



Penalty Notice

Essential Services Commission Act 2001 (Vic), section 54S

To: AGL Sales Pty Ltd (ACN 090 538 337)
Level 24
200 George St
Sydney NSW 2000

Penalty Notice number: PN(E)59-2023

1. This notice is dated 22 September 2023.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity AGL Sales Pty Ltd (ACN 090 538 337) (**AGL**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 20 September 2023, the commission determined that it has reason to believe that AGL is a regulated entity that had engaged in contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by Friday 27 October 2023.
7. AGL may pay the penalty by electronic funds transfer to the following account:

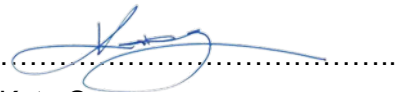
| | |
|------------|------------|
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |

Reference: PN(E)59-2023

8. Please notify the commission via email to: [REDACTED] once payment has been made.

What can AGL do in response to this penalty notice?

9. AGL can choose whether or not to pay the penalty specified in this notice.
10. If AGL pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against AGL for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If AGL does not pay the penalty within this time, the commission may take such action.
11. AGL is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Clause 109(1) of the Energy Retail Code of Practice (version 1) (**ERCOP**) was a civil penalty requirement between 3 March 2022 and 17 June 2022, in accordance with Schedule 1 of the ERCOP and the definition of civil penalty requirement under section 3(d)(ii) of the Act.

2. Clause 109(1) of the ERCOP provided that:

A retailer must carry out the deemed best offer check by calculating the deemed best offer check result in accordance with the following formula: deemed best offer check result = A - B

Where:

A = annual total cost of current plan

B = annual total cost of deemed best offer

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

(a) AGL holds (and held at all material times) an electricity retail license and gas retail license issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and Gas Industry Act 2001 (Vic), and is a regulated entity operating in a regulated industry within the meaning of the Act.

(b) The below small customer was provided with a deemed best offer message on their bill issued on [REDACTED] 2022. Before providing this deemed best offer message AGL was required to, but failed to, carry out the deemed best offer check result in accordance with the prescribed formula.

i) [REDACTED]

ii) [REDACTED]

(c) As a result, the commission alleges that AGL contravened clause 109(1) of the ERCOP. AGL's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

4. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),¹ as provided by section 54T(2) of the Act.

¹ As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)



Penalty Notice

Essential Services Commission Act 2001 (Vic), section 54S

To: AGL Sales Pty Ltd (ACN 090 538 337)
Level 24
200 George St
Sydney NSW 2000

Penalty Notice number: PN(G)60-2023

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How to pay the penalty

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7. AGL may pay the penalty by electronic funds transfer to the following account:

| | |
|------------|------------|
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
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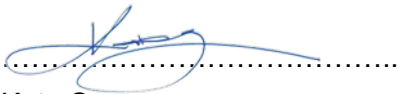
Reference:

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8. Please notify the commission via email to: [REDACTED] once payment has been made.

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9. AGL can choose whether or not to pay the penalty specified in this notice.
10. If AGL pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against AGL for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If AGL does not pay the penalty within this time, the commission may take such action.
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Level 24
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Penalty Notice number: PN(E)61-2023

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How to pay the penalty

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|------------|------------|
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| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
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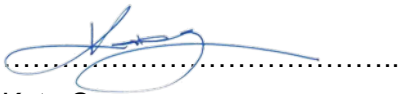
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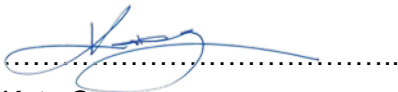
| | |
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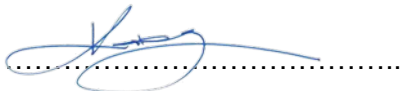
| | |
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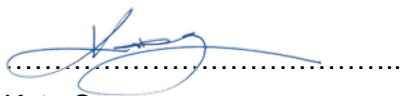
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Essential Services Commission Act 2001 (Vic), section 54S

To: AGL Sales Pty Ltd (ACN 090 538 337)
Level 24
200 George St
Sydney NSW 2000

Penalty Notice number: PN(G)66-2023

1. This notice is dated 22 September 2023.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity AGL Sales Pty Ltd (ACN 090 538 337) (**AGL**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 20 September 2023, the commission determined that it has reason to believe that AGL is a regulated entity that had engaged in contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by Friday 27 October 2023.
7. AGL may pay the penalty by electronic funds transfer to the following account:

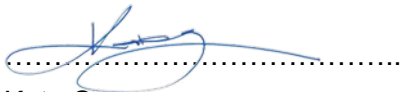
| | |
|------------|------------|
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |

Reference: PN(G)66-2023

8. Please notify the commission via email to: [REDACTED] once payment has been made.

What can AGL do in response to this penalty notice?

