



Queensland

Fair Trading (Fuel Price Reporting) Regulation 2018

Subordinate Legislation 2018 No. 185

made under the

Fair Trading Act 1989

State Penalties Enforcement Act 1999

Contents

		Page
Part 1	Preliminary	
1	Short title	2
2	Commencement	2
3	Definitions	2
Part 2	Fuel price reporting	
Division 1	Administration	
4	Aggregation system	3
Division 2	Reporting	
5	Application of division	3
6	Reporting information using aggregation system	4
7	Reporting for fuel temporarily unavailable	4
8	Defences for failing to comply	4
Part 3	Amendment of State Penalties Enforcement Regulation 2014	
9	Regulation amended	5
10	Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	5

[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Fair Trading (Fuel Price Reporting) Regulation 2018*.

2 Commencement

This regulation commences at midday on 3 December 2018.

3 Definitions

In this regulation—

aggregation system see section 4(1).

fuel means—

- (a) fuel within the meaning of the *Fuel Quality Standards Act 2000* (Cwlth); or
- (b) hydrogen.

Examples of the names of fuel—

regular unleaded petrol (RON 91), E10 (RON 94), premium unleaded petrol labelled ‘RON 95’, premium unleaded petrol labelled ‘RON 98’, E85 (RON 105), diesel, fuel labelled ‘premium diesel’, liquefied petroleum gas (LPG), compressed natural gas or natural gas for vehicles (CNG or NGV), liquefied natural gas (LNG), B20 (biodiesel and diesel)

fuel price information means the information mentioned in section 6(1) or 7(2).

normal fuel price, for 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.

responsible fuel retailer means a person who decides the normal fuel price for a type of fuel offered for retail sale at a service station.

service 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 price reporting

Division 1 Administration

4 Aggregation system

- (1) The commissioner may ask the energy chief executive to establish and maintain an electronic system (the *aggregation system*) for the purposes of receiving fuel price information under this part and publishing the information to the public.
- (2) The energy chief executive must ensure that information about how to access and use the aggregation system is published on the website of the department in which the *Liquid Fuel Supply Act 1984* is administered.
- (3) In this section—

energy chief executive means the chief executive of the department in which the *Liquid Fuel Supply Act 1984* is administered.

Division 2 Reporting

5 Application of division

This division applies to a responsible fuel retailer for a type of fuel offered for retail sale at a service station.

6 Reporting information using aggregation system

- (1) The responsible fuel retailer must ensure the following information is entered into the aggregation system within the period mentioned in subsection (2)—
 - (a) the normal fuel price for the type of fuel;
 - (b) the brand of the type of fuel, if applicable;
 - (c) the trading name by which the service station is known, if applicable;
 - (d) the service station's address and telephone number.

Maximum penalty—20 penalty units.

- (2) The period for subsection (1) is 30 minutes after a change is made to the normal fuel price on any fuel pump display for the fuel at the service station.
- (3) 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 service station.

7 Reporting for fuel temporarily unavailable

- (1) This section applies if, after the fuel price information mentioned in section 6(1) for the type of fuel has been entered into the aggregation system, the fuel is temporarily unable to be offered for retail sale at the service station (the *temporary event*).
- (2) The responsible fuel retailer must ensure that information stating the temporary event has happened is entered into the aggregation system within 30 minutes after the event happens.

Maximum penalty—20 penalty units.

8 Defences for failing to comply

In a proceeding for an offence against section 6 or 7, it is a defence for the responsible fuel retailer to prove—

- (a) an emergency happened that prevented the retailer from complying with the section; or
- (b) the aggregation system could not be accessed or used to comply with the section because of a circumstance, the happening of which was beyond the retailer's control.

Part 3 **Amendment of State Penalties Enforcement Regulation 2014**

9 **Regulation amended**

This part amends the *State Penalties Enforcement Regulation 2014*.

10 **Amendment of sch 1 (Infringement notice offences and fines for nominated laws)**

Schedule 1—

insert—

Fair Trading (Fuel Price Reporting) Regulation 2018

	Column 1	Column 2	
	Infringement notice offence	Infringement notice fine (penalty units)	
		Individual	Corporation
s 6(1)		2	10
s 7(2)		2	10

Authorised person for service of infringement notices—an inspector appointed under the *Fair Trading Act 1989*, section 9

ENDNOTES

- 1 Made by the Governor in Council on 15 November 2018.
- 2 Notified on the Queensland legislation website on 16 November 2018.
- 3 The administering agency is the Department of Justice and Attorney-General.

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