# Interim Report on Inquiry into ACT Fuel Pricing

Select Committee on Fuel Pricing

May 2019

## The Committee

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### Resolution of appointment and Terms of Reference

Fuel prices continue to be of great concern to Canberrans given a significant proportion of income is spent on fuel as a commodity.

The Resolution appointing the Select Committee was passed by the Legislative Assembly on 14 February 2019.[[1]](#footnote-1)

The Committee’s Terms of Reference are:

That:

1. a select committee be established to inquire into, and report on, fuel prices in the ACT, including:
2. fuel price methodology and key determinants;
3. characteristics of the ACT fuel market, including historical changes;
4. the impact of fuel prices on the ACT community;
5. reasons for significant pricing discrepancies within the ACT and when compared to other Australian communities and capital cities;
6. consideration of best practice approaches and initiatives in other jurisdictions which have a meaningful impact on reducing fuel prices; and
7. regulatory and legislative solutions and barriers, particularly around competition and retail margins;
8. the select committee shall consist of the following:
9. one Member to be nominated by the Government;
10. two Members to be nominated by the Opposition; and
11. the Chair shall be the Government Member;
12. the select committee is to report by the last sitting day in June 2019;
13. the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

On 16 May 2019, the Assembly moved that that the date the select committee is to present its report be extended from the last sitting day in June 2019 to 17 September 2019.[[2]](#footnote-2)

## Acronyms and Abbreviations

|  |  |
| --- | --- |
| ACCC | Australian Competition and Consumer Commission (Commonwealth) |
| ICRC | ACTIndependent Competition and Regulatory Commission |
| AIP | Australian Institute of Petroleum |
| APACMA | Australasian Convenience and Petroleum Marketers Association |
| Fuel Check | An online tool designed to provide consumers with real-time information about fuel prices at every service station across NSW, established by the NSW Government in 2016. |
| FuelWatch | A scheme where fuel retailers are required to notify their next day’s retail price for each fuel they sell by 2pm and stay at the notified price from 6am for 24 hours, established by the WA Government in 2002. FuelWatch aims are to provide certainty and transparency. |
| Informed Sources | A company which provides services to petroleum retailers including price management, network awareness, custom surveys and community intelligence. Informed Sources also runs *Motor Mouth*, an online tool and app which provides consumer awareness of fuel prices. |
| MTA | Motor Trades Association |
| MTA ACT | The Motor Trades’ Association of the ACT. |
| NRMA | National Roads and Motorists’ Association – the NSW motorists’ organisation. |
| RAC WA | Royal Automobile Club of Western Australia – the WA motorists’ association |
| Viva | One of Australia’s largest energy companies and the exclusive licensee of the Shell brand and its products in Australia. |

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## Conduct of Inquiry to Date

### Submissions

* 1. The Committee invited submissions to the inquiry on 18 February 2019 by advertisement on the Committee website, on social media sites and by media release to all ACT and a range of interstate media outlets. The Committee directly invited a number and range of organisations and individuals with an interest in the matters before the Committee to provide written submissions.
  2. The Committee set 11 March 2019 for receipt of submissions and continues to accept submissions as more people become engaged.
  3. To date, the Committee has received 23 written submissions. All submissions received and published are listed in **Appendix A** and can be downloaded from the Committee website.

### Survey of Community Attitudes to Fuel Pricing

* 1. In addition to receiving submissions to the inquiry, the Committee created an online community survey. This survey recorded 358 submissions (to date) which are on the Committee’s website at: <https://www.parliament.act.gov.au/in-committees/select_committees/fuel-prices/inquiry-into-fuel-pricing#tab-1319674-6>. They survey remains open at: <https://www.surveymonkey.com/r/FuelPricing>

### Hearings

* 1. The Committee has held seven public hearings on this reference. The hearings were held on 14, 18 and 28 March; 10 and 30 April and 8 and 9 May 2019.
  2. A list of witnesses who appeared before the Committee is at **Appendix B**. The transcripts of these public hearings are available on the Legislative Assembly Website.[[3]](#footnote-3)

### Interstate visit – Victoria and Western Australia

* 1. The inquiry ToR required the Committee to – *inter alia* – consider schemes related to fuel price monitoring and related matters in other jurisdictions.
  2. The Committee held discussions with Victorian Government officials in Melbourne on 11 April 2019.
  3. The Committee was particularly interested to assess and discuss the work and information published by Fuel Watch WA which has been in operation since 2002. The Committee visited Perth on 12 April 2019 and held discussions with Fuel Watch WA officials, with the Motor Trades Association of WA and the Royal Automobile Club of WA.
  4. A detailed summary of the Committee’s schedule for this visit is at **Appendix C**.
  5. The Committee thanks the individuals and organisations who gave the Committee the benefit of their experience and practical knowledge during this visit, and for their frank and informative opinions.

### Questions arising from hearings

* 1. During the Committee’s hearings, witnesses took a number of questions on notice from the Committee. The answers to these questions are reproduced on the Committee inquiry website.[[4]](#footnote-4)

### Purpose of this Interim Report

* 1. It is apparent that the ACT fuel market is not meeting consumer expectations. Equally, the committee’s view is that any serious consideration of interference in the market, in particular, must be done with utmost care and analysis and as a last resort.
  2. A range of different measures have been proposed to the committee. The committee notes that this is an inquiry where there is a significant degree of vested interest, particularly from industry. On occasions, evidence provided by one source has been contradicted by another.
  3. The committee is wary of employing measures which may result in unintended negative consequences. Of concern to the committee is that it is difficult to forecast the impact of each of the different measures on fuel prices. However, different measures will guarantee other potential benefits the committee believes could be of genuine benefit to the community, such as transparency, visibility, certainty and fairness.
  4. This report now provides a summary of what the committee has learned as well as the options under consideration by the committee. The committee invites views on these options.

### Further Hearings

* 1. The committee has a number of organisations and individuals from which it still wants to hear, including major fuel retailers. The committee intends to continue these hearings while receiving feedback on the options presented in this report.
  2. Depending on the feedback received, the Committee may wish to recall witnesses who have already appeared.

