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| **National Energy Laws - Civil Penalties - Draft Classification** | | | | |
| **Civil Penalty Provision** | **Conduct** | **Proposed tier** | **Matrix category** | **Subclassification** |
| **National Gas Law** | | | | |
| Section 56 | Compliance with regulatory information notice | Tier 2 | Inappropriate market participant behaviour | General reporting obligations to regulator |
| Section 57 | Compliance with general regulatory information order | Tier 2 | Inappropriate market participant behaviour | General reporting obligations to regulator |
| Section 83C | Use of standard market timetable | Tier 1 | Adverse market impact | Distortion of market |
| Section 91BE(1) | Service envelope agreement between AEMO and transmission pipeline service provider | Tier 1 | Supply Security and reliability | Effective operation/proper performance of the system and service |
| Section 91BF(1) | Authorised interconnection with facilities | Tier 1 | Supply Security and reliability | Effective operation/proper performance of the system and service |
| Section 91BJ(1) | Registration required for market participation - wholesale | Tier 1 | Supply Security and reliability | AEMO ability to plan and operate power system efficiently |
| Section 91BN(5) | Direction to rectify breach of wholesale market procedures | Tier 1 | Adverse market impact | Effective operation/proper performance of the system and service |
| Section 91BRD(1) | Registration required for market participation - short term trading market | Tier 1 | Supply Security and reliability | AEMO ability to plan and operate power system efficiently |
| Section 91BRJ(5) | Direction to rectify breach of short term trading market procedures | Tier 1 | Adverse market impact | Effective operation/proper performance of the system and service |
| Section 91BRQ(5) | Compliance with capacity transfer and auction procedures | Tier 1 | Adverse market impact | Effective operation/proper performance of the system and service |
| Section 91BRR(1) | Registration of transportation facility | Tier 1 | Supply Security and reliability | AEMO ability to plan and operate power system efficiently |
| Section 91FC(3), (4) | Compliance with market information notice | Tier 2 | Inappropriate market participant behaviour | General reporting obligations to regulator |
| Section 91FEA | Obligation to give information to AEMO | Tier 2 | Inappropriate market participant behaviour | General reporting obligations to regulator |
| Section 91FEE | Obligation to give information to AEMO | Tier 2 | Inappropriate market participant behaviour | General reporting obligations to regulator |
| Section 91LB(1) | Registration for retail gas market | Tier 1 | Supply Security and reliability | AEMO ability to plan and operate power system efficiently |
| Section 91MB(6) | Compliance with Retail Market Procedures | Tier 1 | Adverse market impact | Distortion of market |
| Section 131 | Service provider of covered pipeline services requirements | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Section 133 | Preventing or hindering access to covered pipeline sites | Tier 1 | Supply Security and reliability | Effective operation/proper performance of the system and service |
| Section 134 | Supply and haulage of natural gas | Tier 1 | Adverse market impact | Distortion of market |
| Section 135 | Covered pipeline service provider queuing requirements | Tier 1 | Supply Security and reliability | Effective operation/proper performance of the system and service |
| Section 136 | Covered pipeline service provider price discrimination | Tier 1 | Adverse market impact | Financial harm to other market participants |
| Section 139 | Covered pipeline service provider carrying on other business | Tier 1 | Unacceptable market participant behaviour | Financial gain to contravenor |
| Section 140 | Marketing staff must not take part in related business | Tier 1 | Unacceptable market participant behaviour | Financial gain to contravenor |
| Section 141 | Separate accounts must be kept | Tier 1 | Unacceptable market participant behaviour | Financial gain to contravenor |
| Section 143(6) | Compliance with requirements in ring fencing determination | Tier 1 | Unacceptable market participant behaviour | Financial gain to contravenor |
| Section 147 | Associate contracts with anti-competitive effect | Tier 1 | Adverse market impact | Distortion of market |
| Section 148 | Competitive parity rule | Tier 1 | Adverse market impact | Distortion of market |
| Section 168 | Limited access arrangement for approval | Tier 2 | Inappropriate market participant behaviour | General reporting obligations to regulator |
