



New South Wales

Fair Trading Amendment (Fuel Price Transparency) Bill 2016

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to amend the *Fair Trading Act 1987* (the *principal Act*) to provide for the establishment of a scheme for the publication of service station fuel prices on an ongoing and up-to-date basis, and
- (b) to make a consequential amendment to the *Fair Trading Regulation 2012*.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Fair Trading Act 1987 No 68

Schedule 1 inserts a new Division into Part 4 of the principal Act to support the establishment of a scheme for the publication of service station fuel prices on an ongoing and up-to-date basis. The details of the scheme are to be specified by the Secretary (as defined in the principal Act) by order published on the NSW legislation website. Proposed section 58 (4) provides that it is an offence to fail to register for the scheme or to offer fuel at a standard retail price other than the price notified under the scheme.

Schedule 2 Amendment of Fair Trading Regulation 2012

Schedule 2 amends the *Fair Trading Regulation 2012* to include an offence relating to the scheme as a penalty notice offence.



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Fair Trading Amendment (Fuel Price Transparency) Bill 2016

No. , 2016

A Bill for

An Act to amend the *Fair Trading Act 1987* to provide for the establishment of a scheme for the publication of service station fuel prices; and to make a consequential amendment to the *Fair Trading Regulation 2012*.

The Legislature of New South Wales enacts:

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1 Name of Act

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This Act is the *Fair Trading Amendment (Fuel Price Transparency) Act 2016*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Fair Trading Act 1987 No 68	1
Part 4 NSW consumer safety and information requirements		2
Insert after Division 5:		3
Division 6	Publication of service station fuel prices	4
58	Scheme for publication of service station fuel prices	5
(1)	The Secretary may, by order published on the NSW legislation website, establish a scheme for the publication of standard retail prices of prescribed fuel available for the fuelling of motor vehicles at service stations on an ongoing and up-to-date basis.	6 7 8 9
(2)	Without limiting subsection (1), the order may:	10
(a)	specify requirements for the registration of service stations or service station operators for the purposes of the scheme or apply the scheme to persons, or persons of a specified class, registered under the <i>Biofuels Act 2007</i> , and	11 12 13 14
(b)	specify requirements for the notification of the standard retail price of each kind of fuel available at a service station for the fuelling of motor vehicles and the date and time from which the notified price is the standard retail price for the fuel.	15 16 17 18
(3)	The Secretary may arrange for information notified under the order to be published as the Secretary thinks fit, including by making it available on a website, through a telecommunication system or by any other means.	19 20 21
(4)	The operator of a service station is guilty of an offence if:	22
(a)	the service station or operator is not registered as required by an order under this section, or	23 24
(b)	a type of prescribed fuel is offered for retail sale for the fuelling of motor vehicles at the service station at a standard retail price other than the price notified as being in effect at the time of the offer in accordance with an order under this section.	25 26 27 28
(5)	It is a defence to a prosecution for an offence against subsection (4) if the defendant proves that the commission of the offence was due to causes over which the defendant had no control and that the defendant took reasonable precautions and exercised due diligence to prevent the commission of the offence.	29 30 31 32 33
(6)	In this section:	34
	<i>biodiesel</i> , <i>biodiesel blend</i> , <i>ethanol</i> and <i>petrol-ethanol blend</i> have the same meanings as in the <i>Biofuels Act 2007</i> .	35 36
	<i>prescribed fuel</i> means the following:	37
(a)	petrol, being a petroleum-based fuel (whether or not containing ethanol) for spark-ignition internal combustion engines that is sold as petrol or as petrol-ethanol blend, but does not include diesel fuel, aviation fuel or liquid petroleum gas,	38 39 40 41
(b)	diesel fuel, being a petroleum-based fuel (whether or not containing biodiesel) for internal combustion engines that is sold as diesel fuel or as a biodiesel blend,	42 43 44
(c)	liquefied petroleum gas,	45
(d)	liquefied natural gas,	46

- (e) compressed gas, 1
 - (f) any fuel specified in a preceding paragraph that is combined with
another such fuel or other substance. 2
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- service station** means a building or place used for the fuelling of motor
vehicles involving the sale by retail of a prescribed fuel, whether or not any
other fuel or other product is sold there and whether or not the building or
place is used for any other purpose, but does not include a building or place
used primarily for the purpose of hiring, leasing or selling motor vehicles. 4
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- service station operator** means a person who operates or controls the operation
of a service station. 9
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- standard retail price**, in relation to a prescribed fuel supplied by retail at a
service station, means the price per litre at which the fuel is available to retail
customers without any discounts or special offers. 11
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Schedule 2 Amendment of Fair Trading Regulation 2012

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Schedule 1 Penalty notice offences

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Insert in appropriate order under the heading “**Offences under the Fair Trading Act 1987
(other than the ACL)**”:

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Section 58 (4)

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