

Competition and Consumer (Price Monitoring—Petroleum Fuels) Direction 2022

I, Jim Chalmers, Treasurer, give the following direction to the Australian Competition and Consumer Commission.

Dated 14 December 2022

Dr Jim Chalmers

Treasurer

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Part 1—Preliminary

1 Name

This instrument is the *Competition and Consumer (Price Monitoring—Petroleum Fuels) Direction 2022*.

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Note: This table relates only to the provisions of this instrument as originally made.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 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 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 2022, 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.

***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

6 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.

7 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 2023.

(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.

8 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.

Schedule 1—Repeals

Monitoring of Prices, Costs and Profits Relating to the Supply of Petroleum Products in the Petroleum Industry in Australia (15/07/2013) [F2013L01423]

1 The whole of the instrument

Repeal the instrument.

Competition and Consumer Act 2010 - Monitoring of the Prices, Costs and Profits Relating to the Supply of Unleaded Petroleum Products in the Petroleum Industry in Australia (09/12/2014) [2014L07124]

2 The whole of the instrument

Repeal the instrument.

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

3 The whole of the instrument

Repeal the instrument.

Monitoring of Prices, Costs and Profits Relating to the Supply of Petroleum Products in the Petroleum Industry in Australia [F2019L00064]

4 The whole of the instrument

Repeal the instrument.

Trade Practices Act 1974 - Direction No. 32 - Monitoring of the prices of unleaded petroleum products [F2008L01125]

5 The whole of the instrument

Repeal the instrument.