



New South Wales

# Fair Trading Amendment (24-Hour Fuel Price Lock) Bill 2026

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Fair Trading Act 1987* (*the Act*) to regulate the retail sale of certain fuels at service stations.

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

## Schedule 1 Amendment of Fair Trading Act 1987 No 68

Schedule 1[2] substitutes Part 4, Division 6.

Proposed section 57A inserts definitions for the proposed division, including *prescribed fuel*, *service station*, *service station operator* and *standard retail price*.

Proposed section 57B defines *sells fuel* for Part 4, Division 6.

Proposed section 57C makes it an offence for an unregistered service station operator to offer a prescribed fuel for retail sale for the fuelling of motor vehicles at a service station.

Proposed section 57D makes it an offence for a service station operator, for each type of prescribed fuel offered at a service station, to fail to notify the Secretary of—

- (a) the maximum standard retail price the prescribed fuel will be sold at on the day (the *daily cap price*), and

- (b) the standard retail price of the prescribed fuel being offered at the service station (the *current offer price*).

Proposed section 57E makes it an offence for a service station operator to offer a prescribed fuel at a price above a certain maximum permitted price, being the lower of—

- (a) the daily cap price, or  
(b) a standard retail price that the fuel has been sold at on the day.

Proposed section 57F makes it an offence for a service station operator to offer a prescribed fuel at a standard retail price other than the current offer price.

Proposed section 57G provides for a defence to the offences inserted by the proposed division.

Proposed section 57H provides that the Secretary may publish information notified under the proposed division in certain circumstances.

Proposed section 57I provides for the review of the proposed division.

Proposed section 58 inserts regulation-making powers.

**Schedule 1[1]** is a consequential amendment to insert signposted definitions for terms defined for Part 4, Division 6 in section 4.

## **Schedule 2 Amendment of Fair Trading Regulation 2019**

**Schedule 2[1]** inserts proposed Part 2C, comprising clauses 11N–11Q.

Proposed clause 11N provides for the information a service station operator must give the Secretary to register a service station.

Proposed clause 11O provides for when a service station operator must notify the Secretary of a daily cap price.

Proposed clause 11P provides for the notification of a standard retail price for certain prescribed fuels if the prescribed fuel is offered for retail sale.

Proposed clause 11Q provides for an exemption to an offence under the Act, proposed section 57E.

**Schedule 2[2]** enables the offences inserted by Schedule 1 to be dealt with by the issue of a penalty notice rather than through court proceedings.

## **Schedule 3 Repeal of Fair Trading (FuelCheck) Order 2016**

**Schedule 3** repeals the *Fair Trading (FuelCheck) Order 2016*.



New South Wales

# Fair Trading Amendment (24-Hour Fuel Price Lock) Bill 2026

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*This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly*

*Clerk of the Legislative Assembly*



New South Wales

## **Fair Trading Amendment (24-Hour Fuel Price Lock) Bill 2026**

No. \_\_\_\_\_, 2026

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### **A Bill for**

An Act to amend the *Fair Trading Act 1987* to regulate the sale of prescribed fuel at service stations, including by setting a daily cap price; and for related purposes.

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*The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.*

*Legislative Council*

*Clerk of the Parliaments*

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**Tabling copy**

**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

This Act is the *Fair Trading Amendment (24-Hour Fuel Price Lock) Act 2026*.

3

**2 Commencement**

4

This Act commences on a day or days to be appointed by proclamation.

5

## Schedule 1 Amendment of Fair Trading Act 1987 No 68

### [1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

*current offer price*, for Part 4, Division 6—see section 57D(2).

*daily cap price*, for Part 4, Division 6—see section 57D(1).

*diesel fuel*, for Part 4, Division 6—see section 57A(1).

*petrol*, for Part 4, Division 6—see section 57A(1).

*prescribed fuel*, for Part 4, Division 6—see section 57A(1).

*sells fuel*, for Part 4, Division 6—see section 57B.

*service station*, for Part 4, Division 6—see section 57A(1).

*service station operator*, for Part 4, Division 6—see section 57A(1).

*standard retail price*, for Part 4, Division 6—see section 57A(1).

### [2] Part 4, Division 6

Omit the division.

Insert instead—

## Division 6 Sale of prescribed fuel at service stations

### 57A Interpretation

(1) In this division—

*current offer price*—see section 57D(2).

*daily cap price*—see section 57D(1).

*diesel fuel* has the same meaning as in the *Biofuels Act 2007*.

*petrol* has the same meaning as in the *Biofuels Act 2007*.

