



**ELECTRICITY INDUSTRY ACT 2000
GAS INDUSTRY ACT 2001
APPLICATION FOR ELECTRICITY AND GAS RETAIL LICENCES**

**Ampol Energy (Retail) Pty Ltd
(ACN 652 913 347)**

RECORD OF DECISION

12 April 2023

SUMMARY

Pursuant to the provisions of section 19(1) of the Electricity Industry Act 2000 (Vic) (EI Act) and section 26(1) of the Gas Industry Act 2001 (Vic) (GI Act) the Essential Services Commission (the commission) has granted Ampol Energy (Retail) Pty Ltd (Ampol Energy) (ACN 652 913 347) a licence to sell electricity and a licence to sell gas by retail to customers in Victoria.

BACKGROUND

Section 16(1) of the EI Act and section 22(2) of the GI Act provides that a person must not engage in the sale of electricity or gas by retail, unless the person is:

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

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

Section 18(1) of the EI Act and 25(1) of the GI Act provides that a person may apply to the commission for a licence authorising the person to sell electricity or gas by retail.

On 18 January 2023, Ampol Energy submitted an application to the commission for a licence authorising it to sell electricity and gas by retail to customers in Victoria.

Consistent with the requirements of the commission's Guideline: Applications for electricity and gas industry licences, Ampol Energy has provided the commission with documentation supporting the application.

On 24 February 2023, the commission published a copy of the application, and invited interested parties to make submissions in respect of the application.

The commission did not receive any submissions regarding the application.

CONSIDERATION OF THE APPLICATION

Section 19(1) of the EI Act and section 26(1) of the GI Act provides that the commission may grant or refuse the application for any reason it considers appropriate, having regard to the objectives of the commission under the provisions of the EI Act, GI Act and the Essential Services Commission Act 2001 (Vic) (ESC Act).

DECISION

The commission is satisfied that Ampol Energy:

- has the technical capacity to comply with the conditions of the licences to be granted;
- has the financial resources to carry out the licensed activities; and
- is a fit and proper person to hold the licences to sell electricity and gas in Victoria.

In accordance with section 19(1) of the EI Act and 26(1) of the GI Act, and having regard to its objectives under the ESC Act, EI Act and GI Act, the commission has decided to grant Ampol Energy a licence to sell electricity by retail and a licence to sell gas by retail in Victoria, subject to conditions specified in the licences.

**THE COMMON SEAL
of the ESSENTIAL
SERVICES COMMISSION**
was affixed pursuant to the
authority of the Commission
on 13 April 2023

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A handwritten signature in blue ink, appearing to read "S. Bhojani".

Sitesh Bhojani
Acting Chairperson