

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 29-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 30-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 12 August 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 31-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[Redacted account details]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Chairperson
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2. Clause 14.1 of the electricity retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 32-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 33-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
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11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 34-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[Redacted account details]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

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3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

- [REDACTED]
- [REDACTED]
- [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 35-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

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11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 36-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

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4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 37-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[Redacted account details]

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4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

- [REDACTED]
- [REDACTED]
- [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

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Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 38-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
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5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 12 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 39-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 40-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 41-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 42-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 43-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 6 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 44-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 45-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 6 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 46-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[Redacted account details]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 47-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 48-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 49-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 50-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 6 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 51-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 52-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 53-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(G) 17-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds a gas retail licence issued by the Commission.
2. Clause 15.1 of the gas retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 6 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(G) 18-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[Redacted account details]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds a gas retail licence issued by the Commission.
2. Clause 15.1 of the gas retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(G) 19-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds a gas retail licence issued by the Commission.
2. Clause 15.1 of the gas retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

Energy industry penalty notice number: EIPN(G) 20-2020

1. This notice is dated 26 June 2020.
2. The Essential Services Commission (the Commission) alleges that AGL Sales (ABN 88 090 538 337) (AGL Sales) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 24 June 2020, the Commission formed the belief that AGL Sales had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$15,000 as provided by section 54I of the ESC Act and regulation 7 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$15,000 energy industry penalty is payable by **31 July 2020**.
6. AGL Sales may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. AGL Sales can choose whether or not to pay this energy industry penalty notice.
9. If AGL Sales pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. AGL Sales is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If AGL Sales chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. AGL Sales holds a gas retail licence issued by the Commission.
2. Clause 15.1 of the gas retail licence held by AGL Sales obliged AGL Sales to comply with the requirements of the Energy Retail Code.
3. Clause 30(2)(c) of the Energy Retail Code provides that where a retailer proposes to recover an amount undercharged the retailer must state the amount to be recovered as a separate item in a special bill or in the next bill, together with an explanation of that amount.
4. The Commission has reason to believe that on or around 5 September 2019, AGL Sales proposed to recover an amount undercharged from the below customer and did not state the amount to be recovered as a separate item in a special bill or the next bill, together with an explanation of that amount in breach of clause 30(2)(c) of the Energy Retail Code:

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

5. A failure to comply with the requirements of clause 30(2)(c) of the Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 6, Item 1.
6. The applicable penalty amount is \$15,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: AGL Sales Pty Ltd
Level 24, 200 George St
Sydney NSW 2000

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■ [REDACTED]

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