



Western Australia

## **Trade Measurement Regulations 2007**

Compare between:

[23 Jun 2010, 01-d0-03] and [01 Jul 2013, 01-e0-04]



Western Australia

Trade Measurement Act 2006

Trade Measurement Administration Act 2006

## Trade Measurement Regulations 2007

### Part 1 — Preliminary

#### 1. Citation

These regulations are the *Trade Measurement Regulations 2007*<sup>1</sup>.

#### 2. Commencement

These regulations come into operation on the first day on which the whole of —

- (a) the *Trade Measurement Act 2006*; and
- (b) the *Trade Measurement Administration Act 2006*,

have come into operation<sup>1</sup>.

#### 3. Terms used

In these regulations, unless the contrary intention appears —

*approved* means approved by the Commissioner;

*approved printing device* means a printing device that conforms to an approved pattern;

**authorised person**, in relation to a measurement at a public weighbridge, means —

- (a) in the case where a vehicle is being measured, the driver or owner of the vehicle; and
- (b) in the case where livestock is being measured, the drover or owner of the livestock; and
- (c) in any case, a person who the operator of the weighbridge is satisfied is, or would have been, authorised to request the measurement;

**certificate of approval** has the meaning given to that term in the National Measurement Regulations regulation 3;

**characters** includes letters, figures and symbols;

**cheese** and **cheese products** do not include articles for sale as processed cheese or cheese spreads;

**class 4 measuring instrument** means a measuring instrument of an approved pattern that, in accordance with the approved pattern —

- (a) has not less than 100 but not more than 1 000 verification scale intervals, each of which represents not less than 5 g; and
- (b) has a symbol on the measuring instrument that is —
  - (i) an oval; or
  - (ii) 2 parallel horizontal lines that are joined at each end by a semicircle,with 4 vertical lines in the symbol;

**cream** does not include clotted cream or sour (cultured) cream;

**dried or dehydrated fruit** includes glace and crystallised fruit and fruit peel;

**dried or dehydrated mixed fruit** includes any such fruit mixed with nuts;

**end-and-end measurement** means the determination of a measurement relating to a vehicle (whether loaded or not) by adding together separate measurements of the mass supported

singly or in combination by the different axles of the vehicle, those separate measurements having been determined by separate operations of a weighbridge;

***garden landscape material*** means soil, pebbles, crushed tile, crushed white quartz, Grawin gravel, crushed western red, crushed snowflake, New Zealand lava scoria, Pacific coral, river stones, crushed material mix and any like substance for use in gardens;

***glass***, in relation to a container or drinking vessel, includes any other material permitted by the approved pattern for the container or drinking vessel;

***glass measure*** means —

- (a) a container made wholly or principally of glass or other rigid substance in which it is intended that lubricating oil will be sold by volume of the quantity (otherwise than as a pre-packed article); or
- (b) a measure made of glass or other rigid or semi-rigid substance intended for use for the sale of beer, ale, stout or spirits by quantity (otherwise than as a pre-packed article);

***ice cream*** includes any form of frozen confection containing ice cream, flavoured ice, fruit-ice, water-ice or a substitute for ice cream;

***liquid chemicals*** includes solvents packed for sale for pharmaceutical, laboratory or industrial use;

***main display part***, in relation to a package, means —

- (a) if the name or brand of the article in the package appears on the package once only — the part of the package on which it appears; or
- (b) if the name or brand of the article in the package appears on more than one part of the package with equal prominence in each case — any one of those parts; or
- (c) if the name or brand of the article in the package appears on more than one part of the package but not always

with equal prominence — the part of the package on which it is more prominent or any part of the package on which it is most prominent; or

- (d) if the name or brand of the article in the package does not appear on the package — that part of the package that will be most prominent when the package is exposed for sale in the manner in which it is likely to be exposed for sale;

**measurement marking** means the marking of measurement required by these regulations to be made on the package containing a pre-packed article;

**measurement ticket**, in relation to a measurement made using a public weighbridge, means a ticket for that measurement referred to in regulation 20(1);

**National Measurement Regulations** means regulations made under the National Measurement Act;

**operator**, in relation to a weighbridge, means the person who personally determines a measurement by use of the weighbridge;

**owner**, in relation to a measuring instrument, means the person who —

- (a) uses, or proposes to use, the measuring instrument for trade; or
- (b) proposes to make it available for use for trade;

**paint** includes enamel but does not include a two-pack paint, artists' paint or powder coatings;

**poultry** means any kind of bird used for human consumption, whether it is cooked or uncooked or consists of poultry pieces;

**poultry piece** means leg, wing, breast or other part detached from a poultry carcass and any division of a poultry carcass;

**principal Act** means the *Trade Measurement Act 2006*;

**public measurement**, in relation to a weighbridge, means the use of the weighbridge by or on behalf of the public or for which a charge is made;

