

## Petroleum Products Pricing Act 1983

## Petroleum Products Pricing Amendment Regulations 2001

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Petroleum Products Pricing Amendment Regulations 2001*.

**2. Commencement**

These regulations come into operation on 12 July 2001.

**3. The regulations amended**

The amendments in these regulations are to the *Petroleum Products Pricing Regulations 2000\**.

[\* *Published in Gazette 29 December 2000, p. 7981-5.*  
*For amendments to 4 July 2001 see 2000 Index to Legislation of Western Australia, Table 4, p. 252.*]

**4. Part heading inserted**

Before regulation 1, the following heading is inserted —

“ **Part 1 — Preliminary** ”.

**5. Part and Division headings inserted**

After regulation 2, the following headings are inserted —

“

**Part 2 — Special provisions about motor fuel**

**Division 1 — Retail sale**

”.

**6. Regulations 5 and 6 inserted**

After regulation 4 the following regulations are inserted —

“

**5. Places where regulation 6 applies**

Regulation 6 applies to a place that is in the local government district of Albany.

**6. Retailer to display standard retail prices**

- (1) A person who, after 18 July 2001, offers motor fuel for standard retail sale at a place where this regulation applies is required to have, at the place of sale, a price display as described in this regulation.  
Penalty: in the case of an individual, \$1 000 and, in the case of a body corporate, \$2 000.
- (2) The price display has to show —
  - (a) whenever not more than 3 kinds of motor fuel are currently offered for standard retail sale at the place, the standard retail price for each of those kinds of motor fuel;
  - (b) whenever more than 3 kinds of motor fuel are currently offered for standard retail sale at the place —
    - (i) if regular unleaded petrol is one of them, the standard retail prices for regular unleaded petrol and any other 2 of those kinds of motor fuel;
    - (ii) if regular unleaded petrol is not one of them, the standard retail prices for any 3 of those kinds of motor fuel.
- (3) The price display has to be in a suitable position, and if necessary sufficiently illuminated, to enable each price shown and the description of the kind of motor fuel to which the price applies to be clearly legible to passing motorists whenever the motor fuel is offered for standard retail sale.
- (4) The price display may consist of more than one sign or other thing.
- (5) Subregulation (1) does not apply to a place of sale while it is exempt under subregulation (6) from the requirements of this regulation.
- (6) The Commissioner may, by order published in the *Gazette* —
  - (a) if satisfied that there are exceptional circumstances because of which the requirements of this regulation should not apply, exempt a particular place of sale from the requirements of this regulation for a specified period or until the exemption is revoked;
  - (b) revoke an exemption under paragraph (a), whether it was given for a specified period or not.

(7) In this regulation —

“**regular unleaded petrol**” means petrol sold as regular unleaded petrol (91 to 93 RON), however described;

“**standard retail sale**” means retail sale not subject to an existing agreement or arrangement between the customer and the retailer.

”.

**7. Division 2 inserted**

Before Schedule 1, the following Division is inserted —

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**Division 2 — Before retail sale**

**7. How to notify Commissioner of price changes**

If section 22B(3) of the Act requires a supplier to notify the Commissioner of a price change, the way in which notification is to be given is by directly uploading information about the price change using the Commissioner’s Fuel Watch website at the address [www.fuelwatch.wa.gov.au](http://www.fuelwatch.wa.gov.au) on the internet.

**8. Previous month’s weighted average price**

The weighted average price for a particular kind of motor fuel supplied from a declared terminal during the previous month, which section 22C of the Act requires to be displayed, is calculated (to the nearest 0.1 cent/litre) by using the formula:

$$A = \frac{\sum_{n=1}^{n=t} (P_n \times V_n)}{T_v}$$

where —

“**A**” is the weighted average price in cents/litre

“**t**” is the total number of transactions used to calculate the weighted average price

“**P<sub>n</sub>**” is the price in cents/litre for the  $n^{\text{th}}$  transaction used to calculate the weighted average price

“**V<sub>n</sub>**” is the volume in litres of the  $n^{\text{th}}$  transaction used to calculate the weighted average price

“**T<sub>v</sub>**” is the total volume in litres of all the transactions used to calculate the weighted average price

**9. Details of price differences**

(1) If section 22E(2) of the Act requires that an invoice for a supply of motor fuel from a declared terminal show

details as to the difference between the displayed price and the maximum price fixed by an order under section 12 of the Act for another declared terminal, the details to be shown are a description of each component of each of those prices that the supplier considers contributes to the difference, and the amount of each of those components.

- (2) A component needs to be described with sufficient particularity to clearly identify the expense or other item concerned.
- (3) The amounts attributed to the components identified need to be expressed in terms that enable their cumulative effect to be readily quantified.

#### 10. **Notifying Commissioner of price differences**

- (1) Details that section 22E(4) of the Act requires a supplier to give to the Commissioner are to be given by directly uploading those details using the Commissioner's Fuel Watch website at the address [www.fuelwatch.wa.gov.au](http://www.fuelwatch.wa.gov.au) on the internet.
- (2) Details relating to supplies made during a particular calendar month are to be given within a period of 14 days after the end of that month.
- (3) In subregulation (2) —  
    **“calendar month”** means January, February, or any of the 10 other named months of the calendar year.

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#### 8. **Defence during transitional period**

- (1) It is a defence to a charge of an offence against regulation 6(1) of the *Petroleum Products Pricing Regulations 2000* that was alleged to have been committed during the transitional period to prove that the person charged did not have any sign or other thing that the person would have needed to be able to comply with regulation 6 of those regulations despite the person having taken all reasonable steps to ensure that everything needed was available.
- (2) In subregulation (1) —  
    **“transitional period”** means the period of 30 days beginning on 19 July 2001.

By Command of the Lieutenant-Governor and deputy of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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