

Penalty Notice

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

CovaU Pty Ltd (ACN 090 117 730)
Level 29, 225 George Street
Sydney NSW 2000

Penalty notice number: PN(E) 196-2025

1. This notice is dated 19 June 2025.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity CovaU Pty Ltd (ACN 090 117 730) (**CovaU**) has contravened a civil penalty requirement within the meaning of that term under section 3 of the *Essential Services Commission Act 2001 (Vic)* (**the Act**).
3. On 18 June 2025, the commission determined that it has a reason to believe that CovaU is a regulated entity that engaged in a contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description, of the alleged contravention are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is 200 penalty units, as provided by section 54T(2) of the Act. At the time of the contravention, the penalty unit amount was \$192.31, meaning that total penalty notice amount is \$38,462.

How to pay the penalty

6. The \$38,462 penalty notice amount is payable by **24 July 2025**.
7. CovaU may pay the penalty amount by electronic funds transfer to the following account:

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

8. Please notify the commission via email – enforcement@esc.vic.gov.au, once payment has been made.

What can CovaU do in response to this penalty notice?

9. CovaU can choose whether or not to pay the penalty specified in this notice.
10. If CovaU pays the amount of the penalty notice amount before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against CovaU for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If CovaU does not pay the penalty within this time, the commission may take such action.
11. CovaU is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



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Gerard Brody
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Section 23A of the *Electricity Industry Act 2000* (Vic) (**EIA**) was at all relevant times a civil penalty requirement within the meaning of section 3 of the Act.
2. Section 23A of the EIA provides that it is a statutory condition of an electricity retail licence to comply with any guidelines prepared by the commission for the purpose of that section.
3. The relevant guideline for the purpose of section 23A of the EIA is the *Compliance and Performance Reporting Guideline* (version 8) (**CPRG**).
4. In accordance with section 54S(1) of the Act, the commission has reason to believe that CovaU has contravened the civil penalty requirement under section 23A of the EIA.
5. The relevant nature and brief description of the alleged contravention is outlined below:
 - a. CovaU holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the EIA and is a regulated entity operating in a regulated industry within the meaning of the Act.
 - b. On 28 March 2024, CovaU allegedly identified a potential breach of sections 40EA(2) and 40EB(1) of the EIA.
 - c. The CPRG specifies that:
 - a. sections 40EA(2) and 40EB(1) of the EIA are Type 2 breaches
 - b. any potential or actual breaches that are Type 2 breaches must be reported to the commission within 30 calendar days of detection by the licensee.
 - d. On 29 April 2024, CovaU's reporting period for the alleged conduct concluded.
 - e. CovaU reported the breach to the commission on 17 June 2024, which was 50 days outside of the required reporting period.
6. As a result, the commission considers that CovaU's conduct, in failing to comply with the reporting requirements by 29 April 2024 under the CPRG, is a contravention of a civil penalty requirement under section 23A of the EIA.
7. The amount of the penalty is 200 penalty units, as provided by section 54T(2) of the Act. At the time of the contravention, the penalty unit amount was \$192.31, meaning that total penalty notice amount is \$38,462.

Penalty Notice

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

CovaU Pty Ltd (ACN 090 117 730)

Level 29, 225 George Street

Sydney NSW 2000

Penalty notice number: PN(E) 194-2025

1. This notice is dated 19 June 2025.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity CovaU Pty Ltd (ACN 090 117 730) (**CovaU**) has contravened a civil penalty requirement within the meaning of that term under section 3 of the *Essential Services Commission Act 2001 (Vic)* (**the Act**).
3. On 18 June 2025, the commission determined that it has a reason to believe that CovaU is a regulated entity that engaged in a contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description, of the alleged contravention are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is 200 penalty units, as provided by section 54T(2) of the Act. At the time of the contravention, the penalty unit amount was \$184.92, meaning that total penalty notice amount is \$36,984

How to pay the penalty

6. The \$36,984 penalty notice amount is payable by **24 July 2025**.
7. CovaU may pay the penalty amount by electronic funds transfer to the following account:

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]



8. Please notify the commission via email at enforcement@esc.vic.gov.au, once payment has been made.

What can CovaU do in response to this penalty notice?

9. CovaU can choose whether or not to pay the penalty specified in this notice.
10. If CovaU pays the amount of the penalty notice amount before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against CovaU for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If CovaU does not pay the penalty within this time, the commission may take such action.
11. CovaU is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.

