



**GAS INDUSTRY ACT 2001  
APPLICATION FOR A GAS RETAIL LICENCE**

**Real Utilities Pty Ltd  
(ACN 150 290 814)**

**RECORD OF DECISION**

**21 October 2020**

## **SUMMARY**

Pursuant to the provisions of section 26(1) of the Gas Industry Act 2001 (Vic) (Industry Act) the Essential Services Commission (the commission) has granted Real Utilities Pty Ltd (ACN 150 290 814) (**Real Utilities**) a licence to sell gas by retail in Victoria.

## **BACKGROUND**

### ***Requirement to obtain a Licence***

Section 22(2) of the Industry Act provides that a person must not engage in the sale of gas by retail, either as principal or agent, unless the person is:

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

### ***Entitlement to apply for a Licence***

Section 25(1) of the Industry Act provides that a person may apply to the commission for a licence authorising the person to sell gas by retail.

### ***The applicant***

On 8 June 2018, Real Utilities submitted an application to the commission for a licence authorising it to sell gas by retail.

### ***The application***

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

On 19 March 2020, 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 26(1) of the Industry Act provides that the commission may grant or refuse the application for any reason it considers appropriate, having regard to the objectives of the commission under the provisions of the Industry Act and the Essential Services Commission Act 2001 (Vic) (**Commission Act**).

## DECISION

The commission is satisfied that Real Utilities:

- has the financial resources to sustainably operate the proposed retail business in compliance with the conditions of the licence to be granted; and
- is a fit and proper person to hold a licence to sell gas in Victoria.

In accordance with section 26(1) of the Industry Act, and having regard to its objectives under the Commission Act and the Industry Act, the commission has decided to grant Real Utilities a licence to sell gas in Victoria subject to conditions specified in the licence. The commission has determined to make the licence subject to a five year term.

**THE COMMON SEAL**  
**of the ESSENTIAL**  
**SERVICES COMMISSION**  
was affixed pursuant to the  
authority of the Commission  
on 21 October 2020

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Kate Symons  
Chairperson

