

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		