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Gerard Brody
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Section 40EA(2) of the *Electricity Industry Act 2000* (**EIA**) was at all relevant times a civil penalty requirement within the meaning of section 3 of the Act.
2. Section 40EA(2) of the *EIA* provides that, if a retailer (a losing retailer) is aware that the customer transfer process has commenced or has been completed in respect of a domestic customer of the losing retailer:

... the conditions to which a licence to sell electricity held by a losing retailer is subject include a condition prohibiting the losing retailer from –

(a) contacting the domestic customer during the prohibited period-

(i) to make an offer to the domestic customer to renegotiate a supply and sale contract with the losing retailer and to terminate the supply and sale contract with another retailer; or

(ii) to offer, or arrange the offer of, a benefit, privilege or service, including a bundled electricity and gas service, to the domestic customer for that customer to remain a customer of the losing retailer and to terminate the supply and sale contract with another retailer; or

(iii) to make an offer to the domestic customer to enter into a new supply and sale contract with the losing retailer; or

(iv) to offer, or arrange the offer of, a benefit, privilege or service, including a bundled electricity and gas service, to the domestic customer for that customer to enter into a new supply and sale contract with the losing retailer; or

(b) requiring or permitting an employee or agent of the losing retailer to do a thing referred to in paragraph (a).

3. Section 40EA(6) of the *EIA* provides that:

"prohibited period" means the period—

(a) starting from when the losing retailer becomes aware that the customer transfer process has commenced or has been completed in respect of a domestic customer of the losing retailer; and

(b) ending—

(i) at the end of the period after the customer transfer process is complete that is prescribed for the purposes of this subparagraph; or

(ii) if there is no prescribed period, after a period of 6 months after the customer transfer process is complete.

4. In accordance with section 54S(1) of the Act, the commission has reason to believe that CovaU has contravened the civil penalty requirement under section 40EA(2) of the EIA.
5. The relevant nature and brief description of the alleged contravention is outlined below:
 - a. CovaU holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the EIA and is a regulated entity operating in a regulated industry within the meaning of the Act.
 - b. CovaU engaged a contractor called [REDACTED] to perform retention and win-back services in relation to its former customers on a national basis.
 - c. Between 23 May 2023 and 16 June 2023, [REDACTED], acting within the scope of its apparent authority on behalf of CovaU (the losing retailer), telephoned the below domestic customer during the prohibited period, to make an offer of a kind specified in section 40EA(2) of the EIA.
 - d. This occurred in circumstances where CovaU was aware that the customer transfer process had commenced or had been completed in respect of this domestic customer:
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - e. On 17 June 2024, CovaU reported a breach of this provision to the commission.
6. As a result, the commission considers that CovaU's conduct, in requiring or permitting its agent, [REDACTED], to contact domestic customers during the prohibited period, to make an offer of a kind specified in section 40EA(2) of the EIA in the period from 23 May 2023 to 16 June 2023, is a contravention of a civil penalty requirement under section 40EA(2) of the EIA.
7. The amount of the penalty is 200 penalty units, as provided by section 54T(2) of the Act. At the time of the contravention, the penalty unit amount was \$184.92, meaning that total penalty notice amount is \$36,984.

¹ A date range has been used as it is unclear precisely when the contravention occurred. The date range has been set between when CovaU became aware that the customer transfer process had commenced and when the customer received a welcome letter.

Penalty Notice

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

CovaU Pty Ltd (ACN 090 117 730)

Level 29, 225 George Street

Sydney NSW 2000

Penalty notice number: PN(E) 198-2025

1. This notice is dated 19 June 2025.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity CovaU Pty Ltd (ACN 090 117 730) (**CovaU**) has contravened a civil penalty requirement within the meaning of that term under section 3 of the *Essential Services Commission Act 2001 (Vic)* (**the Act**).
3. On 18 June 2025, the commission determined that it has a reason to believe that CovaU is a regulated entity that engaged in a contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description, of the alleged contravention are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is 200 penalty units, as provided by section 54T(2) of the Act. At the time of the contravention, the penalty unit amount was \$192.31, meaning that total penalty notice amount is \$38,462.

How to pay the penalty

6. The \$38,462 penalty notice amount is payable by **24 July 2025**.
7. CovaU may pay the penalty amount by electronic funds transfer to the following account:

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]



8. Please notify the commission via email at enforcement@esc.vic.gov.au, once payment has been made.

What can CovaU do in response to this penalty notice?

