

**NATIONAL ENERGY RETAIL LAW**  
**SECTION 308**  
**INFRINGEMENT NOTICE ISSUED TO**  
**TasNetworks**

**TO:** TasNetworks (ABN 24 167 357 299)  
1-7 Maria Street  
LENAH VALLEY TAS 7008

**Infringement Notice No.: AER03-2015**

1. The Australian Energy Regulator (**AER**):
  - (a) has reason to believe that Aurora Energy Pty Ltd (ABN 85 082 464 622) (**Aurora**), a *distributor* within the meaning of the *National Energy Retail Law* (**Retail Law**) at the relevant time being 4 June 2014, has breached rule 125(2)(d) of the *National Energy Retail Rules* (**Retail Rules**), in the manner set out in Schedule 1 to this Infringement Notice;
  - (b) has reason to believe that Tasmanian Networks Pty Ltd (ABN 24 167 357 299) (**TasNetworks**), by Notice of Transfer issued under section 19(1) and the effect of section 20 of the *Electricity Reform Act 2012* (**ERA**), is to be taken to have breached rule 125(2)(d) of the Retail Rules, in the same manner set out in Schedule 1 to this Infringement Notice (**the alleged breach**); and
  - (c) has decided to serve this Infringement Notice on TasNetworks under section 277 of the National Gas Law Schedule to the *National Gas (South Australia) Act 2008* (**National Gas Law**) as applied by section 308 of the Retail Law.
2. Rule 125(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 TASNETWORKS DO IN RESPONSE TO THIS  
INFRINGEMENT NOTICE?**

4. TasNetworks can choose whether or not to comply with this Infringement Notice. If TasNetworks chooses not to comply with this Infringement Notice, the AER may commence proceedings against TasNetworks and/or Aurora in relation to the alleged breach. TasNetworks is entitled to disregard this Infringement Notice and to defend any proceedings in respect of the alleged breach.
5. If TasNetworks chooses to comply with this Infringement Notice, it must pay the infringement penalty by 16 March 2015, 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 **16 March 2015**.
7. If TasNetworks 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 DOES TASNETWORKS PAY THE INFRINGEMENT PENALTY?**

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

Australian Energy Regulator  
GPO Box 520  
MELBOURNE VIC 3001

you should allow at least 5 business days for payment to be received

or

- (b) by electronic funds transfer to the following account:\*

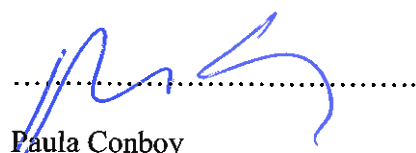
Account name: ACCC Official Administered Account  
BSB: 032-730  
Account: 146550  
Description: AER03-2015

you should allow at least 2 business days for payment to be received.

\* Please note that the AER is a constituent part of the Australian Competition and Consumer Commission (ACCC). The ACCC handles the receipt of infringement penalty payments for the AER.

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

DATE OF ISSUE: 13 February 2015

  
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Paula Conboy  
Chair  
Australian Energy Regulator

## SCHEDULE 1

### MATTERS CONSTITUTING AN ALLEGED BREACH OF A CIVIL PENALTY PROVISION: RULE 125(2)(d) OF THE NATIONAL ENERGY RETAIL RULES

1. At the relevant time of the alleged breach, being 4 June 2014, Aurora was a 'distributor' within the meaning of section 2 of the National Energy Retail Law.
2. On 16 April 2013, on advice from Aurora in its capacity as a Retailer, the premises at [REDACTED] (the premises), was registered as having life support equipment.
3. By reason of rule 2 of Part 4 of Schedule 3, and rule 125(1) of the National Energy Retail Rules (**Retail Rules**), Aurora was required to comply with rule 125(2) of the Retail Rules in relation to the premises.
4. Pursuant to rule 125(2)(d) of the Retail Rules, Aurora was required to give the customer at the premises at least 4 business days' written notice of any planned interruptions to supply at the premises.
5. At or about 9.00am on 4 June 2014, Aurora conducted a planned interruption which interrupted the supply of electricity to the premises.
6. Aurora did not give the customer at the premises at least 4 business days' written notice of a planned interruption to supply at the premises.
7. By Notice of Transfer issued under section 19(1) of the *Electricity Reform Act 2012* (**ERA**), Aurora's liability under the Retail Rules for the conduct listed in paragraphs 5 and 6 above was transferred to TasNetworks.
8. By virtue of section 20 of the ERA, TasNetworks is to be taken to have engaged in the conduct listed in paragraphs 5 and 6 above in the circumstances listed in paragraphs 1 to 4 above.