| Section 169(3) | Price regulation exemption conditions - compliance | Tier 1 | Unacceptable market participant behaviour | Failure to comply with specific notice from regulator |
| Section 170 | Price discrimination in international pipeline services | Tier 1 | Adverse market impact | Financial harm to other market participants |
| Section 195 | Compliance with access determination | Tier 1 | Unacceptable market participant behaviour | Failure to comply with specific notice from regulator |
| Section 223 | Obligation to give information to AEMO | Tier 2 | Inappropriate market participant behaviour | General reporting obligations to regulator |
| Section 223A | Obligation to give information to AEMO about secondary capacity transactions | Tier 2 | Inappropriate market participant behaviour | General reporting obligations to regulator |
| Section 225 | Giving AEMO false and misleading information | Tier 1 | Supply Security and reliability | AEMO ability to plan and operate power system efficiently |
| Section 228B | Transportation service provider to publish standard OTSA | Tier 3 |  |  |
| Section 228C | Formation of contracts on standard terms | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Section 228K | Preventing or hindering access to operational transportation sites | Tier 1 | Supply Security and reliability | Effective operation/proper performance of the system and service |
| Section 228L | Transportation service provider must not price discriminate | Tier 1 | Adverse market impact | Financial harm to other market participants |
| **National Gas Rules** | | | | |
| Rule 27(4) | Approved CTP access arrangement to be published on the service provider's website | Tier 3 |  |  |
| Rule 33(1) | Ring fencing - Notification of associate contracts | Tier 2 | Inappropriate Market Participant Behaviour | General reporting obligations to regulator |
| Rule 36 | Light regulation pipeline provider must publish prices, terms and conditions | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 37 | Light regulation pipeline provider must provide information about access negotiations | Tier 2 | Inappropriate Market Participant Behaviour | General reporting obligations to regulator |
| Rule 43(1) | Provide access arrangement proposal information | Tier 2 | Inappropriate Market Participant Behaviour | General reporting obligations to regulator |
| Rule 46 | Submission of reference service proposal re access arrangement proposal | Tier 2 | Inappropriate Market Participant Behaviour | General reporting obligations to regulator |
| Rule 52(1) | Submission of access arrangement revision | Tier 2 | Inappropriate Market Participant Behaviour | General reporting obligations to regulator |
| Rule 53(6) | Compliance with AER direction re division or consolidation of access arrangements | Tier 2 | Inappropriate Market Participant Behaviour | General reporting obligations to regulator |
| Rule 107 | Service provider must provide required information to a prospective user | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 108 | Service provider must provide information about tariffs | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 109 | Prohibition on bundling of services | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 110 | Provision of information about unused contracted capacity | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 112 | Responses to requests for access to pipelines | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 135CE(2) | Payment of participant fees | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 137 | Maintenance of confidentiality | Tier 1 | Unacceptable Market Participant Behaviour | Confidentiality |
| Rule 138 | Obligation to disclose gas supply information in certain circumstances | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 138A(2) | General confidentiality obligation of Registered Participant | Tier 1 | Unacceptable Market Participant Behaviour | Confidentiality |
| Rule 138A(4) | General confidentiality obligation of Registered Participant | Tier 1 | Unacceptable Market Participant Behaviour | Confidentiality |
| Rule 150(1) | Registration obligation of facility operators | Tier 1 | Supply Security and reliability | Security and safety of supply in the gas system |
| Rule 150(2) | Registration obligation of facility operators | Tier 1 | Supply Security and reliability | Security and safety of supply in the gas system |
| Rule 151(1) | Obligation to register BB facilities | Tier 1 | Supply Security and reliability | Security and safety of supply in the gas system |
| Rule 151(2) | Obligation to register BB facilities | Tier 1 | Supply Security and reliability | Security and safety of supply in the gas system |
