

South Australia

Fair Trading (Fuel Pricing Information) Regulations 2021

under the *Fair Trading Act 1987*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fair Trading (Fuel Pricing Information) Regulations 2021*.

2—Commencement

- (1) Subject to subregulation (2), these regulations come into operation on 17 February 2021.
- (2) Regulation 7 comes into operation on 19 March 2021.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Fair Trading Act 1987*;

aggregation system —see regulation 6;

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

fuel means any of the following:

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

fuel pricing information scheme means the scheme for registration of fuel retailers and reporting of fuel price information under Part 2;

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

normal fuel price in relation to a type of fuel, means the price at which fuel of that type is offered for retail sale without any discount being applied in any way;

petrol station means a place where fuel is offered for retail sale to members of the public, other than a place where the primary business being conducted is the hiring, leasing or selling of motor vehicles.

Part 2—Fuel pricing information scheme

4—Application and exemptions

- (1) Subject to subregulation (2), this Part applies to fuel retailers.
- (2) The Commissioner may grant an exemption from this Part or specified provisions of this Part—
 - (a) to a specified fuel retailer by notice in writing to that person; or
 - (b) to fuel retailers of a specified class by notice in the Gazette.
- (3) The Commissioner may, by subsequent notice in writing or notice in the Gazette (as the case requires) vary or revoke an exemption.

5—Registration

- (1) The fuel retailer for a petrol station must register the petrol station with the Commissioner, or a person approved by the Commissioner, in accordance with any requirements of the Commissioner, for the purposes of this Part—
 - (a) in the case of a fuel retailer for a petrol station that supplies fuel for retail sale on the commencement of this regulation—within 30 days of that commencement; or
 - (b) in any other case—before fuel is first supplied for retail sale at the petrol station.
- (2) For the purposes of subregulation (1), the following details must be entered into the aggregation system:
 - (a) the name (such as the business or company name, if any) of the fuel retailer;
 - (b) the ABN and ACN (if any) of the fuel retailer;
 - (c) the trading name by which the fuel retailer is known (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 petrol stations;
 - (e) the name and street address of each of the fuel retailer's petrol stations;

- (f) the trading hours of each of the fuel retailer's petrol stations;
 - (g) the fuel brand and types of fuel offered for retail sale at each of the fuel retailer's petrol stations;
 - (h) any other details required by the Commissioner.
- (3) If any of the registration details relating to a fuel retailer or a petrol station change, the relevant fuel retailer must, within 14 days of the change, notify the Commissioner, or a person approved by the Commissioner, of the change.

6—Aggregation system

- (1) The Commissioner, or a person approved by the Commissioner, must establish and maintain an electronic system (the *aggregation system*) for the purposes of receiving fuel price information under these regulations and disseminating information relating to fuel prices as soon as is reasonably practicable to the public.
- (2) The Commissioner must ensure that information about how to access and use the aggregation system is published on a website determined by the Commissioner.

7—Reporting information using aggregation system

- (1) The fuel retailer for a petrol station must ensure the following information is entered into the aggregation system in accordance with subregulation (2):
- (a) the normal fuel price for each type of fuel supplied for retail sale at the petrol station;
 - (b) if a fuel is unavailable—that fact.
- (2) For the purposes of subregulation (1), if a change is made to the normal fuel price on any fuel pump display for the fuel at the petrol station, the normal fuel price for the fuel must be entered into the aggregation system as close in time as possible to the time at which the change takes effect and, in any event, must be entered no more than 30 minutes after that time.
- (3) A fuel retailer will, however, be taken not to have breached this regulation if the fuel retailer—
- (a) establishes that—
 - (i) an emergency occurred that prevented them from complying with the requirements of this regulation; or
 - (ii) the aggregation system could not be accessed or used to comply with the requirements of this regulation because of a circumstance that was beyond the retailer's control; and
 - (b) contacts the Commissioner, or a person approved by the Commissioner, in a manner approved by the Commissioner to report the emergency or circumstance (as the case requires) as soon as is reasonably practicable after its occurrence.
- (4) In this section—
- fuel pump display* means the display of the normal fuel price for a type of fuel appearing on a metered fuel pump at a petrol station.

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Part 2—Fuel pricing information scheme

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 4 February 2021

No 11 of 2021