

ACTS AMENDMENT
(PREVENTION OF EXCESSIVE
PRICES) (No. 2).

No. 72 of 1983.

AN ACT to amend the Consumer Affairs Act 1971-1983 and the Prevention of Excessive Prices Act 1983.

[Assented to 22 December 1983.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY.

1. This Act may be cited as the *Acts Amendment (Prevention of Excessive Prices) Act (No. 2) 1983*. Short title.

Commencement.

2. This Act shall come into operation on—

(a) the 28th day after the day on which it is assented to by the Governor; or

(b) 30 December 1983,

whichever is the sooner.

PART II—CONSUMER AFFAIRS ACT 1971-1983.

Principal Act and citation. Reprinted as approved 12 July 1977 and amended by Acts Nos. 90 of 1978, 66 of 1980, 110 of 1981, 52 of 1982 and 2 of 1983.

3. (1) In this Part the Consumer Affairs Act 1971-1983 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Consumer Affairs Act 1971-1983.

Section 24 amended.

4. Section 24 of the principal Act is amended in subsection (3) by deleting “Prevention of Excessive Prices” and substituting the following—

“ Petroleum Products Pricing ”.

PART III—PREVENTION OF EXCESSIVE PRICES ACT 1983.

Principal Act and citation. Act No. 1 of 1983.

5. (1) In this Act the Prevention of Excessive Prices Act 1983 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Petroleum Products Pricing Act 1983.

Section 1 amended.

6. Section 1 of the principal Act is amended by deleting “*Prevention of Excessive Prices*” and substituting the following—

“ *Petroleum Products Pricing* ”.

7. Section 3 of the principal Act is amended in subsection (1) by— Section 3
amended.

- (a) deleting the definitions of “controlled goods”, “controlled services”, “declared goods” and “declared services” and substituting in their appropriate alphabetical positions the following definitions—

“ “controlled petroleum product” means petroleum product the price of which is for the time being regulated under an order;

“controlled petroleum service” means petroleum service the rate for which is for the time being regulated under an order;

“declared petroleum product” means petroleum product for the time being declared under section 10;

“declared petroleum service” means petroleum service for the time being declared under section 10; ”;

- (b) inserting in their appropriate alphabetical positions the following definitions—

“ “dispensing equipment” has the meaning given by section 3 of the Petroleum Retailers Rights and Liabilities Act 1982;

“franchise agreement” has the meaning given by section 3 of the Petroleum Retail Marketing Franchise Act 1980 of the Commonwealth;

“motor fuel” means petrol or diesel fuel intended for use in propelling motor vehicles;

“motor vehicle” has the meaning given by section 5 of the Road Traffic Act 1974;

“petroleum product” has the meaning given by section 3 of the Petroleum Products Pricing Act 1981 of the Commonwealth;

“petroleum service” means service consisting of the provision for reward in accordance with a franchise agreement of any premises, being premises at which motor fuel is—

(a) sold by retail to persons within the State; and

(b) usually dispensed through dispensing equipment; ”;

and

(c) amending the definition of “price” or “rate” by deleting “ “price” or “rate” ” and substituting the following—

“ “price”, in relation to any goods, or “rate”, in relation to any service, ”.

Section 7
amended.

8. Section 7 of the principal Act is amended in paragraph (a) of subsection (3) by deleting “and in particular to those taken into account in the Consumer Price Index (all groups) Perth as issued by the Australian Bureau of Statistics under the authority of the Census and Statistics Act 1905 of the Commonwealth”.

9. Section 10 of the principal Act is amended in subsection (2) by deleting paragraph (b) and substituting the following paragraph— Section 10 amended.

“ (b) takes effect on the day of its publication in the *Gazette* or on such later day, or at such time on such later day, as is specified in the notice. ”.

10. Section 11 of the principal Act is amended in subsection (2) by deleting “supplier” in paragraph (b) and substituting the following— Section 11 amended.

“ supplier referred to in paragraph (a) ”.

