

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: Alinta Energy Retail Sales Pty Ltd
'Grosvenor Place'
Level 13, 225 George Street
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 1-2020

1. This notice is dated 14 February 2020.
2. The Essential Services Commission (the Commission) alleges that Alinta Energy Retail Sales Pty Ltd (ABN 22 149 658 300) (Alinta Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 12 February 2020, the Commission formed the belief that Alinta Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **20 March 2020**.
6. Alinta Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.



What can Alinta Energy do in response to this energy industry penalty notice?

8. Alinta Energy can choose whether or not to pay this energy industry penalty notice.
9. If Alinta Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Alinta Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Alinta Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Alinta Energy holds an electricity retail licence issued by the Commission.
2. Clause 7.1 of the electricity retail licence held by Alinta Energy obliged Alinta Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 21 November 2018, Alinta Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
7. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: Alinta Energy Retail Sales Pty Ltd
'Grosvenor Place'
Level 13, 225 George Street
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 2-2020

1. This notice is dated 14 February 2020.
2. The Essential Services Commission (the Commission) alleges that Alinta Energy Retail Sales Pty Ltd (ABN 22 149 658 300) (Alinta Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 12 February 2020, the Commission formed the belief that Alinta Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **20 March 2020**.
6. Alinta Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Alinta Energy do in response to this energy industry penalty notice?

8. Alinta Energy can choose whether or not to pay this energy industry penalty notice.
9. If Alinta Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Alinta Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Alinta Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Alinta Energy holds an electricity retail licence issued by the Commission.
2. Clause 7.1 of the electricity retail licence held by Alinta Energy obliged Alinta Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 8 January 2019, Alinta Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
7. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

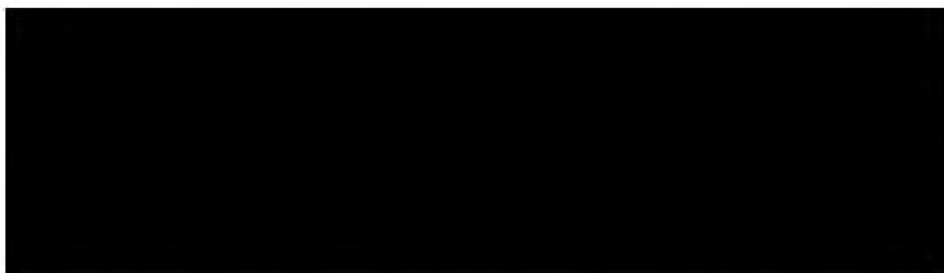
To: Alinta Energy Retail Sales Pty Ltd
'Grosvenor Place'
Level 13, 225 George Street
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 3-2020

1. This notice is dated 14 February 2020.
2. The Essential Services Commission (the Commission) alleges that Alinta Energy Retail Sales Pty Ltd (ABN 22 149 658 300) (Alinta Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 12 February 2020, the Commission formed the belief that Alinta Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **20 March 2020**.
6. Alinta Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Alinta Energy do in response to this energy industry penalty notice?

8. Alinta Energy can choose whether or not to pay this energy industry penalty notice.
9. If Alinta Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Alinta Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Alinta Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Alinta Energy holds an electricity retail licence issued by the Commission.
2. Clause 7.1 of the electricity retail licence held by Alinta Energy obliged Alinta Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 17 January 2019, Alinta Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
7. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: Alinta Energy Retail Sales Pty Ltd
'Grosvenor Place'
Level 13, 225 George Street
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 4-2020

1. This notice is dated 14 February 2020.
2. The Essential Services Commission (the Commission) alleges that Alinta Energy Retail Sales Pty Ltd (ABN 22 149 658 300) (Alinta Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 12 February 2020, the Commission formed the belief that Alinta Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **20 March 2020**.
6. Alinta Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Alinta Energy do in response to this energy industry penalty notice?

8. Alinta Energy can choose whether or not to pay this energy industry penalty notice.
9. If Alinta Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Alinta Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Alinta Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
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Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Alinta Energy holds an electricity retail licence issued by the Commission.
2. Clause 7.1 of the electricity retail licence held by Alinta Energy obliged Alinta Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 18 January 2019, Alinta Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
7. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: Alinta Energy Retail Sales Pty Ltd
'Grosvenor Place'
Level 13, 225 George Street
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 5-2020

1. This notice is dated 14 February 2020.
2. The Essential Services Commission (the Commission) alleges that Alinta Energy Retail Sales Pty Ltd (ABN 22 149 658 300) (Alinta Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 12 February 2020, the Commission formed the belief that Alinta Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **20 March 2020**.
6. Alinta Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Alinta Energy do in response to this energy industry penalty notice?

