



ORIGINAL PAPER

No. 876

Laid upon the Table

01/05/03

NORTHERN TERRITORY OF AUSTRALIA

Regulations 2003, No. 6*

Regulations under the *Trade Measurement Act*

I, JOHN CHRISTOPHER ANICTOMATIS, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulation under the *Trade Measurement Act*.

Dated 28 February 2003.

J. C. ANICTOMATIS
Administrator

By His Honour's Command

PETER TOYNE
Minister for Justice and Attorney-General

* Notified in the *Northern Territory Government Gazette* on 28 February 2003.

Government Printer of the Northern Territory
Price \$0.85 including 10% GST

**AMENDMENT OF TRADE MEASUREMENT (MISCELLANEOUS)
REGULATIONS**

The Trade Measurement (Miscellaneous) Regulations are amended by adding at the end the following:

"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;
- (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

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- (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;

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- (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."
