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Petroleum Products Pricing Act 1983

Petroleum Products Pricing (Maximum Wholesale Price) Order 2001

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

1. Citation

This order may be cited as the *Petroleum Products Pricing (Maximum Wholesale Price) Order 2001*.

2. Commencement

This order comes into operation on 12 April 2001.

3. Definitions

“cents” means cents of an Australian dollar;

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

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

“controlled terminal” means a terminal specified in Schedule 1 or 2;

“supplier” means a person who supplies a controlled motor fuel to a reseller;

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

4. Maximum wholesale price of controlled motor fuels — metropolitan terminals

The maximum price at which a controlled motor fuel may be sold from a terminal specified in Schedule 1 to a reseller who —

- (a) is not the subject of any agreement or arrangement affecting price; and
- (b) takes delivery of the controlled motor fuel at the terminal,

is the base price that results from applying the formula set out in Schedule 3.

5. Maximum wholesale price of controlled motor fuels — non-metropolitan terminals

- (1) The maximum price at which a controlled motor fuel may be sold from a terminal specified in Schedule 2 to a reseller who —
 - (a) is not the subject of any agreement or arrangement affecting price; and
 - (b) takes delivery of the controlled motor fuel at the terminal,

is the sum of the base price that results from applying the formula set out in Schedule 3 and the additional amount under subclause (2).

- (2) The additional amount under this subclause for a controlled motor fuel supplied at a terminal specified in Schedule 2 column 1 is the amount per litre of the controlled motor fuel specified opposite the terminal in Schedule 2 column 2.

6. Maximum wholesale price to be fixed the day before the day of delivery

The maximum price referred to in clause 4 or 5 for the sale of a controlled motor fuel delivered on a particular day at a controlled terminal to a reseller is required to be fixed on the previous day.

7. Maximum wholesale price to be notified to Commissioner

A supplier of a controlled motor fuel from a controlled terminal is required to notify the Commissioner of the maximum price referred to in clause 4 or 5, as the case requires —

- (a) not later than 4 p.m. Western Australian Standard Time on the day on which the price is fixed; and
- (b) by a message —
 - (i) given to the telephone number: (08) 9282 0555; or
 - (ii) sent to the email address: wholesalefuelprices@mft.wa.gov.au.

Schedule 1 — Controlled terminals (metropolitan)

[cl. 3, 4]

BP Australia Limited, Abernethy Road, Kewdale

BP Australia Limited, Swan Street, North Fremantle

Caltex Australia Limited, 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

Schedule 2 — Controlled terminals (non-metropolitan)

[cl. 3, 5]

Column 1 Terminal	Column 2 Additional amount
BP Australia Limited, Port Drive, Broome	0.7 cents per litre
BP Australia Limited, Gladstone Street, Esperance	0.9 cents per litre
BP Australia Limited, Shenton Street, Geraldton	0.9 cents per litre
BP Australia Limited, Leehey Street, Port Hedland	1.0 cents per litre
Caltex Australia Limited, Brunswick Road, Albany	0.9 cents per litre
Caltex Australia Limited, Gladstone Street, Esperance	0.9 cents per litre
Caltex Australia Limited, Shenton Street, Geraldton	0.9 cents per litre
Caltex Australia Limited, Weston Street, Port Hedland	1.0 cents per litre
The Shell Company of Australia Limited, Brunswick Road, Albany	0.9 cents per litre
The Shell Company of Australia Limited, Port Drive, Broome	0.7 cents per litre
The Shell Company of Australia Limited, Brazier Street, Esperance	0.9 cents per litre
The Shell Company of Australia Limited, Augustus Street, Geraldton	0.9 cents per litre

Schedule 3 — Maximum wholesale price formula

[cl. 4, 5]

Maximum wholesale price formula

The base price referred to in clauses 4 and 5 for a controlled motor fuel delivered on a particular day (“**the delivery day**”) is the sum of —

$$SP + F + QA + IW + T + EXE + GST$$

where —

SP is the Singapore standard FOB price of the controlled motor fuel, expressed in cents per litre, determined by the formula —

$$SP = \frac{P \times 100}{E \times 159}$$

where —

P is the amount that is the average of the 7 Platts Singapore Product Assessment Spot Price (“**PSPASP**”) prices, expressed in United States dollars per barrel, most recently published before the second-last day (“**the relevant day**”) before the delivery day —

- (a) for the controlled motor fuel; or
- (b) if, before the relevant day, PSPASP prices for the controlled motor fuel stopped being published — for the motor fuel that most closely approximates that controlled motor fuel;

E is the value, in United States dollars, of one Australian dollar on the relevant day according to the exchange rate published by the Reserve Bank of Australia as the representative midpoint rate determined by the Reserve Bank of Australia at 4 p.m. Eastern Standard Time on the relevant day or, if that rate is not published by the Reserve Bank of Australia, the corresponding published rate for the most recent day before the relevant day;

F is the Worldscale 100 freight rate to Fremantle, expressed in cents per litre, adjusted on the relevant day by the average freight rate adjustment (AFRA) for medium range vessels;

QA is the rate of 0.85 cents per litre, relating to the quality adjustment to Western Australian specifications;

IW is the rate of 0.40 cents per litre, relating to insurance and wharfage costs;

T is the rate of 2.5 cents per litre, relating to terminal costs and wholesale margin;

EXE is the rate, in cents per litre, of duty imposed on the controlled motor fuel under the *Excise Tariff Act 1921* of the Commonwealth;

GST has the same meaning as it has in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth, and is expressed in cents per litre.

PATRICK WALKER, Prices Commissioner.

