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Petroleum Products Pricing Act 1983

Petroleum Products Pricing (Maximum Wholesale Price) Order (No. 3) 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 (No. 3) 2001*.

2. Definitions

(1) In this order —

“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;

“spot purchaser” means, for a particular sale of motor fuel, a person who —

- (a) is an independent purchaser for that sale, as described in subclause (2); and
- (b) is a reseller of that motor fuel;

“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.

(2) If there is no agreement or arrangement that would affect the price at which a supplier of motor fuel would make a terminal delivery wholesale sale from a particular terminal to a particular person, were the supplier to make that sale, the purchaser is an independent purchaser for that sale for the purposes of the definition of “spot purchaser” in subclause (1).

(3) In subclause (2) —

“terminal delivery wholesale sale” means a wholesale sale of any controlled motor fuel from a controlled terminal on the basis that the purchaser takes delivery of the motor fuel at the terminal.

3. 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 spot purchaser is the base price that results from applying the formula set out in Schedule 3 clause 2.

4. 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 spot purchaser is the sum of the base price that results from applying the formula set out in Schedule 3 clause 2 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.

5. Revocation

The Petroleum Products Pricing (Maximum Wholesale Price) Order (No. 2) 2001 is revoked.

Schedule 1 — Controlled terminals (metropolitan)

[cl. 2, 3]

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. 2, 4]

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, Wilson Street, Port Hedland	1.0 cents per litre
Caltex Australia Limited, Brunswick Road, Albany	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. 3, 4]

1. Interpretation

(1) In this Schedule —

“**E**”, in the definition of “**SP**”, means 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;

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

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

“**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;

“**IW**” means the rate of 0.40 cents per litre, relating to insurance and wharfage costs;

“**MOPS**”, in the definition of “**P**”, stands for Mean of Platts, and it means the average of the low PSPAP and the high PSPAP for the controlled motor fuel concerned for the day concerned;

“**P**”, in the definition of “**SP**”, means, in relation to a controlled motor fuel, the amount that is the average of the MOPS, expressed in United States dollars per barrel, for the 7 most recent days for which the PSPAP are published before the relevant day for the controlled motor fuel;

“**Platts**”, in the definition of “**PSPAP**”, means the petroleum products and energy market reporting company known by that name;

“**PSPAP**” means the daily Platts Singapore Product Assessment Prices that are published by Platts;

“**relevant day**”, in relation to a controlled motor fuel, means the second-last day before the day on which the controlled motor fuel is delivered at a controlled terminal;

“**QA**” means the rate of 0.85 cents per litre, relating to the quality adjustment to Western Australian specifications;

“**SP**” means the Singapore standard FOB price of a controlled motor fuel, expressed in cents per litre, determined by the formula —

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

“**T**” means the rate of 2.5 cents per litre, relating to terminal costs and wholesale margin.

- (2) A reference in this Schedule to the PSPAP published for a controlled motor fuel specified in column 1 of the Table to this subclause means the PSPAP published —
- (a) for the petroleum product specified opposite the controlled motor fuel in column 2 of that Table; or
 - (b) if the PSPAP are no longer published for that petroleum product — for the petroleum product that most closely approximates that petroleum product.

Table

Column 1 Controlled motor fuel	Column 2 Petroleum product for which PSPAP are published
Regular unleaded petrol (91 to 93 RON)	Mogas 92
Premium unleaded petrol (95 to 96 RON)	Mogas 95
Lead replacement petrol (96 RON)	Mogas 97
Diesel fuel	Gasoil 0.05% Sulphur

2. Maximum wholesale price formula

The base price referred to in clauses 3 and 4 for a controlled motor fuel delivered on a particular day is the sum of —

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

PATRICK WALKER, Prices Commissioner.

