

NORTHERN TERRITORY
***of* AUSTRALIA**

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Member for Fong Lim

HANSARD EXTRACT

CONSUMER AFFAIRS AND ESSENTIAL GOODS AND SERVICES

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I note the Member for Nightcliff took a shot at the Minister for Trade, Business and Asian Relations. I categorically say that all ministers of the Finocchiaro CLP government work together. We work collaboratively to support and help each other. To take a crack at the minister is having a crack at all of us. I take offence at that, as we work together in the best interests of all Territorians. Territorians have yet to see that from the Labor opposition members who seem to be concerned only with their own internal issues and have forgotten what their job is.

I commend the minister for bringing forward this Bill; it is an important Bill that will protect Territorians' interests into the future.

I commend the Bill to the Assembly.

Dr RAHMAN (Fong Lim): Mr Deputy Speaker, as the Middle East conflict continues, the government has a desire to minimise the conflict's impact on fuel supplies. That is what we are doing. There are limitations in the current legislative response mechanisms, and we are trying to identify ways to do something constructive.

It is frustrating to hear the acting Leader of the Opposition, Deputy Leader of the Opposition or whatever he is, misunderstand this legislation. Then, on top of that, he threw in a couple of bombs to make it seem like we are not doing enough in this space.

Let us think a little about the charge that we are concerned about usage of broad powers. You cannot have it both ways, complaining that this Act does not do enough and at the same time be worried about us exceeding powers.

We are introducing a mechanism, essentially in the absence of one …

Mr PAECH: A point of order, Mr Deputy Speaker! Standing Order 9; there is no quorum in the Assembly.

Mr DEPUTY SPEAKER: Ring the bells.

A quorum is present.

Mr DEPUTY SPEAKER: I remind members, we need to keep a quorum in the Chamber.

Dr RAHMAN: I thank the Member for Gwoja for alerting us to an absence of quorum. It is great to see the new opposition Whip in the Chamber holding us to a standard in that regard. I look forward to seeing any of his colleagues at any point also in the Chamber to follow his sterling example.

I miss the Leader of the Opposition who is declared to be absent today in the Notice Paper and given leave. Unlike Mr Ed, she can do something other than read off a script. Is he the new attack dog on legislation? If that is the case, Treasurer, respectfully I am not offended at all by the challenge made against the Minister for Trade, Business and Asian Relations. I am sure she can handle herself if that is the best he can come up with. It is absurd.

A series of contradictory things were said which basically pointed out a complete misunderstanding—on the part of the opposition—of what this legislation does and why it has been introduced. This would be a good opportunity to say, 'We think this is a sensible thing. Perhaps you could refine it. Here are some deficiencies in it,' but, no, there were just contradictory arguments.

On the one hand, you claim we will use broad powers and on the other hand, you complain that this is a 'modest reform' that does not go far enough. It is a reform. We are getting on with it. It is the same story of this side of the Chamber getting on with it. We are passing legislation at a rate of knots; I have made it clear before that I do not always love all of it, but you cannot deny that the Finocchiaro CLP government is getting on with the job.

We made it clear that we had a threefold mandate, and we are pursuing legislation consistent with that. This partly relates to current cost-of-living pressures and concerns regarding energy supply and fuel pricing. We are putting a mechanism in place as quickly as possible to do something about that.

You could make the argument, if you were the Deputy Leader of the Opposition and not on training wheels, that it would be preferable to have a standalone Act to cover all these matters, but that is not the argument being made. That would be a complex, difficult, laborious and technical task.

This government is amending existing legislation in an efficient manner to regulate prices and ensure that Territorians are not price gouged. It extends to other aspects of anti-competitive behaviour.

We are doing things consistent with our deregulation plan and program. It is important for people on the other side of the Chamber to understand some of the underlying economics. Once again, call for help from the mothership. It is time to get help if you want to play in the economic space with us because you cannot be prosecuting the argument seriously about power prices again.

Here is the speech from yesterday if you would like it—I printed it out for you—where I explained to you what we were doing and how you have misunderstood it.

I just heard that this Bill, in and of itself, does not lower fuel prices. That is right. It is a small regulatory mechanism to improve consumer affairs and to make sure that we provide a framework for stopping price gouging in its tracks. It is more of a disincentive than an active regulatory mechanism.

