



LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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**SELECT COMMITTEE ON FUEL PRICING**

Ms Tara Cheyne MLA (Chair), Mr Mark Parton MLA (Deputy Chair), Mr Andrew Wall  
MLA

**Inquiry into Fuel Pricing  
Matters raised at public hearing on 8 May 2019  
ANSWER TO QUESTION ON NOTICE**

Asked by Mr Andrew Wall MLA:

In relation to: Inquiry into Fuel Pricing

To ask: Mr Ponton

**MR WALL:** It does not aggregate. I have a follow-up question on the planning issue. I have asked a number of people what we need to do to get these discount retailers to stick. I think that Gull was one of the brands back in the day when it was brought in, which turned into United.

**Mr Barr:** Yes.

**MR WALL:** Why were conditions not put on the lease for those blocks to ensure that it was only a discount operator? That would have prohibited one of the majors essentially occupying and operating from the site. I know it is a legacy issue but is it something that could be—

**Mr Barr:** Sorry, on that site?

**Mr Barr:** Okay. We will have to go back and check. This would have been when the late Terry Connolly was the consumer affairs minister. Then Brendan Smyth was mentioning that his government—

**MR WALL:** Yes, this is a legacy issue from—

**Mr Barr:** Yes, it is going back 20 years to—

**MR WALL:** governments that will rear their heads on Friday.

**Mr Ponton:** It is important to note that even if there were provisions within the crown lease, the crown lease at any point can be varied and then a change of use charge et cetera is applied. We can certainly go back and look at those particular crown leases. I would expect that if they were sold to a particular operator or to a discount operator, there would have been a provision in the crown lease. But, when sold, I suspect there would have been an application to vary the crown lease.

**MR PONTON:** The answer to the Member's question is as follows:-

I am aware of at least one older Crown lease that restrained an independent service station provider from divesting its site to a larger oil company for a prescribed period of time.

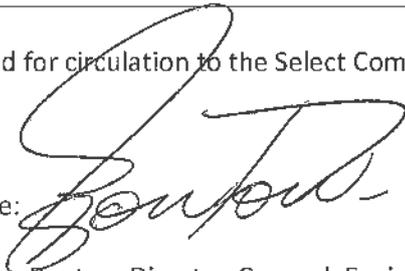
Specifically, 96 Sheppard Street Hume (Block 23 Section 2 Hume). This Crown lease commenced on 12 January 1995 in favour of Clifton Valley Pty Limited (name changed to Gull Petroleum (A.C.T.) Pty Limited on 4 January 2006). The lease prevented the lessee from:

- transferring, assigning, sub-leasing, licencing or parting with the premises for 10 years from the commencement date of the lease; and
- entering into a franchise agreement with a major oil company for 10 years from the commencement date of the lease.

The lease was sub-leased to Woolworths in October 2005 and transferred (subject to the sub-lease to Woolworths) to a third party in March 2006, just after the 10 year period ended. The Crown lease purpose clause has not been varied.

Approved for circulation to the Select Committee on Fuel Pricing

Signature:



Date: 29-5-19

By Mr Ben Ponton, Director-General, Environment, Planning and Sustainable Development