

MANISON

Consumer Affairs and Fair Trading Legislation Amendment Bill 2017

Serial #

PAPER TABLED

16/3/17

CLERK:

LEGISLATIVE ASSEMBLY OF THE
NORTHERN TERRITORY

ORIGINAL PAPER

No. 234

Laid upon the Table

16/3/17

TREASURER

EXPLANATORY STATEMENT**GENERAL OUTLINE**

This Bill amends the *Consumer Affairs and Fair Trading Act (CAFTA)*.

The purpose of this Bill is to provide the legislative basis to establish a mandatory fuel price reporting scheme that will require fuel retailers in the Territory to report retail fuel prices to the Commissioner of Consumer Affairs (Commissioner) and ability for the Commissioner to publish this information as they see fit.

The Bill also allows for the regulations to implement standards for the information displayed on retail fuel price boards.

The Bill also includes minor amendments to the *Consumer Affairs and Fair Trading (Infringement Notice Offences) Regulations* in order to maintain the quality and consistency of the statute book. These changes are in line with the Office of Parliamentary Counsel's general practice and are not intended to alter policy.

NOTES ON CLAUSES**Part 1 – Preliminary matters****Clause 1. Short title**

The clause provides that the Act may be cited as the *Consumer Affairs and Fair Trading Legislation Amendment Act 2017*.

Clause 2. Commencement

The provisions of the Legislation commence on the day fixed by the Administrator by *Gazette* notice.

Part 2 – Amending of Consumer Affairs and Fair Trading Act**Clause 3. Act amended**

This clause amends the CAFTA.

Clause 4. Section 4 amended

This clause amends Section 4 of the CAFTA to insert new definitions for the amendments.

Clause 5. Part 11 Inserted

This clause inserts a new Part 11 into the *Consumer Affairs and Fair Trading Act* after section 184.

Part 11 includes provisions to establish a retail fuel price reporting scheme by way of regulations, provisions to directly regulate retail fuel price display boards and offences for noncompliance.

Section 185 provides definitions for key terms in the legislation.

Section 186 applies Part IIAA of the Criminal Code, which states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

Section 187 allows for fuel retailers to be required, by way of regulations, to register and adhere to a fuel price reporting scheme for the publication of normal fuel prices (prices without discount applied) offered for sale at service stations in the Territory to the Commissioner of Consumer Affairs. It also provides for the Commissioner of Consumer Affairs to arrange for the information to be published.

Section 188 outlines offences in relation to the scheme. A fuel retailer commits an offence if it has not registered a service station (where the fuel retailer conducts its business) as required by the scheme, it does not report prices as required by the scheme or if the normal price of a prescribed fuel that is offered for sale at a service station (for example, the price displayed on a price board, on the fuel bowser or at the register) does not match the price notified to the scheme. The maximum penalty for offences under Section 188 is 100 penalty units and the infringement notice amount is five penalty units.

Section 188(5) allows a defence on the basis that the defendant had a reasonable excuse for non-compliance, such as the defendant took reasonable precautions and exercised due diligence to prevent the offence.

Section 189 allows for the regulation of price boards and includes that an offence under this section has a maximum penalty of 20 penalty units and an infringement notice amount of two penalty units.

Part 3 – Amendment of Consumer Affairs and Fair Trading (Infringement Notice Offences) Regulations**Clause 6. Regulations amendments**

This clause amends the *Consumer Affairs and Fair Trading (Infringement Notice Offences) Regulations*.

Clause 7. Regulation 3 amended

This clause amends current Regulation 3(1), because infringement notice provisions are standardised and the Office of the Parliamentary Counsel's standard provisions have been updated since these Regulations took effect.

This clause also amends Regulation 3(2) to consolidate and update schedule to conform to the current standardised format.