## Overview of Evidence

### **Fuel prices are largely dependent on external factors**

* 1. Throughout the course of this inquiry, the committee has repeatedly heard commentary that the ACT Government charges a fuel tax and that this contributes to higher fuel prices. The ACT Government does not charge a fuel tax.[[5]](#footnote-5) Instead, fuel prices largely depend on factors which are outside the ACT Government’s control: namely the price of crude oil and macroeconomic conditions, which are largely outside of even the Australian Government’s control.[[6]](#footnote-6) The wholesale price or “terminal gate price” typically accounts for 85-90 per cent of the retail price.[[7]](#footnote-7)

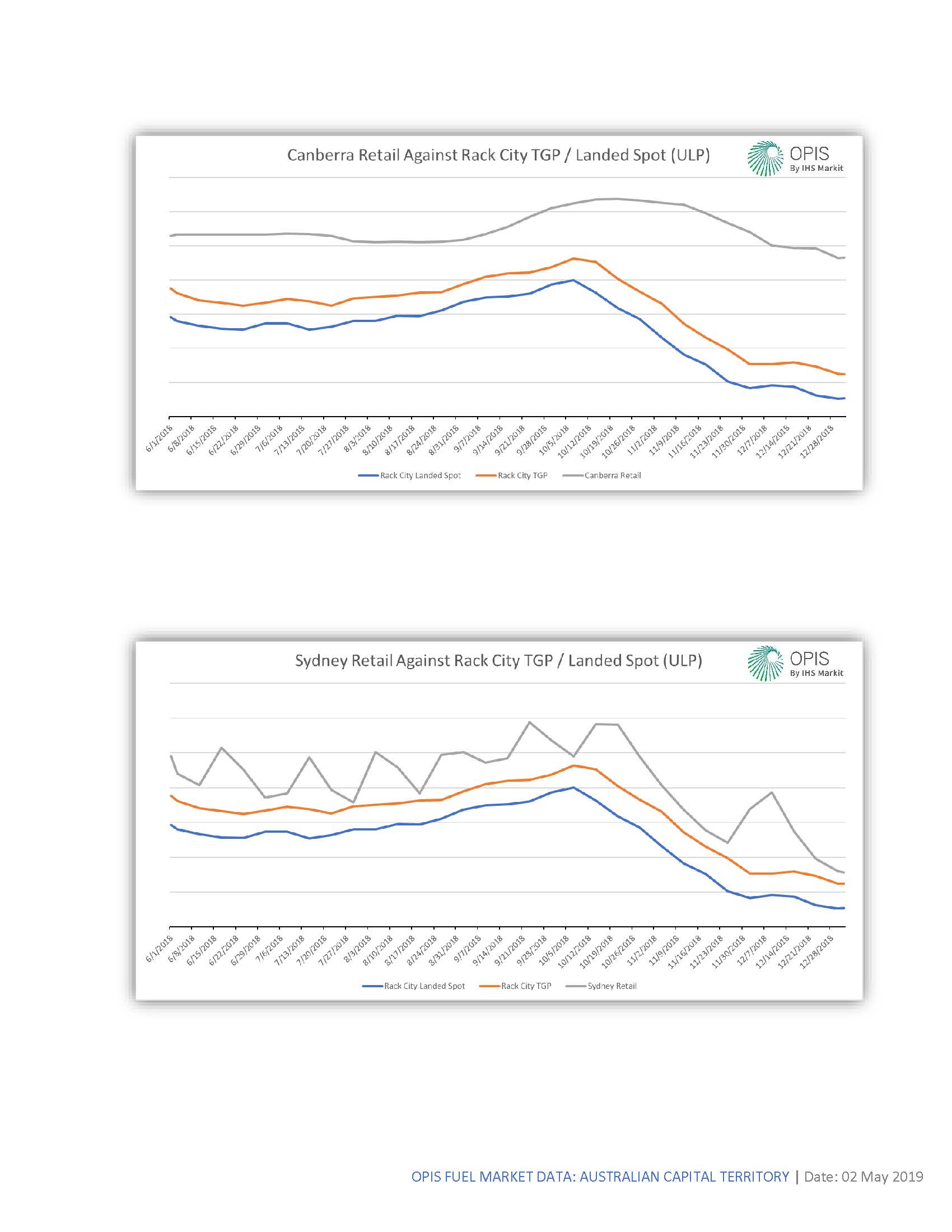
### **Setting fuel prices**

* 1. Some retailers have fuel prices set by the company headquarters; for others, the pricing decision is left to the retailer.[[8]](#footnote-8)
  2. The committee notes that, for retailers, there is little risk in initiating a price increase; if others do not follow suit, the retailer is usually aware, and then simply lowers the price.[[9]](#footnote-9)
  3. The ACCC confirmed that it is not anti-competitive conduct, but rather the market is setting the price.[[10]](#footnote-10) Hay (2005) in the OECD’s report *Competition in Road Fuel* (2013) explains this well: while there is no overt collusion, the fuel market is an interdependent oligopoly.[[11]](#footnote-11)

### **Characteristics of the Canberra market**

#### Higher prices

* 1. Annual average petrol prices in Canberra were between 5.2 and 7.1 cents per litre higher than prices in the five largest cities over the last three financial years, according to the Australian Competition and Consumer Commission.[[12]](#footnote-12)
  2. Canberra petrol prices were also consistently higher than those in Sydney between 2012-13 and 2018-19, with an average difference of 8.9cpl based on data to March 2019, according to the *Independent Competition and Regulatory Commission’s Draft report: Investigation into motor vehicle petrol prices in the ACT*. This price difference has increased in each of the past three years to 15.6cpl in 2018-2019. The commission’s draft report also found ACT petrol prices were on average 2.3cpl higher than in other surrounding towns between 2012-2013 and 2018-2019. However, there were some variations in price differences depending on the town.[[13]](#footnote-13)
  3. It is well established that when the price of crude oil increases, this is quickly reflected in the retail price; when the price of crude oil decreases, this is reflected much more slowly in the retail price. It takes even longer to be reflected in ACT retail prices than in other cities. Evidence given to the committee is that it is generally two or three weeks.[[14]](#footnote-14) Of particular note is October 2018 when a dramatic fall in the wholesale price of fuel failed to influence a sharp downturn in retail prices in the ACT, despite Sydney retail prices falling sharply after a short lag. Instead, ACT prices slowly decreased at a much lower rate.[[15]](#footnote-15) See **Figure 1** below.



