

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 31-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$36,984, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,984 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

9. Dodo can choose whether or not to pay the penalty specified in this notice.
10. If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
11. Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....  
Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

- a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001 (Vic)* and is a regulated entity operating in a regulated industry within the meaning of the Act.
- b) On 15 June 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

██████████

██

4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 30 June 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,984 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$184.92 (Victorian Government Gazette, G16 dated 21 April 2022).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 32-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$36,984, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,984 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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]

- Please notify the commission via email at [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

- Dodo can choose whether or not to pay the penalty specified in this notice.
- If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
- Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....  
Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001 (Vic)* and is a regulated entity operating in a regulated industry within the meaning of the Act.

b) On 15 June 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 30 June 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,984 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$184.92 (Victorian Government Gazette, G16 dated 21 April 2022).



## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 33-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$36,984, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,984 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

9. Dodo can choose whether or not to pay the penalty specified in this notice.
10. If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
11. Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



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Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission



# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

- a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001 (Vic)* and is a regulated entity operating in a regulated industry within the meaning of the Act.
- b) On 15 March 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 30 March 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.
5. The amount of the penalty for this civil penalty requirement during this period was \$36,984 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$184.92 (Victorian Government Gazette, G16 dated 21 April 2022).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 34-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$36,984, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,984 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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]

- Please notify the commission via email at [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

- Dodo can choose whether or not to pay the penalty specified in this notice.
- If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
- Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



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Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001 (Vic)* and is a regulated entity operating in a regulated industry within the meaning of the Act.

b) On 14 February 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

██████████

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4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 1 March 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,984 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$184.92 (Victorian Government Gazette, G16 dated 21 April 2022).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 35-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$38,462, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$38,462 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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]

8. Please notify the commission via email at [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

9. Dodo can choose whether or not to pay the penalty specified in this notice.
10. If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
11. Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....  
Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission



# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001 (Vic)* and is a regulated entity operating in a regulated industry within the meaning of the Act.

b) On 14 September 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 29 September 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$38,462 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$192.31 (Victorian Government Gazette, S256 dated 23 May 2023).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 36-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$36,984, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,984 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

9. Dodo can choose whether or not to pay the penalty specified in this notice.
10. If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
11. Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



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Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

- a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001 (Vic)* and is a regulated entity operating in a regulated industry within the meaning of the Act.
- b) On 14 March 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

██████████

██

4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 29 March 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,984 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$184.92 (Victorian Government Gazette, G16 dated 21 April 2022).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 37-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$36,984, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,984 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

9. Dodo can choose whether or not to pay the penalty specified in this notice.
10. If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
11. Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....  
Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission



# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001 (Vic)* and is a regulated entity operating in a regulated industry within the meaning of the Act.

b) On 13 June 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 28 June 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,984 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$184.92 (Victorian Government Gazette, G16 dated 21 April 2022).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 38-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$38,462, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$38,462 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

9. Dodo can choose whether or not to pay the penalty specified in this notice.
10. If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
11. Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....  
Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001 (Vic)* and is a regulated entity operating in a regulated industry within the meaning of the Act.

b) On 14 September 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 29 September 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$38,462 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$192.31 (Victorian Government Gazette, S256 dated 23 May 2023).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 39-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$38,462, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$38,462 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

9. Dodo can choose whether or not to pay the penalty specified in this notice.
10. If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
11. Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....  
Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission



# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001 (Vic)* and is a regulated entity operating in a regulated industry within the meaning of the Act.

b) On 14 September 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

████████████████████

██

4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 29 September 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$38,462 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$192.31 (Victorian Government Gazette, S256 dated 23 May 2023).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 40-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$36,984, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,984 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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]

- Please notify the commission via email at [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

- Dodo can choose whether or not to pay the penalty specified in this notice.
- If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
- Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....  
Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

- a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001 (Vic)* and is a regulated entity operating in a regulated industry within the meaning of the Act.
- b) On 15 June 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 30 June 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.
5. The amount of the penalty for this civil penalty requirement during this period was \$36,984 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$184.92 (Victorian Government Gazette, G16 dated 21 April 2022).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 41-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$38,462, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$38,462 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

