

NATIONAL ENERGY RETAIL LAW

SECTION 308

INFRINGEMENT NOTICE ISSUED TO

ORIGIN ENERGY LPG LIMITED

TO: Origin Energy LPG Limited
ACN 000 508 369
Level 45, Australia Square
264-278 George Street
Sydney NSW 2000

Infringement Notice No.: AER01-2017

1. The Australian Energy Regulator (**AER**):
 - (a) has reason to believe that Origin Energy LPG Limited (ACN 000 508 369), which is a *retailer* within the meaning of the *National Energy Retail Law* (**Retail Law**), has breached section 282(1) of the Retail Law, in the manner set out in Schedule 1 to this Infringement Notice (**the alleged breach**); and
 - (b) has decided to serve this Infringement Notice on Origin Energy LPG Limited under section 277 of the National Gas (NSW) Law being the Schedule to the *National Gas (South Australia) Law 2008* (**National Gas Law**) as applied by section 308 of the Retail Law.
2. Section 282(1) of the Retail Law is a civil penalty provision within the meaning of the Retail Law.
3. The infringement penalty is \$20,000.

**WHAT CAN ORIGIN ENERGY LPG LIMITED DO IN RESPONSE TO THIS
INFRINGEMENT NOTICE?**

4. Origin Energy LPG Limited can choose whether or not to comply with this Infringement Notice. If Origin Energy LPG Limited chooses not to comply with this Infringement Notice, the AER may commence proceedings against it in relation to the alleged breach. Origin Energy LPG Limited is entitled to disregard this Infringement Notice and to defend any proceedings in respect of the alleged breach.
5. If Origin Energy LPG Limited chooses to comply with this Infringement Notice, it must pay the infringement penalty by **31 March 2017**, being not less than 28 days from the date of service of this Infringement Notice, beginning on the day after the day on which this Infringement Notice is served (**the compliance period**).
6. To ensure payment is made in accordance with this Infringement Notice, payment must be received on or before **31 March 2017**.

7. If Origin Energy LPG Limited 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period, the AER will not institute proceedings in respect of the alleged breach unless the Infringement Notice is withdrawn before the end of the compliance period in accordance with section 277 of the National Gas Law as applied by section 308 of the Retail Law.

HOW DOES ORIGIN ENERGY LPG LIMITED PAY THE INFRINGEMENT PENALTY?

8. Origin Energy LPG Limited may pay the \$20,000 infringement penalty in two ways:
- (a) by cheque made out to the "ACCC Official Administered Account",* enclosing a copy of this Infringement Notice to:

Australian Energy Regulator
GPO Box 520
MELBOURNE VIC 3001

you should allow at least 5 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
Description: AER01-2017

you should allow at least 2 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.

9. Please allow sufficient time for your payment to be received within the compliance period.
10. Origin Energy LPG Limited will be issued with a Tax Invoice following payment of the \$20,000 infringement penalty.

DATE OF ISSUE: 28 February 2017


.....
Paula Conboy
Chair
Australian Energy Regulator

SCHEDULE 1

MATTERS CONSTITUTING AN ALLEGED BREACH OF A CIVIL PENALTY PROVISION: SECTION 282(1) OF THE NATIONAL ENERGY RETAIL LAW

1. Origin Energy LPG Limited (**Origin LPG**) is a 'retailer' within the meaning of section 2 of the National Energy Retail Law (**Retail Law**).
2. By reason of section 282(1) of the Retail Law, Origin LPG must submit to the Australian Energy Regulator (**AER**), in the manner and form (including by the date or dates) as required by the AER Performance Reporting Procedures and Guidelines (**the Guidelines**), information and data relating to:
 - a) Origin LPG's performance for a given reporting period against hardship program indicators and distributor service standards and
 - b) Origin LPG's activities in relation to any other matters that are required by the National Energy Retail Rules to be included in a retail market performance report.
3. Origin LPG submitted to the AER inaccurate information and data relating to the total number of residential customers on standard retail contracts for the supply of gas on the following dates (**the Relevant Dates**):
 - i. 30 October 2015 for Quarter 1 of the 2015-2016 financial year
 - ii. 28 January 2016 for Quarter 2 of the 2015-2016 financial year and
 - iii. 29 April 2016 for Quarter 3 of the 2015-2016 financial year.
4. On 23 September 2016, Origin LPG subsequently resubmitted to the AER the correct information and data for Quarters 1, 2 and 3 of the 2015-2016 financial year but that information and data was:
 - i. Over 10 months after the due date prescribed by the Guidelines for Quarter 1 of the 2015-2016 financial year
 - ii. Over 7 months after the due date prescribed by the Guidelines for Quarter 2 of the 2015-2016 financial year and
 - iii. Over 4 months after the due date prescribed by the Guidelines for Quarter 3 of the 2015-2016 financial year.