#### Lack of price cycle

* 1. The committee has consistently received evidence that Canberra does not have a price cycle; that is, there is no period where prices are very high or very low. Perth has a weekly price cycle; the other four major capital cities have cycles which range in length and amplitude.[[16]](#footnote-16),[[17]](#footnote-17)
  2. There are benefits and disadvantages of having a price cycle. While motorists can benefit at the lower end of the price cycle, they can also be hurt at the higher end of the price cycle. The committee notes that during the inquiry there have been times where the Canberra price has been lower than that of other capital cities due to those cities being at the price spike; at other times, locations such as Queanbeyan have been significantly cheaper.[[18]](#footnote-18)

#### Transparency of fuel prices

* 1. The committee has consistently heard evidence that one of the reasons fuel prices are higher in the ACT is because it is more difficult to physically see prices. Historically, a single service station was connected to the local shopping centre. This means that Canberrans are not driving past several service stations on their daily commute. Indeed, they may have to go a little out of their way to purchase fuel and it is only on arriving at the service station that they become aware of the price.[[19]](#footnote-19) Not being on major thoroughfares does not give service stations incentives to discount or compete on price.[[20]](#footnote-20)
  2. While some submitters and witnesses have contended that the ACT is well serviced by existing private fuel monitoring applications and websites, such as Motormouth, Gas Buddy and Petrol Spy, the committee has also been advised that not one of these accurately and completely services the entire market—in the ACT and elsewhere. There are gaps in the information available. In addition, the take up rates of these applications and websites remains very low.[[21]](#footnote-21)

#### Intra-day trading

* 1. Like most other jurisdictions, Canberra is a market where intra-day trading can occur. The committee has variously heard of the benefits of this (being the possibility of lower prices; notwithstanding that higher prices can occur, too) and the disadvantages (lack of certainty).[[22]](#footnote-22)
  2. Based on the committee’s own observations, aggressive intra-day trading is not a characteristic of the ACT market.

#### Lack of independents

* 1. It is evident that Canberra lacks genuine independent retailers. Representatives of Informed Sources advised the committee that nine per cent of Canberra service stations are independent or minor-branded sites – a much smaller portion compared to most other locations. Representatives of the ACCC also highlighted the dominance of major brands, with Coles-branded sites making up 26 per cent of the ACT market.
  2. The committee has consistently heard the lack of independents has had an effect on competition and, consequently, prices.[[23]](#footnote-23) The Australasian Convenience and Petroleum Marketers Association advised the committee that the ACT fuel market lacks a “tension” that exists in other markets due to the prominence of major brands.[[24]](#footnote-24) This lack of tension is the key factor influencing higher retail fuel prices. Representatives of the NRMA have also linked higher prices to a lack of competition.
  3. Previous Territory governments have made ACT land available for independent retailers however, these measures have not provided long-term solutions to Canberra’s concentration of major fuel retailers. Chief Minister Andrew Barr advised the committee that the Follett and Carnell governments effectively sold land directly to independent retail operators to diversify the ACT fuel market and enhance competition. These operators eventually sold their businesses or were bought out by major retailers.[[25]](#footnote-25)

#### Transport costs

* 1. The committee has heard evidence from retailers that the costs of transporting fuel to the ACT is higher than transporting it within metropolitan regions, particularly when those metropolitan regions are near the terminal gate.
  2. While the committees note this evidence, it has been difficult for the committee to accept that this is a main contributor to higher fuel prices in the ACT when towns a similar distance from the terminal gate like Queanbeyan, Goulburn and Albury each typically have very different fuel prices to the ACT at any one time, with usually lower prices.[[26]](#footnote-26)

#### Costs of doing business in the ACT

* 1. The committee has heard evidence of the higher cost of securing and operating service stations in the ACT compared to Sydney and towns in regional NSW, including higher leasing costs. Two witnesses described ACT leasing costs as about 12 per cent higher than in regional NSW. It was not clear exactly what factors might contribute to higher leasing costs; however, they could be linked to development and land costs and the size and location of individual sites. Representatives of Viva Energy advised the committee that within their company’s portfolio, rental costs in Canberra were on average seven per cent more expensive than comparable sites in Sydney, Wollongong and Newcastle.[[27]](#footnote-27)
  2. The committee also heard evidence of the scarcity of available sites for the development of new service stations. This has led to higher competition among prospective retailers and potentially higher rents. Competition can also create barriers for independent service stations considering entering the ACT market, as independent operators generally cannot compete with major retailers for new sites. Although the committee heard some evidence of retailers finding the ACT planning process restrictive or slow, this issue was not limited to the ACT.[[28]](#footnote-28)

#### Consumer Behaviour

* 1. The committee has heard evidence that many Canberra motorists will avoid shopping around for more competitively-priced fuel due to convenience and the location of cheaper fuel outlets on the edge of the city. This could be influenced by the ACT’s higher average income. Representatives of Informed Sources advised the committee that it is not economical to drive to a service station offering cheaper fuel if the price differential is minimal, as the small saving would be outweighed by the cost of travel and vehicle maintenance. However, Nic Moulis advised the committee that Canberra motorists tend to fill up when retail fuel prices are lower. Regardless of behavioural patterns, low-income households continue to be burdened by the cost of fuel.[[29]](#footnote-29)

#### Diversification of retail offerings

* 1. Service stations are fast-becoming the modern-day version of a corner store. The committee has heard evidence of major brands diversifying their retail offerings to supplement existing income and meet these changing consumer habits. Diversification could become more significant with the uptake of electric vehicles.[[30]](#footnote-30)
  2. Representatives from Caltex advised the committee that the company’s convenience store strategy was a core component of its broader offering, with some Caltex-branded service stations providing more diverse convenience options than others. The committee heard Caltex’s business strategy is to bring a number of franchise sites in-house so the company can consider further innovation in this space (and roll out any new convenience models more efficiently).[[31]](#footnote-31)
  3. Throughout the inquiry, the committee has consistently raised concerns that even if motorists are shopping around for a better fuel price, any benefit may not be realised if they are purchasing an in-store offering which has a significant mark-up.