9. CovaU can choose whether or not to pay the penalty specified in this notice.
10. If CovaU pays the amount of the penalty notice amount before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against CovaU for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If CovaU does not pay the penalty within this time, the commission may take such action.
11. CovaU is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.

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Gerard Brody
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Section 40EA(2) of the *Electricity Industry Act 2000* (**EIA**) was at all relevant times a civil penalty requirement within the meaning of section 3 of the Act.
2. Section 40EA(2) of the *EIA* provides that, if a retailer (a losing retailer) is aware that the customer transfer process has commenced or has been completed in respect of a domestic customer of the losing retailer:

... the conditions to which a licence to sell electricity held by a losing retailer is subject include a condition prohibiting the losing retailer from –

(a) contacting the domestic customer during the prohibited period-

(i) to make an offer to the domestic customer to renegotiate a supply and sale contract with the losing retailer and to terminate the supply and sale contract with another retailer; or

(ii) to offer, or arrange the offer of, a benefit, privilege or service, including a bundled electricity and gas service, to the domestic customer for that customer to remain a customer of the losing retailer and to terminate the supply and sale contract with another retailer; or

(iii) to make an offer to the domestic customer to enter into a new supply and sale contract with the losing retailer; or

(iv) to offer, or arrange the offer of, a benefit, privilege or service, including a bundled electricity and gas service, to the domestic customer for that customer to enter into a new supply and sale contract with the losing retailer; or

(b) requiring or permitting an employee or agent of the losing retailer to do a thing referred to in paragraph (a).

3. Section 40EA(6) of the *EIA* provides that:

"prohibited period" means the period—

(a) starting from when the losing retailer becomes aware that the customer transfer process has commenced or has been completed in respect of a domestic customer of the losing retailer; and

(b) ending—

(i) at the end of the period after the customer transfer process is complete that is prescribed for the purposes of this subparagraph; or

(ii) if there is no prescribed period, after a period of 6 months after the customer transfer process is complete.

4. In accordance with section 54S(1) of the Act, the commission has reason to believe that CovaU has contravened the civil penalty requirement under section 40EA(2) of the EIA.
5. The relevant nature and brief description of the alleged contravention is outlined below:
 - a. CovaU holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the EIA and is a regulated entity operating in a regulated industry within the meaning of the Act.
 - b. CovaU engaged a contractor called [REDACTED] to perform retention and win-back services in relation to its former customers on a national basis.
 - c. On 5 September 2023, [REDACTED], acting within the scope of its apparent authority on behalf of CovaU (the losing retailer), telephoned the below domestic customer during the prohibited period, to make an offer of a kind specified in section 40EA(2) of the EIA.
 - d. This occurred in circumstances where CovaU was aware that the customer transfer process had commenced or had been completed in respect of this domestic customer:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
 - e. On 17 June 2024, CovaU reported a breach of this provision to the commission.
6. As a result, the commission considers that CovaU's conduct, in requiring or permitting its agent, [REDACTED], to contact domestic customers during the prohibited period, to make an offer of a kind specified in section 40EA(2) of the EIA on the 5 September 2023, is a contravention of a civil penalty requirement under section 40EA(2) of the EIA.
7. The amount of the penalty is 200 penalty units, as provided by section 54T(2) of the Act. At the time of the contravention, the penalty unit amount was \$192.31, meaning that total penalty notice amount is \$38,462.

Penalty Notice

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

CovaU Pty Ltd (ACN 090 117 730)

Level 29, 225 George Street

Sydney NSW 2000

Penalty notice number: PN(E) 197-2025

1. This notice is dated 19 June 2025.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity CovaU Pty Ltd (ACN 090 117 730) (**CovaU**) has contravened a civil penalty requirement within the meaning of that term under section 3 of the *Essential Services Commission Act 2001 (Vic)* (**the Act**).
3. On 18 June 2025, the commission determined that it has a reason to believe that CovaU is a regulated entity that engaged in a contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description, of the alleged contravention are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is 200 penalty units, as provided by section 54T(2) of the Act. At the time of the contravention, the penalty unit amount was \$192.31, meaning that total penalty notice amount is \$38,462.

How to pay the penalty

6. The \$38,462 penalty notice amount is payable by **24 July 2025**.
7. CovaU may pay the penalty amount by electronic funds transfer to the following account:

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]



8. Please notify the commission via email at enforcement@esc.vic.gov.au, once payment has been made.

What can CovaU do in response to this penalty notice?