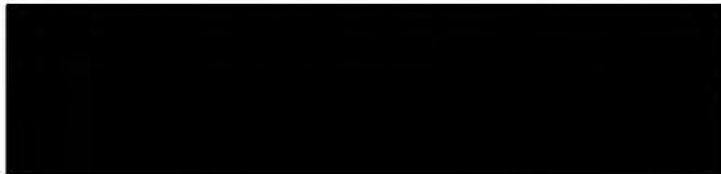
8. Alinta Energy can choose whether or not to pay this energy industry penalty notice.
9. If Alinta Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Alinta Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Alinta Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Alinta Energy holds an electricity retail licence issued by the Commission.
2. Clause 7.1 of the electricity retail licence held by Alinta Energy obliged Alinta Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 22 February 2019, Alinta Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
7. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

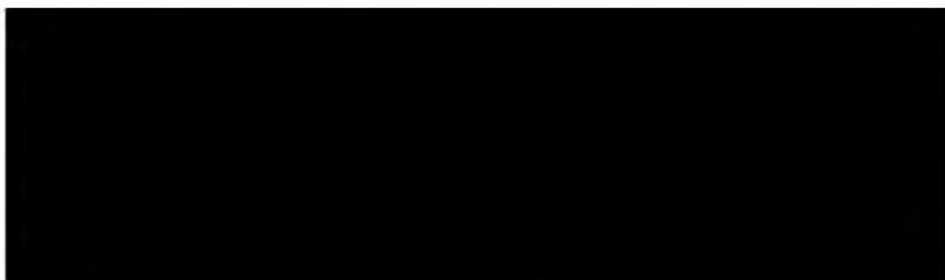
To: Alinta Energy Retail Sales Pty Ltd
'Grosvenor Place'
Level 13, 225 George Street
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 6-2020

1. This notice is dated 14 February 2020.
2. The Essential Services Commission (the Commission) alleges that Alinta Energy Retail Sales Pty Ltd (ABN 22 149 658 300) (Alinta Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 12 February 2020, the Commission formed the belief that Alinta Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **20 March 2020**.
6. Alinta Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.



What can Alinta Energy do in response to this energy industry penalty notice?

8. Alinta Energy can choose whether or not to pay this energy industry penalty notice.
9. If Alinta Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Alinta Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Alinta Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Alinta Energy holds an electricity retail licence issued by the Commission.
2. Clause 7.1 of the electricity retail licence held by Alinta Energy obliged Alinta Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 22 February 2019, Alinta Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
7. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: Alinta Energy Retail Sales Pty Ltd
'Grosvenor Place'
Level 13, 225 George Street
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 7-2020

1. This notice is dated 14 February 2020.
2. The Essential Services Commission (the Commission) alleges that Alinta Energy Retail Sales Pty Ltd (ABN 22 149 658 300) (Alinta Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 12 February 2020, the Commission formed the belief that Alinta Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **20 March 2020**.
6. Alinta Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Alinta Energy do in response to this energy industry penalty notice?

8. Alinta Energy can choose whether or not to pay this energy industry penalty notice.
9. If Alinta Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Alinta Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Alinta Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Alinta Energy holds an electricity retail licence issued by the Commission.
2. Clause 7.1 of the electricity retail licence held by Alinta Energy obliged Alinta Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 26 February 2019, Alinta Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
7. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: Alinta Energy Retail Sales Pty Ltd
'Grosvenor Place'
Level 13, 225 George Street
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 8-2020

1. This notice is dated 14 February 2020.
2. The Essential Services Commission (the Commission) alleges that Alinta Energy Retail Sales Pty Ltd (ABN 22 149 658 300) (Alinta Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 12 February 2020, the Commission formed the belief that Alinta Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **20 March 2020**.
6. Alinta Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.



What can Alinta Energy do in response to this energy industry penalty notice?

