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PETROLEUM PRODUCTS PRICING ACT 1983

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**PETROLEUM  
PRODUCTS PRICING  
(MAXIMUM TERMINAL  
GATE PRICE) ORDER  
2002**

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**PETROLEUM  
PRODUCTS PRICING  
(DECLARED  
TERMINALS) ORDER  
2002**



## Petroleum Products Pricing Act 1983

**Petroleum Products Pricing (Maximum Terminal Gate Price) Order 2002**

Made by the Prices Commissioner under section 12 of the Act.

**1. Citation**

This order may be cited as the *Petroleum Products Pricing (Maximum Terminal Gate Price) Order 2002*.

**2. Commencement**

This order comes into operation on 19 December 2002.

**3. Definitions**

In this order —

“**cents**” means cents of an Australian dollar;

“**Commissioner’s FuelWatch website**” means the website at the address [www.fuelwatch.wa.gov.au](http://www.fuelwatch.wa.gov.au) on the internet;

“**controlled petroleum product**” means, while it is a declared petroleum product —

- (a) regular unleaded petrol (91 to 93 RON);
- (b) premium unleaded petrol (95 to 98 RON);
- (c) lead replacement petrol (96 RON); or
- (d) diesel;

“**day**” means a period of 24 hours beginning at 8.30 a.m.;

“**declared terminal**” means a terminal described in Schedule 1 to the *Petroleum Products Pricing (Declared Terminals) Order 2002*;

“**EXE**”, in relation to a controlled petroleum product, means the excise and other taxes, other than GST, payable by the supplier in respect of the controlled petroleum product;

“**F**”, in relation to a controlled petroleum product, means the freight costs of the controlled petroleum product to the terminal from which it is supplied, as determined by the supplier;

“**GST**” has the same meaning as it has in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth, and it means any GST payable by the supplier on the sum of LIPP + EXE + TOM;

“**I**” means an amount determined by the supplier for insurance and loss based on a reasonable percentage of the value of the controlled petroleum product plus F;

**“LIPP”** stands for landed international product price and means an amount determined by the supplier —

- (a) in relation to a controlled petroleum product imported into the State —
  - (i) as the actual amount paid for the controlled petroleum product; or
  - (ii) in accordance with the formula in paragraph (b);

or

- (b) in relation to any other controlled petroleum product, as the sum of —

$\text{PSPASP} + \text{P} + \text{F} + \text{I} + \text{W}$ ;

**“P”**, in relation to a controlled petroleum product, means an amount determined by the supplier as a reasonable premium for the controlled petroleum product conforming with specifications under the *Environmental Protection (Diesel and Petrol) Regulations 1999*;

**“PSPASP”**, in relation to a controlled petroleum product, means —

- (a) the Platts Singapore Products Assessment (Spot) Price (or the mean of a quoted PSPASP price range), as set out in the Platts Singapore Products Assessment (Table 6) of “Platts Global Alert” published on subscription by Standard and Poors, a Division of McGraw-Hill Companies, for the controlled petroleum product, as determined by the supplier; or
- (b) if there is no relevant PSPASP for the controlled petroleum product —
  - (i) the PSPASP that most closely approximates to the controlled petroleum product, adjusted by an appropriate premium or discount, as the case requires, measured per barrel and determined by the supplier; or
  - (ii) the weighted average, as determined by the supplier, of one or more of the PSPASPs that approximate to the controlled petroleum product;

**“spot price”**, in relation to a controlled petroleum product, means the price for a wholesale sale of the controlled petroleum product that the supplier is required to display under section 22B of the Act;

**“supplier”** means —

- (a) BP Australia Limited;
- (b) Caltex Australia Petroleum Pty Ltd;
- (c) The Shell Company of Australia Limited;
- (d) Mobil Oil Australia Pty Ltd; or
- (e) Gull Petroleum (WA) Pty Ltd;

**“terminal”** has the same meaning as it has in Part IIIA Division 1 of the Act;

**“TOM”**, in relation to a controlled petroleum product, stands for terminal operation margin and means an amount determined by the supplier that represents a reasonable return to the supplier on the cost of the establishment and operation of the terminal from which the controlled petroleum product is supplied;

**“W”**, in relation to a controlled petroleum product, means the wharfage charges payable by the supplier to the relevant port authority in the State in respect of the controlled petroleum product.

