

National Energy Laws - Civil Penalties - Draft Classification				
Civil Penalty Provision	Conduct	Proposed tier	Matrix category	Subclassification
National Energy Retail Law				
Section 20(2)	Retailer cannot provide customer retail services to small customers under any other kind of contract or arrangement than standard retail contract or market retail contract	Tier 1	Consumer Harm Type 1	Consumers' access to electricity and gas services
Section 22(1) and (3)	Obligation to make offer to small customers	Tier 1	Consumer Harm Type 1	Financial harm or economic loss
Section 23(1)	Retailer must publish standing offer prices	Tier 1	Consumer Harm Type 1	Consumers' access to electricity and gas services
Section 24	Retailer must present standing offer prices in accordance with guidelines	Tier 1	Consumer Harm Type 1	Consumers' access to electricity and gas services
Section 25	Adoption of standard form contract	Tier 1	Consumer Harm Type 1	Financial harm or economic loss
Section 27	Obligation to comply with standard form contract	Tier 1	Consumer Harm Type 1	Financial harm or economic loss
Section 37	Retailer must present market offer prices	Tier 1	Consumer Harm Type 1	Consumers' access to electricity and gas services
Section 38	Requirement for explicit informed consent for certain transactions	Tier 1	Consumer Harm Type 1	Financial harm or economic loss
Section 43(2) and (3)(b)	Customer hardship policies	Tier 1	Consumer Harm Type 1	Failure to deal with hardship customers appropriately
Section 50(1)	Retailer must offer and apply payment plans for hardship customers	Tier 1	Consumer Harm Type 1	Failure to deal with hardship customers appropriately
Section 53(2)	Compliance with Energy Marketing Rules	Tier 1	Consumer Harm Type 1	Financial harm or economic loss
Section 57	Contractual arrangements for use of prepayment meter systems	Tier 1	Consumer Harm Type 1	Financial harm or economic loss

Section 59(1)	Must not enter into prepayment meter market retail contract with persons on life support equipment	Tier 1	Consumer Harm Type 1	Death or serious injury
Section 63	AER information gathering powers for pricing guidelines and comparator	Tier 2	Inappropriate Market Participant Behaviour	General reporting obligations
Section 66	Obligation to provide customer connection services	Tier 1	Consumer Harm Type 1	Consumers' access to electricity and gas services
Section 69(1)	Adoption of form of deemed standard connection contract	Tier 1	Consumer Harm Type 1	Consumers' access to electricity and gas services
Section 71(1)	Distributor obligations to comply with deemed standard connection contract and to bill retailer	Tier 1	Consumer Harm Type 1	Consumers' access to electricity and gas services
Section 88	Requirement for authorisation or exemption	Tier 1	Consumer Harm Type 1	Consumers' access to electricity and gas services
Section 103(8)	Transfer application obligations	Tier 1	Consumer Harm Type 1	Consumers' access to electricity and gas services
Section 105(9)	Surrender of retailer authorisation	Tier 1	Consumer Harm Type 1	Consumers' access to electricity and gas services
Section 106	Transfer of customers following surrender	Tier 1	Consumer Harm Type 1	Consumers' access to electricity and gas services
Section 108	Transfer of customers following revocation	Tier 1	Consumer Harm Type 1	Consumers' access to electricity and gas services
Section 112(2)	Exempt seller must comply with AER conditions	Tier 1	Consumer Harm Type 1	Consumers' access to electricity and gas services
Section 120(11)	Revocation process—retailer authorisations and exemptions	Tier 1	Consumer Harm Type 1	Consumers' access to electricity and gas services
Section 143(2)(a)	Compliance requirements following service of RoLR notice	Tier 1	Consumer Harm Type 1	Consumers' access to electricity and gas services
Section 156	Compliance with RoLR regulatory information notices	Tier 2	Inappropriate Market Participant Behaviour	General reporting obligations
Section 274(1)	Obligation of regulated entities to provide information and data about compliance	Tier 1	Unacceptable Market Participant Behaviour	Failure to comply with specific notices or requests from a regulator

