



## Penalty Notice

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

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

#### **Penalty Notice number: PN(E) 1-2022**

1. This notice is dated 18 July 2022.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Origin Energy Electricity Limited (ACN 071 052 287) (**Origin Energy**), has engaged in conduct that constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the *Essential Services Commission Act 2001 (Vic)* (**the Act**).
3. On 13 July 2022, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Origin Energy is a regulated entity that had engaged in contravention of a civil penalty requirement in that, between 25 November 2021 and 8 December 2021, Origin Energy failed to provide a residential customer with the assistance available under Part 3 of the Energy Retail Code (version 20) (**the Code**) in a timely manner as required under clause 89(1)(c) of the Code.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this Penalty Notice.
5. The amount of the penalty is \$36,348 as provided by section 77 of the Act.

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

6. The \$36,348 penalty is payable by 22 August 2022.

7. Origin Energy may pay the penalty by electronic funds transfer to the following account:

Bank: [REDACTED]  
BSB: [REDACTED]  
Account number: [REDACTED]  
Account name: [REDACTED]  
ABN: [REDACTED]  
Reference: PN(E) 1-2022

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

**What can Origin Energy do in response to this Penalty Notice?**

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



.....  
Sitesh Bhojani  
Commissioner  
Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 89(1)(c) of the Energy Retail Code (version 20) (**the Code**) was a civil penalty requirement between 1 December 2021 and 28 February 2022 (**the transitional period**), by virtue of section 77(3)(c) and (d) of the Act. Clause 89(1)(c) of the Code provided that a retailer must:

...

- (c) in a timely manner provide, or use its best endeavours to provide, a residential customer who is entitled to receive assistance under this Part with that assistance;

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

- (a) Origin Energy holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001* (Vic) and is a regulated entity operating in a regulated industry.
- (b) On 25 November 2021, a Financial Counsellor contacted Origin Energy on behalf of the following residential customer who was in arrears, requesting the customer's bill and an application form for the Utility Relief Grant Scheme:

- Customer Name: [REDACTED]
- Supply Address: [REDACTED]

**(the customer)**.

This was a request for assistance available under Part 3 of the Code.

- (c) Origin Energy was required to, in a timely manner, provide the assistance available under Part 3 of the Code between 25 November 2021 when the Financial Counsellor requested the assistance, and 8 December 2021 when Origin Energy arranged the disconnection of the customer's electricity supply (**the relevant period**).
- (d) Origin Energy failed to provide the assistance requested and available under Part 3 of the Code in a timely manner within the relevant period.
- (e) As a result, the commission alleges that Origin Energy contravened clause 89(1)(c) of the Code in the transitional period between 1 and 8 December 2021. Origin Energy's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

3. The amount of the penalty for this civil penalty requirement during the transitional period was \$36,348 (200 penalty units),<sup>1</sup> as provided by section 77 of the Act.

---

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