

**NATIONAL ENERGY RETAIL LAW**  
**SECTION 308**  
**INFRINGEMENT NOTICES ISSUED TO**  
**ORIGIN ENERGY ELECTRICITY LIMITED**

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

**Infringement Notice Nos.: AER26-2020, AER27-2020, AER28-2020, AER29-2020, AER30-2020, AER31-2020**

1. The Australian Energy Regulator (**AER**):
  - a. has reason to believe that Origin Energy Electricity Limited (**ACN: 071 052 287**) (**Origin**), which is a *retailer* within the meaning of the *National Energy Retail Law* (**Retail Law**), has breached rule 107(2) of the *National Energy Retail Rules* (**Retail Rules**), on six occasions, as described in Schedules 2-7 (**the alleged breaches**); and
  - b. has decided to serve these six Infringement Notices on Origin under section 277 of the *National Gas Law* being the Schedule to the *National Gas (South Australia) Act 2008* (**National Gas Law**) as applied by section 308 of the Retail Law.
2. Rule 107(2) of the Retail Rules, as described in Schedule 1, is a civil penalty provision within the meaning of the Retail Law.
3. The infringement penalty is \$20,000 for each of the alleged breaches.  
**Note:** If Origin chooses to pay each of the six (6) \$20,000 infringement penalties, the combined infringement penalty amount is \$120,000.

**WHAT CAN ORIGIN DO IN RESPONSE TO THE**  
**INFRINGEMENT NOTICES?**

4. In respect of each one of these six (6) Infringement Notices:
  - a. Origin can choose whether or not to comply with the Infringement Notice. If Origin chooses not to comply with the Infringement Notice, the AER may commence proceedings against it in relation to the alleged breach. Origin is entitled to disregard the Infringement Notice and to defend any proceedings in respect of the alleged breach.

- b. If Origin chooses to comply with the Infringement Notice, it must pay the infringement penalty to the AER, on behalf of the Commonwealth, by **19 November 2020**, being not less than 28 days from the date of service of the Infringement Notice, beginning on the day after the day on which the Infringement Notice is served (**the compliance period**).
- c. To ensure payment is made in accordance with the Infringement Notice, payment must be received on or before **19 November 2020**.
- d. If Origin pays the infringement penalty within the compliance period, the AER will not institute proceedings in respect of the alleged breach unless the Infringement Notice is withdrawn before the end of the compliance period in accordance with section 282 of the National Gas Law as applied by section 308 of the Retail Law.

### **HOW TO PAY AN INFRINGEMENT PENALTY**

5. Origin may pay each of the six (6) \$20,000 infringement penalties in three ways:
- a. by cheque made out to the “ACCC Official Administered Account”,\* enclosing a copy of the Infringement Notice to:

Australian Energy Regulator  
GPO Box 520  
MELBOURNE VIC 3001

You should allow at least five business days for payment to be received

or

- b. by electronic funds transfer to the following account:\*

Account name: ACCC Official Administered Account  
BSB: 032-730  
Account: 146550

Please ensure that you include the Infringement Notice No. [AER26-2020, AER27-2020, AER28-2020, AER29-2020, AER30-2020 and/or AER31-2020] for each infringement penalty being paid in the description field of your electronic funds transfer to identify payment.

You should allow at least two business days for payment to be received.

or

- c. by credit card via the ACCC online payment system at [www.accc.gov.au/payments](http://www.accc.gov.au/payments).\*

Please ensure that you include the Infringement Notice No. [AER26-2020, AER27-2020, AER28-2020, AER29-2020, AER30-2020 and/or AER31-2020] for each infringement penalty being paid in the description field of your electronic funds transfer to identify payment.

You should allow at least two business days for payment to be received.

- \* The Australian Competition and Consumer Commission handles the receipt of infringement penalty payments for the AER on behalf of the Commonwealth of Australia. All payments received are paid into the Consolidated Revenue Fund.
- 6. Please allow sufficient time for your payment to be received within the compliance period.
- 7. Origin will be issued with a Tax Invoice following payment of each infringement penalty.

DATE OF ISSUE: 21 October 2020

A handwritten signature in black ink, appearing to read 'Clare Savage', with a stylized flourish at the end.

