

Penalty Notice

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

To: QEnergy Ltd (ACN 120 124 101)
176 Montague Rd
South Brisbane QLD 4101

Penalty Notice number: PN(E) 8-2022

1. This notice is dated 10 October 2022.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, QEnergy Ltd (ACN 120 124 101) (**QEnergy**), has engaged in conduct that constitutes a contravention of 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 5 October 2022, the commission formed a reason to believe in accordance with section 54S(1) of the Act that QEnergy was a regulated entity that had engaged in contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.

How to pay the penalty

5. The \$36,348 penalty must be paid by 14 November 2022.
6. QEnergy may pay the penalty by electronic funds transfer to the following account:

Bank:	[REDACTED]
BSB:	[REDACTED]
Account number:	[REDACTED]
Account name:	[REDACTED]
ABN:	[REDACTED]
Reference:	PN(E) 8-2022

7. Please notify the commission via email to: enforcement@esc.vic.gov.au once payment has been made.

What can QEnergy do in response to this Penalty Notice?

8. QEnergy can choose whether or not to pay this penalty notice.
9. If QEnergy 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 QEnergy 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 QEnergy does not pay the penalty notice within this time, the commission may take such action.
10. QEnergy is entitled to disregard this Penalty Notice and to defend any proceedings relating to the alleged contravention.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Clause 6 of the Order in Council made under section 13 of the *Electricity Industry Act 2000* (Vic) (**EIA**), published in Special Gazette No. S 208 on Thursday 30 May 2019 and as amended from time to time (**the relevant Order in Council**) is a civil penalty requirement by virtue of section 3 of the Act. Clause 6(5) of the relevant Order in Council provides:

During any regulatory period commencing on or after 1 January 2020, a retailer's standing offer tariffs for sale of electricity to prescribed customers must comply with any VDO price determination made by the Commission that is in force.

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

- (a) QEnergy holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2000* (Vic) and is a regulated entity operating in a regulated industry.
- (b) From 1 January 2022, the commission's price determination published on [25 November 2021](#) (**the relevant price determination**) came into effect. QEnergy failed to update its standing offer tariffs to align with the relevant price determination from this date and instead continued to charge Victorian Default Offer (**VDO**) customers according to the previous price determination, which applied for the period 1 September 2021 to 31 December 2021.
- (c) As a result, for the period 1 January 2022 to 22 February 2022, QEnergy failed to apply standing offer tariffs in line with the relevant price determination to the following VDO customer's account:

- Customer Name: [REDACTED]
- Supply Address: [REDACTED]
- Account number: [REDACTED]

3. The commission alleges that QEnergy contravened clause 6(5) of the relevant Order in Council between 1 January 2022 and 22 February 2022. QEnergy'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 is \$36,348 (200 penalty units¹), as provided by section 54T 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: QEnergy Ltd (ACN 120 124 101)
176 Montague Rd
South Brisbane QLD 4101

Penalty Notice number: PN(E) 9-2022

1. This notice is dated 10 October 2022.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, QEnergy Ltd (ACN 120 124 101) (**QEnergy**), has engaged in conduct that constitutes a contravention of 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 5 October 2022, the commission formed a reason to believe in accordance with section 54S(1) of the Act that QEnergy was a regulated entity that had engaged in contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.

How to pay the penalty

5. The \$36,348 penalty must be paid by 14 November 2022.
6. QEnergy may pay the penalty by electronic funds transfer to the following account:

Bank:	[REDACTED]
BSB:	[REDACTED]
Account number:	[REDACTED]
Account name:	[REDACTED]
ABN:	[REDACTED]
Reference:	PN(E) 9-2022

7. Please notify the commission via email to: enforcement@esc.vic.gov.au once payment has been made.

What can QEnergy do in response to this Penalty Notice?

8. QEnergy can choose whether or not to pay this penalty notice.
9. If QEnergy 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 QEnergy 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 QEnergy does not pay the penalty notice within this time, the commission may take such action.
10. QEnergy is entitled to disregard this Penalty Notice and to defend any proceedings relating to the alleged contravention.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1

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

- (a) QEnergy holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2000* (Vic) and is a regulated entity operating in a regulated industry.
- (b) From 1 January 2022, the commission's price determination published on [25 November 2021](#) (**the relevant price determination**) came into effect. QEnergy failed to update its standing offer tariffs to align with the relevant price determination from this date and instead continued to charge Victorian Default Offer (**VDO**) customers according to the previous price determination, which applied for the period 1 September 2021 to 31 December 2021.
- (c) As a result, for the period 1 January 2022 to 22 February 2022, QEnergy failed to apply standing offer tariffs in line with the relevant price determination to the following VDO customer's account:

- Customer Name: [REDACTED]
- Supply Address: [REDACTED]
- Account number: [REDACTED]

3. The commission alleges that QEnergy contravened clause 6(5) of the relevant Order in Council between 1 January 2022 and 22 February 2022. QEnergy'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 is \$36,348 (200 penalty units²), as provided by section 54T of the Act.

² 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: QEnergy Ltd (ACN 120 124 101)
176 Montague Rd
South Brisbane QLD 4101

Penalty Notice number: PN(E) 10-2022

1. This notice is dated 10 October 2022.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, QEnergy Ltd (ACN 120 124 101) (**QEnergy**), has engaged in conduct that constitutes a contravention of 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 5 October 2022, the commission formed a reason to believe in accordance with section 54S(1) of the Act that QEnergy was a regulated entity that had engaged in contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.

