



# Victoria Government Gazette

No. S 116 Tuesday 28 November 1995  
By Authority, Victorian Government Printer

**SPECIAL**

## Electricity Industry (Amendment) Act 1995 PROCLAMATION OF COMMENCEMENT

I, Richard E. McGarvie, Governor of Victoria, acting with the advice of the Executive Council and under section 2 of the **Electricity Industry (Amendment) Act 1995**, fix 28 November 1995 as the day on which sections 37 and 38 of the Act come into operation.

Given under my hand and the seal of Victoria on 28 November 1995

(L.S.) R. E. MCGARVIE  
By His Excellency's Command

ALAN STOCKDALE  
Treasurer

## Electricity Industry (Further Amendment) Act 1995

### PROCLAMATION OF COMMENCEMENT

I, Richard E. McGarvie, Governor of Victoria, acting with the advice of the Executive Council and under section 2 of the **Electricity Industry (Further Amendment) Act 1995**, fix 28 November 1995 as the day on which all remaining provisions (except for Part 3 and section 39) of the Act come into operation.

Given under my hand and the seal of Victoria on 28 November 1995

(L.S.) R. E. MCGARVIE  
By His Excellency's Command

ALAN STOCKDALE  
Treasurer

## 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 CitiPower Limited (ACN 064 651 056).

### WHEREAS:

A. CitiPower 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:
- the terms of the Orders made on 20 June 1995 and 8 August 1995 under section 158A of the Act;
  - 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 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 \$54,300,000, payable in an instalment of \$27,150,000 on 30 November 1995 and in two equal

*Victoria Government Gazette*

instalments each of \$13,575,000 on 15 April 1996 and 15 July 1996;

- (b) in respect of the year ending 30 June 1997 is \$47,700,000 (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 \$44,700,000 (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 \$20,200,000 (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 \$19,900,000 (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 \$500,000 (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

*Victoria Government Gazette*

S 116 28 November 1995 3

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 28 November 1995

Responsible Minister:

ALAN R. STOCKDALE

Treasurer

KATHY WILSON  
Clerk of the Executive Council

---

**Gazette Services**

The *Victoria Government Gazette* (VGG) is published by AGPS Publications for the State of Victoria and is produced in three editions.

**VGG General** is published each Thursday and provides information regarding Acts of Parliament and their effective date of operation; Government notices; requests for tenders; as well as contracts accepted. Private notices are also published.

**VGG Special** is published any day when required for urgent or special Government notices. VGG Special is made available automatically to subscribers of VGG General.

**VGG Periodical** is published on Monday when required and includes specialised information eg. Medical, Dental, Pharmacist's Registers, etc.

**Subscriptions**

VGG is available by three subscription services:

General and Special—\$165.00 each year

General, Special and Periodical—\$220.00 each year

Periodical—\$110.00 each year

Subscriptions are payable in advance and accepted for a period of one year. All subscriptions are on a firm basis and refunds for cancellations will not be given.

All payments should be made payable to AGPS Publications.

Subscription inquiries (03) 9387 8135

Fax (03) 9387 3404

An AGPS Publication  
Published by AGPS Publications  
Printed by AGPS Printing  
a business unit of  
Department of Administrative Services  
Brunswick Victoria Australia  
© State of Victoria 1995  
ISSN 0819—548X

This publication is copyright. No parts may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all inquiries to:

**Subscriptions**

AGPS Publications  
PO Box 263, Brunswick 3056  
Telephone inquiries (03) 9387 8135  
Fax (03) 9387 3404

**Retail Sales**

Information Victoria Bookshop  
318 Little Bourke Street Melbourne 3000  
Telephone inquiries (03) 9651 4100

Price Code A