



**ELECTRICITY INDUSTRY ACT 2000  
APPLICATION FOR AN ELECTRICITY RETAIL LICENCE**

**Hanwha Energy Retail Australia Pty Ltd  
(Trading as Nectr)  
ACN 630 397 214**

**RECORD OF DECISION**

**18 May 2022**

## **SUMMARY**

Pursuant to the provisions of section 19(1) of the Electricity Industry Act 2000 (Vic) (Industry Act) the Essential Services Commission (the commission) has granted Hanwha Energy Retail Australia Pty Ltd (trading as 'Nectr') (ACN 630 397 214) (Nectr) a licence to sell electricity in Victoria.

## **BACKGROUND**

Section 16(1) of the Industry Act provides that a person must not engage in the generation of electricity for supply or sale or the transmission, distribution, supply or sale of electricity, unless the person is:

- (a) the holder of a licence authorising the relevant activity; or
- (b) is exempted from the requirement to obtain a licence in respect of the relevant activity.

Nectr is not exempted from the requirement to obtain a licence in respect of the relevant activity.

Section 18(1) of the Industry Act provides that a person may apply to the commission for a licence authorising the person to sell electricity by retail.

## **THE APPLICATION**

On 13 October 2020, Nectr applied to the commission for a licence authorising it to sell electricity by retail to customers in Victoria. Nectr subsequently submitted an updated version of its licence application on 25 November 2021 (the application).

Consistent with the requirements of the commission's 'Guide to Applications for Electricity and Gas Industry Licences', Nectr has provided the commission with documentation supporting the application.

On 13 January 2022, the commission published a copy of the application, and invited interested parties to make submissions in respect of the application.

The commission received one submission from a Victorian customer regarding the application.

## **DECISION**

Section 19(1) of the Industry Act provides that the commission may grant or refuse the application for any reason it considers appropriate, having regard to the objectives of the commission under the provisions of the Industry Act and the Essential Services Commission Act 2001 (Vic) (ESC Act).

The commission is satisfied that Nectr:

- has the technical capacity to comply with the conditions of the licence to be granted; and
- is a fit and proper person to hold a licence to sell electricity in Victoria.

Section 19(3) of the Industry Act provides that the commission does not have to be satisfied as to the applicant's financial viability if the applicant is applying for a licence which includes a condition requiring compliance with the National Electricity Rules and the Rules include prudential requirements. Nectr applied for a licence including that condition and accordingly, the commission does not have to be satisfied as to the applicant's financial viability.

In accordance with section 19(1) of the Industry Act, and having regard to its objectives under the ESC Act and the Industry Act, the commission has decided to grant Nectra a licence to sell electricity by retail in Victoria, subject to conditions specified in the licence.

**THE COMMON SEAL**  
**of the ESSENTIAL**  
**SERVICES COMMISSION**  
was affixed pursuant to the  
authority of the Commission  
on 19 May 2022

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Kate Symons  
**Chairperson**