

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 373-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 3 October 2018, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 374-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 30 July 2020, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

# Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 375-2021

12. This notice is dated 16 September 2021.
13. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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.
14. On 1 September 2021, the commission formed the belief that Origin Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
15. 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

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

[REDACTED]

18. 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?

19. Origin Energy can choose whether or not to pay this energy industry penalty notice.

20. 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.
21. Origin Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
22. 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**

7. Origin Energy holds a gas retail licence issued by the commission.
8. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
9. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
10. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
11. The commission has reason to believe that on 6 February 2017, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
12. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.



## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 376-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 22 January 2018, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 377-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 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 2016, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 378-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 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 gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 379-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 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 2018, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 380-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 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 gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.



## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 381-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 4 September 2018, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 382-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 10 February 2017, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 383-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 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 gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

#### Energy industry penalty notice number: EIPN(G) 384-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 21 May 2019, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 385-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 6 August 2018, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.



## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 386-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 30 May 2017, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 387-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 11 October 2016, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 388-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 4 May 2017, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 389-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 16 January 2018, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

#### Energy industry penalty notice number: EIPN(G) 390-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 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 gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.



## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

#### Energy industry penalty notice number: EIPN(G) 391-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 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 2017, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 392-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 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 gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 393-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 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 2017, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 394-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 12 April 2017, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

#### Energy industry penalty notice number: EIPN(G) 395-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 13 March 2019, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.



## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 396-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 9 October 2017, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 397-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 21 April 2017, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 398-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 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 2017, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 399-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 5 April 2018, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 400-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 20 October 2017, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.



## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 401-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 7 September 2016, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

#### Energy industry penalty notice number: EIPN(G) 402-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 7 June 2018, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 403-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 2 September 2016, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 404-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 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 gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 405-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 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 gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.



## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 406-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 7 June 2019, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

#### Energy industry penalty notice number: EIPN(G) 407-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 3 October 2017, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

#### Energy industry penalty notice number: EIPN(G) 408-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 4 September 2018, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 409-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 20 January 2017, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 410-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 9 April 2018, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.



## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

#### Energy industry penalty notice number: EIPN(G) 411-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 18 March 2019, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 412-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 27 March 2019, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 413-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 12 February 2018, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 414-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 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 2019, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 415-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 19 January 2018, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.



## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 416-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 14 January 2020, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 417-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 29 October 2018, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

#### Energy industry penalty notice number: EIPN(G) 418-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 13 August 2018, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 419-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 8 December 2017, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

#### Energy industry penalty notice number: EIPN(G) 420-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015 commenced on 1 January 2016.
5. The commission has reason to believe that on 30 June 2017, Origin Energy entered into a contract for the supply or sale of gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.



## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 421-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 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 gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.

## Energy industry penalty notice

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

To: Origin Energy (Vic) Pty Limited (ACN 086 013 283)  
Tower 1, Level 32  
100 Barangaroo Avenue  
BARANGAROO NSW 2000

### Energy industry penalty notice number: EIPN(G) 422-2021

1. This notice is dated 16 September 2021.
2. The Essential Services Commission (the commission) alleges that Origin Energy (Vic) Pty Limited (ACN 086 013 283) (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 a gas retail licence issued by the commission.
2. Clause 22 of the gas retail licence held by Origin Energy obliged Origin Energy to comply with all applicable laws, including the Gas Industry Act 2001.
3. Section 48C of the Gas Industry Act 2001 relevantly provides that:
  - (1AA) Without limiting the generality of sections 28(2) or (3) or 29, the conditions to which a licence to sell gas by retail is subject include a condition prohibiting, on and after the commencement of section 25 of the Energy Legislation Amendment (Consumer Protection) Act 2015, the licensee from entering into a contract for the supply or sale of gas by retail 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 gas supplied under that contract;
      - (ii) any discount which applies to tariffs, charges and fees for gas supplied under that contract;
      - (iii) any terms and conditions that apply to gas supplied under that contract.
4. Section 25 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 gas 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 48C of the Gas Industry Act 2001:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
6. A failure to comply with the requirements of section 48C of the Gas Industry Act 2001 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 2.