*prescribed fuel* means the following—

(a) petrol,

(b) diesel fuel,

(c) liquefied petroleum gas,

(d) liquefied natural gas,

(e) compressed gas,

(f) hydrogen,

(g) a combination of 2 or more fuels referred to in paragraph (a)–(f),

(h) a combination of a fuel referred to in paragraph (a)–(f) with another substance,

(i) electricity.

*sells fuel*—see section 57B.

*service station*—

(a) means a building or place used for fuelling motor vehicles involving the sale by retail of a prescribed fuel by a person operating or controlling the operation of the building or place, whether or not—

(i) another fuel or product is sold there, or

(ii) the building or place is staffed, or

(iii) the building or place is used for another purpose, but

(b)	does not include a building or place used primarily for hiring, leasing or selling motor vehicles.	1
		2
	<b>Example—</b> a public electric vehicle charging station that is not staffed	3
	<b>service station operator</b> means a person who operates or controls the operation of a service station.	4
		5
	<b>standard retail price</b> , for a prescribed fuel supplied by retail at a service station, means the following—	6
		7
(a)	for hydrogen—the price per kilogram at which the fuel is available to retail customers, without discounts or special offers,	8
		9
(b)	for electricity—the price calculated in accordance with arrangements approved by the Secretary by order published on the NSW legislation website,	10
		11
		12
(c)	otherwise—the price per litre at which the fuel is available to retail customers, without discounts or special offers.	13
		14
(2)	A reference in this division to fuelling a motor vehicle includes a reference to the charging of a battery, or other energy storage device, used to power the motor of an electric motor vehicle.	15
		16
		17
<b>57B</b>	<b>Meaning of “sells fuel”</b>	18
	In this division, a service station operator <b>sells fuel</b> if the service station operator offers a prescribed fuel for retail sale at a service station for fuelling a motor vehicle.	19
		20
		21
<b>57C</b>	<b>Registration of service stations</b>	22
	A service station operator must not sell fuel without the service station being registered in accordance with the regulations.	23
		24
	Maximum penalty—	25
(a)	for an individual—200 penalty units, or	26
(b)	otherwise—1,000 penalty units.	27
<b>57D</b>	<b>Notification of prescribed fuel prices</b>	28
(1)	A service station operator must not sell fuel without notifying the Secretary of a maximum standard retail price for each prescribed fuel on a day (the <b>daily cap price</b> ).	29
		30
		31
	Maximum penalty—	32
(a)	for an individual—200 penalty units, or	33
(b)	otherwise—1,000 penalty units.	34
(2)	A service station operator must not sell fuel without notifying the Secretary of the standard retail price for each prescribed fuel being offered for sale (the <b>current offer price</b> ).	35
		36
		37
	Maximum penalty—	38
(a)	for an individual—200 penalty units, or	39
(b)	otherwise—1,000 penalty units.	40
(3)	The Secretary must make available a NSW Government website for receiving notifications under this section.	41
		42
(4)	A service station operator must make a notification on a NSW Government website made available by the Secretary for this section.	43
		44

<b>57E</b>	<b>Prescribed fuel not to be sold above maximum permitted price</b>	1
(1)	A service station operator must not sell fuel at a price above the maximum permitted price.	2
	Maximum penalty—	3
	(a) for an individual—200 penalty units, or	4
	(b) otherwise—1,000 penalty units.	5
(2)	The maximum permitted price for each type of prescribed fuel on a day is the lesser of—	6
	(a) the daily cap price notified under section 57D for the day for the prescribed fuel, and	7
	(b) if the prescribed fuel has been offered for retail sale for fuelling motor vehicles at the service station at a price below the daily cap price—the lower price.	8
		9
		10
		11
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		13
<b>57F</b>	<b>Prescribed fuel must be sold at current offer price</b>	14
	A service station operator must not sell fuel at a standard retail price other than the current offer price.	15
	Maximum penalty—	16
	(a) for an individual—200 penalty units, or	17
	(b) otherwise—1,000 penalty units.	18
	<b>Note—</b> The current offer price may be below both the maximum permitted price under section 57E and the daily cap price notified under section 57D(1).	19
		20
		21
<b>57G</b>	<b>Defence</b>	22
	It is a defence to a prosecution for an offence against this division if the defendant proves the following—	23
	(a) the commission of the offence was due to causes over which the defendant had no control,	24
	(b) to prevent the commission of the offence the defendant—	25
	(i) took reasonable precautions, and	26
	(ii) exercised due diligence.	27
		28
		29
<b>57H</b>	<b>Publishing prices of prescribed fuel</b>	30
	The Secretary may publish information notified under this division—	31
	(a) as the Secretary thinks fit, and	32
	(b) in accordance with the regulations.	33
<b>57I</b>	<b>Review of division</b>	34
(1)	The Minister must review this division to determine whether—	35
	(a) the policy objectives of the division remain valid, and	36
	(b) the terms of the division remain appropriate for securing the objectives.	37
(2)	The review must be undertaken as soon as possible after the period of 1 year from the commencement of this division.	38
		39
(3)	A report on the outcome of the review must be tabled in each House of Parliament within 6 months after the end of the 1-year period.	40
		41

