



Penalty Notice

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

To: Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300)
Level 13
225 George Street
Sydney, NSW 2000

Penalty Notice number: PN(E) 13-2022

1. This notice is dated 2 December 2022.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300) (**Alinta Energy**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 30 November 2022, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Alinta Energy is a regulated entity that had engaged in conduct in contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 77 of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by 20 January 2023.
7. Alinta 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) 13-2022

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

What can Alinta Energy do in response to this Penalty Notice?

9. Alinta Energy can choose whether or not to pay this penalty notice.
10. If Alinta 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 Alinta 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 Alinta Energy does not pay the penalty within this time, the commission may take such action.
11. Alinta Energy is entitled to disregard this Penalty Notice and to defend any proceedings relating to the alleged contravention.



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Kate Symons
Chairperson
Essential Services Commission



Schedule 1

Details of the conduct and alleged contravention

1. Clause 89(1)(c) of the Code was a civil penalty requirement between 1 December 2021 and 28 February 2022, 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) Alinta 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 [REDACTED], Alinta Energy had phone contact with the following residential customer:

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

(the customer).

(c) As the customer was in arrears, they were entitled to the assistance available under Part 3 of the Code. Alinta Energy was required to, in a timely manner, provide this assistance.

(d) During the phone contact, Alinta Energy failed to provide the customer with information about the following forms of assistance available to them under Part 3 of the Code:

- Information about the likely cost of their future energy use (under clause 79(1)(c)).
- Advice about the Utility Relief Grant Scheme (under clause 79(1)(d)).

- (e) As a result, the commission alleges that Alinta Energy contravened clause 89(1)(c) of the Code. Alinta 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 was \$36,348 (200 penalty units),¹ as provided by section 77 of the Act.

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

Penalty Notice

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

To: Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300)
Level 13
225 George Street
Sydney, NSW 2000

Penalty Notice number: PN(G) 14-2022

1. This notice is dated 2 December 2022.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300) (**Alinta Energy**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 30 November 2022, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Alinta Energy is a regulated entity that had engaged in conduct in contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 77 of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by 20 January 2023.
7. Alinta 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(G) 14-2022

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

What can Alinta Energy do in response to this Penalty Notice?

9. Alinta Energy can choose whether or not to pay this penalty notice.
10. If Alinta 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 Alinta 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 Alinta Energy does not pay the penalty within this time, the commission may take such action.
11. Alinta Energy is entitled to disregard this Penalty Notice and to defend any proceedings relating to the alleged contravention.



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Kate Symons
Chairperson
Essential Services Commission

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

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- (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) Alinta 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 [REDACTED], Alinta Energy had phone contact with the following residential customer:

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

(the customer).

(c) As the customer was in arrears, they were entitled to the assistance available under Part 3 of the Code. Alinta Energy was required to, in a timely manner, provide this assistance.

(d) During the phone contact, Alinta Energy failed to provide the customer with information about the following forms of assistance available to them under Part 3 of the Code:

- Information about the likely cost of their future energy use (under clause 79(1)(c)).
- Advice about the Utility Relief Grant Scheme (under clause 79(1)(d)).

(e) As a result, the commission alleges that Alinta Energy contravened clause 89(1)(c) of the Code. Alinta 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 was \$36,348 (200 penalty units),² as provided by section 77 of the Act.

² As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)



Penalty Notice

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

To: Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300)
Level 13
225 George Street
Sydney, NSW 2000

Penalty Notice number: PN(E) 15-2022

1. This notice is dated 2 December 2022.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300) (**Alinta Energy**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 30 November 2022, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Alinta Energy is a regulated entity that had engaged in conduct in contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 77 of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by 20 January 2023.
7. Alinta 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) 15-2022

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

What can Alinta Energy do in response to this Penalty Notice?

9. Alinta Energy can choose whether or not to pay this penalty notice.
10. If Alinta 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 Alinta 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 Alinta Energy does not pay the penalty within this time, the commission may take such action.
11. Alinta Energy is entitled to disregard this Penalty Notice and to defend any proceedings relating to the alleged contravention.



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(a) Alinta 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.

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- Customer Name: [REDACTED]
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(c) As the customer was in arrears, they were entitled to the assistance available under Part 3 of the Code. Alinta Energy was required to, in a timely manner, provide this assistance.

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3. The amount of the penalty for this civil penalty requirement was \$36,348 (200 penalty units),³ as provided by section 77 of the Act.

³ As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)



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To: Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300)
Level 13
225 George Street
Sydney, NSW 2000

Penalty Notice number: PN(E) 16-2022

1. This notice is dated 2 December 2022.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300) (**Alinta Energy**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 30 November 2022, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Alinta Energy is a regulated entity that had engaged in conduct in contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 77 of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by 20 January 2023.
7. Alinta 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) 16-2022

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

What can Alinta Energy do in response to this Penalty Notice?

9. Alinta Energy can choose whether or not to pay this penalty notice.
10. If Alinta 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 Alinta 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 Alinta Energy does not pay the penalty within this time, the commission may take such action.
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3. The amount of the penalty for this civil penalty requirement was \$36,348 (200 penalty units),⁴ as provided by section 77 of the Act.

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Penalty Notice number: PN(G) 17-2022

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Penalty Notice

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

To: Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300)
Level 13
225 George Street
Sydney, NSW 2000

Penalty Notice number: PN(E) 18-2022

1. This notice is dated 2 December 2022.
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Account number: [REDACTED]
Account name: [REDACTED]
ABN: [REDACTED]

Reference: PN(E) 18-2022

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

What can Alinta Energy do in response to this Penalty Notice?

9. Alinta Energy can choose whether or not to pay this penalty notice.
10. If Alinta 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 Alinta 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 Alinta Energy does not pay the penalty within this time, the commission may take such action.
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Level 13
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Penalty Notice number: PN(G) 19-2022

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Account number: [REDACTED]
Account name: [REDACTED]
ABN: [REDACTED]

Reference: PN(G) 19-2022

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What can Alinta Energy do in response to this Penalty Notice?

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To: Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300)
Level 13
225 George Street
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Penalty Notice number: PN(E) 20-2022

1. This notice is dated 2 December 2022.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300) (**Alinta Energy**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
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Account number: [REDACTED]
Account name: [REDACTED]
ABN: [REDACTED]

Reference: PN(E) 20-2022

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Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Clause 89(1)(c) of the Code was a civil penalty requirement between 1 December 2021 and 28 February 2022, 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) Alinta 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 [REDACTED], Alinta Energy had phone contact with the following residential customer:

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

(the customer).

(c) As the customer was in arrears, they were entitled to the assistance available under Part 3 of the Code. Alinta Energy was required to, in a timely manner, provide this assistance.

(d) During the phone contact, Alinta Energy failed to provide the customer with information about the following forms of assistance available to them under Part 3 of the Code:

- Information about the likely cost of their future energy use (under clause 79(1)(c)).
- Advice about the Utility Relief Grant Scheme (under clause 79(1)(d)).

(e) As a result, the commission alleges that Alinta Energy contravened clause 89(1)(c) of the Code. Alinta 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 was \$36,348 (200 penalty units),⁸ as provided by section 77 of the Act.

⁸ As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)