9. CovaU can choose whether or not to pay the penalty specified in this notice.
10. If CovaU pays the amount of the penalty notice amount before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against CovaU for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If CovaU does not pay the penalty within this time, the commission may take such action.
11. CovaU is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.

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Gerard Brody
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Section 40EA(2) of the *Electricity Industry Act 2000* (**EIA**) was at all relevant times a civil penalty requirement within the meaning of section 3 of the Act.
2. Section 40EA(2) of the *EIA* provides that, if a retailer (a losing retailer) is aware that the customer transfer process has commenced or has been completed in respect of a domestic customer of the losing retailer:

... the conditions to which a licence to sell electricity held by a losing retailer is subject include a condition prohibiting the losing retailer from –

(a) contacting the domestic customer during the prohibited period-

(i) to make an offer to the domestic customer to renegotiate a supply and sale contract with the losing retailer and to terminate the supply and sale contract with another retailer; or

(ii) to offer, or arrange the offer of, a benefit, privilege or service, including a bundled electricity and gas service, to the domestic customer for that customer to remain a customer of the losing retailer and to terminate the supply and sale contract with another retailer; or

(iii) to make an offer to the domestic customer to enter into a new supply and sale contract with the losing retailer; or

(iv) to offer, or arrange the offer of, a benefit, privilege or service, including a bundled electricity and gas service, to the domestic customer for that customer to enter into a new supply and sale contract with the losing retailer; or

(b) requiring or permitting an employee or agent of the losing retailer to do a thing referred to in paragraph (a).

3. Section 40EA(6) of the *EIA* provides that:

"prohibited period" means the period—

(a) starting from when the losing retailer becomes aware that the customer transfer process has commenced or has been completed in respect of a domestic customer of the losing retailer; and

(b) ending—

(i) at the end of the period after the customer transfer process is complete that is prescribed for the purposes of this subparagraph; or

(ii) if there is no prescribed period, after a period of 6 months after the customer transfer process is complete.

4. In accordance with section 54S(1) of the Act, the commission has reason to believe that CovaU has contravened the civil penalty requirement under section 40EA(2) of the EIA.
5. The relevant nature and brief description of the alleged contravention is outlined below:
 - a. CovaU holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the EIA and is a regulated entity operating in a regulated industry within the meaning of the Act.
 - b. CovaU engaged a contractor called [REDACTED] to perform retention and win-back services in relation to its former customers on a national basis.
 - c. On 29 July 2023, [REDACTED], acting within the scope of its apparent authority on behalf of CovaU (the losing retailer), telephoned the below domestic customer during the prohibited period, to make an offer of a kind specified in section 40EA(2) of the EIA.
 - d. This occurred in circumstances where CovaU was aware that the customer transfer process had commenced or had been completed in respect of this domestic customer:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
 - e. On 17 June 2024, CovaU reported a breach of this provision to the commission.
6. As a result, the commission considers that CovaU's conduct, in requiring or permitting its agent, [REDACTED], to contact domestic customers during the prohibited period, to make an offer of a kind specified in section 40EA(2) of the EIA on the 29 July 2023, is a contravention of a civil penalty requirement under section 40EA(2) of the EIA.
7. The amount of the penalty is 200 penalty units, as provided by section 54T(2) of the Act. At the time of the contravention, the penalty unit amount was \$192.31, meaning that total penalty notice amount is \$38,462.

Penalty Notice

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

CovaU Pty Ltd (ACN 090 117 730)

Level 29, 225 George Street

Sydney NSW 2000

Penalty notice number: PN(E) 199-2025

1. This notice is dated 19 June 2025.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity CovaU Pty Ltd (ACN 090 117 730) (**CovaU**) has contravened a civil penalty requirement within the meaning of that term under section 3 of the *Essential Services Commission Act 2001 (Vic)* (**the Act**).
3. On 18 June 2025, the commission determined that it has a reason to believe that CovaU is a regulated entity that engaged in a contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description, of the alleged contravention are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is 200 penalty units, as provided by section 54T(2) of the Act. At the time of the contravention, the penalty unit amount was \$192.31, meaning that total penalty notice amount is \$38,462.

How to pay the penalty

6. The \$38,462 penalty notice amount is payable by **24 July 2025**.
7. CovaU may pay the penalty amount by electronic funds transfer to the following account:

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]



8. Please notify the commission via email at enforcement@esc.vic.gov.au, once payment has been made.

What can CovaU do in response to this penalty notice?

