

NATIONAL ENERGY RETAIL LAW
SECTION 88
INFRINGEMENT NOTICE ISSUED TO
Stockland Trust Management Limited

To: Stockland Trust Management Limited (ABN 86 001 900 741)
Level 25, 133 Castlereagh Street
SYDNEY NSW 2000

Infringement Notice No.: AER12-2016

1. The Australian Energy Regulator (AER):
 - a. has reason to believe that Stockland Trust Management Limited (ABN 86 001 900 741) (**Stockland Trust**):
 - i. is, and was at all relevant times, a seller of energy in relation to its premises at [REDACTED];
 - ii. has breached section 88 of the National Energy Retail Law (**Retail Law**), as described in Schedule 1 to this Infringement Notice (**the alleged breach**); and
 - b. has decided to serve this Infringement Notice on Stockland Trust under section 277 of the *National Gas (Queensland) 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 STOCKLAND TRUST DO IN RESPONSE TO THIS INFRINGEMENT NOTICE?

4. Stockland Trust can choose whether or not to comply with this Infringement Notice. If Stockland Trust chooses not to comply with this Infringement Notice, the AER may commence proceedings against it in relation to the alleged breach. Stockland Trust is entitled to disregard this Infringement Notice and to defend any proceedings in respect of the alleged breach.
5. If Stockland Trust chooses to comply with this Infringement Notice, it must pay the infringement penalty by **29 July 2016**, being not less than 30 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. If Stockland Trust 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period, the AER will not institute proceedings in respect of the alleged breach unless the Infringement Notice is withdrawn before the end of the compliance period in accordance with section 282 of the National Gas Law as applied by section 308 of the Retail Law.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 STOCKLAND TRUST PAY THE INFRINGEMENT PENALTY?

7. Stockland Trust may pay the \$20,000 infringement penalty in either of two ways:

- a. by cheque made out to the "ACCC Official Administered Account",* enclosing a copy of this Infringement Notice, addressed 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: AER12-2016

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

- * The Australian Competition and Consumer Commission (**ACCC**) handles the receipt of infringement penalty payments for the AER. All payments received are paid into the Consolidated Revenue Fund.

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

DATE OF ISSUE: 29 June 2016



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. Stockland Trust is, and was at all relevant times, a seller of electricity at [REDACTED]
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. Stockland Trust engaged in the activity of selling electricity to persons during the period 1 July 2015 to 15 February 2016 (**the relevant period**).
4. Stockland Trust sold electricity during the relevant period to tenants who lease premises at [REDACTED]
5. During the relevant period, in relation to [REDACTED] Stockland Trust did not hold a retailer authorisation and was not an exempt seller.
6. Accordingly, Stockland Trust breached section 88 of the Retail Law in respect of [REDACTED]