



Victoria Government Gazette

No. S 102 Wednesday 11 October 1995
By Authority, Victorian Government Printer

SPECIAL

Electricity Industry Act 1993 ORDER UNDER SECTION 163A

Order determining fees payable in respect of the licence to sell electricity to franchise customers issued under Part 12 of the **Electricity Industry Act 1993** to Eastern Energy Limited (ACN 064 651 118).

Whereas:

A. Eastern Energy Limited (the licensee) is the holder of a licence under Part 12 of the **Electricity Industry Act 1993** (the Act) authorising it to sell electricity to franchise customers (a retail licence).

B. The licensee is also the holder of a licence under Part 12 of the Act authorising it to distribute electricity for supply, and to supply electricity, within the distribution area specified in the licence (a distribution licence) and is a distribution company for the purposes of the Act.

C. Insofar as the retail licence authorises the licensee to sell electricity to franchise customers (as defined in the Act) in relation to facilities in the distribution area where the licensee is authorised to distribute electricity for supply, and to supply electricity, under its distribution licence, the licence so conferred is an exclusive licence.

D. Under section 163A of the Act the licensee is required to pay to the Treasurer, in respect of each financial year during which it holds, or held, an exclusive licence under Part 12 of the Act to sell electricity to franchise customers, the impost determined in respect of that year by Order of the Governor in Council, on the recommendation of the Treasurer, published in the *Government Gazette* before 30 June 1996 in the case of the impost in respect of each year ending on 30 June in the period beginning on 30 June 1996 and ending on 30 June 2001.

E. Having had regard to:

- (a) the terms of the Orders made on 20 June 1995 and 8 August 1995 under section 158A of the Act;
- (b) the value of the property and rights vested in the licensee under Part 10 of the Act, as specified in the allocation statement made under Part 10;

- (c) the amount of liabilities that became liabilities of the licensee under Part 10 of the Act, as specified in the allocation statement made under Part 10;
- (d) the likely number of franchise customers of the licensee in each of the years referred to in paragraph D above; and
- (e) such other matters as the Treasurer has determined after consultation with the licensee,

the Treasurer is satisfied that the amounts set out in this Order in respect of each of the financial years ending on 30 June 1996, 30 June 1997, 30 June 1998, 30 June 1999, 30 June 2000 and 30 June 2001 reasonably represent the amounts by the which the income of the licensee derived from the sale of electricity to franchise customers in each such year is likely to exceed the sum of—

- (i) the costs of deriving the income; and
- (ii) taxes payable in deriving that income; and
- (iii) the amount determined by the Treasurer to be a reasonable return on the capital of the licensee used in deriving that income,

and the Treasurer has accordingly recommended to the Governor in Council that the amounts set out in this Order be determined in respect of the licensee and each such year under section 163A of the Act.

Now therefore, the Governor in Council acting under section 163A of the Act orders that:

1. Amounts payable

The amount payable by the licensee under section 163A of the Act:

- (a) in respect of the year ending 30 June 1996 is \$9,500,000, payable in four equal instalments on 15 October 1995, 15 January 1996, 15 April 1996 and 15 July 1996;
- (b) in respect of the year ending 30 June 1997 is \$16,000,000 (escalated in accordance with clause 2), payable in four equal instalments on 15 October 1996, 15 January 1997, 15 April 1997 and 15 July 1997;

- (c) in respect of the year ending 30 June 1998 is \$17,600,000 (escalated in accordance with clause 2), payable in four equal instalments on 15 October 1997, 15 January 1998, 15 April 1998 and 15 July 1998;
- (d) in respect of the year ending 30 June 1999 is \$6,300,000 (escalated in accordance with clause 2), payable in four equal instalments on 15 October 1998, 15 January 1999, 15 April 1999 and 15 July 1999;
- (e) in respect of the year ending 30 June 2000 is \$6,100,000 (escalated in accordance with clause 2), payable in four equal instalments on 15 October 1999, 15 January 2000, 15 April 2000 and 15 July 2000; and
- (f) in respect of the year ending 30 June 2001 is nil.

2. Escalation

Where an amount is expressed in this Order to be escalated in accordance with clause 2, the escalated amount is the amount derived by applying the following formula:

$$EA = A \times \frac{B}{C}$$

where

EA is the escalated amount;

A is the amount expressed in the Order as being escalated in accordance with this clause;

B is the consumer price index number in respect of the relevant quarter; and

C is the consumer price index number in respect of the quarter ending on 31 March 1995.

In this clause:

consumer price index number means the all groups consumer price index number for Melbourne published by the Commonwealth Statistician in respect of the quarter ending on 31 March in each year; and

relevant quarter means the quarter ending on 31 March immediately preceding the year in respect of which the amount expressed in the Order as being escalated in accordance with this clause is to be paid.

Dated 10 October 1995

Responsible Minister:

ALAN R. STOCKDALE

Treasurer

KATHY WILSON
Clerk of the Executive Council

Electricity Industry Act 1993 ORDER UNDER SECTION 163A

Order determining fees payable in respect of the licence to sell electricity to franchise customers issued under Part 12 of the **Electricity Industry Act 1993** to Solaris Power Limited (ACN 064 651 083).

