

Penalty Notice

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

To: Origin Energy (Vic) Pty Ltd (ACN 086 013 283)
321 Exhibition Street
Melbourne, VIC 3000

Penalty Notice number: PN(G) 4-2024

1. This notice is dated 29 January 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Origin Energy (Vic) Pty Ltd (ACN 086 013 283) (**Origin Energy**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 20 December 2023, 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 a contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,984 as provided by section 54T(2) of the Act.

How to pay the penalty

6. The \$36,984 penalty is payable by **26 February 2024**.
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: [REDACTED]

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.



Sitesh Bhojani
Commissioner
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Section 152(1) of the Energy Retail Code of Practice (ERCOP) (version 2) was at all relevant times a civil penalty requirement.
2. Section 152(1) provides that:

...before taking action to recover arrears from an affected customer, a retailer must take into account the potential impact of debt recovery action at the time on the affected customer.
3. In accordance with section 54S(1) of the Essential Services Commission Act 2001 (Vic) (**ESC Act**), the commission has reason to believe that:
 - (a) Origin Energy (Vic) Pty Ltd holds (and held at all material times) a gas retail licence issued by the commission pursuant to the Gas Industry Act 2001 and is a regulated entity operating in a regulated industry.
 - (b) On 22 February 2023, Origin Energy (Vic) Pty Ltd failed to take into account the potential impact of debt recovery action at the time it was conducted on an affected customer.
 - (c) That customer, identified below, was an *'affected customer'* as defined under clause 3 of Part 1 of the ERCOP:
 - Customer Name: [REDACTED]
 - Supply Address: [REDACTED]
4. As a result, the commission alleges that Origin Energy contravened clause 152(1) of the ERCOP by failing to take into account the potential impact of debt recovery action on [REDACTED] at the time it was conducted. Origin Energy's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.
5. The amount of the penalty for this civil penalty requirement during this period was \$36,984 (200 penalty units),¹ as provided by section 54T(2) of the Act.

¹ As at the date of the alleged contravention the value of a penalty unit was \$184.92 (Victorian Government Gazette, G16 dated 21 April 2022).