



Gas retail licence

Flo Energy Australia Pty Ltd, ACN 664 209 330

Issued on 18 December 2024



Gas Retail Licence

This Licence is issued pursuant to section 26 of the *Gas Industry Act 2001* (Vic).

Date

This Licence is issued on **18 December 2024**.

Licensee

This Licence is issued to:

Flo Energy Australia Pty Ltd (ACN 664 209 330) (the Licensee)

Suite 2, Level 25, 100 Miller Street, North Sydney, NSW 2060

THE COMMON SEAL of the)
ESSENTIAL SERVICES COMMISSION)
was affixed pursuant to the authority)
of the Commission on 19 December 2024)



A handwritten signature in black ink, which appears to read "Gerard Brody".

.....
Gerard Brody

CHAIRPERSON

Part A - Interpretation

1 Definitions

1.1 Unless the contrary intention appears, a term has the meaning shown opposite it:

Act	the <i>Gas Industry Act 2001</i> (Vic)
AEMO	the Australian Energy Market Operator Limited (ACN 072 010 327)
Business Day	a day other than a Saturday, Sunday or a public holiday in Victoria
Code of Practice	means a Code of Practice made under Part 6 of the ESC Act or relevant legislation
Commission	the Essential Services Commission established under the ESC Act
Customer	a person to whom electricity is sold for premises by a Retailer or who proposes to purchase electricity for premises from a Retailer.
Energy Retail Code of Practice	means the code of practice of that name made under Part 6 of the ESC Act.
ESC Act	the <i>Essential Services Commission Act 2001</i> (Vic)
Licensee	Flo Energy Australia Pty Ltd (ACN 664 209 330)
Minister	the person who is, from time to time, the Minister administering the Act.
National Gas Law	means the National Gas (Victoria) Law as in force in Victoria under the <i>National Gas (Victoria) Act 2008</i> (Vic)
National Gas Rules	means the National Gas Rules as in force from time to time under the National Gas Law.
Objectives	the objectives specified in section 18 of the Act and section 8A of the ESC Act
Retail Business	means the business that a Retailer carries on under its Retail Licence or exemption granted under the Act
Retail Licence	a licence, granted under the Act, authorising the holder thereof to sell gas by retail
Retailer	a person who holds or is exempt from holding a Retail Licence

**Standard Gas Licence
Conditions for Gas Retail**

The document of that name as approved by the commission on 22 June 2022 (as varied from time to time in accordance with law)

- 1.2 In this Licence, unless the context otherwise requires:
- (a) headings and footnotes are each for convenience only and do not affect the interpretation of this Licence;
 - (b) words importing the singular include the plural and vice versa;
 - (c) words importing a gender include any gender;
 - (d) an expression importing a natural person includes any company, partnership, trust, joint venture, association, corporation or other body corporate and any governmental agency;
 - (e) a reference to a condition, clause, or part is to a condition, clause, or part of this Licence;
 - (f) a reference to any statute including the Act and regulation, proclamation, Order in Council, ordinance, code, guideline, procedure or by-law includes all statutes, regulations, proclamations, Orders in Council, ordinances, codes, guidelines, procedures or by-laws varying, consolidating, re-enacting, extending or replacing them and a reference to a statute includes all regulations, proclamations, Orders in Council, ordinances, by-laws and determinations issued under that statute;
 - (g) a reference to a document or a provision of a document includes an amendment or supplement to, or replacement or novation of, that document or that provision of that document;
 - (h) a reference to a person includes that person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns;
 - (i) other parts of speech and grammatical forms of a word or phrase defined in this Licence have a corresponding meaning;
 - (j) a period of time:
 - 1. which dates from a given day or the day of an act or event is to be calculated exclusive of that day; or
 - 2. which commences on a given day or the day of an act or event is to be calculated inclusive of that day;
 - (k) an event which is required under this Licence to occur on or by a stipulated day which is not a Business Day may occur on or by the next Business Day.

