

NATIONAL ENERGY RETAIL LAW

SECTION 308

INFRINGEMENT NOTICE ISSUED TO

DISCOVERY HOLIDAY PARKS PTY LIMITED (ABN: 50 111 782 846)

**TO: Discovery Holiday Parks Pty Ltd
Level 7, 60 Light Square
ADELAIDE SA 5000**

Infringement Notice No.: AER06-2019

1. The Australian Energy Regulator (AER):
 - (a) has reason to believe that Discovery Holiday Parks Pty Ltd (ABN: 50 111 782 846) (**Discovery Parks**):
 - (i) is, and was at all relevant times, a seller of energy in relation to its premises at Discovery Parks – Byron Bay, located at [REDACTED] Australia;
 - (ii) has breached section 88 of the *National Energy Retail Law (NSW)* (**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 Discovery Parks under section 277 of the *National Gas (NSW) 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 DISCOVERY PARKS DO IN RESPONSE TO THIS
INFRINGEMENT NOTICE?**

4. Discovery Parks can choose whether or not to comply with this Infringement Notice. If Discovery Parks chooses not to comply with this Infringement Notice, the AER may commence proceedings against it in relation to the alleged breach. Discovery Parks is entitled to disregard this Infringement Notice and to defend any proceedings in respect of the alleged breach.

5. If Discovery Parks chooses to comply with this Infringement Notice, it must pay the infringement penalty by **1 October 2019**, 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 **1 October 2019**.
7. If Discovery Parks 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period, the AER will not institute proceedings in respect of the alleged breach unless the Infringement Notice is withdrawn before the end of the compliance period in accordance with section 282 of the National Gas Law as applied by section 308 of the Retail Law.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. Discovery Parks may pay the \$20,000 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 5 business days for payment to be received

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

Account name: ACCC Official Administered Account
BSB: 032-730
Account: 146550
Description: AER06-2019

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

- (c) by credit card via the ACCC online payment system at www.accc.gov.au/payments

Please ensure that you include “AER06-2019” in the Payment Description field of your online payment to identify payment.

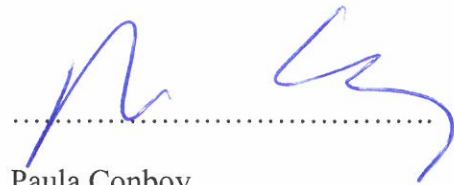
You should allow at least two business days for payment to be received.

- * 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. Discovery Parks will be issued with a Tax Invoice following payment of the \$20,000 infringement penalty.

DATE OF ISSUE: 30 August 2019



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. Discovery Parks is, and was at all relevant times, a seller of electricity at Discovery Parks – Byron Bay, located at [REDACTED] Australia
(**Discovery Parks – Byron Bay**).
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 current retailer authorisation or the seller is an exempt seller.
3. Discovery Parks engaged in the activity of selling electricity to persons during the period 1 February 2015 to 8 August 2018 (**the relevant period**).
4. Discovery Parks sold electricity during the relevant period to tenants who lease premises at Discovery Parks – Byron Bay.
5. During the relevant period, in relation to Discovery Parks – Byron Bay, Discovery Parks did not hold a retailer authorisation and was not an exempt seller.
6. Accordingly, Discovery Parks breached section 88 of the Retail Law in respect of Discovery Parks – Byron Bay.