**public weighbridge licence** means a public weighbridge licence in force under the principal Act Part 6;

**public weighbridge licensee** means the holder of a public weighbridge licence;

**relevant person**, in relation to a measurement at a public weighbridge, means —

- (a) the person who requested the measurement; or
- (b) any other authorised person in relation to the measurement; or
- (c) any other person who has a proprietary interest in goods or livestock that are wholly or partly the subject of the measurement;

**resins** includes natural resins, synthetic resins and polymeric materials other than paint;

**servicing licensee** means the holder of a servicing licence;

**therapeutic goods** means goods for therapeutic use as defined in the *Therapeutic Goods Act 1989* of the Commonwealth;

**tobacco** includes plug tobacco.

[Regulation 3 amended in Gazette 22 Jun 2010 p. 2768.]

#### 4. **Matters to which the principal Act does not apply**

For the purposes of the principal Act section 8, the principal Act does not apply to a measurement, or an instrument used to make a measurement, of —

- (a) a quantity of reticulated electricity, reticulated gas or reticulated water; or
- (b) charges relating to telephone calls; or
- (c) the fare payable for the use of a taxi; or
- (d) the charge for the hire of a motor vehicle; or

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- (e) tyre pressures; or
- (f) the expiration of the time for parking a motor vehicle.

**5A. Exemptions from the principal Act**

- (1) This regulation applies on and after 1 July 2010.
- (2) For the purposes of the principal Act section 9, a person is exempt from a provision of the principal Act (*State provision*) if the person complies with the provision of the National Measurement Act that most closely corresponds to the State provision.

*[Regulation 5A inserted in Gazette 22 Jun 2010 p. 2768-9.]*



## **Part 2 — Weighbridges**

### **Division 1 — Requirements for weighbridges used for trade**

#### **5. Requirements for weighbridges used for trade**

For the purposes of the principal Act section 10(2), the requirements for weighbridges (including public weighbridges) used for trade are those set out in this Division.

#### **6. Situation of weighbridge**

A weighbridge must be so situated that —

- (a) there is sufficient room for a vehicle using the weighbridge to move onto and off without turning on the platforms; and
- (b) its headwork is protected from wind, rain or any other environmental effect by an office or other adequate means; and
- (c) water or debris from the surrounding area does not accumulate on the platforms or in the pit.

#### **7. Visibility on weighbridge**

A weighbridge must —

- (a) provide the operator with a clear view of the platforms; and
- (b) have the indicator that is used by the operator located not more than 6 m from the edge of the platforms or in some other approved position; and
- (c) in the case of a road weighbridge, have an indicator in such a position that the mass displayed on it may easily be read by the driver of a vehicle using the weighbridge.

**8. Approaches to weighbridge**

A weighbridge must have approaches that —

- (a) are in the same plane as the platforms for a minimum distance of —
  - (i) 3 m if the length of the platforms is less than 18 m; or
  - (ii) 1 m if the length of the platforms is 18 m or more;
- and
- (b) have a hard, true and durable surface of concrete or other approved material; and
- (c) are arranged so that drainage from the surface does not flow into the pit.

**9. Platforms of weighbridge**

- (1) The platforms of a weighbridge must —
  - (a) be of concrete or steel, or both, or be of other approved materials; and
  - (b) be kept clean.
- (2) The space between the platforms of a weighbridge and the weighbridge surrounds must be kept free from obstructions.
- (3) Unless exempted under subregulation (4), a weighbridge must be provided with guard rails or other suitable means to prevent vehicles from moving onto or off the platform otherwise than from end to end.
- (4) The Commissioner may exempt a weighbridge from compliance with subregulation (3).

**10. Pit of weighbridge**

If a weighbridge has a pit —

- (a) the entrance to the pit must be covered and be at least 1 m deep and 900 mm wide; and

- (b) the neck of the pit must be at least 900 mm wide; and
  - (c) there must be a clearance of at least 150 mm on each side of any lever in the neck of the pit; and
  - (d) there must be free access to every part of the under-work and —
    - (i) if free access is available from above to every part of the under-work, there must be a clearance of at least 150 mm below all parts of the under-work; or
    - (ii) in any other case, there must be a clearance of at least 400 mm below the lowest lever;
- and
- (e) the pit must be free-draining or be provided with automatic mechanical drainage and be kept free from any accumulation of water, mud and debris.

#### **11. Weighbridge without pit**

If a weighbridge does not have a pit —

- (a) there must be a clearance of at least 150 mm under the lowest live part of the platforms; and
- (b) the floor between load cell supports must be of concrete at least 75 mm thick and must be effectively drained and kept free from any accumulation of water, mud and debris; and
- (c) there must be in the same plane as, or lower than, the floor a clear space of at least 1 m from the external edges of the frame of the weighbridge; and
- (d) the load cell footings must be individually and mutually stable.

