

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 273-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 8 August 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 274-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## **Schedule 1 – Details of the conduct and alleged energy industry contravention**

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 27 September 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 275-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission



## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 3 June 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

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### Energy industry penalty notice number: EIPN(E) 276-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
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1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 10 October 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

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2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 11 January 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

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3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]



7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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1. Origin Energy holds an electricity retail licence issued by the commission.
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3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 17 October 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

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3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
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3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 18 October 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

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### Energy industry penalty notice number: EIPN(E) 280-2021

1. This notice is dated 16 September 2021.
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3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

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7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
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2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 4 April 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.



## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 281-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 10 October 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 282-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 27 June 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 283-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission



## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 20 December 2019, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 284-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 6 October 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 285-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

**What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 9 August 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 286-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]



7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 1 March 2019, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 287-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 16 October 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 288-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 21 March 2019, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.



## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 289-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 20 May 2020, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 290-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 21 September 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 291-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission



## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 24 February 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 292-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 24 August 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 293-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 23 January 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 294-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]



7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 5 December 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 295-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 29 November 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 296-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 28 July 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.



## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 297-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 5 March 2019, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 298-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 18 December 2019, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 299-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

**What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission



## **Schedule 1 – Details of the conduct and alleged energy industry contravention**

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 25 January 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 300-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## **Schedule 1 – Details of the conduct and alleged energy industry contravention**

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 30 November 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 301-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## **Schedule 1 – Details of the conduct and alleged energy industry contravention**

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 30 March 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

#### Energy industry penalty notice number: EIPN(E) 302-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

#### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]



7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## **Schedule 1 – Details of the conduct and alleged energy industry contravention**

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 29 September 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 303-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

**What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 16 December 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 304-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 25 February 2020, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.



## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 305-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 9 March 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 306-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 15 February 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 307-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

**What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission



## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 19 June 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 308-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 5 May 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

#### Energy industry penalty notice number: EIPN(E) 309-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

#### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 3 January 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 310-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]



7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 16 February 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 311-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

.....  
Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 22 February 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 312-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 16 May 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.



## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 313-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 4 October 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 314-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 15 August 2019, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 315-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission



## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 13 November 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 316-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 27 September 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 317-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 9 February 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 318-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]



7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## **Schedule 1 – Details of the conduct and alleged energy industry contravention**

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 6 April 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 319-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 15 August 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 320-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 18 October 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.



## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 321-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 21 November 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 322-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 6 March 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 323-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission



## **Schedule 1 – Details of the conduct and alleged energy industry contravention**

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 26 July 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 324-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 16 August 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 325-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

.....  
Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 13 October 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 326-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]



7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 15 November 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 327-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 24 November 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 328-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 29 November 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.



## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
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BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 329-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 11 August 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
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2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 12 January 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
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1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission



## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 29 August 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

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100 Barangaroo Avenue  
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2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 10 January 2020, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

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### Energy industry penalty notice number: EIPN(E) 333-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## **Schedule 1 – Details of the conduct and alleged energy industry contravention**

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 26 May 2020, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 334-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]



7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## **Schedule 1 – Details of the conduct and alleged energy industry contravention**

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 10 May 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 335-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 2 July 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 336-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 20 December 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.



## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 337-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 6 January 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 338-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 5 August 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 339-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission



## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 7 March 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 340-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 15 January 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 341-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## **Schedule 1 – Details of the conduct and alleged energy industry contravention**

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 28 March 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 342-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]



7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 19 June 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 343-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 15 April 2020, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 344-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

**What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 20 March 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.



## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 345-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 20 February 2020, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 346-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 9 August 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 347-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission



## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 13 February 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 348-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 16 June 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 349-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 16 November 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 350-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]



7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 9 November 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 351-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 26 March 2019, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 352-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 7 August 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.



## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 353-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 21 July 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 354-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 3 August 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 355-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission



## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 1 June 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 356-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 14 June 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 357-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 26 March 2019, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 358-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]



7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 18 May 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 359-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 21 August 2020, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 360-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 13 February 2020, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.



## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 361-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 2 April 2020, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 362-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

**What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 19 February 2020, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 363-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission



## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 16 June 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 364-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 22 June 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 365-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 19 October 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 366-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]



7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

**What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 19 March 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 367-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## **Schedule 1 – Details of the conduct and alleged energy industry contravention**

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 11 December 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 368-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 9 June 2016, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.



## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 369-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 31 July 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 370-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 6 March 2017, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 371-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission



## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 13 April 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: Origin Energy Electricity Limited (ACN 071 052 287)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(E) 372-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy Electricity Limited (ACN 071 052 287) (Origin Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **21 October 2021**.
6. Origin Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

### **What can Licensee do in response to this energy industry penalty notice?**

8. Origin Energy can choose whether or not to pay this energy industry penalty notice.
9. If Origin Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Origin Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.

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Sitesh Bhojani  
Commissioner  
Essential Services Commission

## **Schedule 1 – Details of the conduct and alleged energy industry contravention**

1. Origin Energy holds an electricity retail licence issued by the commission.
2. Clause 21 of the electricity retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Electricity Industry Act 2000.
3. Section 40D of the Electricity Industry Act 2000 relevantly provides that:
  - (1AA) Without limiting the generality of sections 20(2) or (3) or 21, the conditions to which a licence to sell electricity is subject include a condition prohibiting, on and after the commencement of section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of electricity between the licensee and a small retail customer that imposes an exit fee on the termination of the contract unless—
    - (a) the contract is a fixed-term retail contract; and
    - (b) the following will not change during the term of the contract—
      - (i) any tariffs, charges and fees for electricity supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for electricity supplied under that contract;
      - (iii) any terms and conditions that apply to electricity supplied under that contract.
4. Section 10 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 24 January 2018, Origin Energy entered into a contract for the supply or sale of electricity with the small retail customer identified below. This contract imposed an exit fee and was not for a fixed term with fixed tariffs, charges, fees, discounts, and terms and conditions, in contravention of section 40D of the Electricity Industry Act 2000:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 40D of the Electricity Industry Act is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 5, Item 1.