9. CovaU can choose whether or not to pay the penalty specified in this notice.
10. If CovaU pays the amount of the penalty notice amount before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against CovaU for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If CovaU does not pay the penalty within this time, the commission may take such action.
11. CovaU is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.

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Gerard Brody
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Section 40EA(2) of the *Electricity Industry Act 2000* (**EIA**) was at all relevant times a civil penalty requirement within the meaning of section 3 of the Act.
2. Section 40EA(2) of the *EIA* provides that, if a retailer (a losing retailer) is aware that the customer transfer process has commenced or has been completed in respect of a domestic customer of the losing retailer:

... the conditions to which a licence to sell electricity held by a losing retailer is subject include a condition prohibiting the losing retailer from –

(a) contacting the domestic customer during the prohibited period-

(i) to make an offer to the domestic customer to renegotiate a supply and sale contract with the losing retailer and to terminate the supply and sale contract with another retailer; or

(ii) to offer, or arrange the offer of, a benefit, privilege or service, including a bundled electricity and gas service, to the domestic customer for that customer to remain a customer of the losing retailer and to terminate the supply and sale contract with another retailer; or

(iii) to make an offer to the domestic customer to enter into a new supply and sale contract with the losing retailer; or

(iv) to offer, or arrange the offer of, a benefit, privilege or service, including a bundled electricity and gas service, to the domestic customer for that customer to enter into a new supply and sale contract with the losing retailer; or

(b) requiring or permitting an employee or agent of the losing retailer to do a thing referred to in paragraph (a).

3. Section 40EA(6) of the *EIA* provides that:

"prohibited period" means the period—

(a) starting from when the losing retailer becomes aware that the customer transfer process has commenced or has been completed in respect of a domestic customer of the losing retailer; and

(b) ending—

(i) at the end of the period after the customer transfer process is complete that is prescribed for the purposes of this subparagraph; or

(ii) if there is no prescribed period, after a period of 6 months after the customer transfer process is complete.

4. In accordance with section 54S(1) of the Act, the commission has reason to believe that CovaU has contravened the civil penalty requirement under section 40EA(2) of the EIA.
5. The relevant nature and brief description of the alleged contravention is outlined below:
 - a. CovaU holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the EIA and is a regulated entity operating in a regulated industry within the meaning of the Act.
 - b. CovaU engaged a contractor called [REDACTED] to perform retention and win-back services in relation to its former customers on a national basis.
 - c. On 11 December 2023, [REDACTED], acting within the scope of its apparent authority on behalf of CovaU (the losing retailer), telephoned the below domestic customer during the prohibited period, to make an offer of a kind specified in section 40EA(2) of the EIA.
 - d. This occurred in circumstances where CovaU was aware that the customer transfer process had commenced or had been completed in respect of this domestic customer:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
 - e. On 17 June 2024, CovaU reported a breach of this provision to the commission.
6. As a result, the commission considers that CovaU's conduct, in requiring or permitting its agent, [REDACTED], to contact domestic customers during the prohibited period, to make an offer of a kind specified in section 40EA(2) of the EIA on the 11 December 2023, is a contravention of a civil penalty requirement under section 40EA(2) of the EIA.
7. The amount of the penalty is 200 penalty units, as provided by section 54T(2) of the Act. At the time of the contravention, the penalty unit amount was \$192.31, meaning that total penalty notice amount is \$38,462.

Penalty Notice

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

CovaU Pty Ltd (ACN 090 117 730)
Level 29, 225 George Street
Sydney NSW 2000

Penalty notice number: PN(E) 201-2025

1. This notice is dated 19 June 2025.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity CovaU Pty Ltd (ACN 090 117 730) (**CovaU**) has contravened a civil penalty requirement within the meaning of that term under section 3 of the *Essential Services Commission Act 2001 (Vic)* (**the Act**).
3. On 18 June 2025, the commission determined that it has a reason to believe that CovaU is a regulated entity that engaged in a contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description, of the alleged contravention are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is 200 penalty units, as provided by section 54T(2) of the Act. At the time of the contravention, the penalty unit amount was \$192.31, meaning that total penalty notice amount is \$38,462.

How to pay the penalty

6. The \$38,462 penalty notice amount is payable by **24 July 2025**.
7. CovaU may pay the penalty amount by electronic funds transfer to the following account:


[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]



8. Please notify the commission via email at enforcement@esc.vic.gov.au, once payment has been made.

What can CovaU do in response to this penalty notice?