| Rule 152(6)(e) | Registration by members of facility operation groups | Tier 1 | Unacceptable Market Participant Behaviour | Financial gain to contravenor |
| Rule 156(1) | Change of operator of BB facility | Tier 1 | Supply Security and reliability | Security and safety of supply in the gas system |
| Rule 156(3) | Change of operator of BB facility | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 156(4) | Change of operator of BB facility | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 156(5) | Change of operator of BB facility | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 157 | Change to facility operator group | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 158A(1) | Obligation to register as BB Allocation agent | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 158A(2) | Obligation to register as BB Allocation agent | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 158B(1) | Obligation to register BB allocation point | Tier 1 | Supply Security and reliability | Security and safety of supply in the gas system |
| Rule 158B(2) | Obligation to register BB allocation point | Tier 1 | Supply Security and reliability | Security and safety of supply in the gas system |
| Rule 158B(5) | Obligation to register BB allocation point | Tier 1 | Supply Security and reliability | Security and safety of supply in the gas system |
| Rule 165(1) | Submission of data in accordance with BB information standard | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 165(4) | Submission of data in accordance with BB information standard | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 369 | Standard for information given under short term trading market | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 380(1) | STTM contract holders to provide information to AEMO | Tier 2 | Inappropriate Market Participant Behaviour | General reporting obligations |
| Rule 387 | Obligation to ensure compliance | Tier 1 | Supply Security and reliability | Security and safety of supply in the gas system |
| Rule 390(2) | Contract holder must notify AEMO of changes to details of registered services | Tier 1 | Supply Security and reliability | Security and safety of supply in the gas system |
| Rule 399(1) | Conditions relating to market operator service | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 399(2) | Conditions relating to market operator service | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 399(5) | Conditions relating to market operator service | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 399(6) | Conditions relating to market operator service | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 410(1) | Timing of submissions of ex ante offers & bids, price taker bids | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 414(1) | Capacity information | Tier 1 | Supply Security and reliability | AEMO ability to plan and operate the system efficiently |
| Rule 418(3) | STTM shipper must ensure that natural gas supplied complies with gas quality specification | Tier 1 | Supply Security and reliability | AEMO ability to plan and operate the system efficiently |
| Rule 419(7)(b) | STTM facility operator must comply with request for billing period allocation statement | Tier 2 | Inappropriate Market Participant Behaviour | General reporting obligations to regulator |
| Rule 420(6)(b) | Contract holder must comply with request to provide valid allocation notice | Tier 2 | Inappropriate Market Participant Behaviour | General reporting obligations to regulator |
| Rule 435(4) | Contingency gas offer must be submitted in good faith | Tier 1 | Unacceptable Market Participant Behaviour | Financial gain to contravenor |
| Rule 436(4) | Contingency gas bid must be submitted in good faith | Tier 1 | Unacceptable Market Participant Behaviour | Financial gain to contravenor |
| Rule 440(2) | Notify AEMO as soon as practicable after becoming aware that a contingency gas trigger event has occurred | Tier 1 | Supply Security and reliability | Reliability of the system |
| Rule 440(3) | Contingency gas trigger event information must be submitted in good faith | Tier 1 | Supply Security and reliability | Reliability of the system |
| Rule 442(3) | CG assessment conference - give AEMO assessment | Tier 1 | Supply Security and reliability | AEMO ability to plan and operate the system efficiently |
| Rule 442(4) | CG assessment conference - updated information | Tier 1 | Supply Security and reliability | AEMO ability to plan and operate the system efficiently |
| Rule 442(5) | CG assessment conference - STTM information to AEMO | Tier 1 | Supply Security and reliability | AEMO ability to plan and operate the system efficiently |