9. AGL can choose whether or not to pay the penalty specified in this notice.
10. If AGL pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against AGL for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If AGL does not pay the penalty within this time, the commission may take such action.
11. AGL is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Clause 109(1) of the Energy Retail Code of Practice (version 1) (**ERCOP**) was a civil penalty requirement between 3 March 2022 and 17 June 2022, in accordance with Schedule 1 of the ERCOP and the definition of civil penalty requirement under section 3(d)(ii) of the Act.

2. Clause 109(1) of the ERCOP provided that:

A retailer must carry out the deemed best offer check by calculating the deemed best offer check result in accordance with the following formula: deemed best offer check result = A - B

Where:

A = annual total cost of current plan

B = annual total cost of deemed best offer

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

(a) AGL holds (and held at all material times) an electricity retail license and gas retail license issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and Gas Industry Act 2001 (Vic), and is a regulated entity operating in a regulated industry within the meaning of the Act.

(b) The below small customer was provided with a deemed best offer message on their bill issued on [REDACTED] 2022. Before providing this deemed best offer message AGL was required to, but failed to, carry out the deemed best offer check result in accordance with the prescribed formula.

i) [REDACTED]

ii) [REDACTED]

(c) As a result, the commission alleges that AGL contravened clause 109(1) of the ERCOP. AGL's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

4. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),¹ as provided by section 54T(2) of the Act.

¹ As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)



Penalty Notice

Essential Services Commission Act 2001 (Vic), section 54S

To: AGL Sales Pty Ltd (ACN 090 538 337)
Level 24
200 George St
Sydney NSW 2000

Penalty Notice number: PN(G)67-2023

1. This notice is dated 22 September 2023.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity AGL Sales Pty Ltd (ACN 090 538 337) (**AGL**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 20 September 2023, the commission determined that it has reason to believe that AGL is a regulated entity that had engaged in contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by Friday 27 October 2023.
7. AGL may pay the penalty by electronic funds transfer to the following account:

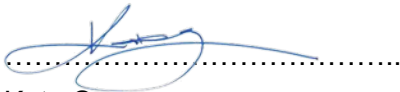
| | |
|------------|------------|
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |

Reference: PN(G)67-2023

8. Please notify the commission via email to: [REDACTED] once payment has been made.

What can AGL do in response to this penalty notice?

9. AGL can choose whether or not to pay the penalty specified in this notice.
10. If AGL pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against AGL for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If AGL does not pay the penalty within this time, the commission may take such action.
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Chairperson
Essential Services Commission

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2. Clause 109(1) of the ERCOP provided that:

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Where:

A = annual total cost of current plan

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3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

(a) AGL holds (and held at all material times) an electricity retail license and gas retail license issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and Gas Industry Act 2001 (Vic), and is a regulated entity operating in a regulated industry within the meaning of the Act.

(b) The below small customer was provided with a deemed best offer message on their bill issued on [REDACTED] 2022. Before providing this deemed best offer message AGL was required to, but failed to, carry out the deemed best offer check result in accordance with the prescribed formula.

i) [REDACTED]

ii) [REDACTED]

(c) As a result, the commission alleges that AGL contravened clause 109(1) of the ERCOP. AGL's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

4. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),¹ as provided by section 54T(2) of the Act.

¹ As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)



Penalty Notice

Essential Services Commission Act 2001 (Vic), section 54S

To: AGL Sales Pty Ltd (ACN 090 538 337)
Level 24
200 George St
Sydney NSW 2000

Penalty Notice number: PN(G)68-2023

1. This notice is dated 22 September 2023.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity AGL Sales Pty Ltd (ACN 090 538 337) (**AGL**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 20 September 2023, the commission determined that it has reason to believe that AGL is a regulated entity that had engaged in contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by Friday 27 October 2023.
7. AGL may pay the penalty by electronic funds transfer to the following account:

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

Reference: PN(G)68-2023

8. Please notify the commission via email to: [REDACTED] once payment has been made.

What can AGL do in response to this penalty notice?

