

Queensland



Subordinate Legislation 2003 No. 24

Trade Measurement Act 1990

**TRADE MEASUREMENT (MISCELLANEOUS)
AMENDMENT REGULATION (No. 1) 2003**

TABLE OF PROVISIONS

Section	Page
1 Short title	2
2 Commencement	2
3 Regulation amended	2
4 Insertion of new s 6	2
6 Regulation of sale of fuel by reference to measurement by volume .	2

1 Short title

This regulation may be cited as the *Trade Measurement (Miscellaneous) Amendment Regulation (No. 1) 2003*.

2 Commencement

This regulation commences on 1 March 2003.

3 Regulation amended

This regulation amends the *Trade Measurement (Miscellaneous) Regulation 1991*.

4 Insertion of new s 6

After section 5—

insert—

‘6 Regulation of sale of fuel by reference to measurement by volume

‘(1) A person must not sell fuel by reference to the measurement of its volume unless the sale is at a price determined by reference to the volume of the fuel as measured by the litres the fuel occupies, or would occupy, at a temperature of 15°C.

Maximum penalty—\$2 000.

‘(2) However, subsection (1) does not apply to any of the following sales of fuel—

- (a) a retail sale;
- (b) a wholesale sale if—
 - (i) the wholesale sale happens immediately before, or at the same time as, a retail sale of the fuel; and
 - (ii) the volume of the fuel, as measured for the wholesale sale, is the same as the volume of the fuel as measured for the retail sale;
- (c) a wholesale sale if—
 - (i) before the wholesale sale the fuel—

- (A) was moved, in any way, from a primary storage facility to a fixed storage facility at another location; and
 - (B) was unloaded into the fixed storage facility for further distribution or for further sale and distribution; and
- (ii) for the movement, the fuel was measured by reference to the volume of the fuel as measured by the litres the fuel occupies, or would occupy, at a temperature of 15°C;
- (d) a wholesale sale (the “**relevant sale**”) if—
 - (i) the relevant sale happens immediately before or after, or at the same time as, another wholesale sale of the fuel; and
 - (ii) before the relevant sale the fuel—
 - (A) was moved, in any way, from a primary storage facility to a fixed storage facility at another location; and
 - (B) was unloaded into the fixed storage facility for further distribution or for further sale and distribution;
- (e) a wholesale sale if—
 - (i) before the wholesale sale the fuel—
 - (A) was moved, in any way, from a primary storage facility to a fixed storage facility at another location; and
 - (B) was unloaded into the fixed storage facility for further distribution or for further sale and distribution; and
 - (ii) after the fuel was at the primary storage facility but before the wholesale sale, the fuel was not the subject of another sale.

‘(3) In this section—

“**business entity**” means an entity that operates a business, other than a fuel business.

“**cooperative entity**” includes an entity that is a buying group for its members.

“**diesel fuel**” means any fuel commonly known as diesel, diesel oil, distillate, automotive diesel fuel, automotive diesel oil or automotive distillate.

“fixed storage facility” means a facility, other than a primary storage facility, at which fuel is unloaded and from which fuel is reloaded for further distribution or further sale and distribution.

“fuel” means petrol, or diesel fuel, that a person would reasonably consider is ultimately intended for automotive consumption.

“primary storage facility” means—

- (a) an oil refinery; or
- (b) a shipping facility; or
- (c) a facility connected by product transfer pipeline to an oil refinery or to a shipping facility; or
- (d) a facility connected by product transfer pipeline to a facility mentioned in paragraph (c).

“retail sale”, of fuel, means a sale to any of the following—

- (a) an entity that purchases the fuel only for its own consumption;
- (b) a business entity that purchases the fuel only for 1 or both of the following purposes—
 - (i) for its own consumption;
 - (ii) for resale to its staff or contractors for consumption by the purchasing staff or contractors;
- (c) a cooperative entity that purchases the fuel only for resale to its members for consumption by the purchasing members.

“shipping facility” means a facility where fuel may be supplied by ship.’.

ENDNOTES

1. Made by the Governor in Council on 20 February 2003.
2. Notified in the gazette on 21 February 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Office of Fair Trading.