



Competition and Consumer (Prices Surveillance—Aeronautical Services to NSW Regional Airlines) Direction 2023

I, Andrew Leigh, Assistant Minister for Competition, Charities and Treasury, give the following direction to the Australian Competition and Consumer Commission.

Dated 19 June 2023

Dr Andrew Leigh
Assistant Minister for Competition, Charities and Treasury
Parliamentary Secretary to the Treasurer

Contents

Part 1—Preliminary	1
1 Name	1
2 Commencement	1
3 Authority.....	1
4 Schedules	1
5 Definitions	1
Part 2—Direction to give special consideration in undertaking prices surveillance	3
6 Object	3
7 Scope of the Direction	3
8 Direction	3
Part 3—Application	4
9 Application	4
10 Cessation.....	4
Schedule 1—Repeals	5
<i>Competition and Consumer (Prices Surveillance—Aeronautical Services to NSW Regional Airlines) Direction 2022</i>	5

Part 1—Preliminary

1 Name

This instrument is the *Competition and Consumer (Prices Surveillance—Aeronautical Services to NSW Regional Airlines) Direction 2023*.

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	1 July 2023.	1 July 2023

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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:

ABN has the meaning given by the *A New Tax System (Australian Business Number) Act 1999*.

aeronautical services and facilities has the meaning given by Part 7 of the *Airports Regulations 1997*.

index number, for a quarter, means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician for that quarter.

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

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

Part 2—Direction to give special consideration in undertaking prices surveillance

6 Object

The object of this instrument is to facilitate continued access to Sydney (Kingsford-Smith) Airport by operators of regular public transport air services operating wholly within the State of New South Wales.

7 Scope of the Direction

This instrument applies to an exercise of power and performance of functions under Part VIIA of the Act by the Commission in relation to the pricing of aeronautical services and facilities at the airport known as the Sydney (Kingsford-Smith) Airport, insofar as the exercise of power or performance of functions relates to either or both of the following instruments:

- (a) the *Competition and Consumer (Price Notifications—Aeronautical Services to NSW Regional Airlines) Declaration 2023*;
- (b) the *Competition and Consumer Act 2010 – Monitoring of the Prices, Costs and Profits Relating to the Supply of Aeronautical Services and Facilities at Specified Airports in Australia*.

Note: In 2023, the instrument referred to in paragraph (b), as currently in force, can be found on the Federal Register of Legislation with the Register ID F2012L01271.

8 Direction

Under section 95ZH of the Act, the Commission is directed to give special consideration, in exercising its powers and performing its functions, to the Government's policy that for each financial year, over the period in which this instrument applies, the total revenue-weighted percentage increase in prices (including new or restricted prices):

- (a) for the provision of aeronautical services and facilities that are declared to be notified services by the *Competition and Consumer (Price Notifications—Aeronautical Services to NSW Regional Airlines) Declaration 2023*; and
- (b) that are paid by operators of regular public transport air services operating wholly within the State of New South Wales; and
- (c) that are paid to Sydney Airport Corporation Limited (ABN 62 082 578 809);

should not exceed the percentage by which the sum of the index numbers for the quarters of the 12 month period (the reference year) ending on 31 March immediately before the start of the financial year is greater than the sum of the index numbers for the quarters of the 12 month period ending on 31 March in the year immediately before the reference year.

Note: The percentage increase between the sums of index numbers represents the inflation rate for the relevant year.

Part 3—Application

9 Application

This instrument applies to the financial years commencing on 1 July 2023, 1 July 2024 and 1 July 2025.

10 Cessation

This instrument ceases to apply on 30 June 2026, and is repealed on 1 July 2026.

Schedule 1—Repeals

Competition and Consumer (Prices Surveillance—Aeronautical Services to NSW Regional Airlines) Direction 2022

1 The whole of the instrument

Repeal the instrument.