Section 276(1), (2), (4)	Compliance audits by regulated entities	Tier 1	Unacceptable Market Participant Behaviour	Failure to comply with specific notices or requests from a regulator
Section 282(1)	Obligation of regulated entities to provide information and data about performance	Tier 1	Unacceptable Market Participant Behaviour	Failure to comply with specific notices or requests from a regulator
National Energy Retail Rules				
Rule 5(5)	Retailer must not on its own initiative treat upper consumption thresholds as applying to 2 or more premises on the basis of the aggregation of premises	Tier 1	Consumer Harm Type 1	Consumers' access to electricity and gas services
Rule 16(2)(b)	Retailer must advise customer of availability of standing offer	Tier 2	Consumer Harm Type 2	Pre-contractual duties
Rule 17(2)	Distributor must advise small customer which retailer has obligation to make a standing offer	Tier 2	Consumer Harm Type 2	Consumers not being informed of their rights
Rule 19(2)	Retailer must arrange energisation/forward relevant details of customer to the distributor	Tier 1	Consumer Harm Type 1	Consumers' access to electricity and gas services
Rule 21(1), (2), (3D), (4)	Estimation of basis for bills	Tier 2	Consumer Harm Type 2	Security deposits or billing disputes
Rule 21(3B), (3E), (3G)	Estimation of basis for bills - inform customer	Tier 2	Consumer Harm Type 2	Security deposits or billing disputes
Rule 24(1)	Frequency of bills (SRC)	Tier 2	Consumer Harm Type 2	Security deposits or billing disputes
Rule 25(1) and (2)	Contents of bills	Tier 3		
Rule 28(1) and (2)	Historical billing information (SRC and MRC)	Tier 3		
Rule 29(1) and (7)	Billing disputes	Tier 2	Consumer Harm Type 2	Security deposits or billing disputes
Rule 30(2)	Recovery of undercharging	Tier 2	Consumer Harm Type 2	Failure to comply with undercharging or overcharging requirements for small customers
Rule 31(1)—(3)	Overcharging	Tier 2	Consumer Harm Type 2	Failure to comply with undercharging or overcharging requirements for small customers

Rule 32(1) and (4)	Acceptance of payment methods	Tier 2	Consumer Harm Type 2	Security deposits or billing disputes
Rule 33(3)	Payment difficulties (SRC and MRC)	Tier 2	Consumer Harm Type 2	Security deposits or billing disputes
Rule 34(2) and (3)	Shortened collection cycles (SRC and MRC)	Tier 2	Consumer Harm Type 2	Security deposits or billing disputes
Rule 40(1), (2), (3), (6) and (7)	Requirement for security deposit (SRC and MRC)	Tier 2	Consumer Harm Type 2	Security deposits or billing disputes
Rule 42(1)	Amount of security deposit (SRC)	Tier 2	Consumer Harm Type 2	Security deposits or billing disputes
Rule 43(1)	Interest on security deposit (SRC and MRC)	Tier 2	Consumer Harm Type 2	Security deposits or billing disputes
Rule 44(1)—(3)	Use of security deposit (SRC)	Tier 2	Consumer Harm Type 2	Security deposits or billing disputes
Rule 45(1) and (2)	Obligation to return security deposit (SRC)	Tier 2	Consumer Harm Type 2	Security deposits or billing disputes
Rule 46(4)	Notice of tariffs and charges	Tier 2	Consumer Harm Type 2	Security deposits or billing disputes
Rule 46(4A)	Notice of tariffs and charges	Tier 3		
Rule 46B(1) and (2)	Energy rates - discounting practices	Tier 2	Consumer Harm Type 2	Failure to give proper notice of tariffs and charges
Rule 47(5) and (6)	Cooling off rights to be set out in contract	Tier 3		
Rule 48(2)	Retailer must notify fixed term retail contract due to end	Tier 2	Consumer Harm Type 2	Consumers not being informed of their rights
Rule 48A(1)	Retailer must notify SRC of benefit change	Tier 2	Consumer Harm Type 2	Consumers not being informed of their rights
Rule 50	Small customer complaints and dispute resolution information	Tier 2	Consumer Harm Type 2	Consumers not being informed of their rights
Rule 51	Liabilities and immunities	Tier 1	Consumer Harm Type 1	Financial harm or economic loss
Rule 52	Indemnities	Tier 1	Consumer Harm Type 1	Financial harm or economic loss
Rule 55	Referral to interpreter services	Tier 1	Consumer Harm Type 1	Conduct affecting vulnerable consumers
Rule 56	Provision of information to customers	Tier 2	Consumer Harm Type 2	Consumers not being informed of their rights
Rule 56A	Energy consumption information	Tier 3		
Rule 59A(1)	Notices to small customers on deployment of new electricity meters	Tier 2	Consumer Harm Type 2	Consumers not being informed of their rights
Rule 59A(2)	Notices to small customers on deployment of new electricity meters	Tier 2	Consumer Harm Type 2	Consumers not being informed of their rights

