



## Penalty Notice

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

To: Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300)  
Level 13  
225 George Street  
Sydney, NSW 2000

#### Penalty Notice number: PN(E) 21-2022

1. This notice is dated 2 December 2022.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300) (**Alinta 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 30 November 2022, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Alinta Energy is a regulated entity that had engaged in conduct in 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 \$15,266 as provided by section 77 of the Act.

#### How to pay the penalty

6. The \$15,266 penalty is payable by 20 January 2023.
7. Alinta 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: PN(E) 21-2022

8. Please notify the commission via email to: [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

**What can Alinta Energy do in response to this Penalty Notice?**

9. Alinta Energy can choose whether or not to pay this penalty notice.
10. If Alinta 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 Alinta 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 Alinta Energy does not pay the penalty within this time, the commission may take such action.
11. Alinta Energy is entitled to disregard this Penalty Notice and to defend any proceedings relating to the alleged contravention.



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Kate Symons  
Chairperson  
Essential Services Commission



## Schedule 1

### Details of the conduct and alleged contravention

1. Clause 91(1) of the Code was a civil penalty requirement between 1 December 2021 and 28 February 2022, by virtue of section 77(2)(c) of the Act. Clause 91(1) of the Code provided that:

A retailer must not impose any condition on the provision of assistance under this Part (whether in accordance with the minimum standards set out in this Part or in addition to them) that requires the customer to provide personal or financial information or to waive any entitlement under this Part.

2. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

- (a) Alinta Energy holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001* (Vic) and is a regulated entity operating in a regulated industry.
- (b) On [REDACTED], Alinta Energy had phone contact with the following residential customer:
  - Customer Name: [REDACTED]
  - Supply Address: [REDACTED]
  - Account: [REDACTED](the customer).
- (c) As the customer was in arrears, they were entitled to the assistance available under Part 3 of the Code. Alinta Energy was required to, in a timely manner, provide this assistance.
- (d) During the phone contact, Alinta Energy told the customer to speak to a Financial Counsellor before being offered their entitlements under Part 3 of the Code.
- (e) As a result, the commission alleges that Alinta Energy contravened clause 91(1) of the Code. Alinta Energy's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

3. The amount of the penalty for this civil penalty requirement was \$15,266 (84 penalty units),<sup>1</sup> as provided by section 77 of the Act.

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<sup>1</sup> As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)





## Penalty Notice

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

To: Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300)  
Level 13  
225 George Street  
Sydney, NSW 2000

#### Penalty Notice number: PN(G) 22-2022

1. This notice is dated 2 December 2022.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300) (**Alinta 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 30 November 2022, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Alinta Energy is a regulated entity that had engaged in conduct in 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 \$15,266 as provided by section 77 of the Act.

#### How to pay the penalty

6. The \$15,266 penalty is payable by 20 January 2023.
7. Alinta 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: PN(G) 22-2022

8. Please notify the commission via email to: [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

**What can Alinta Energy do in response to this Penalty Notice?**

9. Alinta Energy can choose whether or not to pay this penalty notice.
10. If Alinta 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 Alinta 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 Alinta Energy does not pay the penalty within this time, the commission may take such action.
11. Alinta Energy is entitled to disregard this Penalty Notice and to defend any proceedings relating to the alleged contravention.



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Kate Symons  
Chairperson  
Essential Services Commission



## Schedule 1

### Details of the conduct and alleged contravention

1. Clause 91(1) of the Code was a civil penalty requirement between 1 December 2021 and 28 February 2022, by virtue of section 77(2)(c) of the Act. Clause 91(1) of the Code provided that:

A retailer must not impose any condition on the provision of assistance under this Part (whether in accordance with the minimum standards set out in this Part or in addition to them) that requires the customer to provide personal or financial information or to waive any entitlement under this Part.

2. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

- (a) Alinta Energy holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001* (Vic) and is a regulated entity operating in a regulated industry.
- (b) On [REDACTED] Alinta Energy had phone contact with the following residential customer:
  - Customer Name: [REDACTED]
  - Supply Address: [REDACTED]
  - Account: [REDACTED](the customer).
- (c) As the customer was in arrears, they were entitled to the assistance available under Part 3 of the Code. Alinta Energy was required to, in a timely manner, provide this assistance.
- (d) During the phone contact, Alinta Energy told the customer to speak to a Financial Counsellor before being offered their entitlements under Part 3 of the Code.
- (e) As a result, the commission alleges that Alinta Energy contravened clause 91(1) of the Code. Alinta Energy's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

3. The amount of the penalty for this civil penalty requirement was \$15,266 (84 penalty units),<sup>2</sup> as provided by section 77 of the Act.

