

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(E) 11-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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

## What can Amaysim Energy do in response to this energy industry penalty notice?

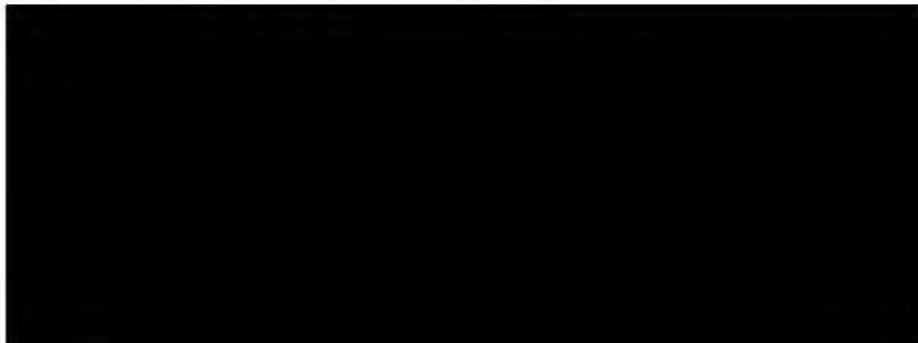
8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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. Amaysim Energy holds an electricity retail licence issued by the Commission.
2. Clause 15.1 of the electricity retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 26 May 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.



# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

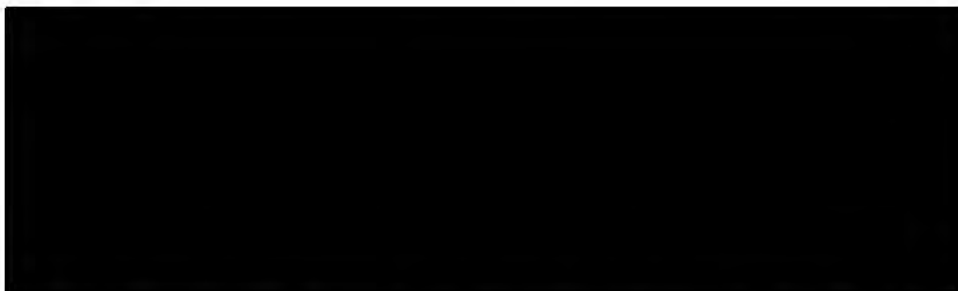
To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(E) 12-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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

## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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

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5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.



# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(E) 13-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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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6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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9. If Amaysim Energy 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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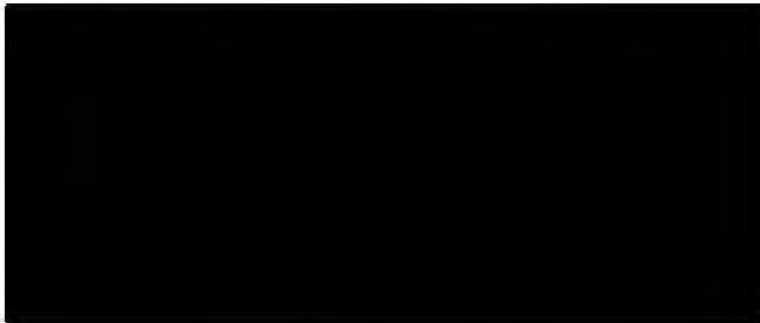


Kate Symons  
Chairperson  
Essential Services Commission



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

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7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(E) 14-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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

## What can Amaysim Energy do in response to this energy industry penalty notice?

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Chairperson  
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7. The applicable penalty amount is \$20,000.



# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(E) 15-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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



## What can Amaysim Energy do in response to this energy industry penalty notice?

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10. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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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## **Schedule 1 – Details of the conduct and alleged energy industry contravention**

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7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(E) 16-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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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4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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



## What can Amaysim Energy do in response to this energy industry penalty notice?

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

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7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

