

## **OILCODE REVIEW ISSUES PAPER**

### **Issues on which the Department sort comment**

The Department has identified a number of issues on which it sought information and comment. These have been grouped under the three main objectives of the Oilcode.

The issues on which the Department is seeking comment are varied. It was not expected that all interested parties would address all of the issues raised, rather that interested parties would address the issues which relate to their business operations or area of interest.

In addition, the Department did not consider the issues below exhaustive and welcomed any further information or comment on issues that may not have been identified below but which could be considered relevant to the review.

#### **1. Oilcode Objective One:**

***To establish standard contractual terms and conditions for wholesale supplier-fuel retailer re-selling agreements for both franchise and commission agency arrangements***

To the extent that you are able to do so, RET would appreciate receiving information in response to the following questions.

- (i) *Has the Oilcode met its objectives to establish standard contractual terms and conditions for both franchise and commission agents arrangements? If not please provide supporting information and evidence.*
- (ii) *Have these standard terms and conditions been utilised by industry participants?*
- (iii) *How might these standard contractual terms and conditions be improved? Please provide justification and supporting information and evidence for any suggestions for change?*
- (iv) *Do you have any concerns/issues regarding the relationship between the Oilcode and the Franchising Code of Conduct?*

#### **2. Oilcode Objective Two:**

***To introduce a nationally consistent approach to terminal gate pricing (TGP) arrangements and improved transparency in wholesale pricing and allow access for all customers, including small businesses, to petroleum products at TGP***

To the extent that you are able to do so, RET would appreciate receiving information in response to the following questions.

- (i) *Has this objective been met?*
- (ii) *How are TGP arrangements working in the industry?*

- (iii) *Do you consider the TGP arrangements under the Oilcode satisfactory?*
- (iv) *Do you believe there is sufficient transparency and equality with the TGP provisions?*
- (v) *Do you believe the TGP arrangements have led to improved transparency in wholesale pricing?*
- (vi) *Do you have any concerns regarding the TGP arrangements?*
- (vii) *Are there any changes you would like to see made to the TGP provisions in the Oilcode?*
- (viii) *If these changes were made, how do you envisage that they would improve the market for downstream petroleum products?*

### **3. Oilcode Objective Three:**

***To establish an independent, downstream petroleum Dispute Resolution Scheme (DRS) including the appointment of a Dispute Resolution Adviser (DRA) to provide the industry with a cost-effective alternative to taking action in the courts***

To the extent that you are able to do so, RET would appreciate receiving information in response to the following questions.

- (i) *Are you aware of the DRS/DRA?*
- (ii) *Have you used, or would you consider using, the services of the DRS/DRA?*
- (iii) *Do you believe that it is an effective and low cost mechanism to resolve disputes?*
- (iv) *If you have utilised the services of the dispute resolution adviser what was your opinion regarding the level of service provided by the DRS/DRA?*
- (v) *Do you have any comments regarding any aspects of the DRS/DRA?*

### **Other**

**To the extent that you are able to do so, RET would appreciate receiving information in response to the following questions.**

- (i) *What has been the impact to date of the introduction of the Oilcode on the downstream petroleum industry?*
- (ii) *Do you consider that the Oilcode has been an effective mechanism to facilitate greater competition in the downstream petroleum industry?*
- (iii) *Are there any other issues or relevant facts that should be considered in the context of this review? If so, please outline them.*