9. Dodo can choose whether or not to pay the penalty specified in this notice.
10. If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
11. Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....  
Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission



# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001 (Vic)* and is a regulated entity operating in a regulated industry within the meaning of the Act.

b) On 14 September 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 29 September 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$38,462 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$192.31 (Victorian Government Gazette, S256 dated 23 May 2023).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 42-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$38,462, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$38,462 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

9. Dodo can choose whether or not to pay the penalty specified in this notice.
10. If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
11. Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....  
Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001 (Vic)* and is a regulated entity operating in a regulated industry within the meaning of the Act.

b) On 14 September 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 29 September 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$38,462 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$192.31 (Victorian Government Gazette, S256 dated 23 May 2023).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 43-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$38,462, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$38,462 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

9. Dodo can choose whether or not to pay the penalty specified in this notice.
10. If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
11. Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....  
Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission



# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001 (Vic)* and is a regulated entity operating in a regulated industry within the meaning of the Act.

b) On 14 September 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 29 September 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$38,462 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$192.31 (Victorian Government Gazette, S256 dated 23 May 2023).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 44-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$36,984, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,984 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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]

- Please notify the commission via email at [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### What can Dodo do in response to this penalty notice?

- Dodo can choose whether or not to pay the penalty specified in this notice.
- If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
- Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....  
Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

- a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001 (Vic)* and is a regulated entity operating in a regulated industry within the meaning of the Act.
- b) On 15 June 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 30 June 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.
5. The amount of the penalty for this civil penalty requirement during this period was \$36,984 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$192.31 (Victorian Government Gazette, G16 dated 21 April 2022).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 45-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$36,984, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,984 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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]

- Please notify the commission via email at [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

- Dodo can choose whether or not to pay the penalty specified in this notice.
- If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
- Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....  
Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission



# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001 (Vic)* and is a regulated entity operating in a regulated industry within the meaning of the Act.

b) On 14 February 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 1 March 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,984 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$184.92 (Victorian Government Gazette, G16 dated 21 April 2022).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 46-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$36,984, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,984 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

9. Dodo can choose whether or not to pay the penalty specified in this notice.
10. If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
11. Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....  
Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

- a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001 (Vic)* and is a regulated entity operating in a regulated industry within the meaning of the Act.
- b) On 15 June 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 30 June 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.
5. The amount of the penalty for this civil penalty requirement during this period was \$36,984 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$184.92 (Victorian Government Gazette, G16 dated 21 April 2022).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 47-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$36,984, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,984 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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]

- Please notify the commission via email at [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

- Dodo can choose whether or not to pay the penalty specified in this notice.
- If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
- Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....  
Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission



# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

- a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001 (Vic)* and is a regulated entity operating in a regulated industry within the meaning of the Act.
- b) On 15 March 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 30 March 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,984 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$184.92 (Victorian Government Gazette, G16 dated 21 April 2022).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 48-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$36,984, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,984 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

9. Dodo can choose whether or not to pay the penalty specified in this notice.
10. If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
11. Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....  
Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

- a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001 (Vic)* and is a regulated entity operating in a regulated industry within the meaning of the Act.
- b) On 14 March 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 29 March 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,984 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$184.92 (Victorian Government Gazette, G16 dated 21 April 2022).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 49-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$38,462, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$38,462 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

9. Dodo can choose whether or not to pay the penalty specified in this notice.
10. If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
11. Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....  
Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission



# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001* (Vic) and is a regulated entity operating in a regulated industry within the meaning of the Act.

b) On 12 September 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 27 September 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$38,462 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$192.31 (Victorian Government Gazette, G16 dated 23 May 2023).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 50-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$36,984, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,984 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

9. Dodo can choose whether or not to pay the penalty specified in this notice.
10. If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
11. Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....  
Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) was a civil penalty requirement between 30 May 2022 and 12 January 2024, pursuant to Schedule 1 of the ERCOP and section 3 of the Act.

