

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.: AER31-2022

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 124(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 124(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period, the AER will not institute proceedings in respect of the alleged breach unless the Infringement Notice is withdrawn before the end of the compliance period in accordance with section 282 of the National Gas Law as applied by section 308 of the Retail Law.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.*

Please ensure that you include “AER31-2022” 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

124 Registration of life support equipment

(1) Retailer obligations when advised by customer

When advised by a customer that a person residing or intending to reside at the customer's premises requires *life support equipment*, a retailer must:

- (a) register that a person residing or intending to reside at the customer's premises requires *life support equipment* and the date from which the *life support equipment* is required;
- (b) subject to subrule (2), no later than 5 business days after receipt of advice from the customer, provide in writing to the customer:
 - (i) a medical confirmation form;
 - (ii) information explaining that, if the customer fails to provide medical confirmation, the customer's premises may be deregistered and, if so, the customer will cease to receive the protections under this Part;
 - (iii) advice that there may be *retailer planned interruptions* under rule 59C to the supply at the address and that the retailer is required to notify them of these *interruptions* in accordance with rule 124B;
 - (iv) advice that there may be *distributor planned interruptions* or *unplanned interruptions* to the supply at the address and that the distributor is required to notify them of a *distributor planned interruption* in accordance with rule 124B;
 - (v) information to assist the customer to prepare a plan of action in the case of an *unplanned interruption*;
 - (vi) an emergency telephone contact number for the distributor and the retailer (the charge for which is no more than the cost of a local call); and
 - (vii) advice that if the customer decides to change retailer at the premises and a person residing at the customer's premises continues to require *life support equipment*, the customer should advise their new retailer of the requirement for *life support equipment*; and
- (c) subject to subrule (2), notify the distributor that a person residing or intending to reside at the customer's premises requires *life support equipment* and the date from which the *life support equipment* is required.

SCHEDULE 2

INFRINGEMENT NOTICE: AER31-2022

MATTERS CONSTITUTING AN ALLEGED BREACH OF A CIVIL PENALTY PROVISION: RULE 124(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 26 of the National Energy Retail Rules applied.
 3. The relevant subrule is described in Schedule 1.
 4. On 4 May 2021, customer [REDACTED] advised Aurora that a person residing, or intending to reside, at the customer's premises required life support equipment.
 5. Despite the requirement set out at rule 124(1)(b), Aurora failed to provide to the customer, in writing, and no later than 5 business days after receipt of the advice, the items listed at rule 124(1)(b)(i)-(vii) of the National Energy Retail Rules.
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