



**UTILITIES ACT 2000**  
**DECLARATION UNDER SUBSECTION 18(1)**  
**INSTRUMENT NO. 93 of 2001**

Pursuant to subsection 18(1) of the *Utilities Act 2000* (“the Act”), I declare the persons stated in the schedule to this Declaration to be non-franchise customers for the purposes of the Act.

Pursuant to subsection 18(2) of the Act, the date of effect is specified in the Schedule.

The persons and classes of persons to which this Declaration applies include persons and classes of persons of the kind mentioned in subsection 18(3) of the Act.

Dated this 21<sup>st</sup> day of April 2001

***Gary John Joseph Humphries***  
Treasurer

**UTILITIES ACT 2000**

**DECLARATION UNDER SUBSECTION 18(1)**

**Definitions and Interpretation**

1. In this Declaration:
  - (a) references to clauses or sub-clauses are references to clauses or sub-clauses in this Declaration;
  - (b) the following expressions have the following meanings:
    - (i) “**Actual Consumption of Electricity**” means the consumption of electricity supplied to premises from a distribution system as recorded by a metering installation for those premises;
    - (ii) “**Authorised Officer**” means a person authorised by the Chief Executive of the Department or the Minister for Urban Services for the purposes of this Declaration;
    - (iii) “**Consumption Period**” means any period of 12 consecutive months commencing on any day on or after 1 July 1995;
    - (iv) “**Utilities Act**” means the *Utilities Act 2000*;
    - (v) “**Estimated Consumption of Electricity**” means the consumption of electricity estimated to have taken place at premises by an Authorised Officer in circumstances where the Authorised Officer considers the consumption of electricity at the Premises has not been accurately recorded;
    - (vi) “**Local Electricity Distributor**” means the electricity distributor to whose distribution network the relevant premises is connected
    - (vii) “**Potential Consumption of Electricity**” means the future consumption of electricity which could potentially take place at premises as estimated by an Authorised Officer and having regard to relevant circumstances including (without limiting the matters which may be taken into account):
      - (a) the consumption capacity of the premises and the extent to which that capacity is likely to be utilised in the future; or

- (b) any recent or proposed change in ownership or use of the premises; or
- (c) any recent or proposed increase in the consumption capacity of the premises;
- (viii) **“Premises”** means premises:
  - (a) which are connected to a distribution system or transmission system through a common meter and which are supplied with electricity under the same contract, with one person responsible for payment for electricity so supplied; or
  - (b) which are itemised as a single site (or single premises) at which a separate consumption of electricity is measured, in any statement of account for electricity supplied issued by the Local Electricity Distributor;
- (ix) **“Resupply Arrangement”** means an arrangement for passing on the cost of electricity to another person:
  - (a) permitted by the Local Electricity Distributor prior to the commencement of section 38 of the Electricity Supply Act;
  - (b) in accordance with section 38 of the *Electricity Supply Act 1997*; or
  - (c) in accordance with section 98 of the Utilities Act.

#### **Declaration of Non-Franchise Customers — 100 MWh class**

2. A person who owns or occupies Premises at which the consumption of electricity exceeds 100 megawatt hours in a consumption period is declared to be a non-franchise customer in respect of the consumption at those premises.
3. The consumption of electricity referred to in clause 2 may be assessed by any one of the following methods, at the election of the person referred to in clause 2:
  - (a) Actual Consumption of Electricity;
  - (b) Actual Consumption of Electricity plus an allowance of 2% of that actual consumption (where that person has given notice to the Local Electricity Distributor in accordance with clause 6);
  - (c) Estimated Consumption of Electricity; or
  - (d) Potential Consumption of Electricity.
4. The consumption of electricity referred to in clause 3 may be consumption, at the premises referred to in clause 2, by:

- (a) the person referred to in clause 2; or
- (b) that person and any other person or persons supplied under one or more Resupply Arrangements.

### **Date on Which This Order Takes Effect**

5. In its effect on a person referred to in clause 2, this Declaration takes effect on the earlier of:

- (a) the day nominated by that person in a notice given to the Local Electricity Distributor not being a day earlier than 1 July 2001; and
- (b) 1 July 2002.

### **Notices to local distributor**

6. The notices referred to in clauses 3(b) and 5 must:

- (a) identify the premises for which the person nominated in the notice will become a non-franchise customer; and
- (b) in the case of a notice under clause 5, state the day (not before 1 July 2001) nominated for this Declaration to take effect in relation to those premises;
- (c) be in writing, signed by the person giving the notice (or under seal or by a duly authorised officer of that person, where the person is a corporation);
- (d) be delivered to the Local Electricity Distributor by hand, courier, post, facsimile or electronic mail;
- (e) in the case of a notice under clauses 3(b), state that the person giving the notice has elected to add an allowance of 2% to that person's Actual Consumption of Electricity; and
- (f) Each notice referred to in this Declaration will be taken to have been given on the day of transmission, if sent by facsimile or electronic mail.