

## Penalty Notice

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

To: AusNet Electricity Services Pty Ltd  
Level 31, 2 Southbank Boulevard  
Southbank VIC 3006

#### Penalty Notice number: PN(E) 1-2023

1. This notice is dated 10 March 2023.
2. The Essential Services Commission (**the Commission**) alleges that the regulated entity AusNet Electricity Services Pty Ltd (ACN 064 651 118) (**AusNet**), 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 8 March 2023, the Commission formed a reason to believe in accordance with section 54S(1) of the Act that AusNet is a regulated entity that had engaged in contravention of a civil penalty requirement.
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 \$10,177 as provided by section 78 of the Act.

#### How to pay the penalty

6. The \$10,177 penalty is payable by **27 April 2023**.
7. AusNet may pay the penalty by electronic funds transfer to the following account:

Bank: [REDACTED]  
BSB: [REDACTED]  
Account number: [REDACTED]  
Account name: [REDACTED]  
ABN: [REDACTED]  
Reference: PN(E) 1-2023

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

**What can AusNet do in response to this Penalty Notice?**

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



.....  
**Kate Symons**  
Chairperson  
Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 5.5.1(b) was a civil penalty requirement on [REDACTED] by virtue of section 78(1) and (2) of the Act. Clause 5.5.1(b) of the Electricity Distribution Code of Practice (Version 14) (EDCOP) provided that:

In the case of a planned interruption

(b) ... where a person residing at the supply address is a registered life support customer, the distributor must provide the affected customer with at least 4 business days written notice in hard copy of the interruption...

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

(a) AusNet holds (and held at all material times), an electricity distribution licence issued by the commission pursuant to the *Electricity Industry Act 2001* (Vic) and it operates as a regulated entity in a regulated industry.

(b) The Commission has reason to believe that between [REDACTED] [REDACTED], AusNet conducted a planned interruption which interrupted the supply of electricity to the below supply address, but failed to provide the affected customer at least four business days written notice of the interruption:

(i) [REDACTED]

(ii) [REDACTED]

(c) The customer was a registered life support customer.

3. The commission alleges that AusNet contravened clause 5.5.1(b) of the EDCOP on [REDACTED] [REDACTED] AusNet's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

4. The amount of the penalty for this civil penalty requirement during the transitional period was \$10,177 (56 penalty units),<sup>1</sup> as provided by section 78 of the Act.

---

<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)