### **Impact on Canberra community**

* 1. It is apparent that the ACT fuel market is not meeting consumer expectations. This concern is enhanced by fuel prices being substantially higher in Canberra compared to neighbouring NSW towns like Queanbeyan with no clear explanation as to why. Many Canberra motorists also compare ACT fuel prices with those in Sydney. This comparison can be complicated by the existence of price cycles in Sydney and at what stage of the cycle the Sydney market is observed. However, the fact remains that the average price of fuel in Canberra is higher than Sydney.[[32]](#footnote-32)
  2. The committee has received a great deal of feedback from ACT motorists including several formal submissions from individuals and 286 responses to its online survey.[[33]](#footnote-33)
  3. Ms Rowena Carpenter appeared before the committee on 10 April 2019 and described the cost of fuel in Canberra as “price gouging”, a sentiment reflected in other submissions and surveys. Ms Carpenter is an ACT motorist and operates an owner-driver freight transport company with her husband, giving them high visibility of other markets: “We run a single prime mover between Canberra, Melbourne, Sydney and many regional towns in between. Travelling between cities and towns so much highlights the massive differences in fuel pricing between capital cities, regional townships and Canberra. One thing stands out very clearly: we are paying too much for fuel in Canberra.”[[34]](#footnote-34)
  4. This sentiment was echoed in Mr Geoff Ross’s submission to the inquiry: “When we constantly see photos of places like Mogo, a tiny town on the south coast of NSW paying 30 cents per litre less than we are paying in Canberra, it's just infuriating.”[[35]](#footnote-35)  Similarly, Mr Jim McDonald’s submission highlights a tendency to compare Canberra fuel prices to those in Sydney: “I have been on trips to Sydney to see a difference of up to 30c per litre cheaper than Canberra.”[[36]](#footnote-36)
  5. Ms Carpenter’s hearing also highlighted a common belief that the ACT fuel market is not competitive and a perception that some retailers are charging more than required to maximise profit. “I have learnt a lot from my reading. I know that there is more I can learn. But I still feel that it is due to a lack of competition, that there are service stations out there that are charging more than they really need to, to cover their costs, because they can.”[[37]](#footnote-37) Mr Richard Tuffin echoed a similar sentiment in his submission to the inquiry: “It’s obvious that petrol companies are taking advantage of the higher average wages available here in Canberra and are using that knowledge as a justification to gouge Canberrans through increased petrol prices based on these salaries.”[[38]](#footnote-38)
  6. Ms Carpenter advised she tried to take advantage of cheaper fuel and used the Petrol Spy app to monitor and compare prices across the ACT. While some Canberra motorists shop around for fuel, others do not, citing a lack of time or substantial cost saving. In his submission, Mr Jason Tankard wrote that the cost of fuel was tough on his family. “We don't have a Costco membership, and I can’t spare the time to travel from Gungahlin out there to save the few extra cents per litre.” However, some Canberra motorists are taking advantage of Costco’s cheaper fuel as part of an annual membership. In her submission Ms Paulette Neilsen wrote that Costco’s entry into the ACT fuel market “has been welcomed by those of us who can afford to access their improved fuel prices”. Ms Neilsen surmised that Costco’s impact on the broader fuel market was limited by its location on Canberra’s eastern fringe.[[39]](#footnote-39)
  7. While some Canberra motorists fill up based on convenience rather than cost, many households and small businesses are much more price-sensitive and, at times, struggling to bear the brunt of higher prices. As Lisa Brown wrote in her submission to the inquiry: “I am a single mother and sole trader doing delivery driving for a living. My current fuel costs for a month alone is approximately $650 a month taking away 20 per cent of my total business income … Why should consumers struggle solely because they live in Canberra. It is unfair and something must be done to change it.”[[40]](#footnote-40)

### **Role of the ACCC**

* 1. The committee has heard considerable concern from the community that the ACCC is not performing its role. The ACCC has clarified its position to the committee, being that it monitors and reports on Australian fuel markets and targets illegal anti-competitive behaviour. The ACCC’s role does not involve actively contributing to higher levels of competition in the marketplace.[[41]](#footnote-41)

## Possible Recommendations

* 1. The following possible recommendations are live options being considered by the committee. The committee notes that while some recommendations are mutually exclusive, a number of recommendations could be employed together. Alternatively, the committee may suggest a hierarchy or timeline of approaches to employ: that is, if one does not work after some time, employ a more significant approach.
  2. The committee is seeking feedback on:

a) what option/s the ACT community considers most valuable;

b) what impact and/or unintended consequences these options may have from industry, community and Government viewpoints; and

c) any option/s to which the committee may not have yet turned its mind.

### Possible recommendation 1: Do nothing

* 1. The committee has received considerable support for this option, particularly from industry. There is a view that the market is operating as it should; that the ACT is well serviced by applications and websites which provide the transparency needed; and that it is the responsibility of Canberrans to change their behaviours, including searching for cheaper fuel prices and not relying on convenience.[[42]](#footnote-42)
     + Pros:
       - No cost to Government or industry
     + Cons:
       - Likely no resulting lowering of fuel prices
     + Considerations:
       - The committee has heard changes to ownership, such as Viva Energy acquiring Coles sites, may result in greater competition as pricing models and strategies change.[[43]](#footnote-43)
       - The committee notes that Viva Energy acquired Coles sites in early March and no change has yet been observed.

### Possible recommendation 2: Better education

* 1. The committee has consistently heard evidence that there is poor community understanding of the fuel industry and market. A better understanding of what drives fuel prices may result in at a minimum, less community anxiety and, potentially, a change in some consumer behaviour.[[44]](#footnote-44)
     + Pros:
       - Low cost to Government or industry
       - The more informed the community, the greater agency they may have in making purchasing decisions
     + Cons:
       - Potentially no resulting lowering of fuel prices
       - Price change only likely to occur if consumer-led
     + Considerations:
       - Information already exists on the Access Canberra website explaining the drivers of fuel prices.[[45]](#footnote-45) Any new education package would need to provide either new information or present it more usefully.

### Possible recommendation 3: Create a fuel prices oversight position or body

* 1. The committee has been encouraged by a range of witnesses to recommend creating a fuel prices oversight position or body. In Western Australia, a fuel prices commissioner exists whose role is to report daily on fuel prices and explain market trends. On the basis that, since the establishment of the select committee into fuel prices, prices have generally been lower in the ACT, the Chief Minister has suggested that the establishment of a standing committee tasked with monitoring and reporting on fuel prices may be a consideration.[[46]](#footnote-46)
     + Pros:
       - Would assist with aiding transparency of fuel prices and be an ongoing education model
       - Depending on the model, likely low cost to Government or industry
     + Cons:
       - Potentially no resulting lowering of fuel prices
     + Considerations:
       - The effectiveness of the role or body on lowering fuel prices may depend on how bold it is in calling out issues or trends.

