone "tz".

and the summation function represented by:

$$\sum_{tz=1}^n$$

refers to summation over all transmission zones.

$ATDT_{tz,t-1}^d$  (in \$/GJ) is the average transmission delivery tariff for Tariff D customers in transmission zone "tz" in regulatory year "t-1", determined as follows:

- (a) If regulatory year "t" is the year ending 31 December 1999 (ie, regulatory year "t-1" is the year ending 31 December 1998), then  $ATDT_{tz,t-1}^d$  is the average transmission delivery tariff in respect of tariff D customers (in \$/GJ) for each transmission zone "tz" for the regulatory year ending 31 December 1998 ( $ATDT_{tz,1998}^d$ ), as set out in the following table.

Transmission Zone "tz"	$ATDT_{tz,1998}^d$ \$/GJ	Transmission Zone "tz"	$ATDT_{tz,1998}^d$ \$/GJ
LaTrobe	0.082839	North Hume	0.689171
Lurgi	0.199256	Western	0.521282
Metro	0.169324	Carisbrook	0.909100
Calder	0.719010	Chiltern Valley	0.638565
South Hume	0.289901	Barnawatha	0.660200
Echuca	0.491019	Murray Valley	1.301870

- (b) If regulatory year "t" is after the year ending 31 December 1999, then  $ATDT_{tz,t-1}^d$  is determined in accordance with the following formula:

$$ATDT_{tz,t-1}^d = ATDT_{tz,t-2}^d * (CPI_{t-1} - XT)$$

where:

$ATDT_{tz,t-2}^d$  is determined in the same manner as  $ATDT_{tz,t-1}^d$  but for the regulatory year "t-1" instead of "t".

$CPI_{t-1}$  is the CPI for regulatory year "t-1", and

XT is defined above.

$FTV_{tz,t}^d$  (in GJ) is the forecast anytime period volume in regulatory year "t" for transmission delivery tariff D customers in transmission zone "tz".

and the summation function represented by:

$$\sum_{tz=1}^n$$

refers to summation over all transmission zones.,

and:

$ITC_{tz,t-1}$  (in \$/GJ 5 day injection MDQ) is the transmission injection tariff component for each transmission zone "tz" determined as follows:

- (a) if regulatory year "t" is the year ending 31 December 1999 (ie, regulatory year "t-1" is the year ending 31 December 1998), then  $ITC_{tz,t-1}$  is the transmission injection tariff component for injection at Longford for the regulatory year ending 31 December 1998 ( $ITC_{tz,1998}$ ), as set out in the following table:

Transmission Zone "tz"	Transmission Injection Tariff Component (\$/GJ 5 day injection MDQ)
Latrobe	0.849
Lurgi	0.930
All other zones, supply points or extensions.	2.703

- (b) if regulatory year "t" is after the year ending 31 December 1999, then  $ITC_{tz,t-1}$  is determined in accordance with the following formula:

$$ITC_{tz,t-1} = ITC_{tz,t-2} * (CPI_{t-1} - XT)$$

where:

$ITC_{tz,t-2}$  is determined in the same manner as  $ITC_{tz,t-1}$  but for the regulatory year "t-1" instead of "t".

$CPI_{t-1}$  is the CPI for regulatory year "t-1"

XT is defined above.

$FTI_{tz,t}$  (in GJ) is the system 5 day injection MDQ at Longford in regulatory year t.

and the summation function represented by:

$$\sum_{tz=1}^n$$

refers to summation over all transmission zones.

A.3.5  $KT_t$  (in \$/GJ) is a composite correction factor which aims to correct for any differences between forecast and actual quantities, calculated as follows:

$$KT_t = \frac{(KTA_t + KTB_t)}{FTV_t} * (1 + i_1)$$

where:

$i_t$  is the Australian Financial Markets Association End of Day 1 Year Swap Reference Rate at 30 September in the regulatory year immediately preceding regulatory year "t" varied by:

- (a) where  $KT_t$  is a negative value, subtraction of 50 basis points; and
- (b) where  $KT_t$  is a positive value, addition of 50 basis points.

$$KTA_t = ETR_{t-1} - (ETV_{t-1} * MATT_{t-1})$$

where:

$ETR_{t-1}$  (in \$) is the estimated transmission revenue in regulatory year "t-1", based on full tariffs as approved by the Regulator for regulatory year "t-1" (ie no discounts are to be included).

