

**NATIONAL ENERGY RETAIL LAW**

**SECTION 88**

**INFRINGEMENT NOTICE ISSUED TO**

**TAPLIN REALTY PTY LTD**

**TO: Taplin Realty Pty Ltd (ABN: 52 007 968 854)**  
**99 Gouger Street**  
**Adelaide SA 5000**

**Infringement Notice No.: AER11-2017**

1. The Australian Energy Regulator (AER):
  - (a) has reason to believe that Taplin Realty Pty Ltd (ABN 52 007 968 854) (**Taplin Realty**):
    - (i) is, and was at all relevant times, a seller of energy in relation to its premises at Mitcham Square Shopping Centre;
    - (ii) has breached section 88 of the National Energy Retail Law (**Retail Law**), in the manner set out in Schedule 1 to this Infringement Notice (**the alleged breach**); and
  - (b) has decided to serve this Infringement Notice on Taplin Realty under section 277 of the *National Gas (South Australia) Law* being the Schedule to the *National Gas (South Australia) Law 2008* (**National Gas Law**) as applied by section 308 of the Retail Law.
2. Section 88 of the Retail Law is a civil penalty provision within the meaning of the Retail Law.
3. The infringement penalty is \$20,000.

**WHAT CAN TAPLIN REALTY DO IN RESPONSE TO THIS  
INFRINGEMENT NOTICE?**

4. Taplin Realty can choose whether or not to comply with this Infringement Notice. If Taplin Realty chooses not to comply with this Infringement Notice, the AER may commence proceedings against it in relation to the alleged breach. Taplin Realty is entitled to disregard this Infringement Notice and to defend any proceedings in respect of the alleged breach.
5. If Taplin Realty chooses to comply with this Infringement Notice, it must pay the infringement penalty by **7 September 2017**, 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 **7 September 2017**.
7. If Taplin Realty pays the infringement penalty within the compliance period, the AER will not institute proceedings in respect of the alleged breach unless the Infringement Notice is withdrawn before the end of the compliance period in accordance with section 282 of the National Gas Law as applied by section 308 of the Retail Law.

#### **HOW TO PAY AN INFRINGEMENT NOTICE**

8. Taplin Realty 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

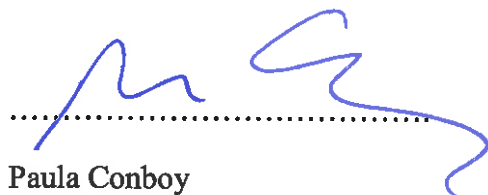
- (b) by electronic funds transfer to the following account:\*
- Account name: ACCC Official Administered Account  
BSB: 032-730  
Account: 146550  
Description: AER11-2017

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

\* The Australian Competition and Consumer Commission handles the receipt of infringement penalty payments for the AER on behalf of the Commonwealth of Australia. All payments received are paid into the Consolidated Revenue Fund.

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

DATE OF ISSUE: 1 August 2017



Paula Conboy  
Chair  
Australian Energy Regulator

## SCHEDULE 1

### **MATTERS CONSTITUTING AN ALLEGED BREACH OF A CIVIL PENALTY PROVISION: SECTION 88 OF THE NATIONAL ENERGY RETAIL LAW**

1. Taplin Realty is, and was at all relevant times, a seller of electricity at Mitcham Square Shopping Centre.
2. Section 88 of the Retail Law states that a person (the seller) must not sell energy to a person for premises unless the seller is the holder of a retailer authorisation or the seller is an exempt seller.
3. Taplin Realty engaged in the activity of selling electricity to persons during the period 1 February 2013 to 3 February 2017 (**the relevant period**).
4. Taplin Realty sold electricity during the relevant period to tenants who lease premises at Mitcham Square Shopping Centre.
5. During the relevant period, in relation to Mitcham Square Shopping Centre, Taplin Realty did not hold a retailer authorisation and was not an exempt seller.
6. Accordingly, Taplin Realty breached section 88 of the Retail Law in respect of Mitcham Square Shopping Centre.