How to pay the penalty

5. The \$36,348 penalty must be paid by 14 November 2022.
6. QEnergy may pay the penalty by electronic funds transfer to the following account:

Bank:	[REDACTED]
BSB:	[REDACTED]
Account number:	[REDACTED]
Account name:	[REDACTED]
ABN:	[REDACTED]
Reference:	PN(E) 10-2022

7. Please notify the commission via email to: enforcement@esc.vic.gov.au once payment has been made.

What can QEnergy do in response to this Penalty Notice?

8. QEnergy can choose whether or not to pay this penalty notice.
9. If QEnergy 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 QEnergy 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 QEnergy does not pay the penalty notice within this time, the commission may take such action.
10. QEnergy is entitled to disregard this Penalty Notice and to defend any proceedings relating to the alleged contravention.



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Kate Symons
Chairperson
Essential Services Commission

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- (a) QEnergy holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2000* (Vic) and is a regulated entity operating in a regulated industry.
- (b) From 1 January 2022, the commission's price determination published on [25 November 2021](#) (**the relevant price determination**) came into effect. QEnergy failed to update its standing offer tariffs to align with the relevant price determination from this date and instead continued to charge Victorian Default Offer (**VDO**) customers according to the previous price determination, which applied for the period 1 September 2021 to 31 December 2021.
- (c) As a result, for the period 1 January 2022 to 22 February 2022, QEnergy failed to apply standing offer tariffs in line with the relevant price determination to the following VDO customer's account:

- Customer Name: [REDACTED]
- Supply Address: [REDACTED]
- Account number: [REDACTED]

3. The commission alleges that QEnergy contravened clause 6(5) of the relevant Order in Council between 1 January 2022 and 22 February 2022. QEnergy'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 is \$36,348 (200 penalty units³), as provided by section 54T of the Act.

³ 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: QEnergy Ltd (ACN 120 124 101)
176 Montague Rd
South Brisbane QLD 4101

Penalty Notice number: PN(E) 11-2022

1. This notice is dated 10 October 2022.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, QEnergy Ltd (ACN 120 124 101) (**QEnergy**), has engaged in conduct that constitutes a contravention of 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 5 October 2022, the commission formed a reason to believe in accordance with section 54S(1) of the Act that QEnergy was a regulated entity that had engaged in contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.

How to pay the penalty

5. The \$36,348 penalty must be paid by 14 November 2022.
6. QEnergy may pay the penalty by electronic funds transfer to the following account:

Bank:	[REDACTED]
BSB:	[REDACTED]
Account number:	[REDACTED]
Account name:	[REDACTED]
ABN:	[REDACTED]
Reference:	PN(E) 11-2022

7. Please notify the commission via email to: enforcement@esc.vic.gov.au once payment has been made.

What can QEnergy do in response to this Penalty Notice?

8. QEnergy can choose whether or not to pay this penalty notice.
9. If QEnergy 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 QEnergy 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 QEnergy does not pay the penalty notice within this time, the commission may take such action.
10. QEnergy 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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- (c) As a result, for the period 1 January 2022 to 22 February 2022, QEnergy failed to apply standing offer tariffs in line with the relevant price determination to the following VDO customer's account:

- Customer Name: [REDACTED]
- Supply Address: [REDACTED]
- Account number: [REDACTED]

3. The commission alleges that QEnergy contravened clause 6(5) of the relevant Order in Council between 1 January 2022 and 22 February 2022. QEnergy'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 is \$36,348 (200 penalty units⁴), as provided by section 54T of the Act.

⁴ 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: QEnergy Ltd (ACN 120 124 101)
176 Montague Rd
South Brisbane QLD 4101

Penalty Notice number: PN(E) 12-2022

1. This notice is dated 10 October 2022.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, QEnergy Ltd (ACN 120 124 101) (**QEnergy**), has engaged in conduct that constitutes a contravention of 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 5 October 2022, the commission formed a reason to believe in accordance with section 54S(1) of the Act that QEnergy was a regulated entity that had engaged in contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.

How to pay the penalty

5. The \$36,348 penalty must be paid by 14 November 2022.
6. QEnergy may pay the penalty by electronic funds transfer to the following account:

Bank:	[REDACTED]
BSB:	[REDACTED]
Account number:	[REDACTED]
Account name:	[REDACTED]
ABN:	[REDACTED]
Reference:	PN(E) 12-2022

7. Please notify the commission via email to: enforcement@esc.vic.gov.au once payment has been made.

What can QEnergy do in response to this Penalty Notice?

8. QEnergy can choose whether or not to pay this penalty notice.
9. If QEnergy 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 QEnergy 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 QEnergy does not pay the penalty notice within this time, the commission may take such action.
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Chairperson
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- (a) QEnergy holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2000* (Vic) and is a regulated entity operating in a regulated industry.
- (b) From 1 January 2022, the commission's price determination published on [25 November 2021](#) (**the relevant price determination**) came into effect. QEnergy failed to update its standing offer tariffs to align with the relevant price determination from this date and instead continued to charge Victorian Default Offer (**VDO**) customers according to the previous price determination, which applied for the period 1 September 2021 to 31 December 2021.
- (c) As a result, for the period 1 January 2022 to 22 February 2022, QEnergy failed to apply standing offer tariffs in line with the relevant price determination to the following VDO customer's account:

- Customer Name: [REDACTED]
- Supply Address: [REDACTED]
- Account number: [REDACTED]

3. The commission alleges that QEnergy contravened clause 6(5) of the relevant Order in Council between 1 January 2022 and 22 February 2022. QEnergy'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 is \$36,348 (200 penalty units⁵), as provided by section 54T of the Act.

⁵ As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)