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Statement of Regulatory Intent

Fair Trading Act 1987 – Section 58 – publication of service station fuel prices **Fair Trading Regulation 2012 – Part 2 – Division 3 – Fuel price signs**

This Statement sets out the enforcement intentions of NSW Fair Trading, following the commencement of Schedule 2.3 of the *Regulatory and Other Legislation (Amendments and Repeals) Act 2016* on 1 July 2017.

Electricity and hydrogen are prescribed fuels under the *Fair Trading Act 1987*

As of 1 July 2017, section 58 of the *Fair Trading Act 1987* (the Act) defines electricity and hydrogen as 'prescribed fuels'. Accordingly, electric vehicle recharging stations and hydrogen refuelling stations have become 'service stations' as defined by the Act.

Section 58(6) of the Act defines a service station as

“a building or place used for the fuelling of motor vehicles involving the sale by retail of a prescribed fuel, whether or not any other fuel or other product is sold there and whether or not the building or place is used for any other purpose, but does not include a building or place used primarily for the purpose of hiring, leasing or selling motor vehicles”.

Fuel price signs product information standard will not be enforced in relation to electricity as a prescribed fuel

The product information standard in clauses 10 and 11 of the Fair Trading Regulation requires service station operators to display the standard retail price of available fuels, in a manner which can be readily seen by motorists approaching the station when the station is open. For electricity, the standard retail price is the price per kilowatt hour.

The product information standard was intended to capture service stations that sell petrol, diesel or LPG and was not intended to capture the emerging electric vehicle recharging market.

Accordingly, until further notice, Fair Trading will not enforce the fuel price signs product information standard in relation to electricity as a prescribed fuel.

More information

More information about the regulation of service stations is available on the Fair Trading website (www.fairtrading.nsw.gov.au).



Rod Stowe
Commissioner
10 July 2017