



Queensland

Trade Measurement Act 1990

Trade Measurement (Miscellaneous) Regulation 1991

Reprinted as in force on 1 February 2007

Reprint No. 1*

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2010 Act No. 50 s 6

* Minor differences in presentation between this reprint and another reprint with the same number are due to the conversion to new styles. The content has not changed.

Information about this reprint

This regulation is reprinted as at 1 February 2007. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use different spelling consistent with current drafting practice (s 26(2))
- use standard punctuation consistent with current drafting practice (s 27)
- reorder provisions consistent with current drafting practice (s 30A)
- use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprint.**

Spelling

The spelling of certain words or phrases may be inconsistent with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’).

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Trade Measurement (Miscellaneous) Regulation 1991

Contents

		Page
1	Short title	3
2	Commencement	3
4	Beer, spirits to be sold by volume	3
5	Offer etc. for sale by reference to measurement	3
6	Regulation of sale of fuel by reference to measurement by volume	5
 Endnotes		
1	Index to endnotes	9
2	Date to which amendments incorporated	9
3	Key	9
4	Table of reprints	10
5	List of legislation	10
6	List of annotations	10

Trade Measurement (Miscellaneous) Regulation 1991

[as amended by all amendments that commenced on or before 1 February 2007]

1 Short title

This regulation may be cited as the *Trade Measurement (Miscellaneous) Regulation 1991*.

2 Commencement

This regulation commences on the day appointed by proclamation under section 2(2) of the Act.

4 Beer, spirits to be sold by volume

- (1) Beer, stout, ale, brandy (including cognac and armagnac), gin, rum, vodka and whisky (whiskey) are prescribed as articles to which section 26 of the Act applies.
- (2) Pursuant to that section, a sale of a quantity of such an article is required to be at a price determined by reference to the volume of the quantity.

5 Offer etc. for sale by reference to measurement

- (1) This section does not apply to a prepacked article or to diamonds or other precious stones.
- (2) A person who advertises, offers or exposes an article for sale at a price determined by reference to measurement (being mass, volume, linear measurement or superficial measurement) commits an offence unless the measurement is—
 - (a) in the case of mass—
 - (i) 1 kilogram; or

[s 5]

- (ii) 1 kilogram, with another reference to an integral number of kilograms; or
 - (iii) an integral number of tonnes; or
 - (iv) if the article is a precious metal—1 gram or 1 troy ounce;
- (b) in the case of volume—
- (i) 1 litre; or
 - (ii) 1 litre, with another reference to an integral number of litres; or
 - (iii) an integral number of cubic metres;
- (c) in the case of linear measurement—
- (i) 1 centimetre; or
 - (ii) 1 metre; or
 - (iii) 1 metre, with another reference to an integral number of metres; or
- (d) in the case of superficial measurement—
- (i) 1 square centimetre; or
 - (ii) 1 square metre; or
 - (iii) 1 square metre, with another reference to an integral number of square metres;

or is a measurement authorised by subsection (3).

Penalty—\$2000.

- (3) The length, width, thickness, diameter or other linear measurement of an article specified in the table to this section may be advertised, offered or exposed for sale by the millimetre, centimetre or metre.

Table

carpets
ceramic tiles
chain
cord
cordage
electrical cable
electrical flex
floor coverings
hardboard
particle board
plastic mouldings
plywood
resin laminates
rope
rubber materials
rubber mouldings
sheet glass
textile products (other than ready-made clothing)
textiles
timber
veneers
wire netting

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—\$2000.

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

[s 6]

- (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;

[s 6]

- (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 Index to endnotes

	Page
2 Date to which amendments incorporated	9
3 Key	9
4 Table of reprints	10
5 List of legislation	10
6 List of annotations	10

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 February 2007. Future amendments of the Trade Measurement (Miscellaneous) Regulation 1991 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
0A	2003 SL No. 24	1 March 2003	
1	2006 SL No. 314	1 February 2007	

5 List of legislation

Trade Measurement (Miscellaneous) Regulation 1991 (prev Trade Measurement (Miscellaneous) Regulations 1991)

made by the Governor in Council on 23 May 1991

pubd gaz 25 May 1991 pp 300–3

exp 31 August 2011 (see SIA s 56(2) and SIR s 5 sch 3)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Trade Measurement (Miscellaneous) Amendment Regulation (No. 1) 2003 SL No. 24

notfd gaz 21 February 2003 pp 622–3

ss 1–2 commenced on date of notification

remaining provisions commenced 1 March 2003 (see s 2)

Note—A regulatory impact statement and explanatory note were prepared

Trade Measurement Legislation Amendment Regulation (No. 1) 2006 SL No. 314 pts 1, 4

notfd gaz 15 December 2006 pp 1861–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 February 2007 (see s 2)

6 List of annotations

Short title

s 1 sub 2006 SL No. 314 s 19

Commencement

s 2 amd 2006 SL No. 314 s 20

Interpretation

s 3 om 2006 SL No. 314 s 21

Offer etc. for sale by reference to measurement

s 5 amd 2006 SL No. 314 s 22

Regulation of sale of fuel by reference to measurement by volume

s 6 ins 2003 SL No. 24 s 4

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