$ETV_{t-1}$  (in GJ) is the estimated volume of gas transmitted in regulatory year "t-1".

$MATT_{t-1}$  (in \$/GJ) is the figure used for  $MATT_t$  for regulatory year t-1.

$KTb_t = 0$ , if regulatory year "t" is the year ending 31 December 1999;

Otherwise:

$$KTb_t = [ATR_{t-2} - ETR_{t-2} - \{(ATV_{t-2} - ETV_{t-2}) * MATT_{t-2}\}] * (1 + i_{t-1})$$

where:

$ATR_{t-2}$  (in \$) is the actual transmission revenue in regulatory year "t-2", based on full tariffs as approved by the Regulator for the regulatory year "t-2" (ie no discounts are to be included).

$ETR_{t-2}$  (in \$) is the figure used for  $ETR_{t-1}$  when calculating  $KTA_t$  for regulatory year "t-1".

$ATV_{t-2}$  (in GJ) is the actual volume of gas transmitted in regulatory year "t-2".

$ETV_{t-2}$  (in GJ) is the figure used for  $ETV_{t-1}$  when calculating  $KTA_t$  for regulatory year "t-1".

$MATT_{t-2}$  (in \$/GJ) is the figure used for  $MATT_t$  for the regulatory year "t-2".

$i_{t-1}$  is the figure used for  $i_t$  for the regulatory year "t-1".

#### A.4 Rebalancing Control Formula

##### A.4.1 The rebalancing control is:

The approved price of each transmission tariff component (APTC) must be less than the maximum price for each transmission tariff component (MPTC)

where

MPTC is calculated in accordance with A.4.2.

##### A.4.2 The maximum price for each transmission tariff component is as follows:

$$MPTC_t = APTC_{t-1} * (CPI_t + YT)$$



where:

$MPTC_t$  (in \$/GJ) is the maximum price which can be approved for each transmission tariff component for the regulatory year "t".

$APTC_{t-1}$  (in \$/GJ) is determined as follows:

- (a) if regulatory year "t" is the year ending 31 December 1999 (ie, regulatory year "t-1" is the year ending 31 December 1998), the price of the tariff component as set out in Schedule 1.2,
- (b) if regulatory year "t" is a year ending after 31 December 1999, the most recent actual price approved for each transmission tariff component in the regulatory year "t-1".

$CPI_t$  is the CPI for regulatory year "t".

YT is a set factor for the transmission tariff rebalancing control.  
YT = -2.4%.

#### PART B

##### DISTRIBUTION PRICE CONTROL FORMULAE

###### B.1 Application

Distribution price control formulae apply to each tariffed distributor separately.

###### B.2 Forecasts

Where an application for altered tariffs is made prior to the start of a regulatory year (as contemplated in Clause 6.1 (a)), forecasts of demand, volume and revenue for the regulatory year should be based on the best estimates available at the time of application.

Where an application for altered tariffs is made during a regulatory year (as contemplated in Clause 6.1 (b)), forecasts of demand, volume and revenue for the regulatory year should be based on the actual results available to date for the regulatory year and the best estimates available for the remainder of the regulatory year.

###### B.3 Average Revenue Formula

B.3.1 The average revenue control is:

The forecast average distribution tariff (FADT) must be less than the maximum average distribution tariff (MADT)

where:

FADT is calculated in accordance with B.3.2 and MADT is calculated in accordance with B.3.3.

$$B.3.2 \quad FADT_t = \frac{FDR_t}{FDV_t}$$

where:

$FADT_t$  (in \$/GJ) is the forecast average distribution tariff for regulatory year "t".

$FDR_t$  (in \$) is the forecast distribution revenue based on the full distribution tariffs which are being submitted to the Regulator for approval for regulatory year "t" (ie no discounts are to be included).

$FDV_t$  (in GJ) is the forecast volume of gas distributed in regulatory year "t".

- B.3.3 If regulatory year "t" is the year ended 31 December 1998 then  $MADT_t$  is calculated as for  $FADT_{1998}$ .

