

Serial 58  
Fuel Price Disclosure Bill 2022  
Ms Finocchiaro

A Bill for an Act for the disclosure of information about retail fuel prices



**NORTHERN TERRITORY OF AUSTRALIA**

**FUEL PRICE DISCLOSURE ACT 2022**

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**Act No. [ ] of 2022**

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. [ ] of 2022

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An Act for the disclosure of information about retail fuel prices

[Assented to [ ] 2022]  
[Second reading [ ] 2022]

The Legislative Assembly of the Northern Territory enacts as follows:

**1 Short title**

This Act may be cited as the Fuel Price Disclosure Act 2022.

**2 Commencement**

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

**3 Purpose of Act**

The purpose of this Act is to promote the transparency of fuel prices in the Territory for the benefit of consumers.

**4 Definitions**

In this Act:

**Commissioner**, see section 4(1) of *Consumer Affairs and Fair Trading Act 1990*.

**consumer**, see section 5 of the *Consumer Affairs and Fair Trading Act 1990*.

**fuel** means any petroleum product for the propulsion of motor vehicles.

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***fuel retailer*** means a person who sells fuel to retail consumers in the Territory.

## **5 Application of Criminal Code**

Part IIAA of the Criminal Code applies to an offence against this Act.

*Note for section 5*

*Part IIAA of the Criminal Code 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.*

## **6 Mandatory disclosure of information**

- (1) The Minister may, by *Gazette* notice, require fuel retailers and persons who supply fuel to a fuel retailer to disclose the following information to the Commissioner:
  - (a) the cost to a fuel retailer of carrying on the business of selling fuel;
  - (b) the profit derived by a fuel retailer from carrying on the business of selling fuel;
  - (c) information about the method used by the fuel retailer to determine the retail price of the fuel.
- (2) The *Gazette* notice must contain details of the following:
  - (a) the type of information that must be disclosed;
  - (b) the periods and frequency for providing the information.
- (3) The Minister, in the *Gazette* notice, may also require fuel retailers and persons who supply fuel to a fuel retailer to disclose information about any other matter that the Minister considers necessary or convenient for the performance of the Commissioner's functions under this Act or the *Consumer Affairs and Fair Trading Act 1990*.

## **7 Duty to provide information**

Fuel retailers and persons who supply fuel to a fuel retailer must give the information required by the Minister under section 6 in accordance with the *Gazette* notice.

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## **8 Functions and powers of Commissioner**

- (1) The Commissioner's functions under this Act are to:
  - (a) publish information provided to the Minister under section 7; and
  - (b) perform any other function conferred on the Commissioner by the Minister.
- (2) The Commissioner has the powers necessary or convenient to perform the Commissioner's functions under this Act.
- (3) The Commissioner is subject to any directions of the Minister about the performance of functions under this Act.

## **9 Fuel officers**

- (1) For this Act, the following classes of persons are fuel officers:
  - (a) police officers;
  - (b) persons specified in section 18(1) or (3) of the *Consumer Affairs and Fair Trading Act*.
- (2) Part 3 of the *Consumer Affairs and Fair Trading Act* applies to fuel officers as if:
  - (a) a reference in that Part to the *Consumer Affairs and Fair Trading Act* or a Part of the *Consumer Affairs and Fair Trading Act* were a reference to this Act; and
  - (b) a reference in that Part to an authorised officer were a reference to a fuel officer.

## **10 Offence**

- (1) A person commits an offence if:
  - (a) a *Gazette* notice is published under section 5(1); and
  - (b) the person is a person to whom the notice applies; and
  - (c) the person intentionally engages in conduct; and
  - (d) the conduct results in a contravention of the *Gazette* notice and the person is reckless in relation to that result.

Maximum penalty      400 penalty units or imprisonment for 2 years.

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- (2) Strict liability applies to subsection (1)(a) and (b).

**11 Criminal liability of executive officer of body corporate**

- (1) An executive officer of a body corporate commits an offence if:
- (a) the body corporate commits an offence against section 10 and the officer was reckless about whether the offence would happen; and
  - (b) the officer was in a position to influence the conduct of the body corporate in relation to the offence; and
  - (c) the officer recklessly failed to take reasonable steps to prevent the offence.

Maximum penalty: The maximum penalty that may be imposed on an individual for the relevant offence.

- (2) Strict liability applies to subsection (1)(b).
- (3) In deciding whether the executive officer took, or failed to take, reasonable steps to prevent the offence, a court must consider the following:
- (a) any action the officer took directed towards ensuring the body corporate's employees had a reasonable knowledge and understanding of the requirement to comply with section 7;
  - (b) any action the officer took when the officer became aware that the contravention was, or could be, about to happen.
- (4) Subsection (3) does not limit the matters the court may consider.
- (5) This section does not affect the liability of the body corporate.
- (6) This section applies whether or not the body corporate is prosecuted for, or found guilty of, the offence.
- (7) Without limiting any other defence available to the officer, an executive officer may rely on a defence that would be available to the body corporate if it were charged with the offence with which the executive officer is charged and, in so doing, the officer bears the same burden of proof that the body corporate would bear.
- (8) In this section:

**executive officer**, of a body corporate, means a director or other person who is concerned with, or takes part in, the management of the body corporate.



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**12 Regulations**

The Administrator may make regulations under this Act.

*Note for section 12*

*See section 65 of the Interpretation Act 1978.*