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<sup>2</sup> As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)





## Penalty Notice

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

To: Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300)  
Level 13  
225 George Street  
Sydney, NSW 2000

#### Penalty Notice number: PN(E) 23-2022

1. This notice is dated 2 December 2022.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300) (**Alinta 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 30 November 2022, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Alinta Energy is a regulated entity that had engaged in conduct in 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 \$15,266 as provided by section 77 of the Act.

#### How to pay the penalty

6. The \$15,266 penalty is payable by 20 January 2023.
7. Alinta 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: PN(E) 23-2022

8. Please notify the commission via email to: [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

**What can Alinta Energy do in response to this Penalty Notice?**

9. Alinta Energy can choose whether or not to pay this penalty notice.
10. If Alinta 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 Alinta 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 Alinta Energy does not pay the penalty within this time, the commission may take such action.
11. Alinta Energy is entitled to disregard this Penalty Notice and to defend any proceedings relating to the alleged contravention.



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Kate Symons  
Chairperson  
Essential Services Commission



## Schedule 1

### Details of the conduct and alleged contravention

1. Clause 91(1) of the Code was a civil penalty requirement between 1 December 2021 and 28 February 2022, by virtue of section 77(2)(c) of the Act. Clause 91(1) of the Code provided that:

A retailer must not impose any condition on the provision of assistance under this Part (whether in accordance with the minimum standards set out in this Part or in addition to them) that requires the customer to provide personal or financial information or to waive any entitlement under this Part.

2. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

- (a) Alinta Energy holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001* (Vic) and is a regulated entity operating in a regulated industry.
- (b) On [REDACTED] Alinta Energy had phone contact with the following residential customer:
  - Customer Name: [REDACTED]
  - Supply Address: [REDACTED]
  - Account: [REDACTED]

**(the customer).**
- (c) As the customer was in arrears, they were entitled to the assistance available under Part 3 of the Code. Alinta Energy was required to, in a timely manner, provide this assistance.
- (d) During the phone contact, Alinta Energy told the customer to speak to a Financial Counsellor before being offered their entitlements under Part 3 of the Code.
- (e) As a result, the commission alleges that Alinta Energy contravened clause 91(1) of the Code. Alinta Energy's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

3. The amount of the penalty for this civil penalty requirement was \$15,266 (84 penalty units),<sup>3</sup> as provided by section 77 of the Act.

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<sup>3</sup> As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)





## Penalty Notice

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

To: Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300)  
Level 13  
225 George Street  
Sydney, NSW 2000

#### Penalty Notice number: PN(G) 24-2022

1. This notice is dated 2 December 2022.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300) (**Alinta 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 30 November 2022, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Alinta Energy is a regulated entity that had engaged in conduct in 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 \$15,266 as provided by section 77 of the Act.

#### How to pay the penalty

6. The \$15,266 penalty is payable by 20 January 2023.
7. Alinta Energy may pay the penalty by electronic funds transfer to the following account:

Bank:

BSB:

Account number:

Account name:

ABN:

Reference: PN(G) 24-2022

8. Please notify the commission via email to: [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

**What can Alinta Energy do in response to this Penalty Notice?**

9. Alinta Energy can choose whether or not to pay this penalty notice.
10. If Alinta 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 Alinta 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 Alinta Energy does not pay the penalty within this time, the commission may take such action.
11. Alinta Energy is entitled to disregard this Penalty Notice and to defend any proceedings relating to the alleged contravention.



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Kate Symons  
Chairperson  
Essential Services Commission



## Schedule 1

### Details of the conduct and alleged contravention

1. Clause 91(1) of the Code was a civil penalty requirement between 1 December 2021 and 28 February 2022, by virtue of section 77(2)(c) of the Act. Clause 91(1) of the Code provided that:

A retailer must not impose any condition on the provision of assistance under this Part (whether in accordance with the minimum standards set out in this Part or in addition to them) that requires the customer to provide personal or financial information or to waive any entitlement under this Part.

2. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

- (a) Alinta Energy holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001* (Vic) and is a regulated entity operating in a regulated industry.
- (b) On [REDACTED] Alinta Energy had phone contact with the following residential customer:
  - Customer Name: [REDACTED]
  - Supply Address: [REDACTED]
  - Account: [REDACTED]

**(the customer).**
- (c) As the customer was in arrears, they were entitled to the assistance available under Part 3 of the Code. Alinta Energy was required to, in a timely manner, provide this assistance.
- (d) During the phone contact, Alinta Energy told the customer to speak to a Financial Counsellor before being offered their entitlements under Part 3 of the Code.
- (e) As a result, the commission alleges that Alinta Energy contravened clause 91(1) of the Code. Alinta Energy's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

3. The amount of the penalty for this civil penalty requirement was \$15,266 (84 penalty units),<sup>4</sup> as provided by section 77 of the Act.

