

2.13 Checklist for customers—TGP

The following applies to customers who purchase a declared petroleum product from a wholesale supplier who sells declared petroleum products by wholesale from a wholesale facility such as an oil refinery, a shipping facility, a facility connected by a product transfer pipeline to an oil refinery or a shipping facility, or a facility connected by a pipeline to this latter facility.

☐ Are you a customer?

A customer is a person engaged in the business of retailing or wholesaling declared petroleum products or an associate of that person (for further information see page 24).

☐ Have you been offered for sale a declared petroleum product at the TGP?

- If you are on a term contract in operation before 1 March 2007, are you aware that you can, within 60 days after 1 March 2007, request your wholesale supplier to make you an offer to purchase that product at the posted TGP price (or a price which takes into account discounts or charges for additional services) and that the supplier must make that offer?
- If you are entering into a term contract after 1 March 2007 has your supplier given you the option to purchase that product at the posted TGP price or a price which takes into account discounts or charges for additional services?
- In the case of non-term contracts (e.g. spot sales) after 1 March 2007, has your supplier made you an offer to purchase the declared petroleum product at the posted TGP or a price derived from that price?

Further information about requirements in relation to making your declared petroleum products available at the posted TGP is available at page 27 of this manual.

☐ What if a wholesale supplier refuses to supply me at the TGP?

If you are refused supply you should attempt to find out what are the reasons for being refused supply.

A supplier cannot unreasonably refuse to supply you a declared petroleum product by wholesale. However, the supplier is not required to supply the product to you if they:

- do not have sufficient supplies of the declared petroleum product that they can reasonably provide to meet your requirements or
- reasonably believe that you are unable to pay for the supply or
- reasonably believe that you are unable to receive or transport the declared petroleum product in compliance with all occupational, health and safety requirements.

☐ What if I have a complaint about terminal gate price arrangements?

Where you have a complaint about TGP—e.g. where there has been a problem getting supply—you should first try sort it out with the wholesale supplier. When this does not work, there are provisions in the Oilcode to refer the matter for resolution as discussed in chapter 4, 'Dispute resolution scheme'.

Where your wholesale supplier fails to supply a declared petroleum product to you it is open to you to notify the DRA that a dispute exists and ask them to attempt to resolve the dispute. If you notify the DRA you must, within a reasonable time, tell them:

- the nature of the complaint
- the parties to the dispute
- the expected effect on you of the disputed conduct
- give the DRA evidence to support the complaint.

The DRA may make a non-binding determination about the dispute.

☐ What are my requirements in relation to health and safety?

You must ensure that vehicles used to transport any declared petroleum product are:

- suitable to load at the facilities
- capable of transporting the product safely
- clearly marked as suitable to load and carry the product
- driven by a competent driver carrying evidence that they can operate the vehicle.

Information regarding the specific details of health and safety requirements can be obtained from the authority appointed in the relevant state or territory. A list of appointed authorities and their contact details can be found at the National Transport Commission website (www.ntc.gov.au).