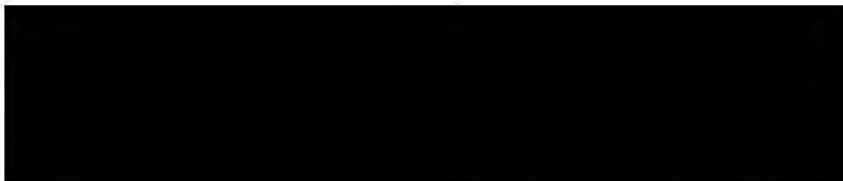
8. Alinta Energy can choose whether or not to pay this energy industry penalty notice.
9. If Alinta Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Alinta Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Alinta Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Alinta Energy holds an electricity retail licence issued by the Commission.
2. Clause 7.1 of the electricity retail licence held by Alinta Energy obliged Alinta Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 27 February 2019, Alinta Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
7. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: Alinta Energy Retail Sales Pty Ltd
'Grosvenor Place'
Level 13, 225 George Street
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 9-2020

1. This notice is dated 14 February 2020.
2. The Essential Services Commission (the Commission) alleges that Alinta Energy Retail Sales Pty Ltd (ABN 22 149 658 300) (Alinta Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 12 February 2020, the Commission formed the belief that Alinta Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **20 March 2020**.
6. Alinta Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Alinta Energy do in response to this energy industry penalty notice?

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9. If Alinta Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Alinta Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Alinta Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

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1. Alinta Energy holds an electricity retail licence issued by the Commission.
2. Clause 7.1 of the electricity retail licence held by Alinta Energy obliged Alinta Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 1 March 2019, Alinta Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
7. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

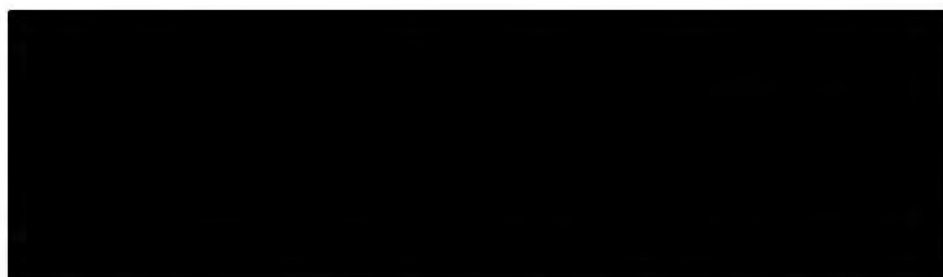
To: Alinta Energy Retail Sales Pty Ltd
'Grosvenor Place'
Level 13, 225 George Street
Sydney NSW 2000

Energy industry penalty notice number: EIPN(E) 10-2020

1. This notice is dated 14 February 2020.
2. The Essential Services Commission (the Commission) alleges that Alinta Energy Retail Sales Pty Ltd (ABN 22 149 658 300) (Alinta Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 12 February 2020, the Commission formed the belief that Alinta Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **20 March 2020**.
6. Alinta Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Alinta Energy do in response to this energy industry penalty notice?

8. Alinta Energy can choose whether or not to pay this energy industry penalty notice.
9. If Alinta Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Alinta Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Alinta Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Alinta Energy holds an electricity retail licence issued by the Commission.
2. Clause 7.1 of the electricity retail licence held by Alinta Energy obliged Alinta Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 14 March 2019, Alinta Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
7. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

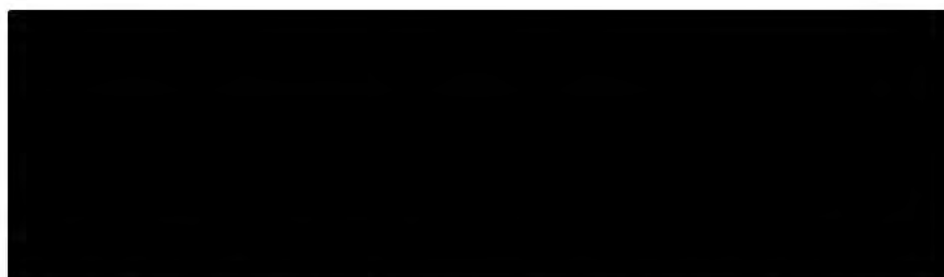
To: Alinta Energy Retail Sales Pty Ltd
'Grosvenor Place'
Level 13, 225 George Street
Sydney NSW 2000

Energy industry penalty notice number: EIPN(G) 1-2020

1. This notice is dated 14 February 2020.
2. The Essential Services Commission (the Commission) alleges that Alinta Energy Retail Sales Pty Ltd (ABN 22 149 658 300) (Alinta Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 12 February 2020, the Commission formed the belief that Alinta Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **20 March 2020**.
6. Alinta Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.



What can Alinta Energy do in response to this energy industry penalty notice?