It would be useful to articulate what the Bill does because it seems that the opposition has not understood. The Bill refines the operational framework that the Territory has to minimise the impact of exigent circumstances on essential goods and services. The immediate drivers are the war in Iran, which is continuing, and price volatility and fluctuations. As the Treasurer said, there is no reason for alarm or panic. This is a sensible proactive move. There is no immediate or pending risk to the Territory's fuel supplies. This is sensible contingency planning by a government that has a legislative agenda and a defined mandate, and which is constantly thinking about what it needs to do next to stay on target.

The Bill also supports the rollout of the Commonwealth's fuel security plan should that be needed in the future.

We are amending five pieces of legislation rather than trying to put together a complex standalone Act to do the same as the *Consumer Affairs and Fair Trading Act*; the Consumer Affairs and Fair Trading (Fuel Retailers) Regulations; the consumer affairs and fair trading infringement notices; the *Essential Goods and Services Act*; and the Fines and Penalties (Recovery) Regulations. It is a good bit of work. This is what you are supposed to do in government: tidy up existing laws and make sure they are fit for purpose in modern circumstances.

What does it mean in practical terms for things like MyFuel? Retailers must report the price and availability of fuel, the reason fuel is not available and when it is expected to return. Retailers can lower their prices at any time. Price increases are limited to once per day in a reporting period. We are trying to stop this wild volatility where you are driving home thinking, 'Hang on, it was X in the morning and then it was Y. Now two hours later it is Z.' We are trying to make sure that selling above the reported price cannot be done. It remains an offence, but selling below is not; that is the key thing.

The operational provisions, including the offences, have been moved from Part 11 of the Act into the regulations. That has been done to create consistency in this framework.

The *Essential Goods and Services Act* dates from 1981 and has never been activated. We are reviewing it against the current crisis and identifying gaps in its operation.

The trigger for the Administrator's declaration is clarified—again, that tightens how this will work in practice in small but meaningful ways—for when supply is likely to be less than sufficient for the reasonable functioning of a community, a region or the whole Territory. The minister gains the power to request information in writing from suppliers before or after a declaration.

As the Treasurer pointed out, the CEO may appoint authorised officers to monitor compliance and investigate suspected breaches; that is what we want. We want to ensure that retailers are doing the right thing. The Act previously had no monitoring or enforcement provisions, and that was a problem. The penalties are increased, and new offences are created for obstructing an authorised officer. An infringement notice scheme will be established by regulation for some of the less serious infractions.

These are nudges in the literature to change behaviour. These are small signals to retailers to play fair. That is what we are doing; for all this convoluted talk, it is basically encouraging people not to take the piss. That might have been a better way of explaining it to the Deputy Leader of the Opposition.

The government is not setting fuel prices; retailers remain free to set their own prices. Every jurisdiction other than the Territory has a form of standalone fuel regulation reaching across the supply chain. Regarding the concerns about authorised officers entering residential premises, that can happen only with the occupier's permission or under a warrant. Many remote service stations operate as part of a residential complex.

Suppliers who suffer any loss in complying with the ministerial direction will be entitled to compensation on just terms. That is built into this.

There are concerns about consultation, but what would you have us do? Would you have us consult on a complex piece of legislation to be developed over 12 months while everybody gets price gouged? Is that the plan? There was no formal consultation associated with this because this government is being agile to make required changes so that Territorians get a fair go.

Feedback from fuel retailers and the public since the crisis began has informed the Bill, as well as the government's experience of dealing with disaster-driven supply disruption. We have seen plenty of that recently. We know how important fuel is. A bunch of bush members on our side acutely understand how important fuel is. This is about trying to protect them as much as anyone else.

We want this to commence soon. That is the whole idea, which is why this has come through quickly. We are trying to provide laws consistent with certainty and security. I grow weary at times of saying the same things in terms of key messaging, but the truth is we are consistent in our messaging. It is extremely important to point out when we are doing something consistent with our narrative.

This Bill is about certainty and security at the bowser for Territorians, and security of supply for the Territory. That is what we are doing in our year of growth, certainty and security. This is a responsible forward-planning measure from a government getting on with the job. We are not saying that this is the whole picture, but it is a sensible step, considering we do not have anything else to deal with this.

The Territory is the only jurisdiction in the country without the tools to step in across the fuel supply chain when needed, and this Bill essentially closes that gap; it does not slam it shut, but it closes the gap. We are shoring up contingency plans to make sure that day-to-day life can be a little easier for Territorians to navigate. It is better to have these tools and not need to use them. If we do not need to use them, so be it, but we do not want to be caught flat-footed if things escalate in other parts of the world and have a knock-on effect for us. We are the only place unable to manoeuvre to soften the blow of fuel prices rising.

