

NATIONAL ENERGY RETAIL LAW

SECTION 308

INFRINGEMENT NOTICE ISSUED TO

ORIGIN ENERGY ELECTRICITY LIMITED (ABN: 33 071 052 287)

TO: Origin Energy Electricity Limited (ABN: 33 071 052 287)
100 Barangaroo Avenue
BARANGAROO NSW 2000

Infringement Notice No.: AER01-2019

1. The Australian Energy Regulator (AER):
 - a. has reason to believe that Origin Energy Electricity Limited (ABN: 33 071 052 287) (**Origin**), which is a *retailer* within the meaning of the *National Energy Retail Law (Queensland)* (**Retail Law**), has breached rule 107(2) of the *National Energy Retail Rules* (**Retail Rules**), 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 under section 277 of the *National Gas (Queensland) 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 is a civil penalty provision within the meaning of the Retail Law.
3. The infringement penalty is \$20,000.

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

4. Origin can choose whether or not to comply with this Infringement Notice. If Origin chooses not to comply with this Infringement Notice, the AER may commence proceedings against it in relation to the alleged breach. Origin is entitled to disregard this Infringement Notice and to defend any proceedings in respect of the alleged breach.
5. If Origin chooses to comply with this Infringement Notice, it must pay the infringement penalty to the AER, on behalf of the Commonwealth, by **1 August 2019**, 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 **1 August 2019**.

7. 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period, the AER will not institute proceedings in respect of the alleged breach unless the Infringement Notice is withdrawn before the end of the compliance period in accordance with section 282 of the National Gas Law as applied by section 308 of the Retail Law.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 NOTICE

8. Origin may pay the \$20,000 infringement penalty in three ways:
- 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 five business days for payment to be received

or

- by electronic funds transfer to the following account:*

Account name: ACCC Official Administered Account
BSB: 032-730
Account: 146550
Description: AER01-2019

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

or

- by credit card via the ACCC online payment system at www.accc.gov.au/payments.*

Please ensure that you include "AER01-2019" in the Payment Description field of your online payment 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.
9. Please allow sufficient time for your payment to be received within the compliance period.
10. Origin will be issued with a Tax Invoice following payment of the infringement penalty.

DATE OF ISSUE: 4 July 2019

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Paula Conboy
Chair

Australian Energy Regulator

SCHEDULE 1

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

1. Origin Energy Electricity Limited (Origin) is a 'retailer' within the meaning of section 2 of the National Energy Retail Law (Retail Law).
2. Under Part 6 of the National Energy Retail Rules (Retail Rules), a retailer must not arrange for the de-energisation of a customer's premises in certain circumstances, including where the customer is a hardship customer or residential customer and is adhering to a payment plan.
3. By reason of rule 107(2) of the Retail Rules, Origin was required to comply with rule 116(1)(d) of the Retail Rules and must not arrange for the de-energisation of a customer's premises where the customer is a hardship customer or residential customer and is adhering to a payment plan.
4. Origin arranged for the de-energisation of the premises at [REDACTED] (the premises) by sending a disconnection request to the distributor on 27 March 2018. The premises were de-energised on 14 May 2018.
5. Origin did not comply with rules 107(2) and 116(1)(d) of the Retail Rules by:
 - (a) arranging for the de-energisation of the premises in circumstances where the affected customer at the premises:
 - i. entered into a payment plan with Origin on 30 April 2018; and
 - ii. was adhering to the payment plan; and
 - (b) not taking further steps to ensure the de-energisation would not proceed in circumstances where:
 - i. Origin attempted to send a disconnection cancellation order to the distributor on 30 April 2018;
 - ii. the distributor did not receive the cancellation order; and
 - iii. Origin was notified on 30 April 2018 that the order was not received.
6. As the disconnection order in relation to the premises was still in place, the distributor proceeded with the disconnection, leading to the premises being de-energised on 14 May 2018.