

**TABLING NOTE FOR SUBORDINATE LEGISLATION**  
**SUBORDINATE LEGISLATION NO. 28 OF 2017**  
**CONSUMER AFFAIRS AND FAIR TRADING (FUEL RETAILERS)**  
**REGULATIONS 2017**

**Purpose**

The Consumer Affairs and Fair Trading (Fuel Retailers) Regulations 2017 (the Regulations) implement consumer-focused fuel price initiatives that aim to facilitate more effective consumer engagement in the retail fuel market. This is expected to result in both increased competition and cost of living benefits in the Northern Territory.

On 23 November 2015, the Australian Competition and Consumer Commission (ACCC) released its 'Report on the Darwin petrol market', which provided a number of recommendations following its review of the retail fuel market. The Territory Government committed to implement all the ACCC's recommendations, which aim to improve competition in the Territory's retail fuel market.

In particular, the ACCC recommends the provision of current retail prices to motorists to help them shop around. Current availability of site-specific retail fuel price data for the Territory is limited, with data gaps and inconsistencies across sources. In response, the Territory Government has taken a legislative approach to ensure retail fuel price information available for consumers is comprehensive and accurate.

In the May 2017 Sittings, the Legislative Assembly passed amendments to the *Consumer Affairs and Fair Trading Act* which established regulation-making power for a mandatory fuel price reporting scheme and price board standards. The amendments also created offences, defences and maximum penalties.

**Summary of key provisions**

The Regulations implement 'MyFuel NT', a mandatory real-time fuel price reporting scheme which will collect site-specific retail fuel prices from all fuel retailers in the Territory. MyFuel NT will then publish this information for consumers, providing a comprehensive and real-time dataset of site-specific prices across the Territory.

In addition, the Regulations introduce minimum standards for fuel price boards prohibiting the display of conditionally discounted prices (such as those only available with a shopper docket) and require sequenced price changes to ensure the consumer is paying the lowest price displayed. This aims to reduce ambiguity for consumers about which price applies to them and improve clarity of prices when making a decision where to purchase fuel.

The Regulations come into effect on 1 November 2017. From this date, all fuel retailers in the Territory will be required to register and report prices to the Commissioner of Consumer Affairs through the MyFuel NT website (or by phone/fax), as well as adhere to minimum standards for price boards.

**Legislative Authority**

Section 338(1) of the *Consumer Affairs and Fair Trading Act*.

**NORTHERN TERRITORY OF AUSTRALIA**

**CONSUMER AFFAIRS AND FAIR TRADING (FUEL RETAILERS)  
REGULATIONS**

---

**Subordinate Legislation No. 28 of 2017**

---

**Table of provisions**

1	Citation .....	2
2	Commencement .....	2
3	Scheme for publication of service station fuel prices .....	2
4	Registering for MyFuel NT .....	2
5	Reporting for MyFuel NT .....	3
6	Changing price displayed on price board .....	3
7	Discounted fuel price not to be displayed on price board .....	4
8	Exemption.....	4



# NORTHERN TERRITORY OF AUSTRALIA

---

**Subordinate Legislation No. 28 of 2017\***

---

## ***Consumer Affairs and Fair Trading (Fuel Retailers) Regulations***

I, John Laurence Hardy, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Consumer Affairs and Fair Trading Act*.

Dated 18 September 2017

J. L. HARDY  
Administrator

By His Honour's Command

N. S. MANISON  
Minister for Children  
acting for  
Attorney-General and Minister for Justice

---

\* Notified in the *Northern Territory Government Gazette* on 27 September 2017.

---

## 1 Citation

These Regulations may be cited as the *Consumer Affairs and Fair Trading (Fuel Retailers) Regulations*.

## 2 Commencement

These Regulations commence on 1 November 2017.

## 3 Scheme for publication of service station fuel prices

For section 187(1) of the Act, there is to be a scheme known as MyFuel NT.

## 4 Registering for MyFuel NT

- (1) The fuel retailer for a service station is required to register the service station for MyFuel NT before offering prescribed fuel for retail sale at the service station.
- (2) Subject to subregulation (3), a service station is registered in accordance with MyFuel NT when:
  - (a) the fuel retailer for the service station gives the following details (**registration details**) to the Commissioner:
    - (i) the name, ABN and ACN (if any) of the fuel retailer;
    - (ii) the telephone number, postal address and email address of the fuel retailer;
    - (iii) the name, position title, telephone number and email address of the primary contact person for the fuel retailer;
    - (iv) the business name registered under the *Business Names Registration Act 2011* (Cth) for the service station;
    - (v) the telephone number, street address, postal address and email address of the service station;
    - (vi) the name, position title, telephone number and email address of the primary contact person for the service station;
    - (vii) the fuel brand offered for retail sale at the service station (if any);

- 
- (viii) each prescribed fuel usually offered for retail sale at the service station; and
  - (b) the Commissioner gives confirmation of registration to the fuel retailer.
- (3) A service station is not registered in accordance with MyFuel NT if:
- (a) any of the registration details for the service station change; and
  - (b) the fuel retailer for the service station fails to notify the Commissioner of the change within 14 days of the change occurring.
- (4) The Commissioner must cancel the registration of a service station if:
- (a) the person who registered the service station under subregulation (1) requests the Commissioner to do so; and
  - (b) the Commissioner is satisfied that the person is no longer the fuel retailer for the service station.
- (5) In this regulation:

**ABN**, see section 41 of the *A New Tax System (Australian Business Number) Act 1999* (Cth).

**ACN**, see section 9 of the *Corporations Act 2001*.

## **5 Reporting for MyFuel NT**

The fuel retailer for a service station is required to report the following information to the Commissioner:

- (a) the normal fuel price of each prescribed fuel offered for retail sale at the service station and the date and time at which that normal fuel price is effective;
- (b) that a prescribed fuel offered for retail sale is temporarily unavailable, when that occurs.

## **6 Changing price displayed on price board**

- (1) This regulation applies if a fuel retailer for a service station displays the price of a prescribed fuel on a price board at the service station.

- 
- (2) If the fuel retailer displays the price of a prescribed fuel on a price board and the normal fuel price of the prescribed fuel changes, the fuel retailer must change the price displayed on the price board:
- (a) as soon as the price change is effective as reported under regulation 5(a); and
  - (b) if the normal fuel price increases - before, or at the same time as, changing the price on any fuel pump display; and
  - (c) if the normal fuel price decreases - after, or at the same time as, changing the price on any fuel pump display.
- (3) In this regulation:

***fuel pump display*** means the display of the normal fuel price appearing on a metered fuel pump at a service station.

## **7 Discounted fuel price not to be displayed on price board**

- (1) A discounted fuel price must not be displayed on a price board.
- (2) To avoid doubt, information about discounts and special offers may be displayed on a price board.

## **8 Exemption**

The Commissioner may exempt a fuel retailer for a service station from a requirement of these Regulations if it appears to the Commissioner that, in the circumstances, compliance with the requirement is not necessary for the public interest.