Just for a reality check, the Territory's approach is consistent with schemes already operating in every other jurisdiction and with the steps taken by other governments this year in response to the same conflict. Every jurisdiction has a fuel price reporting scheme. Western Australia has FuelWatch, New South Wales and the ACT have FuelCheck, South Australia and Tasmania have their own FuelCheck, Victoria has Servo Saver and the Territory has MyFuel. We are improving the standard of that.

The closest model to ours is WA's FuelWatch. Under its *Petroleum Products Pricing Act,* retailers report the next day's price and must hold it unchanged for 24 hours. That is the same approach of one price per reporting period that the Territory is adopting, whilst still allowing prices to lower. During the recent conflict, WA increased its FuelWatch noncompliance penalties from $1,000 to $4,000. That is a direct parallel to the penalty increases in this Bill. These are not just things that we have dreamt up out of nowhere; they are consistent with what is happening elsewhere. This should not be controversial.

It is important to make the point and flesh out the details of this because a lot of the time, on anything to do with our economic affairs, there is simply no interrogation of a Bill or its underlying logic by the opposition. It is important for the public to understand that we thought through the details and there is a reason behind the Bill; it is not just a bit of fluff.

The Commonwealth *Liquid Fuel Emergency Act* allows a fuel emergency to be declared after which the responsible minister may direct fuel stocks to be maintained, transferred, allocated or rationed.

It also provides compensation for those who comply with a direction, mirroring the 'just terms' provisions that are in the Territory's Act. Like the Territory's Act, the Commonwealth Act has not been triggered in four decades or so, including through two Gulf wars and the pandemic, underlining the fact that these are contingency powers, not everyday ones. Each state and Territory is still responsible for managing fuel shortages within its own boundaries and has the legislation and responses to do so. There is no reason why we should not as well.

In 2026 you have seen movement in other states on this issue because people are concerned about the cost of living. Here is a hot tip: so are we. We are trying to be more fiscally responsible and create more labour and capital inputs to the system because, as I have said many times, good luck fixing anything in this place without more money and people. We have to deal with the bigger-ticket issues, and to do that we have to stabilise the ship that Labor had been tanking for a decade. This year's budget—it is not glamorous or sexy—

is fiscally responsible and logically consistent with the smallest gap between budgetary rhetoric and budgetary reality that we have had in donkey's years. That is the truth of it.

If you want to spend money on things you care about and have an open conversation to contest what we should spend money on, you have to do the other work. How do we save money? How do we stop the wastage of money? How do we institutionally save money? We cannot do those things without doing a little bit of work everywhere. You cannot just work in one area of the economy; things have to happen across a range of areas, and consumer protection is an important one. We are concerned about the cost of living and fuel prices, so when we make choices to raise power and water prices, we do so advisedly and modestly, knowing that we can only do so much unless we are fiscally responsible.

We are stewards of the future in many regards. I credit you, Member for Johnston, for reminding the Assembly on a regular basis that we should all be thinking about the future. I am always thinking about our economic future; that is all I think about as a macro thinker. I probably should spend more time down in the weeds, but my point is that we must think about structural economic reform, productivity reform and public sector reform—all the big-ticket stuff—if we want the Territory to be a stable growth jurisdiction.

In the short run, on the day to day, in the right now, why is my fuel price so erratic? Why can we not fix that? This government is doing something about it. We are trying to make changes that are small but meaningful.

I freely declare that when I saw the cost-of-living measures associated with motor vehicles at the start of our campaign period and whatnot, I thought, 'What is this? Is this really a thing? Licences, rego—do they really matter?' It turns out I was wrong and it matters to Territorians every day. We need to think about the macro picture, but these small changes add up to significant cost-of-living relief. There is $290m worth of it in the budget. Once again, have a look at Budget and Regional Overview, pages 10 and 11, off the top of my head—I have memorised it at this point. I encourage the opposition to look at it.

What have governments done this year? New South Wales triggered its emergency legislative powers over fuel distribution, and its Energy minister issued a formal information notice compelling major fuel companies to hand over supply and distribution data. That is a direct equivalent of the new power in this Bill for the minister to request information from suppliers. This is to moderate behaviour. The whole point is that retailers need to understand we have a mechanism to bring them into line if they do not play fair.