<b>58 Regulations</b>	1
(1) The regulations may make provision about the sale of prescribed fuel at service stations, including the following matters—	2 3
(a) registration of service stations,	4
(b) the notification to the Secretary of—	5
(i) the daily cap price of prescribed fuels, and	6
(ii) the current offer price of prescribed fuels,	7
(c) the publication of information or prices notified to the Secretary,	8
(2) The regulations may exempt a person from the whole or part of this division.	9

<b>Schedule 2</b>	<b>Amendment of Fair Trading Regulation 2019</b>	1
<b>[1] Part 2C</b>		2
	Insert after Part 2B—	3
	<b>Part 2C Sale of prescribed fuel—the Act, s 58</b>	4
<b>11N</b>	<b>Registration information</b>	5
(1)	For the Act, section 57C, a service station operator registers a service station by giving the Secretary the following information—	6
(a)	for the person conducting the business of the service station—	7
(i)	the person’s name,	8
(ii)	the Australian Company Number within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth, section 9,	9
(iii)	the Australian Business Number within the meaning of the <i>A New Tax System (Australian Business Number) Act 1999</i> of the Commonwealth under which the business is conducted,	10
(b)	the trading name of the service station,	11
(c)	the brands of prescribed fuels sold at the service station,	12
(d)	the types of prescribed fuels sold at the service station,	13
(e)	the address of the service station, including the number, street name and suburb,	14
(f)	the following details for a nominated primary contact person—	15
(i)	the person’s name,	16
(ii)	the person’s position or job title,	17
(iii)	the person’s mobile phone number,	18
(iv)	the person’s email address.	19
(2)	The Secretary must make available a NSW Government website for receiving registrations under this clause.	20
(3)	A service station operator must register on a NSW Government website made available by the Secretary for this clause.	21
<b>11O</b>	<b>Notification of daily cap price for prescribed fuels</b>	22
(1)	For the Act, section 57D(1), a service station operator must notify a daily cap price for a type of prescribed fuel for a day before 4pm on the preceding day.	23
(2)	If a notification is not made under subclause (1), the last notification made continues to have effect for fixing the daily cap price for the next day.	24
<b>11P</b>	<b>Notification of current offer price for prescribed fuels</b>	25
(1)	For the Act, section 57D(2), a service station operator must notify a standard retail price for each of the following types of prescribed fuel if the prescribed fuel is offered for retail sale at a service station for fuelling motor vehicles—	26
(a)	regular unleaded petrol, known as RON 91,	27
(b)	E10, known as RON 94,	28
(c)	premium unleaded petrol labelled RON 95,	29
(d)	premium unleaded petrol labelled ROB 98,	30

- (e) E85, known as RON 105, 1
  - (f) diesel, 2
  - (g) fuel labelled premium diesel, 3
  - (h) B20, known as biodiesel and diesel, 4
  - (i) liquefied petroleum gas, known as LPG, 5
  - (j) compressed natural gas or natural gas for vehicles, known as CNG or NGV, 6  
7
  - (k) liquefied natural gas, known as LNG. 8
- (2) A notification under this clause must state the time and date the prescribed fuel is offered for sale. 9  
10

**11Q Exemption for resupplies—the Act, s 58(2)** 11

The Act, section 57E does not apply to the retail sale of prescribed fuel for fuelling motor vehicles at a service station on a day if— 12  
13

- (a) the service station has taken delivery of a further supply of the prescribed fuel on the day, and 14  
15
- (b) the supply of the prescribed fuel occurred after a notification under section 57D(1) of the daily cap price for the day. 16  
17

**[2] Schedule 1 Penalty notice offences** 18

Insert in appropriate order in the table under the heading **Offences under the *Fair Trading Act 1987***— 19  
20

Section 57C	\$1,100	\$5,500
Section 57D(1)	\$1,100	\$5,500
Section 57D(2)	\$1,100	\$5,500
Section 57E(1)	\$1,100	\$5,500
Section 57F	\$1,100	\$5,500

**Schedule 3 Repeal of Fair Trading (FuelCheck) Order 2016**

1

**Repeal of Fair Trading (FuelCheck) Order 2016**

2

The *Fair Trading (FuelCheck) Order 2016* is repealed.

3