



## **Competition and Consumer (Price Monitoring—Petroleum Fuels) Direction 2019**

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I, Josh Frydenberg, Treasurer, give the following direction to the Australian Competition and Consumer Commission.

Dated: 16 December 2019

Josh Frydenberg  
Treasurer

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## Part 1—Preliminary

### 1 Name

This instrument is the *Competition and Consumer (Price Monitoring—Petroleum Fuels) Direction 2019*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under the *Competition and Consumer Act 2010*.

### 4 Definitions

Note: Expressions have the same meaning in this instrument as in the *Competition and Consumer Act 2010* as in force from time to time—see paragraph 13(1)(b) of the *Legislation Act 2003*.

In this instrument:

**Act** means the *Competition and Consumer Act 2010*.

**ANZSIC** means the Australian and New Zealand Standard Industrial Classification 2006 (1292.0) published by the Australian Bureau of Statistics, as revised and in force on the day this instrument commences.

Note: In 2019, the text of the Australian and New Zealand Standard Industrial Classification 2006 was accessible through the Australian Bureau of Statistics website (<http://www.abs.gov.au>).

**bulk petroleum storage sub-industry** means those parts of the following industries that relate to the supply of bulk petroleum storage services:

- (a) other warehousing and storage services industry;
- (b) port and water transport terminal operations industry.

Section 4

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*exempt supply* has the same meaning as in Part VIIA of the Act.

*fuel retailing industry* means the fuel retailing industry (class 4000) as classified in ANZSIC.

*goods* has the same meaning as in Part VIIA of the Act.

*other warehousing and storage services industry* means the other warehousing and storage services industry (class 5309) as classified in ANZSIC.

*person* has the same meaning as in Part VIIA of the Act.

*petroleum fuel manufacturing industry* means the petroleum fuel manufacturing industry (class 1701) as classified in ANZSIC.

*petroleum product wholesaling industry* means the petroleum product wholesaling industry (class 3321) as classified in ANZSIC.

*port and water transport terminal operations industry* means the port and water transport terminal operations industry (class 5212) as classified in ANZSIC.

*price* has the same meaning as in Part VIIA of the Act.

*quarter* means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December.

*services* has the same meaning as in Part VIIA of the Act.

*State or Territory authority* has the same meaning as in Part VIIA of the Act.

*supply* has the same meaning as in Part VIIA of the Act.

## **Part 2—Price monitoring of petroleum fuels**

### **5 Object**

The object of this instrument is to continue the Commission's monitoring of the prices, costs and profits relating to the supply of petroleum products in Australia for a further period of 3 years.

### **6 Commission to monitor prices**

- (1) Under subsection 95ZE(1) of the Act, the Commission is directed:
  - (a) to monitor prices, costs and profits relating to the supply of goods and services in each of the following industries:
    - (i) the fuel retailing industry;
    - (ii) the petroleum product wholesaling industry;
    - (iii) the petroleum fuel manufacturing industry;
    - (iv) bulk petroleum storage sub-industry;
  - (b) to give the Treasurer a report on the monitoring at least once every quarter during the period of 3 years beginning on 1 January 2020.
- (2) Subsection (1) does not apply in relation to:
  - (a) an exempt supply; or
  - (b) the supply of a good or service by a State or Territory authority.

### **7 Direction to give special consideration to specified matters**

Under subsection 95ZH(1) of the Act, the Commission is directed to give special consideration, to:

- (a) the object of this instrument; and
  - (a) monitoring the prices, costs and profits relating to the supply of:
    - (i) petroleum fuel products; and
    - (ii) services related to the supply of petroleum fuel products;
- in exercising its powers and performing its functions under Part VIIA of the Act in relation to the direction in section 6.