Victoria similarly passed legislation on 2 April this year to strengthen its power to acquire fuel supply and distribution information. Those measures were accompanied by the same message as ours: there is no immediate shortage, but getting ahead of the problem and being prepared for any scenario is prudent.

In sum, the Bill is bringing the Territory into line with arrangements across the country. We are adopting the same practical measures that other governments have put in place this year.

We care about the cost of living and the everyday win for motorists. This will mean that retailers can lower their price at any time. We are removing red tape so that servos can pass savings on to consumers straightaway. Service stations operate within a competitive market. I probably should not nominate which servo I go to, but the point is that we all keep an eye on it. Local residents know which servo on that road tends to be a few cents cheaper.

I will be honest; I do not pay as much attention as my dad does. My dad gives me more or less a daily report on fuel prices across the Territory. He is one of many people who know that every dollar and cent adds up. You have to be mindful of where fuel prices are cheapest to get the most bang for your buck.

The only pricing offence is charging more than the price reported. This is to protect Territorians from being stung at the pump. Motorists will get more fuel availability information up-front. You will know before you drive to the servo whether fuel is available and if not, why not and for how long. That is particularly relevant to places outside of metropolitan areas. Locking price rises to once per reporting period gives people certainty when budgeting for a trip. There will be no surprise midday hikes.

We are not setting fuel prices; the market still sets the price, competition is still preserved and retailers still make business decisions so their price reflects their intentions. We are stopping them being able to do anything nefarious should a bad retailer choose to do so.

The retailers' obligations are now also all in one place, which makes it clearer to follow and easier to navigate. That is what consumer affairs is about. We are trying to support the system, not necessarily punish anyone. Retailers telling customers that they have fuel helps customers come to them, and that is good for their business.

We want people to understand that the Territory is open for business. That means making choices that are logically consistent and giving our retailers clarity and certainty.

A lot of industries are dependent on—completely beholden to, in fact—fuel prices. Tourism and our freight sectors in particular—grey nomads on the track and the road trains keep our communities stocked—run on confidence that fuel is there. That confidence is good for our whole community.

I acknowledge that the Member for Arafura brought it up yesterday. I do not often speak about what happens out bush. I try to stay in my wheelhouse. For our regional and remote communities, this new test will help make sure any towns which might be cut off from supply can be more ably assisted.

In a genuine shortage, essentials can be prioritised where they matter most. We can prioritise getting fuel, food and supplies to the communities that need them. It is about supporting Territorians in the bush to get on with their lives and business, wherever they live.

Part of certainty and security in our agenda is forward planning and making choices that support contingency. The conflict in the Middle East has pushed up prices and created uncertainty. It is a fool's errand to speculate what will happen in that part of the world. We are conducting a harmonisation with national standards, which I am a big fan of.

In the ordinary course of events, it makes little sense to be too far ahead of the rest of the country. We are catching up. These measures will help us support the rollout of the Commonwealth's fuel security plan if that is needed. A good government has contingency plans in place. This Bill is about shoring up our contingency plans.

The 40-year-old *Essential Goods and Services Act* was written in 1981 after a previous Middle East crisis, and it has never once been activated. It has always been a contingency. It is important that we know it works. Replacing vague references to a community's requirements with the functioning of a community, for example, or a region of the Territory, allows a tailored response should we ever require one.

The minister will gain the power to request information from those in the supply chain so that recommendations to the Administrator are properly informed.

We have authorised officers to monitor compliance and investigate breaches, which is a practical gap that the old Act did not cover. It is important to have some stick to go with the carrot. The penalties have been lifted to reflect the seriousness of exploiting a genuine shortage and hurting Territorians; they are up to $18,900 for an individual and $94,500 for a body corporate for the head offence. An infringement notice scheme gives us a proportionate, lighter-touch option for minor matters rather than going straight to prosecution. These new offences—like obstructing an authorised officer who is protecting the people and doing an important job on behalf of Territorians—are a welcome addition.

This Bill delivers certainty and security for Territorians at the bowser and across the supply chain. It backs retailers, protects motorists and keeps the Territory moving. We are a responsible government in that regard. We need to plan ahead. The real trouble is that for too long we have been—it is not necessarily malice so much as negligence that has resulted in us landing where we are economically in the Northern Territory. We had decades of poorly thought-out economic and social policy choices. There has often been modest tinkering and the occasional snap decision, then suddenly a sharp jerk in the ship again because we have tried to correct course too quickly.

