



**ELECTRICITY SUPPLY ACT 1997**

**ORDER UNDER SUBSECTION 39(1)**

Pursuant to subsection 39(1) of the *Electricity Supply Act 1997* ("the Act"), I declare the classes of persons as specified in the Schedule to this Order to be non-franchise customers for the purposes of the Act

Pursuant to subsection 39(2) of the Act, the dates of effect are specified in the Schedule

A handwritten signature in black ink, appearing to read "Brendan Smyth".

Brendan Michael Smyth  
Minister for Urban Services

3 June 1998

## SCHEDULE

### ELECTRICITY SUPPLY ACT 1997

### ORDER UNDER SUBSECTION 39(1)

#### Citation

1 This Order may be cited as the Electricity Supply (Declaration of Non-Franchise Customers) Order 1998

#### Definitions and Interpretation

2 In this order

- (a) references to clauses or sub-clauses are references to clauses or sub-clauses in this Order,
- (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 an officer of the Department of Urban Services or any other person authorised by the Chief Executive of the Department or the Minister for Urban Services for the purposes of this Order,
  - (iii) “**Consumption Period**” means any period of 12 consecutive months commencing on or after 1 July 1995,
  - (iv) “**Electricity Supply Act**” means the *Electricity Supply Act 1997*,
  - (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
    - (a) for the purpose of the definition of “premises” the electricity distributor in whose distribution district the premises referred to in that definition are located, and
    - (b) for each person falling within the terms of clause 3, the electricity distributor in whose distribution district that person’s premises referred to in the relevant clause are located,

- (vii) **“Potential Consumption of Electricity”** means the consumption of electricity which could potentially take place at premises as estimated by an Authorised Officer and having regard to circumstances considered appropriated by the Authorised Officer including (without limitation)
  - (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 in which 1 January 1997 falls,
  
- (ix) **“Resupply Arrangement”** means any arrangement under which electricity has been
  - (a) resupplied in a manner permitted by the Local Electricity Distributor prior to the commencement of section 38 of the Electricity Supply Act, or
  - (b) used by any other person who has been charged for that use in a manner permitted by section 38 of the Electricity Supply Act

**Declaration of Non-Franchise Customers — 160 MWh class**

- 3 A person who owns or occupies Premises at which
- (a) the Actual Consumption of Electricity,
  - (b) the 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 5),
  - (c) the Estimated Consumption of Electricity, or

(d) the Potential Consumption of Electricity

by

- (a) that person, or
- (b) that person and any other person (but only if electricity has been supplied to that part of the Premises occupied by that other person under a Resupply Arrangement)

exceeds 160 Megawatt hours in a Consumption Period, is declared to be a non-franchise customer in respect of the consumption of electricity at these Premises

4 For each person falling within the terms of clause 3, this Order takes effect on the earlier of

- (a) the day nominated by that person in any notice given to the Local Electricity Distributor in accordance with clause 5 (being a day which must not be before 28 June 1998 or the date of the notice) and
- (b) 4 July 1999

**Notices to local distributor**

5 The notices referred to in clauses 3(b) and 4(a) must

- (a) 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),
- (b) be delivered to the Local Electricity Distributor by hand, courier, ordinary post or facsimile,
- (c) 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
- (d) state that the person giving the notice will become a non-franchise customer in respect of the premises itemised in the notice, on the day nominated in the notice

6 Each notice referred to in this Order will be taken to have been given

- (a) on the third business day after posting, if sent by ordinary post,
- (b) on the day of delivery, if delivered by hand or by courier; or
- (c) on the day of transmission, if sent by facsimile