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<sup>4</sup> As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)





## Penalty Notice

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

To: Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300)  
Level 13  
225 George Street  
Sydney, NSW 2000

#### Penalty Notice number: PN(E) 25-2022

1. This notice is dated 2 December 2022.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300) (**Alinta 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 30 November 2022, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Alinta Energy is a regulated entity that had engaged in conduct in 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 \$15,266 as provided by section 77 of the Act.

#### How to pay the penalty

6. The \$15,266 penalty is payable by 20 January 2023.
7. Alinta 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: PN(E) 25-2022

8. Please notify the commission via email to: [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

**What can Alinta Energy do in response to this Penalty Notice?**

9. Alinta Energy can choose whether or not to pay this penalty notice.
10. If Alinta 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 Alinta 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 Alinta Energy does not pay the penalty within this time, the commission may take such action.
11. Alinta Energy is entitled to disregard this Penalty Notice and to defend any proceedings relating to the alleged contravention.



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Kate Symons  
Chairperson  
Essential Services Commission



## Schedule 1

### Details of the conduct and alleged contravention

1. Clause 91(1) of the Code was a civil penalty requirement between 1 December 2021 and 28 February 2022, by virtue of section 77(2)(c) of the Act. Clause 91(1) of the Code provided that:

A retailer must not impose any condition on the provision of assistance under this Part (whether in accordance with the minimum standards set out in this Part or in addition to them) that requires the customer to provide personal or financial information or to waive any entitlement under this Part.

2. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

- (a) Alinta Energy holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001* (Vic) and is a regulated entity operating in a regulated industry.
- (b) On [REDACTED], Alinta Energy had phone contact with the following residential customer:
  - Customer Name: [REDACTED]
  - Supply Address: [REDACTED]
  - Account: [REDACTED]

**(the customer).**
- (c) As the customer was in arrears, they were entitled to the assistance available under Part 3 of the Code. Alinta Energy was required to, in a timely manner, provide this assistance.
- (d) During the phone contact, Alinta Energy told the customer to speak to a Financial Counsellor before being offered their entitlements under Part 3 of the Code.
- (e) As a result, the commission alleges that Alinta Energy contravened clause 91(1) of the Code. Alinta Energy's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

3. The amount of the penalty for this civil penalty requirement was \$15,266 (84 penalty units),<sup>5</sup> as provided by section 77 of the Act.

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<sup>5</sup> As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)





## Penalty Notice

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

To: Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300)  
Level 13  
225 George Street  
Sydney, NSW 2000

#### Penalty Notice number: PN(E) 26-2022

1. This notice is dated 2 December 2022.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Alinta Energy Retail Sales Pty Ltd (ACN 149 658 300) (**Alinta 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 30 November 2022, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Alinta Energy is a regulated entity that had engaged in conduct in 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 \$15,266 as provided by section 77 of the Act.

#### How to pay the penalty

6. The \$15,266 penalty is payable by 20 January 2023.
7. Alinta 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: PN(E) 26-2022

8. Please notify the commission via email to: [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

**What can Alinta Energy do in response to this Penalty Notice?**

9. Alinta Energy can choose whether or not to pay this penalty notice.
10. If Alinta 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 Alinta 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 Alinta Energy does not pay the penalty within this time, the commission may take such action.
11. Alinta Energy is entitled to disregard this Penalty Notice and to defend any proceedings relating to the alleged contravention.



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Kate Symons  
Chairperson  
Essential Services Commission



## Schedule 1

### Details of the conduct and alleged contravention

1. Clause 91(1) of the Code was a civil penalty requirement between 1 December 2021 and 28 February 2022, by virtue of section 77(2)(c) of the Act. Clause 91(1) of the Code provided that:

A retailer must not impose any condition on the provision of assistance under this Part (whether in accordance with the minimum standards set out in this Part or in addition to them) that requires the customer to provide personal or financial information or to waive any entitlement under this Part.

2. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

- (a) Alinta Energy holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the *Electricity Industry Act 2001* (Vic) and is a regulated entity operating in a regulated industry.
- (b) On [REDACTED], Alinta Energy had phone contact with the following residential customer:
  - Customer Name: [REDACTED]
  - Supply Address: [REDACTED]
  - Account: [REDACTED](the customer).
- (c) As the customer was in arrears, they were entitled to the assistance available under Part 3 of the Code. Alinta Energy was required to, in a timely manner, provide this assistance.
- (d) During the phone contact, Alinta Energy told the customer to speak to a Financial Counsellor before being offered their entitlements under Part 3 of the Code.
- (e) As a result, the commission alleges that Alinta Energy contravened clause 91(1) of the Code. Alinta Energy's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

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The amount of the penalty for this civil penalty requirement was \$15,266 (84 penalty units),<sup>6</sup> as provided by section 77 of the Act.

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<sup>6</sup> As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)