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| **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 accordancewith 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 |  |  |
| Rule 86B | Provision of information - supply of gas | Tier 3 |  |  |
| 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 |  |  |
| Rule 99A(3) | Information on retailer planned interruptions | Tier 3 |  |  |
| Rule 100(3) | Information on unplanned interruptions | Tier 3 |  |  |
| 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 |  |  |
| 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 |