

2013

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Mr Shane Rattenbury)

# Fair Trading (Fuel Prices) Amendment Bill 2013

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# **Fair Trading (Fuel Prices) Amendment Bill 2013**

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## **A Bill for**

An Act to amend the *Fair Trading (Fuel Prices) Act 1993*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Fair Trading (Fuel Prices) Amendment Act 2013*.

**2 Commencement**

This Act commences on 1 September 2013.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Legislation amended**

This Act amends the *Fair Trading (Fuel Prices) Act 1993*.

**4 New part 1 heading**

*before section 1, insert*

**Part 1 Preliminary**

**5 New part 2 heading and section 2B**

*before section 3, insert*

**Part 2 Fuel prices**

**2B Definitions—pt 2**

In this part:

*base wholesale price*, in relation to a specified fuel, means the wholesale price payable for that fuel, excluding—

- (a) the amount per litre included in that price on account of freight charges in connection with the supply of that fuel; and
- (b) the amount per litre included in that price on account of any duty payable by the wholesaler under a law of the Commonwealth.

- 1           **commissioner** means the commissioner for fair trading.
- 2           **determination** means a determination by the Minister under
- 3           section 4 (1).
- 4           **fuel** means leaded petrol, unleaded petrol or distillate.
- 5           **recommendation** means a recommendation by the commissioner
- 6           under section 3 (1).
- 7           **regulated transfer** means a single consignment of a fuel that is—
- 8           (a) at least 2 000L; and
- 9           (b) delivered to or withdrawn from a place in the Territory under,
- 10           or because of, an agreement for the sale, purchase or exchange
- 11           of fuel.
- 12           **retail margin**, in relation to a specified fuel, means the amount
- 13           included in the retail price that is equal to the difference between
- 14           that price and the base wholesale price of that fuel, excluding the
- 15           amount per litre included in the retail price on account of the freight
- 16           charges in connection with the supply of that fuel.
- 17           **retail price**, of a specified fuel, means the price per litre payable on
- 18           the sale of the fuel by retail.
- 19           **specified fuel** means the fuel that is specified in a recommendation
- 20           or a determination, as the case requires.
- 21           **wholesale price**, of a specified fuel, means the price per litre
- 22           payable on the sale of the fuel by wholesale.

**6 New part 3**

*insert*

**Part 3 Fuel price signs**

**11A Definitions—pt 3**

In this part:

***biodiesel*** means a diesel fuel made by esterification of oil derived from plants or animals.

***E10 petrol*** means a petrol-ethanol blend that contains between 9% and 10% ethanol by volume.

***LPG*** means liquefied petroleum gas.

***normal price***, of a prescribed fuel, means the price per litre payable on the retail sale of the fuel without any discount or special offer.

***petrol station***—

- (a) means premises used for the retail sale of prescribed fuel for motor vehicles; and
- (b) does not include premises primarily used for the hiring, leasing or sale of motor vehicles.

***prescribed fuel*** means any of the following fuels, whether or not the fuel is combined with any other fuel or another substance:

- (a) petrol, whether leaded or unleaded;
- (b) diesel;
- (c) LPG;
- (d) liquefied natural gas;
- (e) compressed gas;
- (f) biodiesel;

1 (g) ethanol.

2 *supplier* means a person, whether within or outside the Territory,  
3 who supplies prescribed fuel at a petrol station in the ACT.

4 *supply* means to supply (including resupply), or to offer to supply,  
5 by way of retail sale or exchange.

6 **11B Offence—supplier may only display normal price of**  
7 **prescribed fuel**

8 A supplier commits an offence if—

9 (a) the supplier displays on a sign at a petrol station the price of a  
10 prescribed fuel supplied at the petrol station; and

11 (b) the price is not the normal price of the prescribed fuel.

12 **Example—not the normal price**

13 the price per litre of the fuel when a shopping docket discount is applied

14 *Note* An example is part of the Act, is not exhaustive and may extend, but  
15 does not limit, the meaning of the provision in which it appears (see  
16 [Legislation Act](#), s 126 and s 132).

17 Maximum penalty: 50 penalty units.

18 **11C Offence—supplier must correctly display prescribed fuel**  
19 **price signs**

20 (1) A supplier commits an offence if—

21 (a) the supplier supplies 4 or less prescribed fuels at a petrol  
22 station; and

23 (b) at any time the petrol station is open for the supply of the  
24 prescribed fuel, the supplier does not correctly display the  
25 normal price of each fuel.

