



# Electricity retail licence

Active Utilities Retail Pty Ltd (ACN 606 139 931)

Issued on 23 July 2025



# Electricity Retail Licence

This Licence is issued pursuant to section 19 of the *Electricity Industry Act 2000* (Vic).

## Date

This Licence is issued on **23 July 2025**.

## Licensee

This Licence is issued to:

**Active Utilities Retail Pty Ltd (ACN 606 139 931)** (the Licensee)

Suite 6, Level 2, 3 Bristol Street

Essendon Fields, VIC 3041

**THE COMMON SEAL of the  
ESSENTIAL SERVICES COMMISSION**  
was affixed pursuant to the authority  
of the Commission on 24 July 2025

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A handwritten signature in black ink, appearing to read 'Gerard Brody'.

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Gerard Brody

**CHAIRPERSON**

# Part A - Interpretation

## 1 Definitions

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

<b>Act</b>	the <i>Electricity Industry Act 2000</i> (Vic)
<b>AEMO</b>	the Australian Energy Market Operator Limited (ACN 072 010 327)
<b>Business Day</b>	a day other than a Saturday, Sunday or a public holiday in Victoria
<b>Code of Practice</b>	means a Code of Practice made under Part 6 of the ESC Act or relevant legislation
<b>Commission</b>	the Essential Services Commission established under the ESC Act
<b>Customer</b>	a person to whom electricity is sold for premises by a Retailer or who proposes to purchase electricity for premises from a Retailer
<b>Distribution Company</b>	has the same meaning as in the Act
<b>Embedded Network</b>	has the same meaning as in the National Electricity Rules
<b>Energy Retail Code of Practice</b>	means the code of practice of that name made under Part 6 of the ESC Act
<b>ESC Act</b>	the Essential Services Commission Act 2001 (Vic)
<b>Exempt Distributor</b>	has the same meaning as in the Energy Retail Code of Practice
<b>Licensee</b>	Active Utilities Retail Pty Ltd (ACN 606 139 931)
<b>Minister</b>	the person who is, from time to time, the Minister administering the Act
<b>National Electricity Rules</b>	means the National Electricity Rules as in force from time to time under the National Electricity Law
<b>Objectives</b>	the objectives specified in section 10 of the Act and section 8 of the ESC Act
<b>Residential Customer</b>	has the same meaning as in the Energy Retail Code of Practice
<b>Retail Licence</b>	a licence, granted under the Act, authorising the holder thereof to sell electricity

<b>Retailer</b>	a person who holds or is exempt from holding a Retail Licence
<b>Small Renewable Energy Generation Electricity</b>	has the same meaning as in section 40F of the Act, save that it includes electricity supplied from a qualifying solar energy generation facility within the meaning of section 40F of the Act
<b>Standard Electricity Licence Conditions for Electricity Retail</b>	The document of that name as approved by the commission on 12 July 2022 (as varied from time to time in accordance with law)
<b>Wholesale Electricity Market</b>	means the market for wholesale trading in electricity operated by AEMO under the National Electricity Rules

1.2 In this Licence, unless the context otherwise requires:

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

- i) which dates from a given day or the day of an act or event is to be calculated exclusive of that day; or
  - ii) which commences on a given day or the day of an act or event is to be calculated inclusive of that day;
- (k) an event which is required under this Licence to occur on or by a stipulated day which is not a Business Day may occur on or by the next Business Day.

## 2 Notices

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

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

Essential Services Commission  
Level 8, 570 Bourke Street  
Melbourne VIC 3000  
[licences@esc.vic.gov.au](mailto:licences@esc.vic.gov.au)

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

Active Utilities Retail Pty Ltd  
Suite 6, Level 2, 3 Briston Street  
Essendon Fields VIC 3041  
[compliance@activeutilities.com.au](mailto:compliance@activeutilities.com.au)

2.2 A notice is to be:

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

2.3 A notice is deemed to be received:

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

- (c) if transmitted electronically – in accordance with the *Electronic Transactions (Victoria) Act 2000*.
- 2.4 A notice received after 5.00 pm, or on a day that is not a Business Day, is deemed to be effected the next Business Day.
- 2.5 The Licensee must:
  - (a) notify the Commission of any change to the Licensee's physical or email address for the service of notices pursuant to clause 2.1; and
  - (b) specify in such notice the new physical or email address and the effective date of the change, as soon as practicable and no less than five Business Days prior to the effective date specified in the notice.

## Part B – Licence

### 3 Grant of the Licence

- 3.1 This Licence was first granted on 23 July 2025 and has been varied on the dates set out in Schedule 1 of the Licence.
- 3.2 Subject to clauses 3.3 and 9 in exercise of its powers under section 19 of the Act, the Commission grants the Licensee a licence to sell electricity on the terms and conditions set out in this Licence.
- 3.3 This Licence is subject to any prohibition set out in any Order in Council issued and in force under section 23 of the Act.

### 4 Variation

- 4.1 The Commission may vary this Licence in accordance with section 29 of the Act.

### 5 Transfer

- 5.1 This Licence may be transferred in accordance with section 31 of the Act.