9. AGL can choose whether or not to pay the penalty specified in this notice.
10. If AGL pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against AGL for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If AGL does not pay the penalty within this time, the commission may take such action.
11. AGL is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons
Chairperson
Essential Services Commission

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2. Clause 109(1) of the ERCOP provided that:

A retailer must carry out the deemed best offer check by calculating the deemed best offer check result in accordance with the following formula: deemed best offer check result = A - B

Where:

A = annual total cost of current plan

B = annual total cost of deemed best offer
3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:
 - (a) AGL holds (and held at all material times) an electricity retail license and gas retail license issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and Gas Industry Act 2001 (Vic), and is a regulated entity operating in a regulated industry within the meaning of the Act.
 - (b) The below small customer was provided with a deemed best offer message on their bill issued on [REDACTED] 2022. Before providing this deemed best offer message AGL was required to, but failed to, carry out the deemed best offer check result in accordance with the prescribed formula.
 - i) [REDACTED]
 - ii) [REDACTED]
 - (c) As a result, the commission alleges that AGL contravened clause 109(1) of the ERCOP. AGL's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.
4. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),¹ as provided by section 54T(2) of the Act.

¹ As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)



Penalty Notice

Essential Services Commission Act 2001 (Vic), section 54S

To: AGL Sales Pty Ltd (ACN 090 538 337)
Level 24
200 George St
Sydney NSW 2000

Penalty Notice number: PN(G)69-2023

1. This notice is dated 22 September 2023.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity AGL Sales Pty Ltd (ACN 090 538 337) (**AGL**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 20 September 2023, the commission determined that it has reason to believe that AGL is a regulated entity that had engaged in contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by Friday 27 October 2023.
7. AGL may pay the penalty by electronic funds transfer to the following account:

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

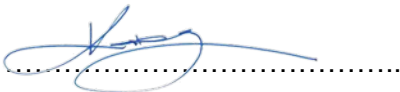
Reference:

PN(G)69-2023

8. Please notify the commission via email to: [REDACTED] once payment has been made.

What can AGL do in response to this penalty notice?

9. AGL can choose whether or not to pay the penalty specified in this notice.
10. If AGL pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against AGL for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If AGL does not pay the penalty within this time, the commission may take such action.
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(b) The below small customer was provided with a deemed best offer message on their bill issued on [REDACTED] 2022. Before providing this deemed best offer message AGL was required to, but failed to, carry out the deemed best offer check result in accordance with the prescribed formula.

i) [REDACTED]

ii) [REDACTED]

(c) As a result, the commission alleges that AGL contravened clause 109(1) of the ERCOP. AGL's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

4. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),¹ as provided by section 54T(2) of the Act.

¹ As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)



Penalty Notice

Essential Services Commission Act 2001 (Vic), section 54S

To: AGL Sales Pty Ltd (ACN 090 538 337)
Level 24
200 George St
Sydney NSW 2000

Penalty Notice number: PN(G)70-2023

1. This notice is dated 22 September 2023.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity AGL Sales Pty Ltd (ACN 090 538 337) (**AGL**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 20 September 2023, the commission determined that it has reason to believe that AGL is a regulated entity that had engaged in contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by Friday 27 October 2023.
7. AGL may pay the penalty by electronic funds transfer to the following account:

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

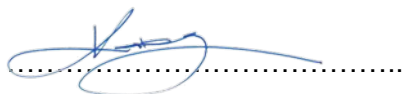
Reference:

PN(G)70-2023

8. Please notify the commission via email to: [REDACTED] once payment has been made.

What can AGL do in response to this penalty notice?

9. AGL can choose whether or not to pay the penalty specified in this notice.
10. If AGL pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against AGL for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If AGL does not pay the penalty within this time, the commission may take such action.
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Kate Symons
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Schedule 1

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i) [REDACTED]

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(c) As a result, the commission alleges that AGL contravened clause 109(1) of the ERCOP. AGL's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

4. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),¹ as provided by section 54T(2) of the Act.