Otherwise,  $MADT_t$  is calculated using the following formula:

$$MADT_t = (CPI_t - XD) * ADT_{t-1} - KD_t$$

where:

$MADT_t$  (in \$/GJ) is the maximum average distribution tariff for regulatory year "t".

$CPI_t$  is the CPI for regulatory year "t".

$XD$  is a set factor for average distribution revenue control, as follows;

- 3.0% for Westar (Gas) Pty Ltd;
- 3.0% for Multinet Energy Pty Ltd; and
- 3.0% for Stratus (Gas) Pty Ltd.

$ADT_{t-1}$  is the average distribution tariff for the regulatory year "t-1", re-weighted by forecast volumes for regulatory year "t", calculated in accordance with B.3.4,

$KD_t$  is a retrospective correction factor, calculated in accordance with B.3.5

- B.3.4  $ADT_{t-1}$  (in \$/GJ) is determined in accordance with the following formula:

$$ADT_{t-1} = \frac{\sum_{dz=1}^n (ADT_{dz,t-1}^v * FDV_{dz,t}^v) + (ADT_{t-1}^d * FDV_t^d)}{FDV_t}$$

where:

$ADT_{dz,t-1}^v$  (in \$/GJ) is the average distribution tariff for Tariff V customers in distribution zone "dz" in regulatory year "t-1", determined as follows:

- if regulatory year "t" is the year ending 31 December 1999 (ie, regulatory year "t-1" is the year ending 31 December 1998), then  $ADT_{dz,t-1}^v$  is the average distribution tariff for Tariff V customers in distribution zone "dz" for the regulatory year ending 31 December 1998 ( $ADT_{dz,1998}^v$ ), as set out in the following table:

Distribution Zone "dz"	$ADT_{dz,1998}^v$ (\$/GJ)
Multinet	3.463447
Stratus North	3.516314
Stratus Central	3.954666
Stratus Murray	2.629743
Westar Central	4.135834
Westar West	3.677318

- (b) if regulatory year "t" is after the year ending 31 December 1999, then  $ADT_{dz,t-1}^V$  is determined in accordance with the following formula:

$$ADT_{dz,t-1}^V = ADT_{dz,t-2}^V * (CPI_{t-1} - XD)$$

where:

$ADT_{dz,t-2}^V$  is determined in the same manner as  $ADT_{dz,t-1}^V$  but for the regulatory year "t-1" instead of "t".

$CPI_{t-1}$  is the CPI for regulatory year "t-1".

$XD$  is defined above.

$FDV_{dz,t}^V$  (in GJ) is the forecast volume of gas in regulatory year "t" for distribution tariff V customers in each distribution zone "dz".

and the summation function represented by:

$\sum_{dz=1}^n$  refers to summation over all distribution zones.

$ADT_{t-1}^d$  (in \$/GJ annual MHQ) is the average distribution tariff for tariff D customers in regulatory year "t-1", determined as follows:

- (a) if regulatory year "t" is the year ending 31 December 1999 (ie, regulatory year "t-1" is the year ending 31 December 1998), then  $ADT_{t-1}^d$  is the average distribution tariff for tariff D customers for the regulatory year ending 31 December 1998 ( $ADT_{1998}^d$ ), as set out in the following table.

Tariffed Distributor	$ADT_{1998}^d$ (\$/GJ annual MHQ)
Multinet	556.33035
Stratus	640.12951
Westar	591.54713

- (b) if regulatory year "t" is after the year ending 31 December 1999,

then

$ADT_{t-1}^d$  is determined in accordance with the following formula:

$$ADT_{t-1}^d = ADT_{t-2}^d * (CPI_{t-1} - XD)$$

where:

$ADT_{t-2}^d$  is determined in the same manner as  $ADT_{t-1}^d$  but for the regulatory year "t-1" instead of "t".

$CPI_{t-1}$  is the CPI for regulatory year "t-1".

$XD$  is defined above.

$FDV_t^d$  (in GJ) is the forecast annual MHQ in regulatory year "t" for distribution tariff D customers.

and the summation function represented by:

$\sum_{dz=1}^n$  refers to summation over all distribution zones.