26 Maximum penalty: 50 penalty units.

- 1           (2) A supplier commits an offence if—
- 2               (a) the supplier supplies 5 or more prescribed fuels at a petrol
- 3                     station; and
- 4               (b) at any time the petrol station is open for the supply of the
- 5                     prescribed fuel, the supplier does not correctly display the
- 6                     normal price of each of the following prescribed fuels:
- 7                       (i) if the supplier supplies diesel and LPG at the petrol
- 8                             station—diesel, LPG and the 2 highest-selling prescribed
- 9                             fuels (other than diesel or LPG) supplied at the petrol
- 10                            station for the month;
- 11                       (ii) if the supplier supplies diesel but not LPG at the petrol
- 12                            station—diesel and the 3 highest-selling prescribed fuels
- 13                            (other than diesel) supplied at the petrol station for the
- 14                            month;
- 15                       (iii) if the supplier supplies LPG but not diesel at the petrol
- 16                            station—LPG and the 3 highest-selling prescribed fuels
- 17                            (other than LPG) supplied at the petrol station for the
- 18                            month;
- 19                       (iv) if the supplier supplies neither diesel or LPG at the petrol
- 20                            station—the 4 highest-selling prescribed fuels supplied at
- 21                            the petrol station for the month.
- 22           Maximum penalty: 50 penalty units.
- 23           (3) For this section, a supplier *correctly displays* the normal price of a
- 24               prescribed fuel at a petrol station if, to the extent permitted under the
- 25               [Planning and Development Act 2007](#), there is at least 1 sign
- 26               displaying the normal price that, because of its position and lighting,
- 27               can be easily seen by motorists approaching the petrol station.
- 28           Note    A sign may be subject to requirements under the [Planning and](#)
- 29                    [Development Act 2007](#), including a requirement for development
- 30                    approval—see that Act, ch 7 (Development approvals).



(4) In this section:

***highest-selling prescribed fuel***, supplied at a petrol station for a month, means the prescribed fuel of which the most litres were supplied at the petrol station during the 6 months before the month.

**11D Offence—supplier must correctly display octane ratings for prescribed fuels**

(1) A supplier commits an offence if the supplier—

(a) supplies 1 or both of the following prescribed fuels at a petrol station:

(i) E10 petrol;

(ii) unleaded petrol; and

(b) does not correctly display the octane rating of the prescribed fuel on the fuel pump used to dispense the fuel.

Maximum penalty: 50 penalty units.

(2) For this section, a supplier ***correctly displays*** the octane rating of a prescribed fuel on a fuel pump used to dispense the fuel if the rating—

(a) is displayed in at least 1 place on the fuel pump; and

(b) can be easily seen by customers using the fuel pump.

(3) For subsection (2), the octane rating may be displayed by displaying a brand name that includes the octane rating number of the prescribed fuel.

(4) In this section:

***octane rating***, for a prescribed fuel—

(a) generally—means the research octane number for the prescribed fuel, rounded down to the nearest whole number; and

1 (b) for a blend of petrol—is for the whole of the blend.

2 **7 New part 4 heading**

3 *before section 12, insert*

4 **Part 4 Miscellaneous**

5 **8 Dictionary, definition of *base wholesale price***

6 *substitute*

7 *base wholesale price*, in relation to a specified fuel, for part 2 (Fuel  
8 prices)—see section 2B.

9 **9 Dictionary, new definition of *biodiesel***

10 *insert*

11 *biodiesel*, for part 3 (Fuel price signs)—see section 11A.

12 **10 Dictionary, definitions of *commissioner* and**  
13 ***determination***

14 *substitute*

15 *commissioner*, for part 2 (Fuel prices)—see section 2B.

16 *determination*, for part 2 (Fuel prices)—see section 2B.

17 **11 Dictionary, new definition of *E10 petrol***

18 *insert*

19 *E10 petrol*, for part 3 (Fuel price signs)—see section 11A.

20 **12 Dictionary, definition of *fuel***

21 *substitute*

22 *fuel*, for part 2 (Fuel prices)—see section 2B.

### 13 Dictionary, new definitions

*insert*

**LPG**, for part 3 (Fuel price signs)—see section 11A.

**normal price**, of a prescribed fuel, for part 3 (Fuel price signs)—see section 11A.

**petrol station**, for part 3 (Fuel price signs)—see section 11A.

**prescribed fuel**, for part 3 (Fuel price signs)—see section 11A.

### 14 Dictionary, definitions of *recommendation* etc

*substitute*

**recommendation**, for part 2 (Fuel prices)—see section 2B.

**regulated transfer**, for part 2 (Fuel prices)—see section 2B.

**retail margin**, in relation to a specified fuel, for part 2 (Fuel prices)—see section 2B.

**retail price**, of a specified fuel, for part 2 (Fuel prices)—see section 2B.

**specified fuel**, for part 2 (Fuel prices)—see section 2B.

### 15 Dictionary, new definitions

*insert*

**supplier**, for part 3 (Fuel price signs)—see section 11A.

**supply**, for part 3 (Fuel price signs)—see section 11A.

### 16 Dictionary, definition of *wholesale price*

*substitute*

**wholesale price**, of a specified fuel, for part 2 (Fuel prices)—see section 2B.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 16 May 2013.

**2 Notification**

Notified under the [Legislation Act](#) on 2013.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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