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Penalty Notice

Essential Services Commission Act 2001 (Vic), section 54S

To: AGL Sales Pty Ltd (ACN 090 538 337)
Level 24
200 George St
Sydney NSW 2000

Penalty Notice number: PN(E)71-2023

1. This notice is dated 22 September 2023.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity AGL Sales Pty Ltd (ACN 090 538 337) (**AGL**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 20 September 2023, the commission determined that it has reason to believe that AGL is a regulated entity that had engaged in contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by Friday 27 October 2023.
7. AGL may pay the penalty by electronic funds transfer to the following account:

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

Reference: PN(E)71-2023

8. Please notify the commission via email to: [REDACTED] once payment has been made.

What can AGL do in response to this penalty notice?

9. AGL can choose whether or not to pay the penalty specified in this notice.
10. If AGL pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against AGL for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If AGL does not pay the penalty within this time, the commission may take such action.
11. AGL is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



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(a) AGL holds (and held at all material times) an electricity retail license and gas retail license issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and Gas Industry Act 2001 (Vic), and is a regulated entity operating in a regulated industry within the meaning of the Act.

(b) The below small customer was provided with a deemed best offer message on their bill issued on [REDACTED] 2022. Before providing this deemed best offer message AGL was required to, but failed to, carry out the deemed best offer check result in accordance with the prescribed formula.

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(c) As a result, the commission alleges that AGL contravened clause 109(1) of the ERCOP. AGL's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

4. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),¹ as provided by section 54T(2) of the Act.

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Penalty Notice

Essential Services Commission Act 2001 (Vic), section 54S

To: AGL Sales Pty Ltd (ACN 090 538 337)
Level 24
200 George St
Sydney NSW 2000

Penalty Notice number: PN(E)72-2023

1. This notice is dated 22 September 2023.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity AGL Sales Pty Ltd (ACN 090 538 337) (**AGL**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
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4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by Friday 27 October 2023.
7. AGL may pay the penalty by electronic funds transfer to the following account:

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

Reference: PN(E)72-2023

8. Please notify the commission via email to: [REDACTED] once payment has been made.

What can AGL do in response to this penalty notice?

9. AGL can choose whether or not to pay the penalty specified in this notice.
10. If AGL pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against AGL for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If AGL does not pay the penalty within this time, the commission may take such action.
11. AGL is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



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Chairperson
Essential Services Commission

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4. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),¹ as provided by section 54T(2) of the Act.

¹ As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)



Penalty Notice

Essential Services Commission Act 2001 (Vic), section 54S

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Level 24
200 George St
Sydney NSW 2000

Penalty Notice number: PN(G)73-2023

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3. On 20 September 2023, the commission determined that it has reason to believe that AGL is a regulated entity that had engaged in contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by Friday 27 October 2023.
7. AGL may pay the penalty by electronic funds transfer to the following account:

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

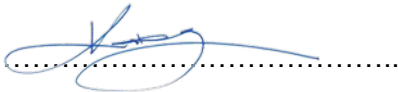
Reference:

PN(G)73-2023

8. Please notify the commission via email to: [REDACTED] once payment has been made.

What can AGL do in response to this penalty notice?

9. AGL can choose whether or not to pay the penalty specified in this notice.
10. If AGL pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against AGL for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If AGL does not pay the penalty within this time, the commission may take such action.
11. AGL is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Clause 109(1) of the Energy Retail Code of Practice (version 1) (**ERCOP**) was a civil penalty requirement between 3 March 2022 and 17 June 2022, in accordance with Schedule 1 of the ERCOP and the definition of civil penalty requirement under section 3(d)(ii) of the Act.

2. Clause 109(1) of the ERCOP provided that:

A retailer must carry out the deemed best offer check by calculating the deemed best offer check result in accordance with the following formula: deemed best offer check result = A - B

Where:

A = annual total cost of current plan

B = annual total cost of deemed best offer

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

(a) AGL holds (and held at all material times) an electricity retail license and gas retail license issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and Gas Industry Act 2001 (Vic), and is a regulated entity operating in a regulated industry within the meaning of the Act.

(b) The below small customer was provided with a deemed best offer message on their bill issued on [REDACTED] 2022. Before providing this deemed best offer message AGL was required to, but failed to, carry out the deemed best offer check result in accordance with the prescribed formula.

i) [REDACTED]

ii) [REDACTED]

(c) As a result, the commission alleges that AGL contravened clause 109(1) of the ERCOP. AGL's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

4. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),¹ as provided by section 54T(2) of the Act.

