

Serial
Fuel Price Disclosure Bill 2014
Mr Elferink

A Bill for an Act with respect to the disclosure of information about retail prices
charged for certain fuel

DRAFT ONLY

Prepared by the Office of the Parliamentary Counsel

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NORTHERN TERRITORY OF AUSTRALIA

FUEL PRICE DISCLOSURE ACT 2014

Act No. [] of 2014

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2014

An Act with respect to the disclosure of information about retail prices charged for certain fuel

[Assented to [] 2014]
[Second reading [] 2014]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Fuel Price Disclosure Act 2014*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Definitions

In this Act:

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

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

fuel means a product that is generally sold at retail for use for the propulsion of motor vehicles.

fuel retailer means a person whose business is or includes the sale of fuel to consumers in the Territory.

information means information about one or more of the following:

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- (a) the cost to a fuel retailer of carrying on the business of retailing fuel;
 - (b) the profit derived by a fuel retailer from carrying on the business of retailing fuel;
 - (c) other information about the way in which the price of the fuel is determined by a fuel retailer.

4 Application of Criminal Code

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

Note for section 4

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.

5 Gazette notice requiring disclosure of information

- (1) The Minister may, by *Gazette* notice, require the periodic provision of information to the Commissioner by fuel retailers or any other persons from whom a fuel retailer obtains fuel, directly or indirectly.
- (2) The *Gazette* notice must contain details of the following:
 - (a) the type of information that must be provided;
 - (b) the frequency with which the information must be provided;
 - (c) the time after the end of each relevant period before which the information must be provided.
- (3) The *Gazette* notice may also include any other requirement about any matter that the Minister considers necessary or convenient for the performance by the Commissioner of functions under this Act or the *Consumer Affairs and Fair Trading Act*.

6 Functions and powers of Commissioner

- (1) The Commissioner's function under this Act is to publish information about:
 - (a) the information in relation to one or more fuel retailers' business provided to the Commissioner as required by a *Gazette* notice published under section 5(1); and
 - (b) any other thing required to be done by the notice.

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- (2) The Commissioner has any other function conferred on the Commissioner by the Minister.
 - (3) The Commissioner has the powers necessary or convenient to perform the Commissioner's functions under this Act.
 - (4) The Commissioner is subject to any directions of the Minister about the performance of functions under this Act.

7 Fuel officers

- (1) The following classes of persons are fuel officers:
 - (a) police officers;
 - (b) persons mentioned 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.

8 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 engages in conduct; and
 - (d) the conduct results in:
 - (i) the information required under the notice not being provided as required by the notice; or
 - (ii) another thing required to be done under the notice not being done as required by the notice.

Maximum penalty 400 penalty units or imprisonment for
2 years.

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

9 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 this Act (the **relevant offence**); and
 - (b) the officer was in a position to influence the conduct of the body corporate in relation to the commission of the offence; and
 - (c) the officer failed to take reasonable steps to prevent the commission of the offence; and
 - (d) the officer was reckless about whether the commission of the offence would happen.

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

- (2) This section does not affect the liability of the body corporate for the relevant offence.
- (3) This section applies whether or not the body corporate is prosecuted for, or found guilty of, the relevant offence.
- (4) This section does not apply if the body corporate would have been able to establish a defence to a prosecution for the relevant offence.
- (5) 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.

10 Regulations

The Administrator may make regulations under this Act.