2 Notices

- 2.1 A notice under this Licence is only effective if it is in writing, given in accordance with clause 2.2 and dealt with as follows:

- (a) if given by the Licensee to the Commission – addressed to the Chief Executive Officer of the Commission at either the physical or email address specified below (or as otherwise notified to the Licensee by the Commission):

Essential Services Commission
Level 8, 570 Bourke Street
Melbourne VIC 3000
licences@esc.vic.gov.au

- (b) if given by the Commission to the Licensee – addressed to the Chief Executive Officer of the Licensee (or equivalent position) at either the physical or email address specified below (or as otherwise notified to the Commission by the Licensee in accordance with clause 2.5):

Level 5, 395 Collins Street
Melbourne VIC 3000
compliance@floenergy.com.au

2.2. A notice is to be:

- (a) signed by or on behalf of the person giving the notice and delivered by hand; or
(b) signed by or on behalf of the person giving the notice and sent by pre-paid post; or
(c) transmitted electronically by or on behalf of the person giving the notice by electronic mail.

2.3. A notice is deemed to be received:

- (a) if delivered by hand – upon delivery to the relevant address;
(b) if sent by post, upon the confirmation of delivery of the notice by the relevant delivery service, or in accordance with section 160(1) of the *Evidence Act 2008*, whichever is earlier;
(c) if transmitted electronically – in accordance with the *Electronic Transactions (Victoria) Act 2000*.

2.4. A notice received after 5.00pm, or on a day that is not a Business Day, is deemed to be effected on the next Business Day.

2.5. The Licensee must:

- (a) notify the Commission of any change to the Licensee's physical or email address for the service of notices pursuant to clause 2.1; and
(b) specify in such notice the new physical or email address and the effective date of the change,

as soon as practicable and no less than five Business Days prior to the effective date specified in the notice

Part B – Licence

3 Grant of the Licence

- 3.1 This Licence was first granted on 18 December 2024 and has been varied on the dates set out in Schedule 1 of the Licence.
- 3.2 Subject to clause 3.3, in exercise of its powers under section 26 of the Act, the Commission grants the Licensee a licence to sell gas on the terms and conditions set out in this Licence.
- 3.3 This Licence is subject to any prohibition set out in any Order in Council issued and in force under the Act.

4 Variation

- 4.1 The Commission may vary this Licence in accordance with section 38 of the Act.

5 Transfer

- 5.1 This Licence may be transferred in accordance with section 40 of the Act.

6 Revocation

- 6.1 The Commission may revoke this Licence in accordance with section 38 of the Act.

Procedures

- 6.2 For the purposes of section 38(3) of the Act, the Commission may revoke this Licence in accordance with the procedures of this clause 6.
- 6.3 If the Licensee notifies the Commission that it requests, or consents to, revocation of this Licence:
- (a) clauses 6.4 to 6.6 do not apply; and
 - (b) the Commission may at any time revoke this Licence by issuing a notice to the Licensee that specifies the date upon which the revocation takes effect.
- 6.4 Where the Commission proposes to revoke this Licence, the Commission will issue a notice to the Licensee, specifying:
- (a) the basis upon which the Commission proposes to revoke the Licence;
 - (b) the date upon which the revocation is proposed to take effect, such date to be no less than 20 Business Days after the date of the notice; and
 - (c) that the Licensee has the opportunity to make submissions on the matter and the time and date by which, and manner in which, those submissions must be made.
- 6.5 Prior to making a decision to revoke the Licence, the Commission must consider any submissions made by the Licensee in accordance with a notice issued under clause 6.4.

- 6.6 Where the Commission decides to revoke this Licence, the Commission will issue a notice to the Licensee specifying:
- (a) the basis upon which the Commission is revoking the Licence; and
 - (b) the date upon which the revocation takes effect, being no earlier than the date specified in the notice issued under clause 6.4.
- 6.7 If the Commission issues a notice under clause 6.3(b) or 6.6, this Licence will be revoked on the date specified in that notice.

Part C – Licence Conditions

7 Status of the requirements in this part

- 7.1 A failure by the Licensee to meet any of the requirements set out in this Part C is a breach of a civil penalty requirement for the purpose of the ESC Act.

8 Standard Gas Licence Conditions for Gas Retail

- 8.1 The Licensee must comply with the Standard Gas Licence Conditions for Gas Retail as may be varied from time to time in accordance with section 38 of the Act.

Note: The conditions identified in Part C of this Licence are not an exhaustive list of a Licensee's obligations. A licensee is required to comply with additional obligations as set out in the Act and instruments made under that Act. In particular, obligations are placed on the Licensee in Codes of Practice, in particular the Energy Retail Code of Practice.

Schedule 1 – Variations to the Licence

Date	Variation
	This licence has not been varied