### Possible recommendation 4: Introduce a Government-run real-time price monitoring scheme

* 1. While some submitters and witnesses have insisted that the ACT is well-serviced by applications and websites which detail fuel prices, the committee has heard other evidence that no existing model provides perfect coverage of the ACT market, nor necessarily accurate prices. In the absence of any one product providing the clearest, most comprehensive and most accurate picture of the ACT market, there is potential for a cost to the consumer in searching for the best price. A Government-run scheme, along the lines of FuelCheck in NSW or the fuel price reporting trial in Queensland, could be considered.[[47]](#footnote-47)
  2. These models would allow retailers to continue to change prices throughout the day. Being able to change prices during the day, whether higher or lower, can have either the actual or perceived result that there may be high volatility, making it difficult for ACT residents to know whether they are getting a fair deal – whether within the ACT or as compared to different cities and regions.
     + Pros:
       - Provides a full picture of the ACT market to the community
       - Provides certainty to the ACT community that fuel prices reported are accurate and complete[[48]](#footnote-48)
       - Would assist with aiding transparency of fuel prices and be an ongoing education model[[49]](#footnote-49)
       - The more informed consumers are, the more aware they are of competition, and the more they may feel they can or are empowered to shop around
       - Provides short- and long-term reliable data to identify trends, including potential collusive behaviour or retailers which are consistently providing higher or lower prices than the rest of the market
     + Cons:
       - Potentially duplicating existing mechanisms at a significant cost to Government (although a model similar to the Queensland trial would require less resources as it leverages existing price monitoring apps and websites)[[50]](#footnote-50)
       - The cost to retailers of implementing this scheme may be passed on to consumers[[51]](#footnote-51)
       - Potentially no resulting lowering of fuel prices
       - Because prices can change in an instant, the price a consumer sees on an application or website may not be the price they encounter when they arrive at the pump[[52]](#footnote-52)
     + Considerations:
       - The ACT Government may be able to leverage off or partner with the NSW scheme to reduce costs. The committee has made inquiries to NSW about this.
       - The committee is concerned that the requirement to report a price change may reduce the level of intra-day price changes, potentially resulting in companies choosing not to lower their prices as often as they may otherwise have done
       - Note: the committee has seen little evidence that supports that intra-day price changes occurs often in the ACT at the moment.
       - The committee was also advised in private meetings that applications and websites are on the way out and that communicating via messaging is increasingly common.

### Possible recommendation 5: Petrol companies required to lock in fuel prices for 24 hours, with mandatory reporting

* 1. Western Australia introduced this scheme in the early 2000s as a world-first. It has remained highly popular within that state. Fuel companies are required to submit their fuel prices to Government at 2pm each day, and then employ this price from 6am the following day for 24 hours. It creates a mini reverse-auction each day. While over time it is apparent that fuel prices in WA have kept pace with other metropolitan jurisdictions, there is contention that this is due to factors influencing the entire market. The committee was advised there have been a number of benefits in introducing the scheme.[[53]](#footnote-53)
  2. There is an artificial price cycle, where there is one day a week where all companies lower their prices. Consumers can receive daily reports of where the cheaper fuel is, through media, the app or website, or e-mail subscription. It is apparent that the scheme has also resulted in the introduction of more independents into the market; they benefit from the ‘free advertising’ they get from these daily reports. There is certainty provided to consumers which aids their planning.[[54]](#footnote-54)
     + Pros:
       - This model provides both transparency and certainty by reducing price volatility; having a price locked in for a period of time allows consumers to plan[[55]](#footnote-55)
       - Monitoring prices can assist smaller players who may not have the resources to monitor prices themselves
       - May encourage more independent retailers into the market who benefit from the free advertising and, at times, will have a competitive advantage for a full 24 hours
       - Provides short- and long-term reliable data to identify trends, including collusive behaviour or retailers which are consistently providing higher or lower prices than the rest of the market
       - This **may** result in lowering of fuel prices by creating an artificial price cycle.
     + Cons:
       - Potentially no resulting lowering of fuel prices
       - By requiring companies to set a price it is reasonable to assume that there is a likelihood that, depending on the business model, companies will seek to maximise profits
       - Restricts the ability for different retailers to respond to others’ pricing decisions, potentially harming a retailer[[56]](#footnote-56)
       - This would only be for a short, set amount of time
       - Retailers with the lowest prices may be a considerable distance away for some Canberrans
     + Considerations:
       - Austria introduced a similar scheme where companies set a maximum price for the day and but are able to lower it throughout the day
         1. The more price changes there are within a day, the less transparent the market may be
         2. The committee has identified studies which provide conflicting evidence about whether this model has resulted in lower fuel prices.[[57]](#footnote-57)
       - It has been suggested to the committee that the same brand of company should be required to set the same price of fuel at all of its service stations each day.
         1. This would potentially reduce the distance that consumers had to travel and provide equity within regions
         2. This would likely reduce congestion at some service stations
         3. This would reduce the ability for a particular company to be a price leader in one region by having significantly higher prices in others, which would be distorting their reputation as a ‘cheaper provider’
         4. This would likely cause complications for individual retailers who operate within a brand but currently set the price themselves.
       - Some witnesses advised the committee that the introduction of this model would not affect future investment decisions in the ACT fuel market, regardless of their views of such a scheme.[[58]](#footnote-58)

### Possible recommendation 6: Set maximum retail margin for fuel companies

* 1. Countries such as Luxembourg and some Canadian provinces set a maximum price for oil products sold to the end-user. The committee has been urged to consider whether introducing a model where retailers are required to charge a price which so no more than a certain level above which they paid for the fuel.[[59]](#footnote-59)
     + Pros:
       - This could result in lower fuel prices
       - It would provide some degree of certainty and perception of fairness to the consumer
     + Cons:
       - Considerable intervention in the market may result in market distortion
       - The committee notes that some retailers, like Viva Energy, are also suppliers of fuel. This may encourage them to increase their supply costs, resulting in no net gain for the consumer.
       - Could discourage or prohibit smaller or independent operators from entering the market
       - Could impact existing retailers
       - Could result in higher prices in the in-store offering, reducing overall gain for the consumer
     + Considerations:
       - It could be difficult to determine what is a reasonable maximum which would benefit consumers and not unfairly harm retailers
       - It is likely that, due to the interdependent oligopolistic nature of the market, most retailers would seek to operate near or at that maximum margin
       - One study claims that the introduction of this has resulted in higher prices in Luxembourg[[60]](#footnote-60)

### Possible recommendation 7: Set aside highly visible land in the ACT for numerous service stations

* 1. The committee has consistently heard evidence that the historical planning rules in the ACT has lowered the degree of visibility and, thus, transparency in the market. Due to service stations being somewhat out of the way for most consumers, there is no ‘eyeballing’ numerous prices in quick succession for consumers to make their own assessment of where cheaper prices are. The ACT Government may wish to set aside highly visible land in the ACT where numerous service stations can be established to address this issue, or to ensure any new service stations are only on highly visible land.[[61]](#footnote-61)
     + Pros:
       - Provides greater visibility and transparency
     + Cons:
       - It is not guaranteed that this would result in lower fuel prices
       - Much of the highly visible land in the ACT is typically on or near nature reserves
       - Additional sites may cause reduced volume of sales for surrounding service stations, resulting in higher prices being charged for them to remain viable
     + Considerations:
       - There remains a question of how to effectively attract service stations to the market
       - The committee is not convinced that Canberrans want service stations and their prices advertised in highly visible locations, particularly noting evidence heard in the inquiry related to billboards in the ACT[[62]](#footnote-62)
       - Many arterial roads are within the National Capital Authority’s jurisdiction and any changes to these thoroughfares would require the authority’s approval