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

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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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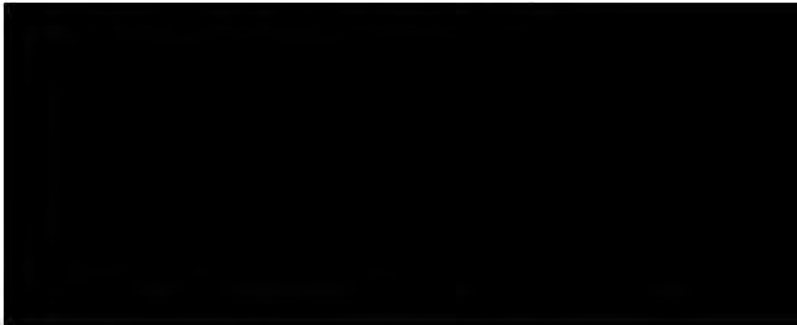


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Chairperson  
Essential Services Commission



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## Essential Services Commission Act 2001 (Vic) section 54G

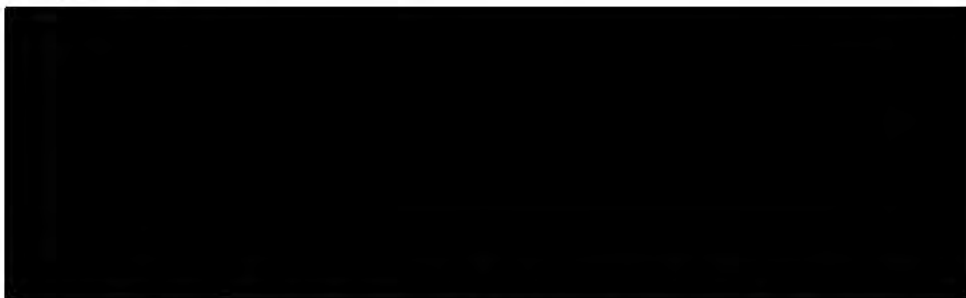
To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

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

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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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# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

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

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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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## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Amaysim Energy holds an electricity retail licence issued by the Commission.
2. Clause 15.1 of the electricity retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 30 May 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

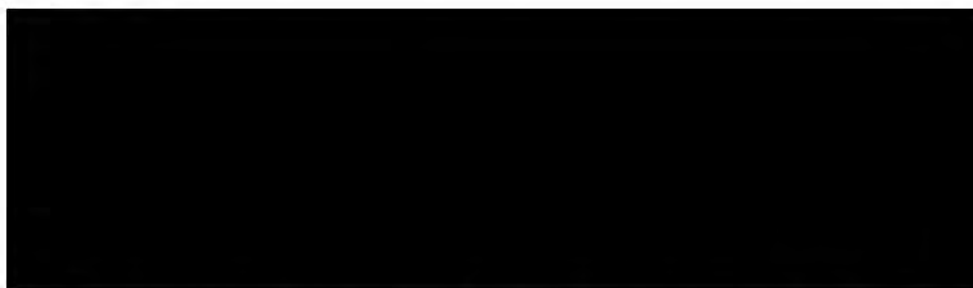
To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

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

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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

## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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. Amaysim Energy holds an electricity retail licence issued by the Commission.
2. Clause 15.1 of the electricity retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 30 May 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(E) 21-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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

## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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. Amaysim Energy holds an electricity retail licence issued by the Commission.
2. Clause 15.1 of the electricity retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 30 May 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

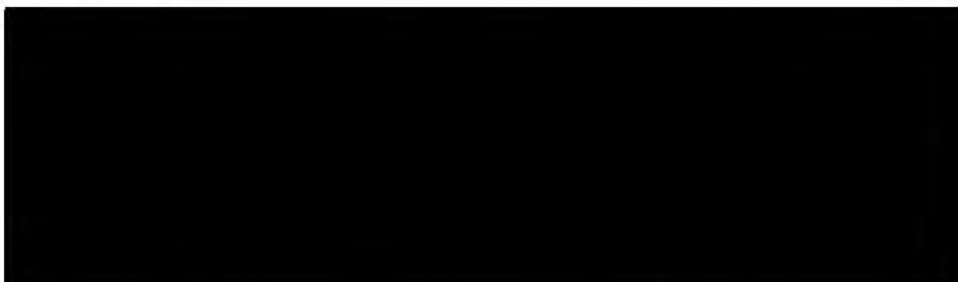
To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(E) 22-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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



## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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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Kate Symons  
Chairperson  
Essential Services Commission