### 6 Revocation

- 6.1 The Commission may revoke this Licence in accordance with section 29 of the Act.

#### *Procedures*

- 6.2 For the purposes of section 29(3) of the Act, the Commission may revoke this Licence in accordance with the procedures of this clause 6.
- 6.3 If the Licensee notifies the Commission that it requests, or consents to, revocation of this Licence:

- (a) clauses 6.4 to 6.6 do not apply; and
  - (b) the Commission may at any time revoke this Licence by issuing a notice to the Licensee that specifies the date upon which the revocation takes effect.
- 6.4 Where the Commission proposes to revoke this Licence, the Commission will issue a notice to the Licensee, specifying:
- (a) the basis upon which the Commission proposes to revoke the Licence;
  - (b) the date upon which the revocation is proposed to take effect, such date to be no less than 20 Business Days after the date of the notice; and
  - (c) that the Licensee has the opportunity to make submissions on the matter and the time and date by which, and manner in which, those submissions must be made.
- 6.5 Prior to making a decision to revoke the Licence, the Commission must consider any submissions made by the Licensee in accordance with a notice issued under clause 6.4.
- 6.6 Where the Commission decides to revoke this Licence, the Commission will issue a notice to the Licensee specifying:
- (a) the basis upon which the Commission is revoking the Licence; and
  - (b) the date upon which the revocation takes effect, being no earlier than the date specified in the notice issued under clause 6.4.
- 6.7 If the Commission issues a notice under clause 6.3(b) or 6.6, this Licence will be revoked on the date specified in that notice.

## Part C – Licence Conditions

### **7 Status of the requirements in this part**

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

### **8 Standard Electricity Licence Conditions for Electricity Retail**

- 8.1 The Licensee must comply with the Standard Electricity Licence Conditions for Electricity Retail as may be varied from time to time in accordance with section 29 of the Act.

### **9 Special Licence Conditions**

- 9.1 This licence authorises the Licensee to on-sell electricity within an Embedded Network only.
- 9.2 This licence does not authorise the Licensee to purchase or sell electricity through the Wholesale Electricity Market.

9.3 The Licensee must comply with the requirements set out in Schedule 2 – Embedded network retail licence conditions.

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



# Schedule 1 – Variations to the Licence

Date	Variation
	This Licence has not been varied.

# Schedule 2 – Embedded network retail licence conditions

## 1 Compliance with laws and regulatory instruments

1.1. Without limiting the application of clause 6 of the Standard Electricity Licence Conditions, where all or part of a law is restricted in its application to:

- (a) a retailer that is a financially responsible retailer; or
- (b) a customer that is supplied electricity from a connection point at which the electricity last leaves a supply facility owned or operated by a Distribution Company,

yet is capable of being applied with modification to the Licensee in the context of on-selling electricity within an Embedded Network, the Licensee must comply with such law with only those modifications required to enable compliance in the context of on-selling electricity within an Embedded Network.

For example, and without limitation, sections 35, 36, 39, 40B, 46C, 46D and Division 5C - 40SA to 40SW of the Act and any associated Orders made under those sections apply in respect of the Licensee, and the Licensee must comply with those sections and associated Orders as if an Embedded Network customer was a 'relevant customer' or a 'prescribed customer', and the Licensee was a 'relevant licensee' for the purposes of those sections and associated Orders.

## 2 Customer protections

- 2.1 The Licensee must comply with clause 74 of the Energy Retail Code of Practice as if it were an Exempt Person to which that clause applies.
- 2.2 The Licensee must not require a Residential Customer to provide a security deposit.
- 2.3 Within 5 Business Days after being advised by a customer that a life support resident resides, or is intending to reside, at the customer's premises, advise the Exempt Distributor that a life support resident resides, or is intending to reside, at the customer's premises.
- 2.4 Within one Business Day after receiving relevant information about the life support equipment requirements for the customer's premises (including medical confirmation) or any relevant contact details, provide the same information to the Exempt Distributor, unless the relevant information was provided to the Retailer by the Exempt Distributor.

Note 1: The obligations in clauses 2.3 and 2.4 are in addition to those obligations in respect of the registration of life support customer details and that must be met by reason of the Licensee complying with clause 1.1 of this Schedule.

Note 2: In these clauses 2.3 and 2.4 the terms “life support resident”, “life support equipment”, and “medical confirmation” have the same meaning as in the Act.

### **3 Contestability**

- 3.1 The Licensee must provide information to customers about the customer’s rights to choose to purchase electricity from another licenced Retailer and the options for metering that would allow that choice. This information must be provided before obtaining explicit informed consent to enter a market retail contract with the Licensee.
- 3.2 The Licensee must not engage in any conduct that prevents a customer connected to an Embedded Network served by the Licensee from purchasing electricity from a licensed Retailer of the customer’s choice.

### **4 Distribution Services**

- 4.1 The Licensee must not enter into a contract for the sale of electricity with a customer unless the contract also provides for the provision of, or procurement by the Licensee of, related services for the distribution or supply of electricity within both:
  - (a) the network of the Distribution Company within whose licenced distribution area the customer is located; and
  - (b) the Embedded Network to which the customer is connected, or from which the customer is otherwise supplied electricity.