11. Section 12 of the principal Act is amended— Section 12 amended.

(a) in subsection (4) by deleting paragraph (b) and substituting the following paragraph—

“ (b) takes effect—

(i) on the day of its publication in the *Gazette*; or

(ii) subject to subsection (4a), on such day, or at such time on such day, as is specified in the order. ”; and

(b) by inserting after subsection (4) the following subsection—

“ (4a) For the purposes of subparagraph (ii) of subsection (4) (b), there shall not be specified in an order a day earlier than the day of the publication of the order in the *Gazette* unless—

(a) the order amends or varies another order, which other order fixes the maximum price at which a declared petro-

leum product may be sold, by increasing that maximum price; and

- (b) the sole reason for seeking to increase the maximum price referred to in paragraph (a) is the increase in cost occasioned to the manufacturer or seller of the declared petroleum product referred to in that paragraph by the imposition by or under a law of the State or of the Commonwealth of a fee, levy, duty, tax or other impost (in this subsection called "the new impost") on or in relation to or by reference to that declared petroleum product or an increase in the rate of a fee, levy, duty, tax or other impost (in this subsection called "the impost rate") so imposed on or in relation to or by reference to that declared petroleum product,

in which case there may be specified in the order a day which is earlier than the day of that publication, but which is not earlier than the day on which the new impost was imposed or the impost rate was increased, as the case requires. "

Section 16
amended.

12. Section 16 of the principal Act is amended—

- (a) by deleting "or recipe" wherever it occurs;
and
(b) in the definition of "date of fixation" in subsection (4) by inserting after "an order fixing the" the following—
" maximum ".

13. Section 17 of the principal Act is amended in paragraph (b) by deleting "price" and substituting the following—

Section 17 amended.

" rate ".

14. Section 35 of the principal Act is repealed.

Section 35 repealed.

15. Each provision of the principal Act specified in the first column of the Schedule to this Act is amended by deleting the matter specified in the second column of that Schedule opposite to that provision and substituting the matter specified in the third column of that Schedule opposite to that provision.

Amendment of references to goods and services.

SCHEDULE. (Section 15)

AMENDMENT OF REFERENCES TO GOODS AND SERVICES.

<i>Provision amended</i>	<i>Matter deleted</i>	<i>Matter substituted</i>
Long title	"goods or services"	"petroleum products or certain services related thereto"
Section 3 (1) (definition of "landed cost")	"goods" wherever it occurs therein	"petroleum products" in each case
Section 4 (1)	"goods or services"	"petroleum products or petroleum services"
Section 4 (2)	"goods or services"	"petroleum products or petroleum services"
Section 6 (1) (a)	"goods"	"petroleum products"
Section 6 (1) (b)	"services"	"petroleum services"
Section 6 (2)	"goods or services"	"petroleum products or petroleum services"
Section 7 (3) (a)	"goods and services"	"petroleum products and petroleum services"
Section 7 (4) (c)	"goods or the rate for any service"	"petroleum products or the rate for any petroleum service"
Section 8 (1) (a)	"goods or services"	"petroleum products or petroleum services"
Section 8 (1) (b)	"goods or declared services"	"petroleum products or declared petroleum services"
Section 8 (7) (definition of "consumer representative")	"goods or users of services"	"petroleum products or users of petroleum services"

No. 72.] *Acts Amendment (Prevention of Excessive Prices) (No. 2).* [1983.

<i>Provision amended</i>	<i>Matter deleted</i>	<i>Matter substituted</i>
Section 8 (7) (definition of "trade representative")	"goods or suppliers of services"	"petroleum products or suppliers of petroleum services"
Section 8 (7) (definition of "trade representative")	"goods or of supplying services"	"petroleum products or of supplying petroleum services"
Section 10 (1) (a)	"goods" wherever it occurs therein	"petroleum products" in each case
Section 10 (1) (b)	"service" wherever it occurs therein	"petroleum service" in each case
Section 10 (1)	"goods or services"	"petroleum products or petroleum services"
Section 10 (3)	"goods or services"	"petroleum products or petroleum services"
Section 10 (3) (a)	"goods sold or the services"	"petroleum products sold or the petroleum services"
Section 11 (1)	"goods or a supplier of a declared service"	"petroleum products or a supplier of a declared petroleum service"
Section 11 (1)	"goods or in the rate for that declared service"	"petroleum products or in the rate for that declared petroleum service"
Section 11 (2) (a)	"goods or declared service"	"petroleum products or declared petroleum service concerned"
Section 11 (2) (b)	"goods or the rate of the declared service"	"petroleum products or the rate of the declared petroleum service concerned"
Section 11 (2) (c)	"seller of goods"	"seller of petroleum products"
Section 11 (2) (c)	“, the declared goods”	"the declared petroleum products concerned"
Section 11 (2) (d)	"services,"	"petroleum services,"
Section 11 (2) (d)	"declared service"	"declared petroleum service"
Section 12 (1)	"goods" wherever it occurs therein	"petroleum products" in each case
Section 12 (1)	"service" wherever it occurs therein	"petroleum service" in each case
Section 12 (2) (a)	"goods sold or the services"	"petroleum products sold or the petroleum services"
Section 12 (6)	"goods" wherever it occurs therein	"petroleum products" in each case
Section 12 (6)	"service" wherever it occurs therein	"petroleum service" in each case
Section 12 (7) (a)	"goods"	"petroleum products"

