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From: [REDACTED]
Sent: Tuesday, 2 August 2022 1:44 PM
To: [REDACTED] Ayres, Lisa Anne; [REDACTED]
Cc: [REDACTED] EXTERNAL -David Pearl; !
Subject: EO_Parliamentary&GovernmentLiaison&Advocacy
 RE: Fuel excise reintroduction - ACCC actions for letter [SEC=OFFICIAL] [ACCC-ACCANDAER.FID3066942]
Attachments: 220802 draft Treasurer letter to Gina Cass-Gottlieb - ACCC comment (002).docx

OFFICIAL

Hi [REDACTED]

Apologies, after some more discussions internally we have a couple of additional suggestions (tracked in the attached). Thanks for your patience

We think the second last para would benefit from using similar language as in the 6 June letter to us about gas, which we suggest could read:

In the period following 28 September, I would expect the ACCC as the independent regulator enforcing Australia's competition and consumer laws, to investigate any concerns arising about misrepresentations about petrol prices, false and misleading conduct or anti-competitive conduct in fuel markets, and to take appropriate action.

We have also amended the final para to make it clear our outreach efforts are continuing not new.

Kind regards

[REDACTED]

[REDACTED]

(he/him)

Assistant Director | Government Relations and Advocacy | Executive Office
 Australian Competition & Consumer Commission
 Level 17 | 2 Lonsdale Street Melbourne 3000

T: [REDACTED]

M: [REDACTED]

From: [REDACTED]
Sent: Tuesday, 2 August 2022 12:09 PM
To: [REDACTED]@TREASURY.GOV.AU>; Ayres, Lisa Anne <LisaAnne.Ayres@acc.gov.au>; [REDACTED]@acc.gov.au>; [REDACTED]@acc.gov.au>
Cc: [REDACTED]@TREASURY.GOV.AU>; [REDACTED]@TREASURY.GOV.AU>; [REDACTED]@TREASURY.GOV.AU>; [REDACTED]@TREASURY.GOV.AU>; EXTERNAL -David Pearl <david.pearl@treasury.gov.au>;
 !EO_Parliamentary&GovernmentLiaison&Advocacy
 <!EO_Parliamentary&GovernmentLiaison&Advocacy3@acc.gov.au>
Subject: RE: Fuel excise reintroduction - ACCC actions for letter [SEC=OFFICIAL] [ACCC-ACCANDAER.FID3066942]

OFFICIAL

Thanks for the opportunity to comment [REDACTED]

We have one suggested change. While a letter to industry is the most likely approach, we would prefer to retain flexibility on the best method of engagement.

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<p>Former:</p> <p>... In light of this, I ask that you write to major retailers and wholesalers in late-September outlining the ACCC's expectation that they do not mislead Australian consumers about the rationale for any price rises.</p>	<p>Revised:</p> <p>... As when the fuel excise was reduced, I expect that the ACCC will engage with major retailers and wholesalers to outline the ACCC's expectation that they do not mislead Australian consumers about the rationale for any price rises</p>
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I've also tracked it in the attached.

Let me know if you have any questions.

Kind regards

[REDACTED]

[REDACTED]

(he/him)

Assistant Director | Government Relations and Advocacy | Executive Office

Australian Competition & Consumer Commission

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T: [REDACTED]

M: [REDACTED]

From: [REDACTED] <[REDACTED]@TREASURY.GOV.AU>

Sent: Tuesday, 2 August 2022 10:48 AM

To: [REDACTED] <[REDACTED]@acc.gov.au>; Ayres, Lisa Anne <LisaAnne.Ayres@acc.gov.au>

Cc: [REDACTED] <[REDACTED]@TREASURY.GOV.AU>; [REDACTED] <[REDACTED]@TREASURY.GOV.AU>; [REDACTED] <[REDACTED]@TREASURY.GOV.AU>; EXTERNAL -David Pearl <david.pearl@treasury.gov.au>

Subject: RE: Fuel excise reintroduction - ACCC actions for letter [ACCC-ACCCANDAER.FID3066942] [SEC=OFFICIAL]

Hi [REDACTED]

Thanks for your comments. If you are able to have a quick look – attached is a draft letter – would it be possible to let us know if you have any comments by midday?