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

1. Amaysim Energy holds an electricity retail licence issued by the Commission.
2. Clause 15.1 of the electricity retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 30 May 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(E) 23-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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



## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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. Amaysim Energy holds an electricity retail licence issued by the Commission.
2. Clause 15.1 of the electricity retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 30 May 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

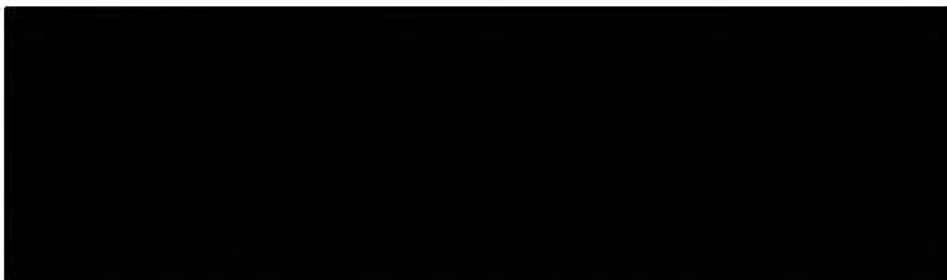
To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(E) 24-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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



## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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.

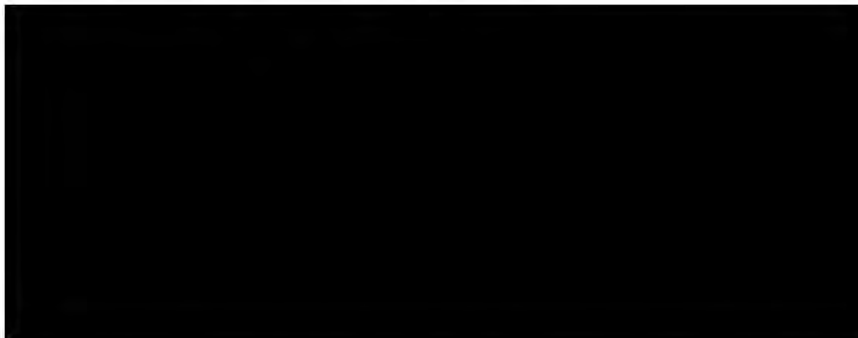


Kate Symons  
Chairperson  
Essential Services Commission



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

1. Amaysim Energy holds an electricity retail licence issued by the Commission.
2. Clause 15.1 of the electricity retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 30 May 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(E) 25-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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

## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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.

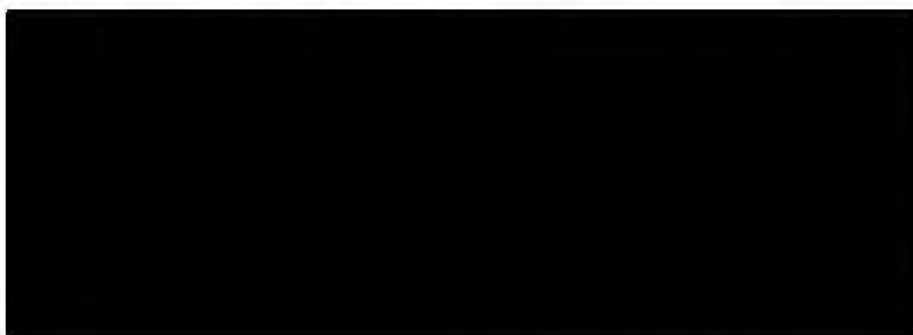


Kate Symons  
Chairperson  
Essential Services Commission



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

1. Amaysim Energy holds an electricity retail licence issued by the Commission.
2. Clause 15.1 of the electricity retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 31 May 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

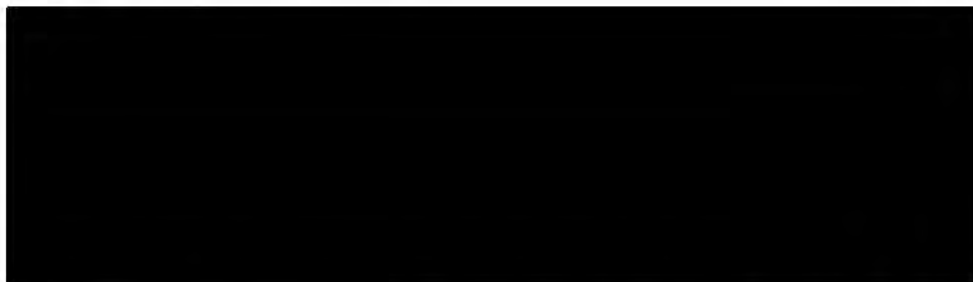
To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(E) 26-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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

## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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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Kate Symons  
Chairperson  
Essential Services Commission



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

1. Amaysim Energy holds an electricity retail licence issued by the Commission.
2. Clause 15.1 of the electricity retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 31 May 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

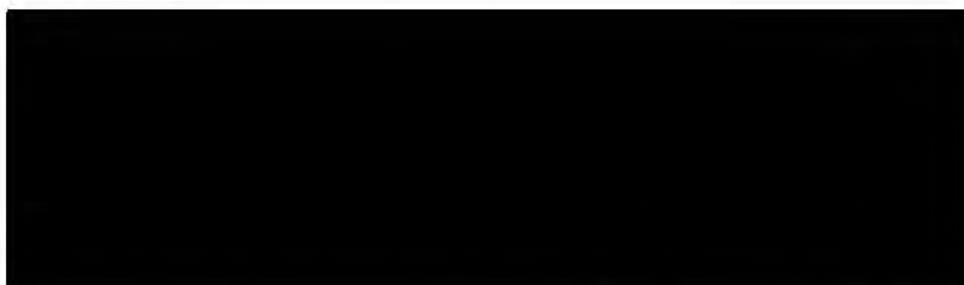
To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(E) 27-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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

## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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. Amaysim Energy holds an electricity retail licence issued by the Commission.
2. Clause 15.1 of the electricity retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
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6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(E) 28-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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

## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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. Amaysim Energy holds an electricity retail licence issued by the Commission.
2. Clause 15.1 of the electricity retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 5 June 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(G) 5-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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



## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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. Amaysim Energy holds a gas retail licence issued by the Commission.
2. Clause 9.1 of the gas retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 26 May 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(G) 6-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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

## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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. Amaysim Energy holds a gas retail licence issued by the Commission.
2. Clause 9.1 of the gas retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 26 May 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(G) 7-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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



## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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. Amaysim Energy holds a gas retail licence issued by the Commission.
2. Clause 9.1 of the gas retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 31 May 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(G) 8-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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

## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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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Kate Symons  
Chairperson  
Essential Services Commission



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

1. Amaysim Energy holds a gas retail licence issued by the Commission.
2. Clause 9.1 of the gas retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 29 May 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(G) 9-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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

## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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. Amaysim Energy holds a gas retail licence issued by the Commission.
2. Clause 9.1 of the gas retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 2 June 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(G) 10-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

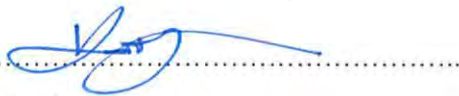
5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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

## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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. Amaysim Energy holds a gas retail licence issued by the Commission.
2. Clause 9.1 of the gas retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 30 May 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.



## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

#### Energy industry penalty notice number: EIPN(G) 11-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

#### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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

## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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.

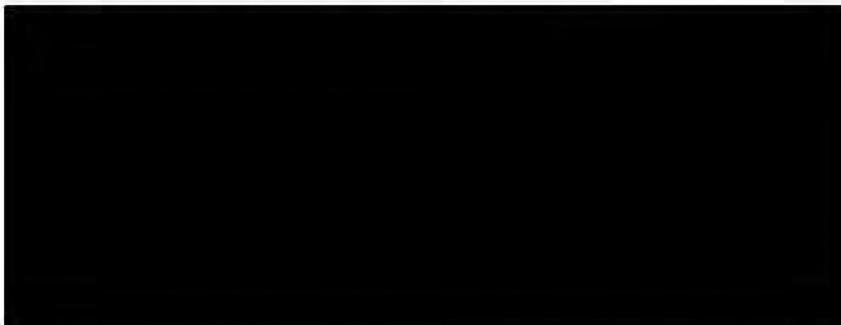


Kate Symons  
Chairperson  
Essential Services Commission



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

1. Amaysim Energy holds a gas retail licence issued by the Commission.
2. Clause 9.1 of the gas retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 30 May 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(G) 12-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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

## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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. Amaysim Energy holds a gas retail licence issued by the Commission.
2. Clause 9.1 of the gas retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 3 June 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(G) 13-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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



## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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. Amaysim Energy holds a gas retail licence issued by the Commission.
2. Clause 9.1 of the gas retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 30 May 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

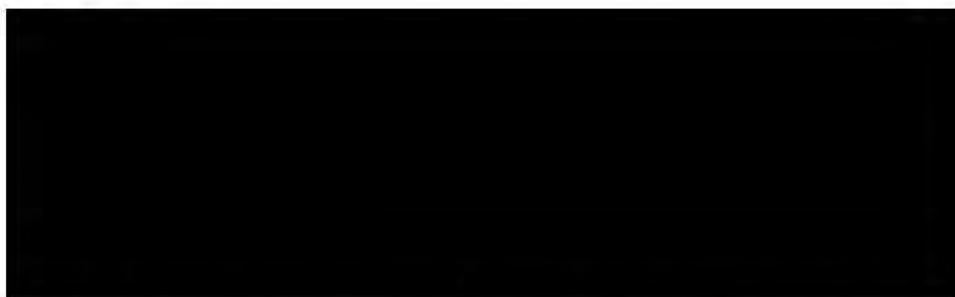
To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(G) 14-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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

## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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. Amaysim Energy holds a gas retail licence issued by the Commission.
2. Clause 9.1 of the gas retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 30 May 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

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## Essential Services Commission Act 2001 (Vic) section 54G

To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(G) 15-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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

## What can Amaysim Energy do in response to this energy industry penalty notice?

8. Amaysim Energy can choose whether or not to pay this energy industry penalty notice.
9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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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Kate Symons  
Chairperson  
Essential Services Commission



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

1. Amaysim Energy holds a gas retail licence issued by the Commission.
2. Clause 9.1 of the gas retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 31 May 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.

# Energy industry penalty notice

## Essential Services Commission Act 2001 (Vic) section 54G

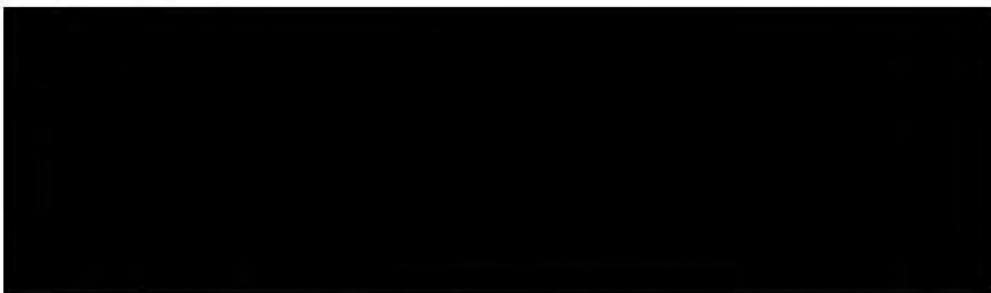
To: Amaysim Energy Pty Ltd  
Level 6, 17-19 Bridge Street  
Sydney NSW 2000

### Energy industry penalty notice number: EIPN(G) 16-2020

1. This notice is dated 13 March 2020.
2. The Essential Services Commission (the Commission) alleges that Amaysim Energy Pty Ltd (ABN 41 116 567 492) (Amaysim Energy) 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 11 March 2020, the Commission formed the belief that Amaysim Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 April 2020**.
6. Amaysim Energy may pay the energy industry penalty by electronic funds transfer to the following account:



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

## What can Amaysim Energy do in response to this energy industry penalty notice?

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9. If Amaysim Energy 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. Amaysim Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Amaysim Energy 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. Amaysim Energy holds a gas retail licence issued by the Commission.
2. Clause 9.1 of the gas retail licence held by Amaysim Energy obliged Amaysim Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 5 June 2018, Amaysim Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the 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 4, Item 1.
7. The applicable penalty amount is \$20,000.