8. Alinta Energy can choose whether or not to pay this energy industry penalty notice.
9. If Alinta Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Alinta Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Alinta Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Alinta Energy holds a gas retail licence issued by the Commission.
2. Clause 8.1 of the gas retail licence held by Alinta Energy obliged Alinta Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 17 March 2018, Alinta Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
7. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

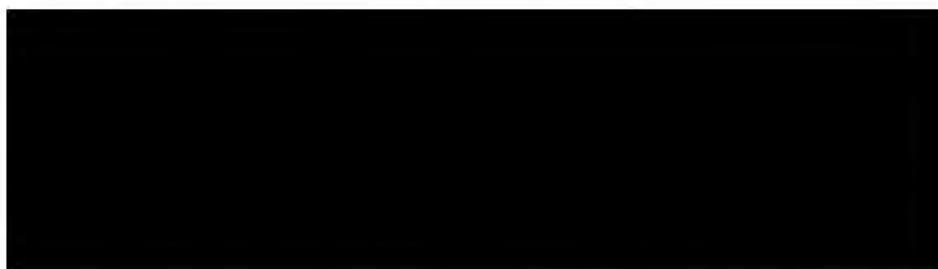
To: Alinta Energy Retail Sales Pty Ltd
'Grosvenor Place'
Level 13, 225 George Street
Sydney NSW 2000

Energy industry penalty notice number: EIPN(G) 2-2020

1. This notice is dated 14 February 2020.
2. The Essential Services Commission (the Commission) alleges that Alinta Energy Retail Sales Pty Ltd (ABN 22 149 658 300) (Alinta Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 12 February 2020, the Commission formed the belief that Alinta Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **20 March 2020**.
6. Alinta Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.



What can Alinta Energy do in response to this energy industry penalty notice?

8. Alinta Energy can choose whether or not to pay this energy industry penalty notice.
9. If Alinta Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Alinta Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Alinta Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Alinta Energy holds a gas retail licence issued by the Commission.
2. Clause 8.1 of the gas retail licence held by Alinta Energy obliged Alinta Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 15 March 2018, Alinta Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
7. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: Alinta Energy Retail Sales Pty Ltd
'Grosvenor Place'
Level 13, 225 George Street
Sydney NSW 2000

Energy industry penalty notice number: EIPN(G) 3-2020

1. This notice is dated 14 February 2020.
2. The Essential Services Commission (the Commission) alleges that Alinta Energy Retail Sales Pty Ltd (ABN 22 149 658 300) (Alinta Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 12 February 2020, the Commission formed the belief that Alinta Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **20 March 2020**.
6. Alinta Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Alinta Energy do in response to this energy industry penalty notice?

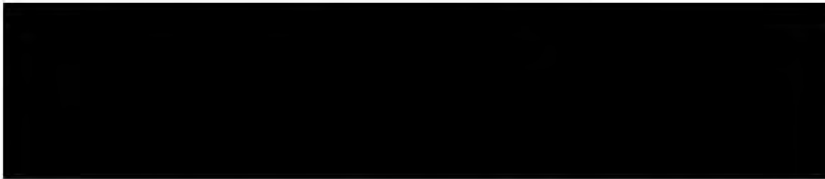
8. Alinta Energy can choose whether or not to pay this energy industry penalty notice.
9. If Alinta Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Alinta Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Alinta Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Alinta Energy holds a gas retail licence issued by the Commission.
2. Clause 8.1 of the gas retail licence held by Alinta Energy obliged Alinta Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 17 March 2018, Alinta Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
7. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: Alinta Energy Retail Sales Pty Ltd
'Grosvenor Place'
Level 13, 225 George Street
Sydney NSW 2000

Energy industry penalty notice number: EIPN(G) 4-2020

1. This notice is dated 14 February 2020.
2. The Essential Services Commission (the Commission) alleges that Alinta Energy Retail Sales Pty Ltd (ABN 22 149 658 300) (Alinta Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 12 February 2020, the Commission formed the belief that Alinta Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **20 March 2020**.
6. Alinta Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

What can Alinta Energy do in response to this energy industry penalty notice?

8. Alinta Energy can choose whether or not to pay this energy industry penalty notice.
9. If Alinta Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Alinta Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Alinta Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Alinta Energy holds a gas retail licence issued by the Commission.
2. Clause 8.1 of the gas retail licence held by Alinta Energy obliged Alinta Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 25 January 2019, Alinta Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:



5. The Commission has reason to believe that the customer did not consent to the transaction as required by clause 3C(1)(b) of the code for the purposes of clause 57(1) of the code.
6. A failure to comply with the requirements of clause 57(1) of the code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
7. The applicable penalty amount is \$20,000.