



Competition and Consumer Amendment Regulation 2013 (No.)¹

Select Legislative Instrument 2013 No.

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Competition and Consumer Act 2010*.

Dated 2013

Governor-General

By Her Excellency's Command

[DRAFT ONLY – NOT FOR SIGNATURE]

Assistant Treasurer

DRAFT ONLY

1 Name of regulation

This regulation is the *Competition and Consumer Amendment Regulation 2013* (No.).

2 Commencement

This regulation commences on the commencement of the *Competition and Consumer Amendment Act 2013*.

3 Amendment of *Competition and Consumer Regulation 2010*

Schedule 1 amends the *Competition and Consumer Regulation 2010*.

Schedule 1 Amendment

(section 3)

[1] After regulation 80

insert

80A Single price does not apply to surcharges on food in restaurants

- (1) For paragraph 48 (4A) (a) of the Australian Consumer Law, a class of representations is representations that:
 - (a) are made on the menu of a restaurant; and
 - (b) refer to the imposition of a surcharge on the consideration for the supply of food by the restaurant on a specified day or days.
- (2) For paragraph 48 (4A) (b) of the Australian Consumer Law, a condition in relation to a representation in the class is that the representation must include the words “a surcharge of [percentage] applies on [the specified day or days]”.
- (3) For paragraph 48 (4A) (b) of the Australian Consumer Law a condition in relation to a representation in the class is that:
 - (a) the representation must be displayed at least as prominently as the most prominent display on the menu of the following:
 - (i) the consideration for the supply of food;
 - (ii) a fee or surcharge relating to the supply of food; or
 - (b) if the menu does not display the consideration for the supply of food, and does not display any other fee or surcharge relating to the supply of food, the representation must be displayed in a way that is conspicuous and visible to a reader.

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(4) In this regulation:

restaurant:

- (a) includes a cafe, bistro or similar establishment (however described) in which food is served to customers; and
- (b) does not include a business, service or arrangement by which food is provided or delivered to customers in the expectation of consumption at a later time; and
- (c) does not include a business, service or arrangement for the delivery of groceries.

Example for paragraph (b)

A business that delivers prepared meals as part of a diet or health program.

Example for paragraph (c)

The home delivery service of a supermarket.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.comlaw.gov.au.