### Possible recommendation 8: Review the Government rates and taxes charges to service station operators

* 1. The committee has heard evidence that it can be more expensive to ‘do business in the ACT’. It may be timely to review these costs within the ACT and as compared to similar jurisdictions to determine if there is a fairness issue influencing retail prices.[[63]](#footnote-63)
     + Pros:
       - Low cost to Government
       - Would help reveal whether these claims are correct
     + Cons:
       - No guarantee any potential change in costs of doing business in the ACT would result in lower fuel prices

### Possible recommendation 9: Subsidies for low-income families

* 1. The committee has heard that the impact of fuel prices is greatest for individuals and families with low incomes, where what is spent on fuel is a significant proportion of the overall income. The committee has been encouraged to consider whether the ACT Government providing fuel subsidies to low-income motorists would help ease this cost burden. The committee heard evidence that petrol is the third-biggest expense for low-income households in Canberra after housing and food.[[64]](#footnote-64)
     + Pros:
       - Reduces the cost of fuel for some families, easing their burden
     + Cons:
       - Cost to the ACT Government
       - No change in fuel prices for the whole market; provides no incentive for companies to lower their fuel prices
         1. May distort the market further
       - Difficult to administer

## Committee invitation for further comment

* 1. The committee is seeking the views of community, industry and government on the approaches it is considering. It also invites any views or approaches to which it may not yet have turned its mind.
  2. Please provide comment via e-mail to: **[LACommitteeFP@parliament.act.gov.au](mailto:LACommitteeFP@parliament.act.gov.au)** by 30 July 2019.

Tara Cheyne MLA

Chair

30 May 2019

## Appendix A – Submissions

|  |  |
| --- | --- |
| **Submission Number** | **Submitter** |
| 1 | J Tankard |
| 2 | P Neilsen |
| 3 | G Ross |
| 4 | L Brown |
| 5 | J Mitchell |
| 6 | P Gately |
| 7 | J McDonald |
| 8 | A Stewart |
| 9 | (Submission withdraw) |
| 10 | R Goyne |
| 11 | (Not published to date) |
| 12 | Australian Competition & Consumer Commission |
| 13 | 7-Eleven |
| 14 | Informed Sources |
| 15 | R Tuffin |
| 16 | Department of Mines, Industry Regulation and Safety |
| 17 | Australasian Convenience and Petroleum Marketers Association |
| 18 | ACT Council of Social Service (ACTCOSS) |
| 19 | Caltex ACT |
| 20 | Viva Energy Australia |
| 21 | Australian Institute of Petroleum (AIP) |
| 22 | NRMA |
| 23 | ACT Government, Chief Minister - Mr Barr |
| 24 | J Bamberger |
| 25 | EG Group (Euro Garages Australia) |

## Appendix B - Witnesses

### Thursday, 14 March 2019

* Mr Nick Ferris, Commercial Manager, Asia Pacific, Informed Sources
* Mr Chris Huth, Regional Manager, Asia Pacific, Informed Sources

### Monday, 18 March 2019

* Mr Geoff Buchanan, Policy Officer, Research and Data, ACT Council of Social Service
* Ms Susan Helyar, Director, ACT Council of Social Service
* Mr Mark Mckenzie, Chief Executive Officer, Australasian Convenience and Petroleum Marketers Association

### Thursday, 28 March 2019

* Mr Gary Dobinson, Director, Fuel Prices and Market Analysis, Australian Competition and Consumer Commission
* Mr Matthew Schroder, General Manager, Infrastructure and Transport, Access and Pricing, Australian Competition and Consumer Commission

### Wednesday, 10 April 2019

* Ms Rowena Robyn Carpenter, Director, RCIC Transport Pty Ltd
* Mr Prasad Kholkute, General Manager, Retail Fuel, Caltex Australia Petroleum Pty Ltd
* Mr Todd Loydell, Head of Government Affairs, Caltex Australia Petroleum Pty Ltd
* Mr Patrick John Noone, Managing Director, Costco Wholesale Australia
* Mr Wal Setkiewicz, Senior Policy Adviser, Economics, National Roads and Motorists’ Association
* Ms Carlita Warren, General Manager, Policy and Stakeholder Relations, National Roads and Motorists’ Association

### Tuesday, 30 April 2019

* Mr Kenneth Michael Burke, President, Motor Trades Association of the ACT
* Mr Benjamin Dennis Ling, Founder, ACT Fuel Watch
* Mr Nic Moulis, Director, Consumer Relationship Data Pty Ltd

### Wednesday, 8 May 2019

**Mr Andrew Barr, Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events, and Minister for Trade, Industry and Investment**

* Mr David Nicol, Under Treasurer, Chief Minister, Treasury and Economic Development Directorate
* Mr Ben Ponton, Director-General, Environment and Sustainable Development Directorate

### Thursday, 9 May 2019

* Mr Paul Barrett, Chief Executive Officer, Australian Institute of Petroleum
* Mr Clayton Ford, General Manager, Corporate Affairs, 7-Eleven
* Mr Peter Gniel, General Manager, Policy, Australian Institute of Petroleum
* Ms Jennifer Gray, Business Manager, Reseller Markets, Viva Energy Australia
* Mr Paul Mccarthy, General Manager, Fuel and OHS, 7-Eleven
* Ms Edwina Pribyl, External Communications and Government Relations Manager, Viva Energy Australia