B.3.5  $KD_t$  is a composite correction factor which aims to correct for any differences between forecast and actual quantities, calculated as follows:

$$KD_t = \frac{(KDa_t + KDb_t)}{FDV_t} * (1 + i_t)$$

where:

$i_t$  is the Australian Financial Markets Association End of Day 1 Year Swap Reference Rate at 30 September in the regulatory year immediately preceding regulatory year "t" varied by:

- (a) where  $KD_t$  is a negative value, subtraction of 50 basis points; and
- (b) where  $KD_t$  is a positive value, addition of 50 basis points.

$$KDa_t = EDR_{t-1} - (EDV_{t-1} * MADT_{t-1})$$

where:

$EDR_{t-1}$  (in \$) is the estimated distribution revenue in regulatory year "t-1", based on full distribution tariffs as approved by the Regulator for regulatory year "t-1" (ie no discounts are to be included).

$EDV_{t-1}$  (in GJ) is the estimated volume of gas distributed in regulatory year "t-1".

$MADT_{t-1}$  (in \$/GJ) is the figure used for  $MADT_t$  for regulatory year "t-1".

$Kdb_t = 0$ , if the regulatory year is the year ending 31 December 1999,

Otherwise:

$$KDb_t = [ADR_{t-2} - EDR_{t-2} - \{(ADV_{t-2} - EDV_{t-2}) * MADT_{t-2}\}] * (1 + i_{t-1})$$

where:

$ADR_{t-2}$  (in \$) is the actual distribution revenue in regulatory year "t-2", based on full distribution tariffs as approved by the Regulator for regulatory year "t-2" (ie no discounts are to be included).

$EDR_{t-2}$  (in \$) is the figure used for  $EDR_{t-1}$  when calculating  $KDa_t$  for regulatory year "t-1".

$ADV_{t-2}$  (in GJ) is the actual volume of gas distributed in regulatory year "t-2".

$EDV_{t-2}$  (in GJ) is the figure used for  $EDV_{t-1}$  when calculating  $KDa_t$  for regulatory year "t-1".

$MADT_{t-2}$  (in \$/GJ) is the figure used for  $MADT_t$  when calculating  $KDa_t$  in regulatory year "t-2".

$i_{t-1}$  is the figure used for  $i_t$  in regulatory year "t-1".

#### B.4 Rebalancing Control Formula

B.4.1 The rebalancing control is:

The approved price of each distribution tariff component (APDC) must be less than the maximum price for each distribution tariff component (MPDC).

where:

MPDC is calculated in accordance with B.4.2.

B.4.2 The maximum price for each distribution tariff component is as follows:

$$MPDC_t = APDC_{t-1} * (CPI_t + YD_t)$$

where:

$MPDC_t$  (in \$/GJ) is the maximum price which can be charged for each distribution tariff component in regulatory year "t".

$APDC_{t-1}$  (in \$/GJ) is determined as follows:

- if regulatory year "t" is the year ending 31 December 1999 (ie, regulatory year "t-1" is the year ending 31 December 1998), the price of the tariff component as set out in Schedule 1.3,
- if regulatory year "t" is a year ending after 31 December 1999, the most recent actual price approved for each distribution tariff component in the regulatory year "t-1".

$CPI_t$  is the CPI for regulatory year "t".

$YD_t$  is a set factor for the distribution tariff rebalancing control, as follows:

Regulatory Year "t"	$YD_t$
1999	-2%
2000	-2%
2001	-2%
2002	-1%
2003	-1%

### PART C

#### RETAIL PRICE CONTROL FORMULAE

##### C.1 Price Control Formulae

The maximum price for each tariff component of a maximum uniform tariff for a regulatory year is:

$$P_t = P_{t-1} * RPM_t$$

where:

$P_t$  is the maximum price for the relevant tariff component for regulatory year "t",

$P_{t-1}$  is determined as follows:

- if regulatory year "t" is the year ending 31 December 1998, the price for the relevant tariff component as set out in paragraph 3 of Schedule 1,
- if regulatory year "t" is after the year ending 31 December 1998, the price for the relevant tariff component for regulatory year "t-1".

$RPM_t$  is the Retail Price Movement for the tariff class for regulatory year "t" as set out in the following tables.