- 9. CovaU can choose whether or not to pay the penalty specified in this notice.
- 10. If CovaU pays the penalty notice amount before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against CovaU for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If CovaU does not pay the penalty within this time, the commission may take such action.
- 11. CovaU is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....

Gerard Brody
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Section 40EB(1) of the *Electricity Industry Act 2000* (**EIA**) was at all relevant times a civil penalty requirement within the meaning of section 3 of the Act.
2. Section 40EB(1) of the EIA provides that:

... the conditions to which a licence to sell electricity held by a retailer is subject include a condition prohibiting the retailer from...

(b) telephoning a domestic customer for the purpose of negotiating a supply and sale contract or another contract of a kind that is prescribed, irrespective of whether the customer is at their ordinary place of residence at the time of the telephone call; or

(c) requiring or permitting an employee or agent of the retailer to do a thing referred to in paragraph (a) or (b).
3. In accordance with section 54S(1) of the Act, the commission has reason to believe that CovaU has contravened the civil penalty requirement under section 40EB(1) of the EIA.
4. The relevant nature and brief description of the alleged contravention is outlined below:
 - a. CovaU holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the EIA and is a regulated entity operating in a regulated industry within the meaning of the Act.
 - b. CovaU engaged a contractor called [REDACTED] to perform retention and win-back services in relation to its former customers on a national basis
 - c. Between 21 February 2024 and 29 February 2024, [REDACTED], acting within the scope of its apparent authority, telephoned the below domestic customer for the purpose of negotiating a supply and sale contract:

[REDACTED]

[REDACTED]

[REDACTED]
 - d. This occurred in circumstances where neither CovaU or [REDACTED] had the express consent of the customer to be contacted.
 - e. On 17 June 2024, Covau reported a breach of this provision to the commission.
5. As a result, the commission considers that CovaU's conduct, in requiring or permitting its agent, [REDACTED], to telephone domestic customers for the purpose of negotiating a supply and sale contract Between 21 February 2024 and 29 February 2024, is a contravention of a civil penalty requirement under section 40EB(1) of the EIA.

6. The amount of the penalty is 200 penalty units, as provided by section 54T(2) of the Act. At the time of the contravention, the penalty unit amount was \$192.31, meaning that total penalty notice amount is \$38,462.

Penalty Notice

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

CovaU Pty Ltd (ACN 090 117 730)
Level 29, 225 George Street
Sydney NSW 2000

Penalty notice number: PN(E) 195-2025

1. This notice is dated 19 June 2025.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity CovaU Pty Ltd (ACN 090 117 730) (**CovaU**) has contravened a civil penalty requirement within the meaning of that term under section 3 of the *Essential Services Commission Act 2001 (Vic)* (**the Act**).
3. On 18 June 2025, the commission determined that it has a reason to believe that CovaU is a regulated entity that engaged in a contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description, of the alleged contravention are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is 200 penalty units, as provided by section 54T(2) of the Act. At the time of the contravention, the penalty unit amount was \$184.92, meaning that total penalty notice amount is \$36,984.

How to pay the penalty

6. The \$36,984 penalty notice amount is payable by **24 July 2025**.
7. CovaU may pay the penalty amount by electronic funds transfer to the following account:

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

8. Please notify the commission via email at enforcement@esc.vic.gov.au, once payment has been made.

What can CovaU do in response to this penalty notice?

9. CovaU can choose whether or not to pay the penalty specified in this notice.
10. If CovaU pays the penalty notice amount before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against CovaU for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If CovaU does not pay the penalty within this time, the commission may take such action.
11. CovaU is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



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Gerard Brody
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Section 40EB(1) of the *Electricity Industry Act 2000* (**EIA**) was at all relevant times a civil penalty requirement within the meaning of section 3 of the Act.
2. Section 40EB(1) of the EIA provides that:

... the conditions to which a licence to sell electricity held by a retailer is subject include a condition prohibiting the retailer from...