**4. Supplier may notify Commissioner of spot price**

- (1) A supplier may notify the Commissioner by 2.00 p.m. on any day, by directly uploading the information using the Commissioner’s FuelWatch website, of —
  - (a) the spot price for 8.30 a.m. on the following day for the sale of a controlled petroleum product from a declared terminal to a reseller; and
  - (b) each component of that price.
- (2) In subclause (1)(b) —

**“component”**, in relation to the spot price referred to in subclause (1)(a), means, expressed in cents/litre —

  - (a) any amount of EXE, GST, LIPP or TOM; or
  - (b) any other amount,

that the price comprises.
- (3) If LIPP is determined by the supplier as the sum of  $PSPASP + P + F + I + W$ , each of those amounts is also a component for subclause (1)(b).

**5. Maximum terminal gate price, and transitional**

- (1) The spot price notified by a supplier under clause 4(1) for 8.30 a.m. on a day is the maximum price at which the controlled petroleum product may be sold by the supplier from the declared terminal to a reseller for that day and each subsequent day until a day for which a subsequent notification is given under clause 4(1).
- (2) Until a supplier notifies the Commissioner under clause 4(1), the maximum price at which a controlled petroleum product may be sold by the supplier from a declared terminal to a reseller is the spot price for a sale of the controlled petroleum product from the terminal that has effect at 8.30 a.m. on 19 December 2002.

**6. Post terminal gate charges not affected**

A maximum price fixed under clause 5 for the sale of a controlled petroleum product does not limit or otherwise affect an amount that is charged by a supplier for —

- (a) delivery;
- (b) use of a brand;
- (c) a credit facility; or
- (d) anything else connected with the sale of the controlled petroleum product.

**7. Exemption for certain sales**

This order does not apply to the sale of a controlled petroleum product from a declared terminal to a reseller in accordance with an agreement or arrangement entered into before 1 November 2000.

**8. Revocation**

The *Petroleum Products Pricing (Maximum Wholesale Price) Order (No. 4) 2001* is revoked.

PATRICK JOHN WALKER, Prices Commissioner.

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Petroleum Products Pricing Act 1983

## **Petroleum Products Pricing (Declared Terminals) Order 2002**

Made by the Prices Commissioner under section 22A(2) of the Act.

**1. Citation**

This order may be cited as the *Petroleum Products Pricing (Declared Terminals) Order 2002*.

**2. Commencement**

This order comes into operation on 19 December 2002.

**3. Declared terminals (Part IIIA Division 1)**

- (1) Subject to subclause (2), the terminals described in Schedule 1 are designated as declared terminals for the purposes of Part IIIA Division 1 of the Act.
- (2) A terminal is designated as a declared terminal under subclause (1) only for the purposes of a motor fuel supplied from the terminal by a supplier mentioned in Schedule 2.

**4. Revocation**

*The Petroleum Products Pricing (Declared Terminals) Order 2001* is revoked.

**Schedule 1 — Declared terminals**

[cl. 3(1)]

BP Australia Limited, Abernethy Road, Kewdale  
BP Australia Limited, Swan Street, North Fremantle  
Caltex Australia Petroleum Pty Ltd, Bracks Street, North Fremantle  
Gull Petroleum (WA) Pty Ltd, Kwinana Beach Road, Kwinana  
Mobil Oil Australia Pty Ltd, Kwinana Beach Road, Kwinana  
The Shell Company of Australia Limited, Bracks Street, North Fremantle  
BP Australia Limited, Port Drive, Broome  
BP Australia Limited, Gladstone Street, Esperance  
BP Australia Limited, Shenton Street, Geraldton  
BP Australia Limited, Leehey Street, Port Hedland  
Caltex Australia Petroleum Pty Ltd, Brunswick Road, Albany  
Caltex Australia Petroleum Pty Ltd, Gladstone Street, Esperance  
Caltex Australia Petroleum Pty Ltd, Shenton Street, Geraldton  
Caltex Australia Petroleum Pty Ltd, Weston Street, Port Hedland  
Mobil Oil Australia Pty Ltd, Wyndham Coastal Bulk Plant, Wyndham  
The Shell Company of Australia Limited, Port Drive, Broome  
The Shell Company of Australia Limited, Brazier Street, Esperance  
The Shell Company of Australia Limited, Augustus Street, Geraldton

**Schedule 2 — Suppliers**

[cl. 3(2)]

BP Australia Limited  
Caltex Australia Petroleum Pty Ltd  
The Shell Company of Australia Limited  
Mobil Oil Australia Pty Ltd  
Gull Petroleum (WA) Pty Ltd

PATRICK JOHN WALKER, Prices Commissioner.

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