Tariff Classes 01, 02, 04, 05, 08, 09, 10, 11

Tariff Component	$RPM_t$
Supply	$CPI_t$
Commodity	$CPI_t$

## Tariff Class 03

Tariff Component	RPM <sub>t</sub>
Supply	CPI <sub>t</sub>
Commodity	
First 4 GJ / 2months - peak period	CPI <sub>t</sub> - .022
First 4 GJ/ 2 months - off peak period	CPI <sub>t</sub> - .022
Over 4 GJ/ 2 months - peak period	CPI <sub>t</sub> - .022
Over 4 GJ/ 2 months - off peak period	CPI <sub>t</sub> - .100

## Tariff Classes 13/21

Tariff Component	RPM <sub>t</sub>
Supply	CPI <sub>t</sub>
Commodity	
First 100 GJ / 2months - peak period	CPI <sub>t</sub> - .044
First 100 GJ/ 2 months - off peak period	CPI <sub>t</sub> - .121
Next 450 GJ/ 2 months - peak period	CPI <sub>t</sub>
Next 450 GJ/ 2 months - off peak period	CPI <sub>t</sub> - .154
Over 550 GJ/ 2 months - peak period	CPI <sub>t</sub>
Over 550 GJ/ 2 months - off peak period	CPI <sub>t</sub> - .030

## Tariff Classes 14/22

Tariff Component	RPM <sub>t</sub>
Supply	CPI <sub>t</sub>
Commodity	
First 100 GJ / 2months - peak period	CPI <sub>t</sub> - .011
First 100 GJ/ 2 months - off peak period	CPI <sub>t</sub> - .090
Next 450 GJ/ 2 months - peak period	CPI <sub>t</sub>
Next 450 GJ/ 2 months - off peak period	CPI <sub>t</sub> - .154
Over 550 GJ/ 2 months - peak period	CPI <sub>t</sub>
Over 550 GJ/ 2 months - off peak period	CPI <sub>t</sub> - .030

## Tariff Class 63

Tariff Component	RPM <sub>t</sub>
Commodity	CPI <sub>t</sub>

Contract Tariff

Tariff Component	RPM <sub>t</sub>
Each tariff component	CPI <sub>t</sub>

Where:

CPI<sub>t</sub> is the CPI for regulatory year "t".

Dated 9 December 1997

Responsible Minister:  
ALAN R. STOCKDALE  
Treasurer

SHARNE BRYAN  
Clerk of the Executive Council

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**SUBORDINATE LEGISLATION ACT 1994  
NOTICE OF MAKING OF STATUTORY  
RULES**

Notice is given under Section 17 (2) of the **Subordinate Legislation Act 1994** of the making of the following Statutory Rules:

146. *Statutory Rule:* Gas and Fuel Corporation (Gas Installation) (Further Amendment) Regulations 1997

*Authorising Act:* Gas Industry Act 1994

*Date of Making:* 9 December 1997

147. *Statutory Rule:* Gas and Fuel Corporation (Supply) (Amendment) Regulations 1997

*Authorising Act:* Gas Industry Act 1994

*Date of Making:* 9 December 1997

148. *Statutory Rule:* Gas Industry (Supply) (Revocation) Regulations 1997

*Authorising Act:* Gas Industry Act 1994

*Date of Making:* 9 December 1997

149. *Statutory Rule:* Treasury Corporation of Victoria (Prescribed Agencies) (Amendment) Regulations 1997

*Authorising Act:* Treasury Corporation of Victoria Act 1992

*Date of Making:* 9 December 1997

150. *Statutory Rule:* Dentists (Dental Auxiliaries) Regulations 1997

*Authorising Act:* Dentists Act 1972

*Date of Making:* 9 December 1997

151. *Statutory Rule:* Planning and Environment (Fees) (General Amendment) Regulations 1997

*Authorising Act:* Planning and Environment Act 1987

*Date of Making:* 9 December 1997

152. *Statutory Rule:* Subordinate Legislation (Planning and Environment (Fees) Regulations 1988—Extension of Operation) Regulations 1997

*Authorising Act:* Subordinate Legislation Act 1994

*Date of Making:* 9 December 1997

153. *Statutory Rule:* Road Safety (Road Rules—Give Way to Stock) Regulations 1997

