

Australian Consumer Law and Fair Trading (Code of Practice for Fuel Price Reporting) Regulations

Exposure Draft

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Victoria

Australian Consumer Law and Fair Trading (Code of Practice for Fuel Price Reporting) Regulations

Exposure Draft

1 Objective

The objective of these Regulations is to prescribe a code of practice to regulate—

- (a) the display of fuel prices on price boards at service stations; and
- (b) the reporting of fuel prices to the Service Victoria CEO for the purposes of publication on the Service Victoria application.

2 Authorising provision

These Regulations are made under section 232 of the **Australian Consumer Law and Fair Trading Act 2012**.

3 Revocation

The Australian Consumer Law and Fair Trading (Code of Practice for Fuel Price Boards) Regulations 2016¹ are **revoked**.

4 Prescription of Code of Practice for Fuel Price Reporting

For the purposes of Part 6.3 of the **Australian Consumer Law and Fair Trading Act 2012**, the code of practice set out in the Schedule to these Regulations is the Code of Practice for Fuel Price Reporting.

Schedule 1—Code of Practice for Fuel Price Reporting

Regulation 4

1 Citation

This code of practice may be cited as the Code of Practice for Fuel Price Reporting.

2 Purposes of code

The purposes of this code of practice are—

- (a) to regulate the display of fuel prices on price boards at service stations; and
- (b) to require fuel retailers in Victoria to report fuel prices to the Service Victoria CEO for publication on the Service Victoria application.

3 Definitions

In this code of practice—

biodiesel means a diesel fuel obtained by esterification of oil derived from plants or animals;

confirmed fuel retailer means a fuel retailer that has received confirmation from the Service Victoria CEO under clause 4(3);

discounted fuel price, in relation to a type of fuel, means the price per litre at which fuel of that type is available to consumers after any discount (whether by a voucher, discount rate, reward scheme or any other means) is applied;

fuel means any of the following—

- (a) petroleum products within the meaning of the **Business Franchise (Petroleum Products) Act 1979**;
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- (b) biodiesel;
- (c) compressed gas;
- (d) liquefied natural gas;
- (e) liquefied petroleum gas;

fuel pump display means the numerical display of the normal fuel price appearing on a metered fuel pump at a service station;

fuel retailer means a person or body who carries on the business of supplying fuel for retail sale;

liquefied petroleum gas means a hydrocarbon fluid composed predominantly of any of the following hydrocarbons or mixtures of all or any of them—

- (a) propane;
- (b) propylene;
- (c) butane;
- (d) butylene;

normal fuel price in relation to a type of fuel, means the price per litre at which fuel of that type is available to consumers without any discount (whether by a voucher, discount rate, reward scheme or any other means) applying;

service station means a building, place or premises where fuel is supplied for retail sale, but does not include a building, place or premises where the primary business is the hiring, leasing or sale of motor vehicles;

Service Victoria has the same meaning as in the **Service Victoria Act 2018**;

Service Victoria CEO has the same meaning as in the **Service Victoria Act 2018**;

Service Victoria business portal means the digital portal that is in use by Service Victoria;

Service Victoria application means a software application that is—

- (a) designed for use on an electronic device; and
- (b) maintained by Service Victoria.

4 Fuel retailer must provide information to Service Victoria

- (1) Subject to subclause (2), a fuel retailer must provide the following information to the Service Victoria CEO in accordance with any requirements of the Director—
 - (a) the business or company name of the fuel retailer;
 - (b) the ABN and ACN (if any) of the fuel retailer;
 - (c) the trading name of the fuel retailer (if applicable) and the street address and postal address of the office of the fuel retailer;
 - (d) the name, position title, email address and telephone number of the primary contact person for each of the fuel retailer's service stations;
 - (e) the trading hours of each of the fuel retailer's service stations;
 - (f) the brands and types of fuel offered for retail sale at each of the fuel retailer's service stations;
 - (g) if membership may be required to purchase fuel at a service station;
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Schedule 1—Code of Practice for Fuel Price Reporting

- (h) any other information required by the Director.
- (2) A fuel retailer must provide information under subclause (1)—
 - (a) if the fuel retailer commences trading on or before the commencement day, within 14 business days after the commencement day; or
 - (b) if the fuel retailer commences trading after the commencement day, on or before the first day on which the fuel retailer offers any fuel for sale to retail customers.
- (3) If, on receiving information from a fuel retailer under subclause (1), the Service Victoria CEO is satisfied that the fuel retailer has complied with subclause (1), the Service Victoria CEO must give the fuel retailer written confirmation of that compliance.
- (4) A fuel retailer must notify the Service Victoria CEO of any changes to the information referred to in subclause (1) within 14 business days of the change.
- (5) In this clause—

commencement day means the day on which these Regulations come into operation.

5 Price board not to display discounted price

A fuel retailer must not display a discounted fuel price on any price board.

6 Price board may display information about discounts

A fuel retailer may display information about discounts and special offers on a price board so long as only normal fuel prices are displayed.

7 Reporting of fuel prices

A confirmed fuel retailer must provide the normal fuel price of each fuel offered for retail sale by the retailer to the Service Victoria CEO within 30 minutes of the fuel becoming available for sale by the retailer, for publication on the Service Victoria application.

8 Display and reporting of increases in normal fuel price

If a fuel retailer increases the normal fuel price for a type of fuel on any fuel pump display, the retailer must—

- (a) ensure that the price displayed on the price board is changed to reflect the increase in price before or at the same time the price is increased; and
- (b) in the case of a confirmed fuel retailer, notify the Service Victoria CEO of the increase in price within 30 minutes of changing the normal fuel price on the fuel pump display, for publication on the Service Victoria application.

9 Display and reporting of decreases in normal fuel price

If a fuel retailer decreases the normal fuel price for a type of fuel on any fuel pump display, the retailer must—

- (a) ensure that the price board reflects the decrease in price as soon as reasonably practicable; and
 - (b) in the case of a confirmed fuel retailer, notify the Service Victoria CEO of the decrease in price within 30 minutes of changing the normal fuel price on the fuel pump display,
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for publication on the Service Victoria application.

10 Reporting if fuel becomes unavailable

If a fuel offered for retail sale by a confirmed fuel retailer is temporarily unavailable, the retailer must notify the Service Victoria CEO that the fuel is temporarily unavailable within 30 minutes of the fuel becoming unavailable, for publication on the Service Victoria application.

11 Defences for breach of code of practice

In proceedings for an offence against section 141 of the Act constituted by a person's failure or alleged failure to comply with clause 7, 8(b), 9(b) or 10, it is a defence for the person charged with the offence to prove that the person was unable to comply with that clause due to—

- (a) an emergency; or
- (b) the unavailability of the Service Victoria business portal as the result of circumstances beyond the person's control.

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Endnotes

¹ Reg. 3: S.R. No. 54/2016.