(b) telephoning a domestic customer for the purpose of negotiating a supply and sale contract or another contract of a kind that is prescribed, irrespective of whether the customer is at their ordinary place of residence at the time of the telephone call; or

(c) requiring or permitting an employee or agent of the retailer to do a thing referred to in paragraph (a) or (b).
3. In accordance with section 54S(1) of the Act, the commission has reason to believe that CovaU has contravened the civil penalty requirement under section 40EB(1) of the EIA.
4. The relevant nature and brief description of the alleged contravention is outlined below:
 - a. CovaU holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the EIA and is a regulated entity operating in a regulated industry within the meaning of the Act.
 - b. CovaU engaged a contractor called [REDACTED] to perform retention and win-back services in relation to its former customers on a national basis
 - c. On 6 February 2023, [REDACTED], acting within the scope of its apparent authority, telephoned the below domestic customer for the purpose of negotiating a supply and sale contract:

[REDACTED]

[REDACTED]

[REDACTED]
 - d. This occurred in circumstances where neither CovaU or [REDACTED] had the express consent of the customer to be contacted.
 - e. On 17 June 2024, Covau reported a breach of this provision to the commission.
5. As a result, the commission considers that CovaU's conduct, in requiring or permitting its agent, [REDACTED], to telephone domestic customers for the purpose of negotiating a supply and sale contract on 6 February 2023, is a contravention of a civil penalty requirement under section 40EB(1) of the EIA.

6. The amount of the penalty is 200 penalty units, as provided by section 54T(2) of the Act. At the time of the contravention, the penalty unit amount was \$184.92, meaning that total penalty notice amount is \$36,984.

Penalty Notice

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

CovaU Pty Ltd (ACN 090 117 730)
Level 29, 225 George Street
Sydney NSW 2000

Penalty notice number: PN(E) 200-2025

1. This notice is dated 19 June 2025.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity CovaU Pty Ltd (ACN 090 117 730) (**CovaU**) has contravened a civil penalty requirement within the meaning of that term under section 3 of the *Essential Services Commission Act 2001 (Vic)* (**the Act**).
3. On 18 June 2025, the commission determined that it has a reason to believe that CovaU is a regulated entity that engaged in a contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description, of the alleged contravention are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is 200 penalty units, as provided by section 54T(2) of the Act. At the time of the contravention, the penalty unit amount was \$192.31, meaning that total penalty notice amount is \$38,462.

How to pay the penalty

6. The \$38,462 penalty notice amount is payable by **24 July 2025**.
7. CovaU may pay the penalty amount by electronic funds transfer to the following account:

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]



8. Please notify the commission via email at enforcement@esc.vic.gov.au, once payment has been made.

What can CovaU do in response to this penalty notice?

9. CovaU can choose whether or not to pay the penalty specified in this notice.
10. If CovaU pays the penalty notice amount before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against CovaU for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If CovaU does not pay the penalty within this time, the commission may take such action.
11. CovaU is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.

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Gerard Brody
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Section 40EB(1) of the *Electricity Industry Act 2000* (**EIA**) was at all relevant times a civil penalty requirement within the meaning of section 3 of the Act.
2. Section 40EB(1) of the EIA provides that:

... the conditions to which a licence to sell electricity held by a retailer is subject include a condition prohibiting the retailer from...

(b) telephoning a domestic customer for the purpose of negotiating a supply and sale contract or another contract of a kind that is prescribed, irrespective of whether the customer is at their ordinary place of residence at the time of the telephone call; or

(c) requiring or permitting an employee or agent of the retailer to do a thing referred to in paragraph (a) or (b).
3. In accordance with section 54S(1) of the Act, the commission has reason to believe that CovaU has contravened the civil penalty requirement under section 40EB(1) of the EIA.
4. The relevant nature and brief description of the alleged contravention is outlined below:
 - a. CovaU holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the EIA and is a regulated entity operating in a regulated industry within the meaning of the Act.
 - b. CovaU engaged a contractor called [REDACTED] to perform retention and win-back services in relation to its former customers on a national basis
 - c. On 22 March 2024, [REDACTED], acting within the scope of its apparent authority, telephoned the below domestic customer for the purpose of negotiating a supply and sale contract:

[REDACTED]

[REDACTED]

[REDACTED]
 - d. This occurred in circumstances where neither CovaU or [REDACTED] had the express consent of the customer to be contacted.
 - e. On 17 June 2024, Covau reported a breach of this provision to the commission.
5. As a result, the commission considers that CovaU's conduct, in requiring or permitting its agent, [REDACTED], to telephone domestic customers for the purpose of negotiating a supply and sale contract on 22 March 2024, is a contravention of a civil penalty requirement under section 40EB(1) of the EIA.

6. The amount of the penalty is 200 penalty units, as provided by section 54T(2) of the Act. At the time of the contravention, the penalty unit amount was \$192.31, meaning that total penalty notice amount is \$38,462.