1983.] *Acts Amendment (Prevention of Excessive Prices) (No. 2).* [No. 72.]

<i>Provision amended</i>	<i>Matter deleted</i>	<i>Matter substituted</i>
Section 12 (7) (b)	"service" wherever it occurs therein	"petroleum service" in each case
Section 12 (7) (c)	"goods"	"petroleum products"
Section 14	"goods" wherever it occurs therein	"petroleum products" in each case
Section 14	"service" wherever it occurs therein	"petroleum service" in each case
Section 15	"goods" wherever it occurs therein	"petroleum products" in each case
Section 16	"goods" wherever it occurs therein	"petroleum products" in each case
Section 17 (a)	"controlled goods" wherever it occurs therein	"controlled petroleum products" in each case
Section 17 (b)	"controlled service" wherever it occurs therein	"controlled petroleum service" in each case
Section 17 (d)	"goods or the supply of a service"	"petroleum products or the supply of a petroleum service"
Section 18	"controlled goods" wherever it occurs therein	"controlled petroleum products" in each case
Section 18 (1)	"controlled service" wherever it occurs therein	"controlled petroleum service" in each case
Section 18 (1) (c)	"act for the sale of those goods or the supply of that service"	"Act for the sale of those petroleum products or the supply of that petroleum service"
Section 18 (4)	"controlled services"	"controlled petroleum services"
Section 19	"controlled goods" wherever it occurs therein	"controlled petroleum products" in each case
Section 19 (1)	"those goods" wherever it occurs therein	"those controlled petroleum products" in each case
Section 19 (2) (a) and (c)	"those goods" wherever it occurs therein	"those controlled petroleum products" in each case
Section 19 (2) (c) (i)	"the goods"	"the controlled petroleum products concerned"
Section 20	"controlled service" wherever it occurs therein	"controlled petroleum service" in each case
Section 20	"that service" wherever it occurs therein	"that controlled petroleum service" in each case
Section 20 (2) (a)	"the service required"	"the controlled petroleum service required"

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<i>Provision amended</i>	<i>Matter deleted</i>	<i>Matter substituted</i>
Section 20 (2) (b) (i)	"supply the service"	"supply the controlled petroleum service demanded"
Section 20 (2) (b) (i)	"had the service"	"had that controlled petroleum service"
Section 21 (a)	"controlled goods"	"controlled petroleum products"
Section 21 (b)	"controlled service"	"controlled petroleum service"
Section 22 (a)	"goods" wherever it occurs therein	"petroleum products" in each case
Section 22 (b)	"service" wherever it occurs therein	"petroleum service" in each case
Section 23 (1) (d)	"goods"	"petroleum products"
Section 23 (1) (d)	"service"	"petroleum service"
Section 27 (1) and (6)	"goods" wherever it occurs therein	"petroleum products" in each case
Section 27 (2)	"service" wherever it occurs therein	"petroleum service" in each case
Section 27 (6)	"services" wherever it occurs therein	"petroleum services" in each case
Section 30	"goods" wherever it occurs therein	"petroleum products" in each case
Section 30	"service" wherever it occurs therein	"petroleum service" in each case
Section 32	"goods" wherever it occurs therein	"petroleum products" in each case
Section 32 (e)	"service"	"petroleum service"
Section 32 (i)	"service"	"petroleum service"
Section 32	"services" wherever it occurs therein	"petroleum services" in each case