Happy to discuss

Many thanks

Kind regards,

[REDACTED]

[REDACTED] — Director

Competitive Conduct Unit, Competition and Consumer Branch

Market Conduct Division

[REDACTED]

Please note: I do not work on Wednesdays

treasury.gov.au

Langton Crescent, Parkes ACT 2600

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The Treasury acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, water and community. We pay our respects to them and their cultures and to elders both past and present.

From: [REDACTED] <[REDACTED]@acc.gov.au>
Sent: Monday, 1 August 2022 5:01 PM
To: [REDACTED] <[REDACTED]@TREASURY.GOV.AU>; Ayres, Lisa Anne (ACCC - Unclassified DLM) <lisaanne.ayres@acc.gov.au>
Cc: !EO_Parliamentary&GovernmentLiaison&Advocacy <!EO_Parliamentary&GovernmentLiaison&Advocacy3@acc.gov.au>
Subject: Fuel excise reintroduction - ACCC actions for letter [SEC=OFFICIAL] [ACCC-ACCCANDAER.FID3066942]

OFFICIAL

Hi [REDACTED] as I mentioned at the meeting this afternoon we are doing some internal work on how to handle the reintroduction of the full fuel excise. The list below is our current thinking – its still just at a staff level but I think they are reasonably safe to rely on in input to any letter to us. It broadly reflects our activities from when the excise was reduced earlier in the year.

- In August, provide an Executive Minute to the Treasurer outlining current pricing arrangements for fuel, current retail costs and margins, and our proposed monitoring arrangements. *NB: This is in response to a request from the Treasurer to the Chair in late July*
- In early-mid September, publish the ACCC's next quarterly report into the petroleum market (and corresponding media release).
- In late September, write to major retailers and wholesalers outlining the ACCC's expectation that they do not mislead Australian consumers about the rationale for any price rises following the reintroduction of the full rate of the excise.
- Following the reintroduction of the full rate of excise, update the ACCC fuel webpages with relevant information weekly.
- Following the reintroduction of the full rate of excise, update Treasury, the Treasurer's office and any other Ministerial offices as necessary.

As mentioned, any opportunity to provide input on a draft of any letter to us would be appreciated.

Let me know if you'd like more information or background on any of these points.

Cheers

[REDACTED]

[REDACTED]

(he/him)

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The ACCC acknowledges the traditional owners and custodians of Country throughout Australia and recognises their continuing connection to the land, sea and community. We pay our respects to them and their cultures; and to their Elders past, present and future.

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THE HON JIM CHALMERS MP
TREASURER

Ref: MS22-001633

Ms Gina Cass-Gottlieb
Chair
Australian Competition and Consumer Commission
GPO Box 3131
CANBERRA ACT 2601

Dear Ms Cass-Gottlieb

I am writing to you regarding the Australian Competition and Consumer Commission's (ACCC's) role in monitoring fuel prices following the re-introduction of the full excise and excise equivalent customs duty rates for petrol, diesel and all other fuel and petroleum-based products (except aviation fuels) on 28 September 2022.

As you know there is an existing Direction to the ACCC to monitor prices, costs and profits relating to the petroleum industry in Australia. The ACCC will play a critical role in ensuring that market participants do not take undue advantage expiry of the fuel excise reduction in a way that penalises consumers. ~~In light of this, I ask that you write to As when the fuel excise was reduced, I expect that the ACCC will engage with major retailers and wholesalers in late-September outlining the ACCC's expectation that they do not mislead Australian consumers about the rationale for any price rises. I also look forward to your next quarterly report into the petroleum market and regular updates of information on your website which will provide an early read-out of fuel industry responses.~~

In the period following 28 September, I would expect the ACCC ~~as the independent regulator enforcing Australia's competition and consumer laws, to investigate any concerns arising about misrepresentations about petrol prices, false and misleading conduct or anti-competitive conduct in fuel market to closely examine any concerns relating to misleading or deceptive conduct or misrepresentation about petrol prices, to use its compulsory information-gathering powers, if required, and to take strong enforcement action where appropriate action.~~

Commented [MT1]: Language adapted from 6 June letter on gas

The ACCC's ~~continuing its~~ consumer outreach efforts will also be vital, including its provision of information to consumers and by recommending that consumers take advantage of fuel price websites and mobile applications to help them select the best time to purchase fuel, as well as the cheapest location.

Yours sincerely

The Hon Jim Chalmers MP