

**NATIONAL ENERGY RETAIL LAW**

**SECTION 308**

**INFRINGEMENT NOTICE ISSUED TO**

**AURORA ENERGY PTY LTD (ACN 082 464 622)**

**TO: Aurora Energy Pty Ltd  
ACN 082 464 622  
Level 4  
50 Elizabeth Street  
HOBART TAS 7000**

**Infringement Notice No.: AER32-2022**

1. The Australian Energy Regulator (**AER**):
  - a. has reason to believe that Aurora Energy Pty Ltd (ACN 082 464 622) (**Aurora**), which is a *retailer* within the meaning of the *National Energy Retail Law (Tasmania)* (**Retail Law**), has breached rule 124A(1)(b) of the *National Energy Retail Rules* (**Retail Rules**), in the manner set out in Schedule 2 to this Infringement Notice (**the alleged breach**); and
  - b. has decided to serve this Infringement Notice on Aurora under section 277 of the *National Gas Law* being the Schedule to the *National Gas (South Australia) Act 2008* (**National Gas Law**) as applied by section 308 of the Retail Law.
2. Rule 124A(1)(b) of the Retail Rules is a civil penalty provision within the meaning of the Retail Law.
3. The infringement penalty is \$67,800.

**WHAT CAN AURORA DO IN RESPONSE TO THIS  
INFRINGEMENT NOTICE?**

4. Aurora can choose whether or not to comply with this Infringement Notice. If Aurora chooses not to comply with this Infringement Notice, the AER may commence proceedings against it in relation to the alleged breach. Aurora is entitled to disregard this Infringement Notice and to defend any proceedings in respect of the alleged breach.
5. If Aurora chooses to comply with this Infringement Notice, it must pay the infringement penalty to the AER, on behalf of the Commonwealth, by **Tuesday 26 July 2022**, 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 **Tuesday 26 July 2022**.

7. If Aurora 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period, the AER will not institute proceedings in respect of the alleged breach unless the Infringement Notice is withdrawn before the end of the compliance period in accordance with section 282 of the National Gas Law as applied by section 308 of the Retail Law.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. Aurora may pay the \$67,800 infringement penalty in three 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 five business days for payment to be received

or

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

[REDACTED]

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

or

- c. by credit card via the ACCC online payment system at [www.accc.gov.au/payments](http://www.accc.gov.au/payments).\*

Please ensure that you include “AER32-2022” in the Payment Description field of your online payment to identify payment.

You should allow at least two 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. Aurora will be issued with a Tax Invoice following payment of the infringement penalty.

DATE OF ISSUE: 22 June 2022



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Clare Savage  
Chair  
Australian Energy Regulator

## SCHEDULE 1

### RELEVANT RULE

#### **124A Confirmation of premises as requiring life support equipment**

- (1) Where a medical confirmation form is provided under rule 124, the retailer or distributor (as the case may be) must:
  - (a) from the date of the medical confirmation form, give the customer a minimum of 50 business days to provide medical confirmation;
  - (b) provide the customer at least two written notices to remind the customer that the customer must provide medical confirmation (each a **confirmation reminder notice**);
  - (c) ensure the first confirmation reminder notice is provided no less than 15 business days from the date of issue of the medical confirmation form;
  - (d) ensure the second confirmation reminder notice is provided no less than 15 business days from the date of issue of the first confirmation reminder notice; and
  - (e) on request from a customer, give the customer at least one extension of time to provide medical confirmation. The extension must be a minimum of 25 business days.

## SCHEDULE 2

### INFRINGEMENT NOTICE: AER32-2022

#### MATTERS CONSTITUTING AN ALLEGED BREACH OF A CIVIL PENALTY PROVISION: RULE 124A(1)(b) OF THE NATIONAL ENERGY RETAIL RULES

1. Aurora Energy Pty Ltd (Aurora) is a 'retailer' within the meaning of section 2 of the National Energy Retail Law (Retail Law).
  2. At the date of the alleged breach, version 27 of the National Energy Retail Rules applied.
  3. The relevant subrule is described in Schedule 1.
  4. On 26 April 2021, customer [REDACTED] advised Aurora that a person residing, or intending to reside, at the customer's premises required life support equipment.
  5. On 27 April 2021, Aurora sent a medical confirmation form to the customer.
  6. Despite the requirement at rule 124A(1)(b) of the National Energy Retail Rules, after providing the medical confirmation form to the customer, Aurora failed to provide the customer with two written notices to remind the customer that they must provide the medical confirmation.
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