Penalty Notice

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

CovaU Pty Ltd (ACN 090 117 730)

Level 29, 225 George Street

Sydney NSW 2000

Penalty notice number: PN(G) 193-2025

1. This notice is dated 19 June 2025.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity CovaU Pty Ltd (ACN 090 117 730) (**CovaU**) has contravened a civil penalty requirement within the meaning of that term under section 3 of the *Essential Services Commission Act 2001 (Vic)* (**the Act**).
3. On 18 June 2025, the commission determined that it has a reason to believe that CovaU is a regulated entity that engaged in a contravention of a civil penalty requirement, in accordance with section 54S(1) of the Act.
4. The nature, and a brief description, of the alleged contravention are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is 200 penalty units, as provided by section 54T(2) of the Act. At the time of the contravention, the penalty unit amount was \$184.92, meaning that total penalty notice amount is \$36,984.

How to pay the penalty

6. The \$36,984 penalty notice amount is payable by **24 July 2025**.
7. CovaU may pay the penalty amount by electronic funds transfer to the following account:

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]



8. Please notify the commission via email at enforcement@esc.vic.gov.au, once payment has been made.

What can CovaU do in response to this penalty notice?

9. CovaU can choose whether or not to pay the penalty specified in this notice.
10. If CovaU pays the amount of the penalty notice amount before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against CovaU for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If CovaU does not pay the penalty within this time, the commission may take such action.
11. CovaU is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.

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Gerard Brody
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Section 48DA(2) of the *Gas Industry Act 2001* (**GIA**) was at all relevant times a civil penalty requirement within the meaning of section 3 of the Act..
2. Section 48DA(2) of the GIA provides that, if a retailer (a losing retailer) is aware that the customer transfer process has commenced or has been completed in respect of a domestic customer of the losing retailer:

... the conditions to which a licence to sell gas by retail held by a losing retailer is subject include a condition prohibiting the losing retailer from —

(a) contacting the domestic customer during the prohibited period —

(i) to make an offer to the domestic customer to renegotiate a supply and sale contract with the losing retailer and to terminate the supply and sale contract with another gas retailer; or

(ii) to offer, or arrange the offer of, a benefit, privilege or service, including a bundled gas and electricity service, to the domestic customer for that customer to remain a customer of the losing retailer and to terminate the supply and sale contract with another gas retailer; or

(iii) to make an offer to the domestic customer to enter into a new supply and sale contract with the losing retailer; or

(iv) to offer, or arrange the offer of, a benefit, privilege or service, including a bundled gas and electricity service, to the domestic customer for that customer to enter into a new supply and sale contract with the losing retailer; or

(b) requiring or permitting an employee or agent of the losing retailer to do a thing referred to in paragraph (a).

3. Section 48DA(6) of the GIA provides that:

"prohibited period" means the period—

(a) starting from when the losing retailer becomes aware that the customer transfer process has commenced or is commencing in respect of a domestic customer of the losing retailer; and

(b) ending—

(i) at the end of the period after the customer transfer process is complete that is prescribed for the purposes of this subparagraph; or

(ii) if there is no prescribed period, after a period of 6 months after the customer transfer process is complete.

4. In accordance with section 54S(1) of the Act, the commission has reason to believe that CovaU has contravened the civil penalty requirement under section 48DA(2) of the GIA.
5. The relevant nature and brief description of the alleged contravention is outlined below:
 - a. CovaU holds (and held at all material times) a gas retail licence issued by the commission pursuant to the GIA and is a regulated entity operating in a regulated industry within the meaning of the Act.
 - b. CovaU engaged a contractor called [REDACTED] to perform retention and win-back services in relation to its former customers on a national basis.
 - c. On 28 March 2023, [REDACTED], acting within the scope of its apparent authority on behalf of CovaU (the losing retailer), telephoned the below domestic customer during the prohibited period, to make an offer of a kind specified in section 48DA(2) of the GIA.
 - d. This occurred in circumstances where CovaU was aware that the customer transfer process had commenced or had been completed in respect of this domestic customer:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
 - e. On 17 June 2024, CovaU reported a breach of this provision to the commission.
6. As a result, the commission considers that CovaU's conduct, in requiring or permitting its agent, [REDACTED], to contact domestic customers during the prohibited period, to make an offer of a kind specified in section 48DA(2) of the GIA on 28 March 2023, is a contravention of a civil penalty requirement under section 48DA(2) of the GIA.
7. The amount of the penalty is 200 penalty units, as provided by section 54T(2) of the Act. At the time of the offence, the penalty unit amount was \$184.92, meaning that total penalty notice amount is \$36,984.