

South Australia

Trade Measurement (Miscellaneous) Regulations 2008

under the *Trade Measurement Act 1993*

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Schedule 1—Revocation of *Trade Measurement (Miscellaneous) Regulations 1993*

1—Short title

These regulations may be cited as the *Trade Measurement (Miscellaneous) Regulations 2008*.

2—Commencement

These regulations will come into operation on 1 September 2008.

3—Interpretation

In these regulations—

Act means the *Trade Measurement Act 1993*.

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 (Articles required to be sold by specific measurement) 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 regulation does not apply to—
 - (a) pre-packed articles; or
 - (b) the articles described in regulation 4 (Beer, spirits to be sold by volume); 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; or
 - (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; or
 - (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; or
 - (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 subregulation (3).

Maximum penalty: \$2 000.

Expiation fee: \$104.

- (3) The length, width, thickness, diameter or other linear measurement of the following articles may be advertised, offered or exposed for sale by the millimetre, centimetre or metre:
- carpets
 - ceramic tiles
 - chain
 - cord
 - cordage
 - electrical cable
 - electrical flex
 - fabrics
 - floor coverings

hardboard
particle board
plastic mouldings
plywood
resin laminates
rope
rubber material
rubber mouldings
sheet glass
textiles
textile products (other than ready-made clothing)
veneers
timber
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: \$2 000.

- (2) However, 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
 - (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;

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.

Schedule 1—Revocation of *Trade Measurement (Miscellaneous) Regulations 1993*

The *Trade Measurement (Miscellaneous) Regulations 1993* are revoked.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 14 August 2008

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