Clare Savage  
Chair  
Australian Energy Regulator

## SCHEDULE 1

### RELEVANT RULES

1. Rule 107(2) of the Retail Rules, which is in Part 6, provides as follows:

*A retailer must not arrange de-energisation of a customer's premises except in accordance with Division 2.*

2. Rule 111(1) of the Retail Rules, which is a provision of Division 2 of Part 6, permits de-energisation for non-payment of a bill. It provides that:

*(1) A retailer may arrange de-energisation of a customer's premises if:*

*(a) the customer:*

*(i) has not paid a bill by the pay-by date; or*

*(ii) is on a payment plan with the retailer and has not adhered to the terms of the plan; and*

*(b) if the customer is a residential customer, the customer:*

*(i) has not paid a bill by the pay-by date; and*

*(ii) has not agreed to an offer to pay the bill by instalments or, having agreed to the offer, has failed to adhere to an instalment arrangement; and*

*(c) the retailer has given the customer a reminder notice; and*

*(d) the retailer has given the customer a disconnection warning notice after the expiry of the period referred to in the reminder notice; and*

*(e) the retailer has, after giving the disconnection warning notice, used its best endeavours to contact the customer, in connection with the failure to pay, or to agree to the offer or to adhere to the payment plan or instalment arrangement as referred to in paragraphs (a)(ii) and (b)(ii), in one of the following ways:*

*(i) in person;*

*(ii) by telephone (in which case contact is, if the telephone is unanswered, taken to have occurred only if the customer acknowledges receipt of a message);*

*(iii) by facsimile or other electronic means (in which case contact is taken to have occurred only if the customer acknowledges receipt of the message); and*

*(f) the customer has refused or failed to take any reasonable action towards settling the debt.*

3. Rule 107(2) of the Retail Rules, which is the subject of these Infringement Notices, is prescribed under the National Energy Retail Regulations (reg 6, Schedule 1) as being a civil penalty provision within the meaning of the Retail Law.

## SCHEDULE 2

### INFRINGEMENT NOTICE No.: AER26-2020

#### **MATTERS CONSTITUTING AN ALLEGED BREACH OF A CIVIL PENALTY PROVISION: RULE 107(2) OF THE NATIONAL ENERGY RETAIL RULES**

1. Origin initiated arrangements for the de-energisation of the premises with the National Meter Identifier [REDACTED], for non-payment of an outstanding amount of \$880.60 (**the debt**), by sending a disconnection request to the distributor on 20 September 2019.
2. On 19 September 2019 the customer paid the debt in full.
3. Origin did not cancel the disconnection request after the customer paid the debt.
4. As the disconnection order was still in place, the distributor de-energised the premises on 30 September 2019.
5. At the time of the de-energisation, the customer had settled the debt. Therefore, the permission to arrange de-energisation set out in rule 111(1) did not apply. No other permissions set out in Division 2 of Part 6 of the Retail Rules allowing a retailer to arrange de-energisation of a customer applied.
6. By arranging for the de-energisation of the customer when none of the circumstances permitting de-energisation in Division 2 of Part 6 of the Retail Rules applied, Origin contravened rule 107(2) of the Retail Rules, which is a civil penalty provision.

### SCHEDULE 3

#### INFRINGEMENT NOTICE No.: AER27-2020

#### **MATTERS CONSTITUTING AN ALLEGED BREACH OF A CIVIL PENALTY PROVISION: RULE 107(2) OF THE NATIONAL ENERGY RETAIL RULES**

1. Origin initiated arrangements for the de-energisation of the premises with the National Meter Identifier [REDACTED], for non-payment of an outstanding amount of \$1,428.24 (**the debt**), by sending a disconnection request to the distributor on 20 June 2019.
2. On 20 June 2019 the customer paid the debt in full.
3. Origin did not cancel the disconnection request after the customer paid the debt.
4. As the disconnection order was still in place, the distributor de-energised the premises on 27 June 2019.
5. At the time of the de-energisation, the customer had settled the debt. Therefore, the permission to arrange de-energisation set out in rule 111(1) did not apply. No other permissions set out in Division 2 of Part 6 of the Retail Rules allowing a retailer to arrange de-energisation of a customer applied.
6. By arranging for the de-energisation of the customer when none of the circumstances permitting de-energisation in Division 2 of Part 6 of the Retail Rules applied, Origin contravened rule 107(2) of the Retail Rules, which is a civil penalty provision.