¹ As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)



Penalty Notice

Essential Services Commission Act 2001 (Vic), section 54S

To: AGL Sales Pty Ltd (ACN 090 538 337)
Level 24
200 George St
Sydney NSW 2000

Penalty Notice number: PN(G)74-2023

1. This notice is dated 22 September 2023.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity AGL Sales Pty Ltd (ACN 090 538 337) (**AGL**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 20 September 2023, the commission determined that it has reason to believe that AGL is a regulated entity that had engaged in contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by Friday 27 October 2023.
7. AGL may pay the penalty by electronic funds transfer to the following account:

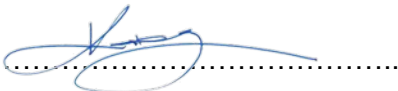
| | |
|------------|------------|
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |

Reference: PN(G)74-2023

8. Please notify the commission via email to: [REDACTED] once payment has been made.

What can AGL do in response to this penalty notice?

9. AGL can choose whether or not to pay the penalty specified in this notice.
10. If AGL pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against AGL for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If AGL does not pay the penalty within this time, the commission may take such action.
11. AGL is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons
Chairperson
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2. Clause 109(1) of the ERCOP provided that:

A retailer must carry out the deemed best offer check by calculating the deemed best offer check result in accordance with the following formula: deemed best offer check result = A - B

Where:

A = annual total cost of current plan

B = annual total cost of deemed best offer
3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:
 - (a) AGL holds (and held at all material times) an electricity retail license and gas retail license issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and Gas Industry Act 2001 (Vic), and is a regulated entity operating in a regulated industry within the meaning of the Act.
 - (b) The below small customer was provided with a deemed best offer message on their bill issued on [REDACTED] 2022. Before providing this deemed best offer message AGL was required to, but failed to, carry out the deemed best offer check result in accordance with the prescribed formula.
 - i) [REDACTED]
 - ii) [REDACTED]
 - (c) As a result, the commission alleges that AGL contravened clause 109(1) of the ERCOP. AGL's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.
4. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),¹ as provided by section 54T(2) of the Act.

¹ As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)



Penalty Notice

Essential Services Commission Act 2001 (Vic), section 54S

To: AGL Sales Pty Ltd (ACN 090 538 337)
Level 24
200 George St
Sydney NSW 2000

Penalty Notice number: PN(G)75-2023

1. This notice is dated 22 September 2023.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity AGL Sales Pty Ltd (ACN 090 538 337) (**AGL**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 20 September 2023, the commission determined that it has reason to believe that AGL is a regulated entity that had engaged in contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by Friday 27 October 2023.
7. AGL may pay the penalty by electronic funds transfer to the following account:

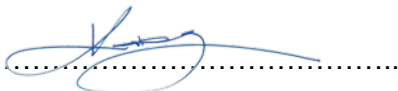
| | |
|------------|------------|
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |

Reference: PN(G)75-2023

8. Please notify the commission via email to: [REDACTED] once payment has been made.

What can AGL do in response to this penalty notice?

9. AGL can choose whether or not to pay the penalty specified in this notice.
10. If AGL pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against AGL for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If AGL does not pay the penalty within this time, the commission may take such action.
11. AGL is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



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A = annual total cost of current plan

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3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

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Penalty Notice

Essential Services Commission Act 2001 (Vic), section 54S

To: AGL Sales Pty Ltd (ACN 090 538 337)
Level 24
200 George St
Sydney NSW 2000

Penalty Notice number: PN(E)76-2023

1. This notice is dated 22 September 2023.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity AGL Sales Pty Ltd (ACN 090 538 337) (**AGL**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 20 September 2023, the commission determined that it has reason to believe that AGL is a regulated entity that had engaged in contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by Friday 27 October 2023.
7. AGL may pay the penalty by electronic funds transfer to the following account:

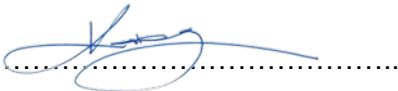
| | |
|------------|------------|
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |

Reference: PN(E)76-2023

8. Please notify the commission via email to: [REDACTED] once payment has been made.

What can AGL do in response to this penalty notice?

9. AGL can choose whether or not to pay the penalty specified in this notice.
10. If AGL pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against AGL for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If AGL does not pay the penalty within this time, the commission may take such action.
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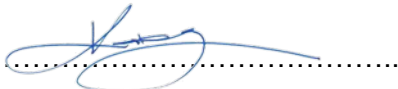
| | |
|------------|------------|
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |

Reference: PN(E)77-2023

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What can AGL do in response to this penalty notice?