1. ACT Legislative Assembly, *Minutes of Proceedings, No.85*, 14 February 2019, p 1243. [↑](#footnote-ref-1)
2. ACT Legislative Assembly, *Minutes of Proceedings, No 98,* 16 May 2019, p. 1466. [↑](#footnote-ref-2)
3. http://www.hansard.act.gov.au/hansard/2017/comms/default.htm [↑](#footnote-ref-3)
4. <https://www.parliament.act.gov.au/in-committees/select_committees/fuel-prices/inquiry-into-fuel-pricing> [↑](#footnote-ref-4)
5. John Mitchell, submission, p.1; *Matthew Schroder, ACCC, Transcript of evidence, 28 March 2019, p. 83.* [↑](#footnote-ref-5)
6. Australian Competition and Consumer Commission, submission, pp. 1-2; Australian Institute of Petroleum, submission, pp. 11-15; Nic Moulis, *Proof transcript of evidence*, 30 April 2019, pp. 175-176; *Matthew Schroder, ACCC, Transcript of evidence, 28 March 2019, p. 83.* [↑](#footnote-ref-6)
7. Paul Barrett, Australian Institute of Petroleum, Transcript of evidence, 9 May 2019, p. 239. [↑](#footnote-ref-7)
8. Caltex Australia, submission, p.2; Viva Energy Australia, submission, p.1; 7-Eleven, submission, p.3; Costco, *Transcript of evidence,* p. 94. [↑](#footnote-ref-8)
9. Viva Energy, *Proof transcript of evidence*, 9 May 2019, p. 216. [↑](#footnote-ref-9)
10. *Matthew Schroder, ACCC, Transcript of evidence, 28 March 2019, p. 69.* [↑](#footnote-ref-10)
11. Hay, G. (2005), “Facilitating Practices”, Cornell Law School research paper No. 05-029, available at <http://ssrn.com/abstract=811404>; reproduced in *Competition in Road Fuel,* 2013 at: <https://www.oecd.org/daf/competition/CompetitionInRoadFuel.pdf> [↑](#footnote-ref-11)
12. Australian Competition and Consumer Commission, submission, p. 2. [↑](#footnote-ref-12)
13. Independent Competition and Regulatory Commission*, Draft report: Investigation into motor vehicle petrol prices in the ACT*, pp. ii-iii. [↑](#footnote-ref-13)
14. Mr Barrett, Australian Institute of Petroleum, Proof transcript of evidence, 9 May 2019, p. 242. [↑](#footnote-ref-14)
15. Nic Moulis, Proof transcript of evidence, 30 April 2019, pp. 175-176; Oil Price Information Service, *OPIS Fuel Market Data: Australian Capital Territory*, 2 May 2019, p. 6. [↑](#footnote-ref-15)
16. Australian Competition and Consumer Commission, submission, p.2; Australian Competition and Consumer Commission, *Transcript of evidence*, 28 March 2019, pp. 70-71. [↑](#footnote-ref-16)
17. Mr Barrett, Australian Institute of Petroleum, Transcript of evidence, 9 May 2019, p. 241. [↑](#footnote-ref-17)
18. Australasian Convenience and Petroleum Marketers Association, Transcript of evidence, 18 March 2019, pp. 34-35; NRMA, *Proof transcript of evidence*, 10 April, pp. 129, 131-132. [↑](#footnote-ref-18)
19. Informed Sources, *Transcript of evidence*, 14 March 2019, p. 6; Australian Competition and Consumer Commission, *Transcript of evidence*, 28 March 2019, pp. 63, 67, 77; NRMA, *Transcript of evidence*, 10 April 2019, p. 120; Nic Moulis, *Proof transcript of evidence*, 30 April 2019, pp. 188-189; 7-Eleven, *Proof transcript of evidence*, 9 May 2019, p. 236. [↑](#footnote-ref-19)
20. *Matthew Schroder, ACCC, Transcript of evidence, 28 March 2019, p. 64.* [↑](#footnote-ref-20)
21. Informed Sources, *Transcript of evidence*, 14 March 2019, p. 2; Australian Competition and Consumer Commission, *Transcript of evidence*, 28 March 2019, pp. 73-74; NRMA, *Transcript of evidence*, 10 April 2019, p. 115; Nic Moulis, *Proof transcript of evidence*, 30 April 2019, p. 186; Australian Institute of Petroleum, *Proof transcript of evidence*, 9 May 2019, p. 244; Chief Minister Andrew Barr, submission, p.2. [↑](#footnote-ref-21)
22. NRMA, Transcript of evidence, 10 April 2019, pp. 128-129. [↑](#footnote-ref-22)
23. Informed Sources, *Transcript of evidence*, 14 March 2019, pp. 9-10; Australasian Convenience and Petroleum Marketers Association, *Transcript of evidence*, 18 March 2019, pp. 32-33; Australian Competition and Consumer Commission, *Transcript of evidence*, 28 March 2019, pp. 63-64; NRMA, *Transcript of evidence*, 10 April 2019, p. 115; Nic Moulis, *Proof transcript of evidence*, 30 April 2019, pp. 186-187. [↑](#footnote-ref-23)
24. Australasian Convenience and Petroleum Marketers Association, *Transcript of evidence*, 18 March 2019, p. 32. [↑](#footnote-ref-24)
25. Chief Minister Andrew Barr, Proof transcript of evidence, 8 May 2019, pp. 197-198. [↑](#footnote-ref-25)
26. Australasian Convenience and Petroleum Marketers Association, *Transcript of evidence*, 18 March 2019, p. 48; Viva Energy; *Proof transcript of evidence*, 9 May 2019, pp. 207, 221. [↑](#footnote-ref-26)
27. Australasian Convenience and Petroleum Marketers Association, *Transcript of evidence*, 18 March 2019, pp. 32, 38, 48; NRMA, *Transcript of evidence*, 10 April 2019, pp. 122, 124; 7-Eleven, submission, p. 4; 7-Eleven, *Proof transcript of evidence*, 9 May 2019, pp. 235-236; Viva Energy, *Proof transcript of evidence*, 9 May 2019, pp. 206-207, 215, 220. [↑](#footnote-ref-27)
28. Australasian Convenience and Petroleum Marketers Association, *Transcript of evidence*, 18 March 2019, pp. 35-36; Australian Competition and Consumer Commission, *Transcript of evidence*, 28 March 2019, pp. 10, 64; Viva Energy, *Proof transcript of evidence*, 9 May 2019, p. 220; Nic Moulis, *Proof transcript of evidence*, 30 April, p. 187. [↑](#footnote-ref-28)
29. Informed Sources, Transcript of evidence, 14 March 2019, pp. 3, 8; Australasian Convenience and Petroleum Marketers Association, Transcript of evidence, 18 March 2019, pp. 39-40; Australian Competition and Consumer Commission, NRMA, Transcript of evidence, 10 April, p. 127; ACT Council of Social Services, Transcript of evidence, 18 March 2019, p. 49; Nic Moulis, Transcript of evidence, 30 April 2019, p. 182. [↑](#footnote-ref-29)
30. Informed Sources, Transcript of evidence, 14 March 2019, p. 12; ACAPMA, Transcript of evidence, 18 March 2019, p. 34. [↑](#footnote-ref-30)