Whereas:

A. Solaris Power Limited (the licensee) is the holder of a licence under Part 12 of the **Electricity Industry Act 1993** (the Act) authorising it to sell electricity to franchise customers (a retail licence).

B. The licensee is also the holder of a licence under Part 12 of the Act authorising it to distribute electricity for supply, and to supply electricity, within the distribution area specified in the licence (a distribution licence) and is a distribution company for the purposes of the Act.

C. Insofar as the retail licence authorises the licensee to sell electricity to franchise customers (as defined in the Act) in relation to facilities in the distribution area where the licensee is authorised to distribute electricity for supply, and to supply electricity, under its distribution licence, the licence so conferred is an exclusive licence.

D. Under section 163A of the Act the licensee is required to pay to the Treasurer, in respect of each financial year during which it holds, or held, an exclusive licence under Part 12 of the Act to sell electricity to franchise customers, the impost determined in respect of that year by Order of the Governor in Council, on the recommendation of the Treasurer, published in the Government Gazette before 30 June 1996 in the case of the impost in respect of each year ending on 30 June in the period beginning on 30 June 1996 and ending on 30 June 2001.

E. Having had regard to:

- (a) the terms of the Orders made on 20 June 1995 and 8 August 1995 under section 158A of the Act;
- (b) the value of the property and rights vested in the licensee under Parts 10 and 11 of the Act, as specified in the allocation statements made under Parts 10 and 11;
- (c) the amount of liabilities that became liabilities of the licensee under Parts 10 and 11 of the Act, as specified in the allocation statements made under Parts 10 and 11;
- (d) the likely number of franchise customers of the licensee in each of the years referred to in paragraph D above; and

- (e) such other matters as the Treasurer has determined after consultation with the licensee,

the Treasurer is satisfied that the amounts set out in this Order in respect of each of the financial years ending on 30 June 1996, 30 June 1997, 30 June 1998, 30 June 1999, 30 June 2000 and 30 June 2001 reasonably represent the amounts by which the income of the licensee derived from the sale of electricity to franchise customers in each such year is likely to exceed the sum of—

- (i) the costs of deriving the income; and
(ii) taxes payable in deriving that income; and
(iii) the amount determined by the Treasurer to be a reasonable return on the capital of the licensee used in deriving that income,

and the Treasurer has accordingly recommended to the Governor in Council that the amounts set out in this Order be determined in respect of the licensee and each such year under section 163A of the Act.

Now therefore, the Governor in Council acting under section 163A of the Act orders that:

1. Amounts payable

The amount payable by the licensee under section 163A of the Act:

- (a) in respect of the year ending 30 June 1996 is \$30,300,000, payable in four equal instalments on 15 October 1995, 15 January 1996, 15 April 1996 and 15 July 1996;
(b) in respect of the year ending 30 June 1997 is \$25,600,000 (escalated in accordance with clause 2), payable in four equal instalments on 15 October 1996, 15 January 1997, 15 April 1997 and 15 July 1997;
(c) in respect of the year ending 30 June 1998 is \$31,300,000 (escalated in accordance with clause 2), payable in four equal instalments on 15 October 1997, 15 January 1998, 15 April 1998 and 15 July 1998;
(d) in respect of the year ending 30 June 1999 is \$24,400,000 (escalated in accordance with clause 2), payable in four equal instalments on 15 October 1998, 15 January 1999, 15 April 1999 and 15 July 1999;
(e) in respect of the year ending 30 June 2000 is \$25,000,000 (escalated in accordance with clause 2), payable in

four equal instalments on 15 October 1999, 15 January 2000, 15 April 2000 and 15 July 2000; and

- (f) in respect of the year ending 30 June 2001 is \$9,900,000 (escalated in accordance with clause 2), payable in two equal instalments on 15 October 2000 and 15 January 2001.

2. Escalation

Where an amount is expressed in this Order to be escalated in accordance with clause 2, the escalated amount is the amount derived by applying the following formula:

$$EA = A \times \frac{B}{C}$$

where

EA is the escalated amount;

A is the amount expressed in the Order as being escalated in accordance with this clause;

B is the consumer price index number in respect of the relevant quarter; and

C is the consumer price index number in respect of the quarter ending on 31 March 1995.

In this clause:

consumer price index number means the all groups consumer price index number for Melbourne published by the Commonwealth Statistician in respect of the quarter ending on 31 March in each year; and

relevant quarter means the quarter ending on 31 March immediately preceding the year in respect of which the amount expressed in the Order as being escalated in accordance with this clause is to be paid.

Dated 10 October 1995

Responsible Minister:

ALAN R. STOCKDALE
Treasurer

KATHY WILSON
Clerk of the Executive Council

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Subscription inquiries (03) 9320 8606

Fax (03) 9320 8699

A Printing and Publishing Services Victoria Publication

Published by Law Press

Printed by The Law Printer

a business unit of

Printing and Publishing Services Victoria (PPSV)

Melbourne Victoria Australia

© State of Victoria 1995

ISSN 0819—548X

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Victorian Government Printer

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