



Penalty Notice

Essential Services Commission Act 2001, section 54S

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

Penalty Notice number: PN(E) 2-2022

1. This notice is dated 18 July 2022.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Origin Energy Electricity Limited (ACN 071 052 287) (**Origin Energy**), has engaged in conduct that constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the *Essential Services Commission Act 2001* (Vic) (**the Act**).
3. On 13 July 2022, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Origin Energy is a regulated entity that had engaged in contravention of a civil penalty requirement in that, between 4 March and 16 March 2022, Origin Energy failed to record a life support customer's details in a register of life support customers and residents within one business day after being advised by a relevant customer that a life support resident resides, or is intending to reside at the relevant customer's premises, as required under section 40SG(1) of the *Electricity Industry Act 2000* (Vic) (**EIA**).
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2)(a) of the Act.

How to pay the penalty

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

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

Bank: [REDACTED]
BSB: [REDACTED]
Account number: [REDACTED]
Account name: [REDACTED]
ABN: [REDACTED]
Reference: PN(E) 2-2022

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

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

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



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Sitesh Bhojani
Commissioner
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. At all material times, section 40SG(1) of the *Electricity Industry Act 2000* (Vic) (**EIA**) was a civil penalty requirement within the meaning of that term under section 3 of the Act, by virtue of section 40SG(4B) of the EIA.
2. In accordance with section 54S(1) of the Act, the commission has reason to believe that:
 - (a) Origin Energy holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the EIA and is a regulated entity operating in a regulated industry.
 - (b) On 4 March 2022, Origin Energy's third-party provider MyConnect was advised by [REDACTED] [REDACTED] (**relevant customer**), that a life support resident was intending to reside at the relevant customer's premises of [REDACTED] from 8 March 2022.
 - (c) Origin Energy recorded the life support customer's details in a register of life support customers and residents on 16 March 2022.
 - (d) Origin Energy failed to record in a register of life support customers and residents the life support customer details within the requisite period specified under Section 40SG(1) of the EIA.
 - (e) Origin Energy's conduct constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.
3. Origin Energy did not comply with section 40SG(1) of the EIA in the period between 4 March 2022 and 16 March 2022, because it did not, within one business day after being advised by a relevant customer that a life support resident resides, or is intending to reside, at the relevant customer's premises, record in a register of life support customers and residents the life support customer details.
4. The amount of the penalty is \$36,348 (200 penalty units¹) as provided by section 54T of the *Essential Services Commission Act 2001*.

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