31. Caltex, Transcript of evidence, 10 April 2019, pp. 102, 103, 110. [↑](#footnote-ref-31)
32. Independent Competition and Regulatory Commission*, Draft report: Investigation into motor vehicle petrol prices in the ACT*, pp. ii-iii; Australian Competition and Consumer Commission, submission, p. 2; Australian Competition and Consumer Commission, *Petrol price cycles in Australia*, December 2018, pp. 12, 19. [↑](#footnote-ref-32)
33. Submissions to the Select Committee on Fuel Pricing, <https://www.parliament.act.gov.au/in-committees/select_committees/fuel-prices/inquiry-into-fuel-pricing>; Responses to survey, <https://www.parliament.act.gov.au/in-committees/select_committees/fuel-prices/inquiry-into-fuel-pricing> [↑](#footnote-ref-33)
34. Rowena Carpenter, Transcript of evidence, 10 April 2019, p. 134. [↑](#footnote-ref-34)
35. Geoff Ross, Submission to the Select Committee on Fuel Pricing, p.1. [↑](#footnote-ref-35)
36. Jim McDonald, Submission to the Select Committee on Fuel Pricing, p. 1. [↑](#footnote-ref-36)
37. Rowena Carpenter, Transcript of evidence, 10 April 2019, p. 143. [↑](#footnote-ref-37)
38. Richard Tuffin, Submission to the Select Committee on Fuel Pricing, p. 1. [↑](#footnote-ref-38)
39. Rowena Carpenter, Transcript of evidence, 10 April 2019, pp. 146-147; Paulette Neilsen, Submission to the Select Committee on Fuel Pricing, pp. 1-2. [↑](#footnote-ref-39)
40. Lisa Brown, Submission to the Select Committee on Fuel Pricing, p. 1. [↑](#footnote-ref-40)
41. Australian Competition and Consumer Commission, *Transcript of evidence*, 28 March 2019, p. 85. [↑](#footnote-ref-41)
42. Australian Institute of Petroleum, Proof transcript of evidence, 9 May 2019, p. 254; Informed Sources, Transcript of evidence, 14 March, pp. 2, 12; ACAPMA, Transcript of evidence, 18 March 2019, p. 43; Costco, Transcript of evidence, 10 April 2019, p. 97; Viva Energy, Proof transcript of evidence, 9 May 2019, p. 214; 7-Eleven, Proof transcript of evidence, 9 May 2019, p. 234. [↑](#footnote-ref-42)
43. Viva Energy, *Proof transcript of evidence*, 9 May 2019, pp. 206, 209, 211; Mr Ferris, Informed Sources, Transcript of evidence, 14 March 2019, p. 4. [↑](#footnote-ref-43)
44. NRMA, Transcript of evidence, 10 April 2019, pp. 129-130; 7-Eleven, submission, p. 5. [↑](#footnote-ref-44)
45. See: <https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/2270/~/fair-trading-for-consumers> [↑](#footnote-ref-45)
46. Chief Minister Andrew Barr, Proof transcript of evidence, 8 May 2019, p. 203; [↑](#footnote-ref-46)
47. Australian Competition and Consumer Commission, Transcript of evidence, 28 March 2019, pp. 72-74, 81-82; NRMA, Transcript of evidence, 10 April 2019, pp. 115-117, 120-121, 129; Caltex, Transcript of evidence, 10 April 2019, p. 108; Benjamin Ling, Transcript of evidence, 30 April 2019, p. 158, 163; Motor Trade Association of the ACT, Transcript of evidence, 30 April 2019, p. 169; <https://fuelcheck.nsw.gov.au/app>; <https://www.dnrme.qld.gov.au/energy/initiatives/fuel-price-reporting-trial>. [↑](#footnote-ref-47)
48. NRMA, Transcript of evidence, 10 April 2019, pp. 120-121. [↑](#footnote-ref-48)
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50. Nic Moulis, Transcript of evidence, 30 April 2019, pp. 185-186; Australasian Convenience and Petroleum Marketers Association, Transcript of evidence, 18 March 2019, pp. 43-44. [↑](#footnote-ref-50)
51. Australian Institute of Petroleum, Proof transcript of evidence, 9 May 2019, pp.247-248. [↑](#footnote-ref-51)
52. See concerns raised in 2001: <https://www.icrc.act.gov.au/__data/assets/pdf_file/0008/1249595/finalreportfuelprices3sept2001cw.pdf> [↑](#footnote-ref-52)
53. WA Department of Mines, Industry Regulation and Safety, submission, pp. 2-6; <https://www.fuelwatch.wa.gov.au/fuelwatch/pages/home.jspx> [↑](#footnote-ref-53)
54. Australian Competition and Consumer Commission, Transcript of evidence, 28 March 2019, p. 80; Informed Sources, Transcript of evidence, 14 March, p. 25; WA Department of Mines, Industry Regulation and Safety, submission, pp. 5-6. [↑](#footnote-ref-54)
55. Australian Competition and Consumer Commission, Transcript of evidence, 28 March 2019, pp. 75-76, 80. [↑](#footnote-ref-55)
56. 7-Eleven, Transcript of evidence, 9 May 2019, pp. 230-231. [↑](#footnote-ref-56)
57. See <http://www.dice.hhu.de/fileadmin/redaktion/Fakultaeten/Wirtschaftswissenschaftliche_Fakultaet/DICE/Discussion_Paper/047_Haucap_Mueller_2.pdf> versus <http://www.dice.hhu.de/fileadmin/redaktion/Fakultaeten/Wirtschaftswissenschaftliche_Fakultaet/DICE/Discussion_Paper/051_Dewenter_Heimeshoff.pdf> [↑](#footnote-ref-57)
58. Caltex, Transcript of evidence, 10 April 2019, p. 108. [↑](#footnote-ref-58)
59. Chief Minister Andrew Barr, Proof transcript of evidence, 8 May 2019, p. 194; Motor Trade Association of Western Australia. [↑](#footnote-ref-59)
60. See: http://www.dice.hhu.de/fileadmin/redaktion/Fakultaeten/Wirtschaftswissenschaftliche\_Fakultaet/DICE/Discussion\_Paper/047\_Haucap\_Mueller\_2.pdf. [↑](#footnote-ref-60)
61. Informed Sources, Transcript of evidence, 14 March 2019, pp. 6, 12, 14; Costco, Transcript of evidence, 10 April 2019, pp. 91-92; NRMA, Transcript of evidence, 10 April 2019, p. 120; Nic Moulis, Transcript of evidence, 30 April 2019, p. 188; 7-Eleven, Proof transcript of evidence, 9 May 2019, p. 234, 236; Chief Minister Andrew Barr, Proof transcript of evidence, 8 May 2019, p. 195. [↑](#footnote-ref-61)
62. See: <https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-planning-and-urban-renewal/inquiry-into-billboards> [↑](#footnote-ref-62)
63. Australasian Convenience and Petroleum Marketers Association, *Transcript of evidence*, 18 March 2019, pp. 32, 38; 7-Eleven, submission, p. 4; Viva Energy, *Proof transcript of evidence*, 9 May 2019, p. 215. [↑](#footnote-ref-63)
64. ACT Council of Social Services, Transcript of evidence, 18 March 2019, pp. 49, 53, 55; ACT Council of Social Services, submission, pp. 5-6, 10-11, 14-15. [↑](#footnote-ref-64)