## SCHEDULE 4

### INFRINGEMENT NOTICE No.: AER28-2020

#### **MATTERS CONSTITUTING AN ALLEGED BREACH OF A CIVIL PENALTY PROVISION: RULE 107(2) OF THE NATIONAL ENERGY RETAIL RULES**

1. Origin initiated arrangements for the de-energisation of the premises with the National Meter Identifier [REDACTED], for non-payment of an amount of \$1,272.79 (**the debt**), by sending a disconnection request to the distributor on 12 April 2019.
2. On 15 April 2019 the customer paid the debt in full.
3. Origin did not cancel the disconnection request after the customer paid the debt.
4. As the disconnection order was still in place, the distributor de-energised the premises on 29 April 2019.
5. At the time of the de-energisation, the customer had settled the debt. Therefore, the permission to arrange de-energisation set out in rule 111(1) did not apply. No other permissions set out in Division 2 of Part 6 of the Retail Rules allowing a retailer to arrange de-energisation of a customer applied.
6. By arranging for the de-energisation of the customer when none of the circumstances permitting de-energisation in Division 2 of Part 6 of the Retail Rules applied, Origin contravened rule 107(2) of the Retail Rules, which is a civil penalty provision.



## SCHEDULE 5

### INFRINGEMENT NOTICE No.: AER29-2020

#### **MATTERS CONSTITUTING AN ALLEGED BREACH OF A CIVIL PENALTY PROVISION: RULE 107(2) OF THE NATIONAL ENERGY RETAIL RULES**

1. Origin initiated arrangements for the de-energisation of the premises with the National Meter Identifier [REDACTED], for non-payment of an amount of \$497.61 (**the debt**), by sending a disconnection request to the distributor on 21 March 2019.
2. On 21 March 2019 the customer paid the debt in full.
3. Origin did not cancel the disconnection request after the customer paid the debt.
4. As the disconnection order was still in place, the distributor de-energised the premises on 2 April 2019.
5. At the time of the de-energisation, the customer had settled the debt. Therefore, the permission to arrange de-energisation set out in rule 111(1) did not apply. No other permissions set out in Division 2 of Part 6 of the Retail Rules allowing a retailer to arrange de-energisation of a customer applied.
6. By arranging for the de-energisation of the customer when none of the circumstances permitting de-energisation in Division 2 of Part 6 of the Retail Rules applied, Origin contravened rule 107(2) of the Retail Rules, which is a civil penalty provision.

## SCHEDULE 6

### INFRINGEMENT NOTICE No.: AER30-2020

#### **MATTERS CONSTITUTING AN ALLEGED BREACH OF A CIVIL PENALTY PROVISION: RULE 107(2) OF THE NATIONAL ENERGY RETAIL RULES**

1. Origin initiated arrangements for the de-energisation of the premises with the National Meter Identifier [REDACTED], for non-payment of an amount of \$2,284.73 (**the debt**), by sending a disconnection request to the distributor on 28 June 2019.
2. On 1 July 2019 the customer paid the debt in full.
3. Origin did not cancel the disconnection request after the customer paid the debt.
4. As the disconnection order was still in place, the distributor de-energised the premises on 8 July 2019.
5. At the time of the de-energisation, the customer had settled the debt. Therefore, the permission to arrange de-energisation set out in rule 111(1) did not apply. No other permissions set out in Division 2 of Part 6 of the Retail Rules allowing a retailer to arrange de-energisation of a customer applied.
6. By arranging for the de-energisation of the customer when none of the circumstances permitting de-energisation in Division 2 of Part 6 of the Retail Rules applied, Origin contravened rule 107(2) of the Retail Rules, which is a civil penalty provision.

## SCHEDULE 7

### INFRINGEMENT NOTICE No.: AER31-2020

#### **MATTERS CONSTITUTING AN ALLEGED BREACH OF A CIVIL PENALTY PROVISION: RULE 107(2) OF THE NATIONAL ENERGY RETAIL RULES**

1. Origin initiated arrangements for the de-energisation of the premises with the National Meter Identifier [REDACTED], for non-payment of an amount of \$651.88 (**the debt**), by sending a disconnection request to the distributor on 25 July 2019.
2. On 19 August 2019 the customer paid the debt in full.
3. Origin did not cancel the disconnection request after the customer paid the debt.
4. As the disconnection order was still in place, the distributor de-energised the premises on 26 August 2019.
5. At the time of the de-energisation, the customer had settled the debt. Therefore, the permission to arrange de-energisation set out in rule 111(1) did not apply. No other permissions set out in Division 2 of Part 6 of the Retail Rules allowing a retailer to arrange de-energisation of a customer applied.
6. By arranging for the de-energisation of the customer when none of the circumstances permitting de-energisation in Division 2 of Part 6 of the Retail Rules applied, Origin contravened rule 107(2) of the Retail Rules, which is a civil penalty provision.