2. Clause 80(1) of the Energy Retail Code of Practice provided that:

Where a distributor makes a payment required to be made by clause 14 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

- a) Dodo holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001 (Vic)* and is a regulated entity operating in a regulated industry within the meaning of the Act.
- b) On 14 March 2023, a distributor made a payment required to be made by clause 5 of the Electricity Distribution Code via Dodo, and Dodo failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Dodo contravened clause 80(1) of the ERCOP on 29 March 2023. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,984 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$184.92 (Victorian Government Gazette, G16 dated 21 April 2022).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### Penalty notice number: PN(E) 51-2024

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$38,462, as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$38,462 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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]

8. Please notify the commission via email at [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

9. Dodo can choose whether or not to pay the penalty specified in this notice.
10. If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
11. Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....  
Sitesh Bhojani  
Commissioner and Acting 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 times a civil penalty requirement within the meaning of section 3 of the Act.
2. Section 23A of the EIA provided 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. The relevant guideline in this matter is the Compliance and Performance Reporting Guideline version 8 (**CPRG**).
3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:
  - a) Dodo 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 2 June 2023, Dodo identified a potential breach of clause 80(1) of the Energy Retail Code of Practice (versions 1 and 2) (**ERCOP**).
  - c) The CPRG specifies that clause 80(1) of the ERCOP is a Type 2 breach. 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) Dodo reported the breach to the commission on 25 July 2023, which was 21 days outside of the required reporting period.
4. As a result, the commission alleges that Dodo contravened section 23A of the EIA by failing to comply with the reporting requirements under the CPRG. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.
5. The amount of the penalty for this civil penalty requirement during this period was \$38,462 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$192.31 (Victorian Government Gazette, S256 dated 23 May 2023).

## Penalty Notice

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

To: M2 Energy Pty Ltd (ACN 123 155 840)  
Level 10, 452 Flinders Street  
MELBOURNE VIC 3000

#### **Penalty notice number: PN(E) 52-2024**

1. This notice is dated 13 August 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity M2 Energy Pty Ltd (ACN 123 155 840) trading as Dodo Power & Gas (**Dodo**) 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 7 August 2024, the commission determined that it has a reason to believe that Dodo is a regulated entity that had engaged in 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 \$36,984, as provided by section 54T(2) of the Act.

#### **How to pay the penalty**

6. The \$36,984 energy industry penalty is payable by **11 September 2024**.
7. Dodo 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]

8. Please notify the commission via email at [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

### **What can Dodo do in response to this penalty notice?**

9. Dodo can choose whether or not to pay the penalty specified in this notice.
10. If Dodo pays the amount of the energy industry penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Dodo 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 Dodo does not pay the penalty within this time, the commission may take such action.
11. Dodo is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



.....  
Sitesh Bhojani  
Commissioner and Acting Chairperson  
Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Section 33 of the *Gas Industry Act 2001 (Vic)* (**GIA**) was at all times a civil penalty requirement within the meaning of section 3 of the Act.
2. Section 33 of the GIA provided that it is a statutory condition of a gas retail licence to comply with any guidelines prepared by the commission for the purpose of that section. The relevant guideline in this matter is the Compliance and Performance Reporting Guideline version 7 (**CPRG**).
3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:
  - a) Dodo 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) On 27 February 2023, Dodo identified a potential breach of section 48DG(1) of the GIA.
  - c) The CPRG specifies that section 48DG of the GIA is a Type 2 breach. 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) Dodo reported the breach to the commission on 26 May 2023, which was 57 days outside of the required reporting period.
4. As a result, the commission alleges that Dodo contravened section 33 of the GIA by failing to comply with the reporting requirements under the CPRG. Dodo's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.
5. The amount of the penalty for this civil penalty requirement during this period was \$36,984 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$184.92 (Victorian Government Gazette, G16 dated 21 April 2022).