

**AUSTRALIAN CAPITAL TERRITORY**

**INDEPENDENT COMPETITION AND REGULATORY  
COMMISSION ACT 1997**

**REFERENCE FOR INVESTIGATION UNDER SECTION 15  
AND  
SPECIFIED REQUIREMENTS IN RELATION TO INVESTIGATION UNDER  
SECTION 16**

**INSTRUMENT NO. 69 OF 2001**

*Reference for Investigation Under Section 15*

Pursuant to subsection 15(1) of the Act, I refer to the Independent Competition and Regulatory Commission (the "Commission") the matter of an investigation into motor vehicle fuel, including petroleum, diesel and gas, prices in the ACT.

*Specified Requirements in Relation to Investigation Under Section 16*

Pursuant to subsection 16(1) of the Act, I specify the following requirements in relation to the conduct of the investigation:

The Commission is to have regard to the following in its report on the Inquiry:

- (1) whether an efficient retail price for petroleum is being delivered in the ACT;
- (2) whether there is a higher average cost of fuel in the ACT compared to other capital cities and neighbour Queanbeyan;
- (3) whether there is efficient competition in the ACT distribution and retail sectors in the ACT;
- (4) whether the fluctuation of ACT fuel prices, particularly prior to public service pay days and peak holiday periods, is indicative of a failure in the retail market that disadvantages consumers;
- (5) the efficacy of the Petroleum Products Pricing Amendment Act 2000 passed in Western Australia and whether similar reforms would provide a net benefit to the community as a whole in the ACT;
- (6) whether there are tied arrangements between retailers and distributors in the ACT fuel market that have the effect of restricting competition; and
- (7) any other related matter.

In undertaking the inquiry, the Commission is to:

- (i) conclude the Inquiry by 30 June 2001 and report as soon as practicable thereafter;
- (ii) note the ACCC Inquiry and restrain from unnecessarily inquiring into those issues under reference to the ACCC;

- (iii) focus the Inquiry to those changes that have occurred since previous Inquiries into the ACT motor vehicle fuel, including petroleum, diesel and gas, market;
- (iv) have regard to the Government's view that the reasonable costs of the Inquiry ought not exceed \$60,000; and
- (v) have regard to the Inquiry report being advice to the Legislative Assembly.

Dated this 14<sup>th</sup> day of April 2001

**GARY HUMPHRIES**  
TREASURER