

NATIONAL ENERGY RETAIL LAW
SECTION 308
INFRINGEMENT NOTICE ISSUED TO
COVAU PTY LIMITED (ACN 090 117 730)

TO: COVAU PTY LIMITED (ACN 090 117 730)
Level 29, 255 George Street
SYDNEY NSW 2000

Infringement Notice No.: AER17-2023

1. The Australian Energy Regulator (**AER**):
 - a. believes on reasonable grounds that COVAU PTY LIMITED (ACN 090 117 730) (**CovaU**), which is a 'retailer' within the meaning of the *National Energy Retail Law* being the Schedule to the *National Energy Retail (South Australia) Act 2011* (**NERL**), has breached section 23(1) of the NERL in the manner set out in Schedule 1 to this Infringement Notice (**the alleged breach**); and
 - b. has decided to serve this Infringement Notice on CovaU under section 277 of the *National Gas Law* being the Schedule to the *National Gas (South Australia) Act 2008* (**National Gas Law**) as applied by section 308 of the NERL.
2. The infringement penalty is \$67,800.

WHAT CAN COVAU DO IN RESPONSE TO THIS INFRINGEMENT NOTICE?

3. CovaU can choose whether or not to comply with this Infringement Notice. If CovaU chooses not to comply with this Infringement Notice, the AER may commence proceedings against it in relation to the alleged breach. CovaU is entitled to disregard this Infringement Notice and to defend any proceedings in respect of the alleged breach.
4. If CovaU chooses to comply with this Infringement Notice, it must pay the infringement penalty to the AER, on behalf of the Commonwealth, by **11 July 2023** being not less than 28 days from the date of service of this Infringement Notice, beginning on the day after the day on which this Infringement Notice is served (**the compliance period**).
5. To ensure payment is made in accordance with this Infringement Notice, payment must be received on or before **11 July 2023**.
6. If CovaU pays the infringement penalty within the compliance period, the AER will not institute proceedings in respect of the alleged breach unless the Infringement Notice is withdrawn before the end of the compliance period in accordance with section 282 of the National Gas Law as applied by section 308 of the NERL.

HOW TO PAY AN INFRINGEMENT NOTICE

7. CovaU may pay the \$67,800 infringement penalty in three ways:

- a. by cheque made out to the “ACCC Official Administered Account”,* enclosing a copy of this Infringement Notice to:

Australian Energy Regulator
GPO Box 520
MELBOURNE VIC 3001

you should allow at least five business days for payment to be received

or

- b. by electronic funds transfer to the following account:*

Account name: ACCC Official Administered Account
BSB: 032-730
Account: 146550
Description: AER17-2023

you should allow at least two business days for payment to be received

or

- c. by credit card via the ACCC online payment system at www.accc.gov.au/payments.*

Please ensure that you include “AER17-2023” in the Payment Description field of your online payment to identify payment.

You should allow at least two business days for payment to be received.

- * The Australian Competition and Consumer Commission handles the receipt of infringement penalty payments for the AER on behalf of the Commonwealth of Australia. All payments received are paid into the Consolidated Revenue Fund.
9. Please allow sufficient time for your payment to be received within the compliance period.
10. CovaU will be issued with a Tax Invoice following payment of the infringement penalty.

DATE OF ISSUE: 13 JUNE 2023



Clare Savage
Chair
Australian Energy Regulator

SCHEDULE 1

MATTERS CONSTITUTING AN ALLEGED BREACH OF A CIVIL PENALTY PROVISION:

1. CovaU is, and was at all relevant times, a 'retailer' within the meaning of section 2 of the NERL.
2. Section 23(1) of the NERL requires that a retailer must publish its standing offer prices on its website, and the standing offer prices so published remain in force until varied in accordance with the NERL. Section 23(1) of the NERL is a civil penalty provision.
3. Between July 2021 and January 2023 (**the relevant period**), CovaU did not publish its standing offer prices on its website at www.covau.com.au as required by section 23(1) of the NERL. During the relevant period customers accessing CovaU's website for energy plans in the Australian Capital Territory, New South Wales, Queensland, South Australia and Tasmania were therefore not able to view the standing offer prices on this website.
4. Accordingly, it is alleged that CovaU has breached section 23(1) of the Retail Law, a civil penalty provision.