Rule 59A(3)	Notices to small customers on deployment of new electricity meters	Tier 2	Consumer Harm Type 2	Consumers not being informed of their rights
Rule 59A(7)	Must not proceed with deployment if consumer has not been given opt out information	Tier 2	Consumer Harm Type 2	Consumers not being informed of their rights
Rule 59C(2)–(5)	Retailer interruption to supply - electricity	Tier 1	Consumer Harm Type 1	Consumers' access to electricity and gas services
Rule 70(4)	Retailer must not impose a termination charge under a SRC	Tier 1	Consumer Harm Type 1	Financial harm or economic loss
Rule 71	Obligation to communicate hardship policy	Tier 1	Consumer Harm Type 1	Failure to deal with hardship customers appropriately
Rule 72	Payment plans for hardship customers	Tier 1	Consumer Harm Type 1	Failure to deal with hardship customers appropriately
Rule 73	Waiver of late payment fee for hardship customer	Tier 1	Consumer Harm Type 1	Failure to deal with hardship customers appropriately
Rule 74	Requirement to permit Centrepay as a payment option	Tier 1	Consumer Harm Type 1	Failure to deal with hardship customers appropriately
Rule 75B(1) and (2)	Hardship policy must comply with AER guideline	Tier 1	Consumer Harm Type 1	Failure to deal with hardship customers appropriately
Rule 80	Provision of information to customers - customer connection contracts	Tier 2	Consumer Harm Type 2	Consumers not being informed of their rights
Rule 82	Negotiated connection contracts - complaints and dispute resolution information	Tier 2	Consumer Harm Type 2	Consumers not being informed of their rights
Rule 83	Liabilities and immunities	Tier 1	Consumer Harm Type 1	Financial harm or economic loss
Rule 85	Fault reporting and correction	Tier 1	Consumer Harm Type 1	Consumers' access to electricity and gas services
Rule 86A	Provision of information - supply of electricity	Tier 3		Provision of notices or information to customers
Rule 86B	Provision of information - supply of gas	Tier 3		Provision of notices or information to customers

