

1999
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Osborne)

**Fair Trading (Fuel Prices) (Amendment)
Bill 1999**

A BILL

FOR

An Act to amend the *Fair Trading (Fuel Prices) Act 1993*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Short title

This Act is the *Fair Trading (Fuel Prices) (Amendment) Act 1999*.

5 2 Commencement

This Act commences on the day it is notified in the *Gazette*.

3 Act amended

This Act amends the *Fair Trading (Fuel Prices) Act 1993*.¹

4 Interpretation

10 Section 2 is amended by inserting in subsection (1) the following definition:

Job No.: 1998/211

“regulated transfer means a single consignment of a fuel that is—

- (a) at least 2,000 litres; and
- (b) delivered to or withdrawn from a place in the Territory under, or because of, an agreement for the sale, purchase or exchange of fuel.”.

5 Insertion

After section 7 the following sections are inserted:

“8 When a volume of fuel must be temperature converted

“(1) The volume of a fuel in a regulated transfer must be measured or calculated as if the fuel were at the temperature of 15°C.

“(2) A person must not, without reasonable excuse, authorise a regulated transfer in which—

- (a) the volume of the fuel is measured or calculated contrary to subsection (1); or
- (b) the price or value of the fuel transferred is fixed by reference to a volume measured or calculated contrary to subsection (1).

Penalty for contravention of subsection (2):

- (a) for a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) for a body corporate—250 penalty units.

“9 Section 8 must not be circumvented

“(1) Section 8 applies even if there is an agreement or understanding to the contrary.

“(2) A provision in an agreement is void so far as it is inconsistent with section 8 or a right or remedy arising from the section.

“(3) Section 8 applies even if the proper law of the agreement is that of another jurisdiction.

“(4) Nothing in section 8 affects the operation of an agreement so far as it can operate consistently with that section.”.

6 Renumbering

Section 8 (Regulations) is renumbered as section 10.

NOTES

Act amended

1. Act 1993 No 40. See also Acts 1997 No 93; 1998 Nos 18 and 54.

Penalty units

2. See section 33AA of the *Interpretation Act 1967*.

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