

5. Complying with this Code

- (1) A responsible marketer (other than a retail supplier) who contravenes a provision of this Code commits an offence.

Penalty:

- (a) for an individual, \$5 000;
- (b) for a body corporate, \$20 000.

Note: Subclause (1) does not apply to retail suppliers as section 11ZPP of the *Energy Coordination Act 1994* has the effect that a breach of this Code by a retail supplier is a breach of the retail supplier's licence.

- (2) A marketing representative who contravenes a provision of this Code commits an offence.

Penalty: \$5 000.

- (3) If a gas marketing agent of a retail supplier contravenes a provision of this Code, the retail supplier commits an offence.

Penalty:

- (a) for an individual, \$5 000;
- (b) for a body corporate, \$20 000.

- (4) It is a defence to a prosecution for a contravention of subclause (3) if the retail supplier proves that the retail supplier took practicable measures to ensure that the gas marketing agent complied with this Code.