*Authorising Act:* Road Safety Act 1986

*Date of Making:* 9 December 1997

154. *Statutory Rule:* Park (Catchment Protection) Regulations 1997

*Authorising Act:* National Parks Act 1975

*Date of Making:* 9 December 1997



**SUBORDINATE LEGISLATION ACT 1994  
NOTICE THAT STATUTORY RULES ARE  
OBTAINABLE**

Notice is given under Section 17 (3) of the **Subordinate Legislation Act 1994** that the following Statutory Rules were first obtainable from Information Victoria, 356 Collins Street, Melbourne on the date specified:

132. *Statutory Rule:* Crimes (Confiscation of Profits) (Amendment) Regulations

*Authorising Act:* Crimes (Confiscation of Profits) Act 1986

*Date first obtainable:* 4 December 1997

*Code A*

133. *Statutory Rule:* Magistrates' Court (Fees, Costs and Charges) (Amendment) Regulations 1997

*Authorising Act:* Magistrates' Court Act 1989

*Date first obtainable:* 4 December 1997

*Code A*

134. *Statutory Rule:* Wildlife (Amendment) Regulations 1997

*Authorising Act:* Wildlife Act 1975

*Date first obtainable:* 4 December 1997

*Code A*

135. *Statutory Rule:* Physiotherapists (Fees) Regulations 1997

*Authorising Act:* Physiotherapists Act 1978

*Date first obtainable:* 4 December 1997

*Code A*

136. *Statutory Rule:* Lotteries Gaming and Betting (Corresponding Offences) Regulations 1997

*Authorising Act:* Lotteries Gaming and Betting Act 1966

*Date first obtainable:* 4 December 1997

*Code A*

137. *Statutory Rule:* Supreme Court (Chapter I Amendment No. 4) Rules 1997

*Authorising Act:* Supreme Court Act 1986

*Date first obtainable:* 8 December 1997

*Code B*

138. *Statutory Rule:* Supreme Court (Chapter I Amendment No. 5) Rules 1997

*Authorising Act:* Supreme Court Act 1986

*Date first obtainable:* 8 December 1997

*Code A*

139. *Statutory Rule:* Supreme Court (Chapter VI Amendment No. 11) Rules 1997

*Authorising Act:* Supreme Court Act 1986

*Date first obtainable:* 8 December 1997

*Code A*

140. *Statutory Rule:* Administrative Appeals Tribunal (Fees) (Amendment) Regulations 1997

*Authorising Act:* Administrative Appeals Tribunal Act 1984

*Date first obtainable:* 11 December 1997

*Code A*

141. *Statutory Rule:* Subordinate Legislation (Printers and Newspapers (Fees) Regulations 1987—Extension of Operation) Regulations 1997

*Authorising Act:* Printers and Newspapers Act 1958

*Date first obtainable:* 11 December 1997

*Code A*

142. *Statutory Rule:* Subordinate Legislation  
(Dangerous Goods)  
Liquefied Gases  
Transfer) Regulations  
1987—Extension of  
Operation) Regulations  
1997

Retail price will vary according to the number of pages in each special or periodical gazette. The table below sets out the prices that apply.

*Authorising Act:* Subordinate Legislation  
Act 1994

*Date first obtainable:* 11 December 1997

*Code A*

143. *Statutory Rule:* Subordinate Legislation  
(Dangerous Goods  
(Transport) Regulations  
1987—Extension of  
Operation) Regulations  
1997

*Authorising Act:* Subordinate Legislation  
Act 1994

*Date first obtainable:* 11 December 1997

*Code A*

144. *Statutory Rule:* Country Fire Authority  
(Appeals Commission)  
Regulations

*Authorising Act:* Country Fire Authority  
Act 1958

*Date first obtainable:* 11 December 1997

*Code A*

145. *Statutory Rule:* Land Tax (Equalisation  
Factors) Regulations  
1997

*Authorising Act:* Land Tax Act 1958

*Date first obtainable:* 11 December 1997

*Code A*

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J	353-416	\$21.00
K	417-480	\$24.00
L	481-544	\$28.00

#### ADVERTISERS PLEASE NOTE

As from 11 December 1997

The last Special Gazette was No. 156  
Dated 10 December 1997

The last Periodical Gazette was No. 1  
Dated 4 June 1997



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