| Rule 445(3) | Contingency gas offer information to AEMO in good faith | Tier 1 | Supply Security and reliability | AEMO ability to plan and operate the system efficiently |
| Rule 446(4) | Provision of quantity of contingency gas | Tier 1 | Supply Security and reliability | Reliability of the system |
| Rule 470 | Payment by trading participants | Tier 1 | Unacceptable Market Participant Behaviour | Financial gain to contravenor |
| Rule 474(4) | Payments of adjustments | Tier 1 | Unacceptable Market Participant Behaviour | Financial gain to contravenor |
| Rule 476(1) | Interest on overdue amounts | Tier 3 |  |  |
| Rule 478(1) | Provision of security | Tier 1 | Unacceptable Market Participant Behaviour | Financial gain to contravenor |
| Rule 485(2) | Trading participant must satisfy a margin call | Tier 1 | Unacceptable Market Participant Behaviour | Financial gain to contravenor |
| Rule 487(3) | Trading participant must comply with a default notice | Tier 1 | Unacceptable Market Participant Behaviour | Failure to comply with notice or request from regulator |
| Rule 488(3) | Trading participant must comply with a suspension notice | Tier 1 | Unacceptable Market Participant Behaviour | Failure to comply with notice or request from regulator |
| Rule 488(10) | Trading participant must comply with a suspension notice | Tier 1 | Unacceptable Market Participant Behaviour | Failure to comply with notice or request from regulator |
| Rule 542 | Gas trading exchange member general requirements | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 543 | Conduct in relation to trading | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 543A(1)—(2) | No short selling of transportation capacity | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 544 | Gas trading exchange conduct in relation to information | Tier 1 | Supply Security and reliability | AEMO ability to plan and operate the system efficiently |
| Rule 551(1) | Access information standard | Tier 2 | Inappropriate Market Participant Behaviour | General reporting obligations to regulator |
| Rule 551(3) | Access information standard | Tier 2 | Inappropriate Market Participant Behaviour | General reporting obligations to regulator |
| Rule 552(1) | Obligation to publish information - non-scheme pipeline | Tier 2 | Inappropriate Market Participant Behaviour | General reporting obligations to regulator |
| Rule 558(1) | Publish user access guide - non-scheme pipeline | Tier 2 | Inappropriate Market Participant Behaviour | Inadequate record keeping or administrative processes |
| Rule 558(2) | Publish user access guide - non-scheme pipeline | Tier 2 | Inappropriate Market Participant Behaviour | Inadequate record keeping or administrative processes |
| Rule 560(1) | Prepare access offer - non-scheme pipeline | Tier 1 | Supply Security and reliability | AEMO ability to plan and operate the system efficiently |
| Rule 562(3) | Access negotiation information | Tier 3 |  |  |
| Rule 585(8) | Service provider must notify AER if exemption no longer applies | Tier 2 | Inappropriate Market Participant Behaviour | General reporting obligations to regulator |
| Rule 586(2) | Service provider must comply with exemption conditions | Tier 1 | Unacceptable Market Participant Behaviour | Failure to comply with notice or request from regulator |
| Rule 593(4) | Capacity auction - information to AER or AEMO must meet information standard | Tier 2 | Inappropriate Market Participant Behaviour | General reporting obligations to regulator |
| Rule 611(10) | Capacity auction - notify AER if exemption no longer applies | Tier 2 | Inappropriate Market Participant Behaviour | General reporting obligations to regulator |
| Rule 612(2) | Capacity auction - service provider must comply with exemption conditions | Tier 1 | Supply Security and reliability | Reliability of the system |
| Rule 621(3) | Notice of change of facility operator | Tier 1 | Supply Security and reliability | AEMO ability to plan and operate the system efficiently |
| Rule 621(4) | Notice of change of facility operator | Tier 1 | Supply Security and reliability | AEMO ability to plan and operate the system efficiently |
| Rule 634(3) | Recovery of standardisation costs | Tier 1 | Unacceptable Market Participant Behaviour | Financial gain to contravenor |
| Rule 634(4) | Recovery of standardisation costs - schedule of charges | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 634(5) | Recovery of standardisation costs - schedule of charges | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 636(1) | Publish request for standard OTSA | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 636(4) | Publish request for standard OTSA | Tier 2 | Market administration | Inadequate record keeping or administrative processes |