We made a clear statement to the public that our primary goals were to reduce crime, rebuild the economy and restore the Territory lifestyle. Everything that happens on this side of the Chamber fits into that framework. There is work to be done on all three.

My focus as a subject matter expert of some sort, as a local member and based on my professional background is on the rebuilding-the-economy piece of the puzzle. It is extremely important that we do small, non-sexy things like this Bill to make sure that we are …

Ms Boothby: It is sexy.

Dr RAHMAN: I take the interjection, Attorney-General; it is a sexy Bill.

Consumer affairs and marketplace competition are important things to focus on. Too often governments fixate on deregulating without necessarily thinking about all the other things within that ecosystem that interact with one another. I am pleased that the Minister for Trade, Business and Asian Relations is on the

ball with these matters and is making sure all the things that we do work in harmony. We cannot seek private investment without also providing a stable certain framework for people to invest in. We cannot attract business without also prioritising the needs of consumers, making sure that they are strong, robust and well protected.

We all grow weary of slinging mud in this place—I do not enjoy it—yet you are absolutely right, Member for Johnston, that it is necessary to hold the opposition to account when it is lazy on economics. That is fact. I stopped talking about the state of the economy at budget time because I thought we had finally gotten it clear. I thought, 'Let's put the past behind us and move forward and prosecute the current economic argument'. However, if those opposite keep trying to pick apart Bills on the basis of hyperbole and silly arguments, I will have to keep reminding them over and again that they are weak on the economy, consumer affairs and creating stable growth in the north of Australia.

This government is trying to remedy that by being fiscally disciplined; spending in line with our priorities and our core mandate; listening to Territorians; and being flexible and dynamic to account for contemporary circumstances and changes in the narrative.

Circumstances change, and when they change a good government changes with them. We are making small changes to legislation to protect consumers and give ourselves contingency powers which will be utilised if the conflict in the Middle East continues to create price volatility and uncertainty and deleteriously affect the everyday consumer.

I am happy to wave Bills like this through if we all agree that they are sensible. If the opposition challenges them on weak grounds, like it has done today, you can expect that I will get up and tear it down every time.

This Bill is solid; it will make a material difference to improving the lives of Territorians by ensuring that fuel prices are stable. We are trying to create certainty, security and stability.

I commend the Bill to the Assembly.

Mr MACKAY (Goyder): Mr Deputy Speaker, the cost of fuel disproportionately affects rural and remote Territorians. Members who live close to Parliament House and drive to work might fill up once per week or every two weeks. I have to fill up two or three times per week because I am active in my community. Rural residents who drive to town or further to the bush spend a lot of money on fuel.

Let us not forget that the federal government has the power over the fuel excise. The fuel excise is designed to tax people for using roads. The idea was that it would be levied for land transport projects. Over the decade to 2022–23 only 57% of fuel excise was reinvested in land transport projects. The rest of the time, Anthony Albanese and the federal government have taken the money we pay at the bowser and spent it on their projects willy-nilly.

Let us not forget that in another 10 days or thereabouts the fuel excise levy reduction—the federal government reduced it by 50%—will disappear. On 2 August Territorians will pay more money at the bowser because of Anthony Albanese. The federal government holds the keys, policy changes and taxation which costs Territorians 52c for every litre of fuel purchased. Rather than saying that Australians are doing it tough and wanting to help with the cost of living, it will instead keep taxing us over and again. Australians know you just cannot trust Labor.

In 10 days' time, when Territorians are slugged with another 20c increase at the bowser because of Anthony Albanese, they will remember that the federal Labor government does not care about rural and remote Territorians.

Ms CAHILL (Trade, Business and Asian Relations)(in reply): Mr Deputy Speaker, I thank everybody who contributed to the discussion. I especially thank my colleagues, the Treasurer and the Member for Fong Lim, for jumping to my defence when the Member for Nightcliff incorrectly gave me yet another portfolio. I have seven portfolios. It is a lot to wrap your head around, I know, but minister for consumer affairs is not one of them.

I appreciate that he expects the people responsible for various areas of our legislation to speak about it, which is exactly what happened. The Treasurer and the Attorney-General have carriage of much of this legislation and of keeping Territorians informed in times of crisis in relation to fuel, and they did exactly that. I thank them for doing that. I have a very small role to play in this very big topic of fuel security, and I could not do it without the support of my colleagues.