

South Australia

Fair Trading (Fuel Industry Code) Regulations 2013

under the *Fair Trading Act 1987*

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1—Short title

These regulations may be cited as the *Fair Trading (Fuel Industry Code) Regulations 2013*.

2—Commencement

These regulations will come into operation on 1 October 2013.

3—Interpretation

In these regulations—

Act means the *Fair Trading Act 1987*;

civil penalty contravention has the same meaning as in Part 7 Division 3A of the Act;

code means the *Fuel Industry Code 2013* set out in Schedule 1.

4—Prescription of code

- (1) The code is prescribed as an industry code for the purposes of Part 3A of the Act.
- (2) The Commissioner for Consumer Affairs is responsible for the administration of the code.

5—Contravention of code subject to civil penalty

- (1) A contravention of section 28E of the Act constituted of a contravention of the code is to be subject to a civil penalty under Part 7 Division 3A of the Act.
 - (2) The expiation fee for an alleged civil penalty contravention involving an alleged contravention or attempted contravention of the code is \$6 000 in the case of a body corporate and \$1 200 in the case of a natural person.
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Schedule 1—Fuel Industry Code

1—Citation

This code may be cited as the *Fuel Industry Code 2013*.

2—Interpretation

In this code—

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

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) a petroleum product within the meaning of the *Petroleum Products Regulation Act 1995*;
- (b) biodiesel;
- (c) compressed gas;
- (d) liquefied natural gas;

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

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

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;

petrol 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;

price board means a board, sign or notice at a petrol station that displays information regarding the price of types of fuel for retail sale at the petrol station.

3—Price board not to display discounted fuel price

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

4—Display of prices on price board and fuel pump display

- (1) If a fuel retailer increases the normal fuel price for a type of fuel, the retailer must change the price displayed on any price board to reflect the increase in price before, or at the same time as, changing the price displayed on any fuel pump display for that type of fuel.

- (2) If a fuel retailer decreases the normal fuel price for a type of fuel, the retailer must change the price displayed on any price board to reflect the decrease in price after, or at the same time as, changing the price displayed on any fuel pump display for that type of fuel.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 18 July 2013

No 186 of 2013

MCA0004/13CS