

Draft

2.7.2019 (01)

South Australia

National Energy Retail (South Australia) (Penalties) Variation Regulations 2019

under the *National Energy Retail Law (South Australia) Act 2011*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *National Energy Retail (South Australia) (Penalties) Variation Regulations 2019*.

2—Commencement

These regulations come into operation on the day on which section 42 of the *Statutes Amendment (National Energy Laws) (Penalties and Enforcement) Bill 2019* comes into operation.

Drafting note—

Section reference to be confirmed when regulations are settled.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *National Energy Retail Regulations***4—Insertion of regulation 12A**

After regulation 12 insert:

12A—Indexation of civil and criminal penalty amounts

- (1) For the purposes of sections 300A and 300B of the Law, each civil penalty amount and criminal penalty amount is to be adjusted in accordance with the following formula:

$$P = Pc \times A / B$$

Where—

P is the amount that applies on and from the date of the adjustment

Pc is the amount that applied immediately before the first adjustment

A is—

- (a) for the first adjustment—the sum of the index numbers for the 4 quarters in the 2022 calendar year; and
- (b) for each subsequent adjustment—the sum of the index numbers for the 4 quarters in the calendar year that ended most recently before the date of the adjustment

B is the sum of the index numbers for the 4 quarters in the 2019 calendar year

A/B is calculated to the nearest 3 decimal places (and a fourth decimal place of 5 is to be rounded up).

- (2) An amount adjusted under this regulation is to be rounded up or down as follows:
 - (a) in the case of an amount that is \$10 000 or greater—to the nearest multiple of \$100 (with an amount of \$50 rounded up);
 - (b) in the case of an amount that is less than \$10 000—to the nearest multiple of \$10 (with an amount of \$5 rounded up).
- (3) If an amount adjusted under this regulation is less than the amount that applied immediately before the adjustment, the amount that applied immediately before the adjustment applies instead.
- (4) In this regulation—

index number for a quarter means—

 - (a) the All Groups Consumer Price Index number that is the weighted average of the 8 capital cities and is published by the Australian Statistician for that quarter; or
 - (b) if the Australian Statistician fails or ceases to publish that Index, another index number determined by the MCE for that quarter.

Draft

Made by the Governor

on the unanimous recommendation of the Ministers of the participating jurisdictions and with the advice and consent of the Executive Council

on

No of 2019