

— PART 1 —

CONSUMER AND EMPLOYMENT PROTECTION

CE301*

Weights and Measures Act 1915

Weights and Measures Amendment Regulations 2003

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Weights and Measures Amendment Regulations 2003*.

2. The regulations amended

The amendments in these regulations are to the *Weights and Measures Regulations 1927**.

[* Reprinted as at 4 October 2002.

For amendments to 6 March 2003 see *Gazette 1 November 2002 (correction)*.]

3. Part XC inserted

After Part XB the following Part is inserted —

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Part XC — Regulation of sale of fuel by reference to volume

1. Definitions

In this Part —

“**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;
- (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 mentioned in paragraph (c);

“retail sale”, in relation to fuel, means a sale to —

- (a) an entity that purchases the fuel only for its own consumption;
- (b) a business entity that purchases the fuel only —
 - (i) for its own consumption;
 - (ii) for resale to its staff or contractors for consumption by the purchasing staff or contractors; or
 - (iii) for each of the purposes mentioned in subparagraphs (i) and (ii);or
- (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.

2. **Regulation of sale of fuel by reference to volume**

- (1) Subject to subregulation (2), 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: \$200.
- (2) Subregulation (1) does not apply to —
 - (a) a retail sale of fuel;

- (b) a wholesale sale of fuel 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 of fuel if —
 - (i) before the wholesale sale, the fuel —
 - (I) was moved, in any way, from a primary storage facility to a fixed storage facility at another location; and
 - (II) was unloaded into the fixed storage facility for further distribution or for further sale and distribution;
 - and
 - (ii) for the purposes of 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 of fuel (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 —
 - (I) was moved, in any way, from a primary storage facility to a fixed storage facility at another location; and
 - (II) was unloaded into the fixed storage facility for further distribution or for further sale and distribution;
- or
- (e) a wholesale sale of fuel if —
 - (i) before the wholesale sale, the fuel —
 - (I) was moved, in any way, from a primary storage facility to a fixed storage facility at another location; and
 - (II) 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 facility
but before the wholesale sale, the fuel
was not the subject of another sale.

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4. Part XI amended

Part XI regulation 11 is amended by deleting “Any” and
inserting instead —

“ Except as provided in regulation 2(1) of Part XC, any ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
