

National Energy Retail Law
Undertaking to the Queensland Competition Authority
for the purposes of Section 288 of the National Energy Retail Law
by
Origin Energy Electricity Ltd (ABN 33 071 052 287)

Person giving the Undertaking

1. This Undertaking is given by Origin Energy Electricity Ltd (ABN 33 071 052 287) of Level 32, Barangaroo Avenue, Barangaroo, New South Wales (**Origin**) to the Queensland Competition Authority (**QCA**) pursuant to Section 288 of the National Energy Retail Law.

Background

Allowable Fees and Charges

2. As an electricity retailer, Origin has certain obligations in relation to the application of fees and charges for small Queensland electricity customers on a Standard Retail Contract.
3. These obligations arise through the operation of Section 22A of the *National Energy Retail Law (Queensland) Act 2014 (NERLQ)* and require that a retailer's standing offer prices for providing retail services to small customers comprise only of fees and charges that were the subject of notified prices for the financial year immediately preceding the day that the price determination no longer applied.
4. The notified prices in the financial year immediately preceding the day that the price determination no longer applied only included three types of retail fees - fees for historical billing data beyond 24 months, a retailer administration fee for dishonoured payment and financial institution fees for a dishonoured payment.
5. Obligations under Section 22A of the NERLQ are Queensland-specific derogations that are monitored, investigated and enforced by the QCA.

The Payment and Billing Fees Matter

6. On 8 April 2021, the QCA advised Origin that it had detected prohibited fees in Origin's standing offer prices.
7. Between 4 January and 16 April 2021, a total of 21,250 residential and 2,687 business electricity customers on Standard Retail Contracts (**Affected Customers**) were charged paper bill fees, credit card payment fees and charges for payments made over the counter at Australia Post outlets (**Payment and Billing Fees**).
8. The inclusion of the Payment and Billing Fees in standing offers arose from a misreading of the NERLQ during a program to review and update Origin's fees and charges nationally.
9. On 23 April 2021, Origin reported the issue to the QCA and provided a supplementary report on 7 May 2021. The total value of Payment and Billing Fees charged to Affected Customers was \$65,944.23. Origin has been able to process credits for existing customers but needs to obtain account details and payment preferences from customers who no longer have an account with Origin (**Affected Former Customers**) to process refunds.
10. Of the 23,937 Affected Customers, 850 were Affected Former Customers.

11. Origin wrote to all Affected Customers to inform them of the overcharge. Affected Former Customers were advised of the value of their credit and how they could request a refund of the overcharged amount.
12. The total value of Payment and Billing Fees charged to Affected Former Customers was \$1,897.27. As at 6 July 2021, 241 Affected Former Customers have redeemed their credit and the total remaining to be refunded is \$1,488.60.

Origin's Response to the Payment and Billing Fees Matter

13. Origin has cooperated fully with the QCA and displayed willingness to resolve this matter by:
 - a) applying an account credit for the relevant amount of the Payment and Billing Fees charged for all Affected Customers;
 - b) writing to all Affected Customers in relation to the issue and explaining to Affected Former Customers how they could redeem their refund; and
 - c) the provision of this Undertaking to the QCA pursuant to Section 288 of the National Energy Retail Law.

Commencement and Expiry the Undertaking

14. This Undertaking comes into effect when:
 - a) the Undertaking is executed by Origin; and
 - b) the QCA accepts the Undertaking so executed (**Commencement Date**).
15. Upon the Commencement Date, Origin undertakes to assume the obligations set out in clause 19.
16. This Undertaking expires on 31 March 2023 or when all Affected Former Customers have been reimbursed, whichever is the earlier.
17. Origin may apply to withdraw or vary any part of this Undertaking at any time, but this Undertaking will only be taken to be withdrawn or varied on the date at which the QCA consents to such withdrawal or variation.
18. The QCA may, if requested by Origin, expressly waive in writing any of the obligations contained in the Undertaking.

Undertakings

Progress Reporting

19. During the period of this Undertaking, Origin undertakes to:
 - a) follow up any unclaimed credits owing to Former Affected Customers by SMS on a fortnightly basis until 15 September 2021; and
 - b) report to the QCA on the total number of Former Affected Customers reimbursed and the corresponding reimbursement amounts, such report to be submitted as follows:
 - i. for the period until 31 December 2021, monthly no later than the last business day of the month immediately following the relevant reporting period; and
 - ii. thereafter, on a quarterly basis until all Affected Former Customers have been reimbursed or Origin's submission of its final Progress Report to the QCA on 31 March 2023 (for the period up to and including 28 February 2023).

Acknowledgements

20. Origin acknowledges that the QCA may make this Undertaking publicly available by publishing it on the QCA's website.

Executed as an Undertaking

Executed by Origin Energy Electricity Ltd by its authorised officers pursuant to section 127(1) of the Corporations Act (Cth) 2001.



Director

Frank Calabria

Print Name



Director/Secretary

Helen Hardy

Print Name

This 3rd day of August 2021

Accepted by the Queensland Competition Authority pursuant to Section 288 of the National Energy Retail Law.



Chairperson

Professor Flavio Menezes

Print name

This 10th day of August 2021