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Penalty Notice

Essential Services Commission Act 2001 (Vic), section 54S

To: AGL Sales Pty Ltd (ACN 090 538 337)
Level 24
200 George St
Sydney NSW 2000

Penalty Notice number: PN(E)78-2023

1. This notice is dated 22 September 2023.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity AGL Sales Pty Ltd (ACN 090 538 337) (**AGL**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
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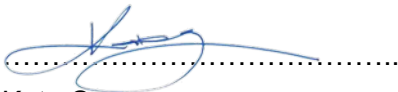
| | |
|------------|------------|
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |

Reference: PN(E)78-2023

8. Please notify the commission via email to: [REDACTED] once payment has been made.

What can AGL do in response to this penalty notice?

9. AGL can choose whether or not to pay the penalty specified in this notice.
10. If AGL pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against AGL for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If AGL does not pay the penalty within this time, the commission may take such action.
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[REDACTED]

(c) As a result, the commission alleges that AGL contravened clause 109(1) of the ERCOP. AGL's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

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Penalty Notice

Essential Services Commission Act 2001 (Vic), section 54S

To: AGL Sales Pty Ltd (ACN 090 538 337)
Level 24
200 George St
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Penalty Notice number: PN(G)79-2023

1. This notice is dated 22 September 2023.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity AGL Sales Pty Ltd (ACN 090 538 337) (**AGL**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
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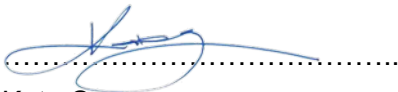
| | |
|------------|------------|
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |

Reference: PN(G)79-2023

8. Please notify the commission via email to: [REDACTED] once payment has been made.

What can AGL do in response to this penalty notice?

9. AGL can choose whether or not to pay the penalty specified in this notice.
10. If AGL pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against AGL for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If AGL does not pay the penalty within this time, the commission may take such action.
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(c) As a result, the commission alleges that AGL contravened clause 109(1) of the ERCOP. AGL's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

4. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),¹ as provided by section 54T(2) of the Act.

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Penalty Notice

Essential Services Commission Act 2001 (Vic), section 54S

To: AGL Sales Pty Ltd (ACN 090 538 337)
Level 24
200 George St
Sydney NSW 2000

Penalty Notice number: PN(G)80-2023

1. This notice is dated 22 September 2023.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity AGL Sales Pty Ltd (ACN 090 538 337) (**AGL**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 20 September 2023, the commission determined that it has reason to believe that AGL is a regulated entity that had engaged in contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by Friday 27 October 2023.
7. AGL may pay the penalty by electronic funds transfer to the following account:

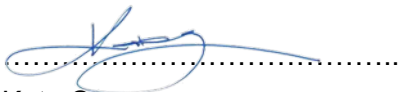
| | |
|------------|------------|
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |

Reference: PN(G)80-2023

8. Please notify the commission via email to: [REDACTED] once payment has been made.

What can AGL do in response to this penalty notice?

9. AGL can choose whether or not to pay the penalty specified in this notice.
10. If AGL pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against AGL for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If AGL does not pay the penalty within this time, the commission may take such action.
11. AGL is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Clause 109(1) of the Energy Retail Code of Practice (version 1) (**ERCOP**) was a civil penalty requirement between 3 March 2022 and 17 June 2022, in accordance with Schedule 1 of the ERCOP and the definition of civil penalty requirement under section 3(d)(ii) of the Act.

2. Clause 109(1) of the ERCOP provided that:

A retailer must carry out the deemed best offer check by calculating the deemed best offer check result in accordance with the following formula: deemed best offer check result = A - B

Where:

A = annual total cost of current plan

B = annual total cost of deemed best offer

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

(a) AGL holds (and held at all material times) an electricity retail license and gas retail license issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and Gas Industry Act 2001 (Vic), and is a regulated entity operating in a regulated industry within the meaning of the Act.

(b) The below small customer was provided with a deemed best offer message on their bill issued on [REDACTED] 2022. Before providing this deemed best offer message AGL was required to, but failed to, carry out the deemed best offer check result in accordance with the prescribed formula.

i) [REDACTED]

ii) [REDACTED]

(c) As a result, the commission alleges that AGL contravened clause 109(1) of the ERCOP. AGL's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

4. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),¹ as provided by section 54T(2) of the Act.

¹ As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)