Rule 90	Notice of distributor planned interruptions	Tier 1	Consumer Harm Tier 1	Consumers' access to electricity and gas services
Rule 91(c)	Unplanned interruptions	Tier 1	Consumer Harm Tier 1	Consumers' access to electricity and gas services
Rule 99(4)	Information on distributor planned interruptions	Tier 3		Provision of notices or information to customers
Rule 99A(3)	Information on retailer planned interruptions	Tier 3		Provision of notices or information to customers
Rule 100(3)	Information on unplanned interruptions	Tier 3		Provision of notices or information to customers
Rule 106	Gas re-energisation in accordance with energy laws	Tier 1	Consumer Harm Tier 1	Consumers' access to electricity and gas services
Rule 106A(1)—(6)	Electricity re-energisation in accordance with energy laws	Tier 1	Consumer Harm Tier 1	Consumers' access to electricity and gas services
Rule 107(2) and (3)	Retailer/Distributor must not arrange de-energisation except in accordance with Division 2/3	Tier 1	Consumer Harm - Type 1	Consumers' access to electricity and gas services
Rule 121(1)	Obligation on retailer to arrange re-energisation of premises	Tier 1	Consumer Harm - Type 1	Consumers' access to electricity and gas services
Rule 122	Obligation on distributor to re-energise premises	Tier 1	Consumer Harm - Type 1	Consumers' access to electricity and gas services
Rule 124	Registration of life support equipment	Tier 1	Consumer Harm - Type 1	Death or serious injury
Rule 124A	Confirmation of premises as requiring life support equipment	Tier 1	Consumer Harm - Type 1	Death or serious injury
Rule 124B	Ongoing retailer and distributor obligations	Tier 1	Consumer Harm - Type 1	Death or serious injury
Rule 125	Life support - deregistration in accordance with this section	Tier 1	Consumer Harm - Type 1	Death or serious injury
Rule 126	Life support - registration and deregistration details must be kept by retailers and distributors	Tier 1	Consumer Harm - Type 1	Death or serious injury
Rule 128(1)	Prepayment meter - disclosure requirements at energy marketing stage	Tier 1	Consumer Harm - Type 1	Conduct affecting vulnerable consumers
Rule 129(1)	Prepayment meter system requirements	Tier 1	Consumer Harm - Type 1	Conduct affecting vulnerable consumers

Rule 130(3) and (4)	Prepayment meter trial period requirements	Tier 1	Consumer Harm - Type 1	Conduct affecting vulnerable consumers
Rule 131(1)	Prepayment meter operating instructions	Tier 1	Consumer Harm - Type 1	Conduct affecting vulnerable consumers
Rule 132(1)	Consumption information to be provided	Tier 3		Provision of notices or information to customers
Rule 133(1)	Limitation on recovery of debt	Tier 1	Consumer Harm - Type 1	Financial harm or economic loss
Rule 135(1) and (3)	System testing - request by customer	Tier 2	Consumer Harm - Type 2	Failure to provide supplementary services
Rule 136(2) and (3)	Overcharging	Tier 2	Consumer Harm - Type 2	Failure to comply with undercharging or overcharging requirements for small customers
Rule 137(2) and (3)	Undercharging	Tier 2	Consumer Harm - Type 2	Failure to comply with undercharging or overcharging requirements for small customers
Rule 139(2)	Life support equipment - information	Tier 1	Consumer Harm - Type 1	Death or serious injury
Rule 140	Customer enquiries and complaints	Tier 1	Consumer Harm - Type 1	Consumers' access to electricity and gas services
Rule 141	Payment difficulties and hardship	Tier 1	Consumer Harm - Type 1	Failure to deal with hardship customers appropriately
Rule 142	Payment towards prepayment meter system account	Tier 2	Consumer Harm - Type 2	Failure to provide supplementary services
Rule 144(1)	Billing for other goods and services	Tier 1	Consumer Harm - Type 1	Financial harm or economic loss
Rule 145(1)	Customer termination of contract or request for removal	Tier 1	Consumer Harm - Type 1	Financial harm or economic loss
Rule 146(1)	Change to different retailer with prepayment meter	Tier 1	Consumer Harm - Type 1	Financial harm or economic loss
Rule 147(5)	Fees, charges and costs	Tier 1	Consumer Harm - Type 1	Financial harm or economic loss
Rule 147(6)	Removal and replacement of prepayment meter system on request	Tier 1	Consumer Harm - Type 1	Financial harm or economic loss
Rule 147(7)	Notice requirements	Tier 2	Consumer Harm - Type 2	Consumers not being informed of their rights