

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.: AER33-2022

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 125(1) 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 125(1) 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period, the AER will not institute proceedings in respect of the alleged breach unless the Infringement Notice is withdrawn before the end of the compliance period in accordance with section 282 of the National Gas Law as applied by section 308 of the Retail Law.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.*

Please ensure that you include “AER33-2022” 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

125 Deregistration of premises

- (1) A retailer or distributor may only deregister a customer's premises in the circumstances permitted under this rule 125.
- (2) If a customer's premises is deregistered:
 - (a) by a retailer, the retailer must, within 5 business days of the date of deregistration, notify the distributor of the date of deregistration and reason for deregistration;
 - (b) by a distributor, the distributor must, within 5 business days of the date of deregistration, notify the retailer of the date of deregistration and reason for deregistration; and
 - (c) the retailer and the distributor must update their registrations under subrules 124(1)(a), 124(3), 124(4)(a) and 124(5) as required by rule 126.

Cessation of retailer and distributor obligations after deregistration

- (3) The retailer and distributor obligations under rule 124B cease to apply in respect of a customer's premises once that customer's premises is validly deregistered.

Deregistration where medical confirmation not provided

- (4) Where a customer, whose premises have been registered by a retailer under subrule 124(1)(a) (and subrule 124(2) does not apply), fails to provide medical confirmation, the retailer may deregister the customer's premises only when:
 - (a) the retailer has complied with the requirements under rule 124A;
 - (b) the retailer has taken reasonable steps to contact the customer in connection with the customer's failure to provide medical confirmation in one of the following ways:
 - (i) in person;
 - (ii) by telephone; or
 - (iii) by electronic means;
 - (c) the retailer has provided the customer with a deregistration notice no less than 15 business days from the date of issue of the second confirmation reminder notice issued under subrule 124A(1)(d); and
 - (d) the customer has not provided medical confirmation before the date for deregistration specified in the deregistration notice.

SCHEDULE 2

INFRINGEMENT NOTICE: AER33-2022

MATTERS CONSTITUTING AN ALLEGED BREACH OF A CIVIL PENALTY PROVISION: RULE 125(1) 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 29 of the National Energy Retail Rules applied.
 3. The relevant subrule is described in Schedule 1.
 4. On 18 May 2021, Aurora registered customer [REDACTED] as required by rule 124(1)(a) of the National Energy Retail Rules.
 5. Aurora did not comply with rule 124A of the National Energy Retail Rules and the customer did not provide Aurora with medical confirmation.
 6. Aurora did not take reasonable steps to contact the customer in connection with the customer's failure to provide the medical confirmation.
 7. Aurora did not provide the customer with a deregistration notice.
 8. On 30 September 2021, Aurora deregistered the customer's life support registration.
 9. Despite the requirement at rule 125(1) of the National Energy Retail Rules, Aurora deregistered the customer's premises when none of the circumstances under rule 125 applied.
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