

NORTHERN TERRITORY OF AUSTRALIA

TRADE MEASUREMENT (MISCELLANEOUS) REGULATIONS

As in force at 30 April 2003

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 30 April 2003

TRADE MEASUREMENT (MISCELLANEOUS) REGULATIONS

Regulations under the *Trade Measurement Act*

1 Citation

These Regulations may be cited as the *Trade Measurement (Miscellaneous) Regulations*.

2 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.

3 Offer etc. for sale by reference to measurement

- (1) This regulation does not apply to:
 - (a) pre-packed articles;
 - (b) the articles described in regulation 2; or
 - (c) 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) is guilty of an offence unless the measurement is:
 - (a) in the case of mass:
 - (i) 1 kilogram;
 - (ii) 1 kilogram, with another reference to an integral number of kilograms;
 - (iii) an integral number of tonnes; or

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- (iv) if the article is a precious metal – 1 gram or 1 troy ounce;
 - (b) in the case of volume:
 - (i) 1 litre;
 - (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;
 - (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
 - (ii) 1 square metre; or
 - (iii) 1 square metre, with another reference to an integral number of square metres,

or is a measurement authorized by subregulation (3).

Penalty: 50 penalty units.

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

TABLE

Carpets	Resin laminates
Ceramic tiles	Rope
Chain	Rubber material
Cord	Rubber mouldings
Cordage	Sheet glass
Electrical cable	Textiles
Electrical flex	Textile products (other than ready-made clothing)

Fabrics	Timber
Floor coverings	Veneers
Hardboard	Wire netting
Particle board	Plywood
Plastic mouldings	

4 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.

Penalty: \$2 000.

- (2) Subregulation (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;

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- (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 regulation:

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

co-operative 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;
- (b) a shipping facility;
- (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 referred to 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 one 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 co-operative 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****KEY**

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2**LIST OF LEGISLATION*****Trade Measurement (Miscellaneous) Regulations (SL No. 20, 1991)***

Notified	31 May 1991
Commenced	31 May 1991

Amendment of Trade Measurement (Miscellaneous) Regulations (SL No. 6, 2003)

Notified	28 February 2003
Commenced	28 February 2003

Amendment of Trade Measurement (Miscellaneous) Regulations (SL No. 25, 2003)

Notified	30 April 2003
Commenced	30 April 2003

3**LIST OF AMENDMENTS**

r 3	amd No. 25, 2003
r 4	ins No. 6, 2003