| Rule 638(1) | Giving effect to operational transfers | Tier 1 | Supply Security and reliability | Reliability of the system |
| Rule 638(3) | Giving effect to operational transfers | Tier 1 | Supply Security and reliability | Reliability of the system |
| Rule 639(2) | Service continuity for primary service termination or suspension | Tier 1 | Supply Security and reliability | Reliability of the system |
| Rule 639(5) | Service continuity for primary service termination or suspension | Tier 1 | Supply Security and reliability | Reliability of the system |
| Rule 640(1) | Amendment of facility agreements | Tier 1 | Supply Security and reliability | Reliability of the system |
| Rule 644(2) | Transportation service provider must comply with r650 as if it were facility operator for auction facility | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 644(3) | Transportation service provider must comply with r654 as if it were facility operator for auction facility | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 649(1) | Transportation service provider must comply with information standard | Tier 2 | Inappropriate Market Participant Behaviour | General reporting obligations to regulator |
| Rule 649(2) | Transportation service provider must comply with information standard | Tier 2 | Inappropriate Market Participant Behaviour | General reporting obligations to regulator |
| Rule 650(2) | Auction facility operator must give effect to auction service priority principles | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 650(3) | Auction facility operator must ensure scheduling process | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 655(3) | Facility operator must give effect to results of capacity auction | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 660(2) | Auction participant must pay AEMO all auction amounts payable | Tier 1 | Unacceptable Market Participant Behaviour | Financial gain to contravenor |
| Rule 661(1) | Auction participant - general requirements | Tier 1 | Unacceptable Market Participant Behaviour | Financial gain to contravenor |
| Rule 661(2) | Transportation service provider must not distort or manipulate prices in capacity auction | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 661(3) | Transportation service provider must not bid on own capacity | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 662(1) | Auction participant must not bid if it will not be able to perform obligations | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 662(2) | Auction participant must not recklessly default in performance of its obligations | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 662(3) | Auction participant must not manipulate capacity auction | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 663(1)—(3) | Nominations must not be false or misleading | Tier 1 | Adverse Market Impact | Distortion of market |
| Rule 665(1) | Facility operator must keep nomination and scheduling records | Tier 2 | Market administration | Failure to retain records |
| Rule 665(6) | Facility operator must give records to AER on written request | Tier 2 | Inappropriate Market Participant Behaviour | General reporting obligations |
| Rule 666(1)—(2) | Transportation facility user must make renomination records | Tier 2 | Market administration | Failure to retain records |
| Rule 666(4) | Provide reason for material renomination to AER | Tier 2 | Inappropriate Market Participant Behaviour | General reporting obligations |
| Rule 672(4) | Payment of final and revised statements | Tier 1 | Unacceptable Market Participant Behaviour | Financial gain to contravenor |
| Rule 674(1) | Interest on overdue amounts | Tier 3 |  |  |
| Schedule 5, Part 3, rule 4(4) | Transitional Part 24 exemptions | Tier 3 |  |  |
| Schedule 5, Part 3, rule 5(2) | Registration in relation to Part 24 facilities on the Part 24 commencement date | Tier 3 |  |  |
| Schedule 5, Part 3, rule 9(1) | Amendment of facility agreements | Tier 3 |  |  |
| Schedule 5, Part 4, rule 4(5) | Classification of transitional firm services and transitional firm quantities | Tier 3 |  |  |
| Schedule 5, Part 4, rule 5(2) | Notice to the AER about classification of a service | Tier 3 |  |  |
| Schedule 5, Part 4, rule 5(4) | Notice to the AER about classification of a service | Tier 3 |  |  |
| Schedule 5, Part 4, rule 6(1)—(2) | Facility agreement amendment | Tier 3 |  |  |
| Schedule 5, Part 5, rule 3(1) | Information standard and related matters | Tier 3 |  |  |
| Schedule 5, Part 5, rule 3(2) | Information standard and related matters | Tier 3 |  |  |
| Schedule 5, Part 5, rule 3(3) | Information standard and related matters | Tier 3 |  |  |