#### **12. Weighbridge with electronic devices**

If a weighbridge is equipped with electronic devices —

- (a) they must be protected from electrical interference and the rays of the sun; and

- (b) the data plate of the load cells must have such access as is necessary to enable it to be read with ease.

**13. Multi-platform weighbridge**

In a multi-platform weighbridge —

- (a) any dead space between platforms must not exceed 2 m; and
- (b) the platforms must not interfere with each other so as to affect their operation; and
- (c) a visual summing indicator must be provided.

**14. Portable weighbridge**

If a weighbridge is portable —

- (a) there must be a clearance of at least 150 mm under the lowest live part of the platforms; and
- (b) it must have a base that is stable when the weighbridge is in use; and
- (c) the headwork and exposed levers must have adequate protection from wind, rain or any other environmental effect; and
- (d) the ground under the platform must be treated to prevent the growth of foliage and must be kept free from any accumulation of water, mud and debris.

**15. Public weighbridge**

A public weighbridge must be of a type, and have platforms of a size, that make it suitable for use as a public weighbridge.

## Division 2 — Public weighbridges

### Subdivision 1 — General

#### 16. Vehicle licensing measurement — exemption from licensing etc.

- (1) The use of a weighbridge to measure the tare mass of a vehicle to enable it to be licensed for use on a road as defined in the *Road Traffic Act 1974* is not to be considered to be a use as a public weighbridge for the purposes of the principal Act section 54(3) if the operator of the weighbridge gives to the person for whom the measurement was made a clear written statement that the measurement was taken to enable the vehicle to be so licensed.
- (2) Subdivision 2 does not apply to the licensee of a weighbridge in the circumstances referred to in subregulation (1).
- (3) Subdivision 3 does not apply to the operator of a weighbridge in the circumstances referred to in subregulation (1).

#### 17. Register of public weighbridge licences

For the purposes of the principal Act section 59, the prescribed particulars to be kept in a register by the Commissioner in respect of each public weighbridge licence are as follows —

- (a) the number of the licence and the date it was granted;
- (b) the name of the licensee;
- (c) the address at which notices may be served personally on the licensee;
- (d) if a body corporate is the holder, or one of the holders, of the licence, the name of all the persons concerned in the management of that body corporate;
- (e) any name registered under the *Business Names Act 1962* that the licensee uses in carrying on activities under the licence;

- (f) for each person employed as an operator of the weighbridge mentioned in the licence —
  - (i) the full name and residential address of the person; and
  - (ii) the date the person commenced employment as an operator of the weighbridge; and
  - (iii) if the person stops being employed to operate the weighbridge — the last day the person was so employed;
- (g) particulars of any conditions imposed in relation to the licence under the principal Act section 60;
- (h) for the weighbridge mentioned in the licence —
  - (i) particulars of the weighbridge's location; and
  - (ii) a registered number allocated to the weighbridge by the Commissioner; and
  - (iii) when the most recent weighbridge suitability statement was provided.

**18. Applications to amend public weighbridge licence to be in approved form**

An application under the principal Act section 71(1), 73(2) or 74(2) to amend a public weighbridge licence must be in the approved form.

**Subdivision 2 — Public weighbridge licensees**

**19. Licence and sign to be displayed at public weighbridge**

- (1) A public weighbridge licensee must, in accordance with subregulation (2), display at the weighbridge —
  - (a) the licence for the weighbridge; or
  - (b) a copy of the licence for the weighbridge.

Penalty: a fine of \$2 000.

- (2) The licence must —
- (a) have written on it a weighbridge suitability statement that is in force; and
  - (b) must be displayed —
    - (i) prominently; and
    - (ii) so that it can easily be seen by anyone using the weighbridge;
- and
- (c) have adequate protection from wind, rain or any other environmental effect.
- (3) A public weighbridge licensee must, in accordance with subregulation (4), display at the weighbridge a sign that clearly indicates, in words and figures at least 100 mm high and on a background of contrasting colour —
- (a) that the weighbridge is a public weighbridge; and
  - (b) the registered number referred to in regulation 17(h)(ii).
- Penalty: a fine of \$2 000.
- (4) The sign must be displayed —
- (a) prominently; and
  - (b) so that it can easily be seen by anyone using the weighbridge.

**20. Facilities for measurement tickets**

- (1) A public weighbridge licensee must ensure that a ticket is able to be generated in accordance with this regulation at the weighbridge for each public measurement made using the weighbridge and that —
- (a) the ticket complies with Schedule 1; and
  - (b) the ticket is otherwise in the approved form.
- Penalty: a fine of \$2 000.

- (2) The measurement tickets at a public weighbridge must be generated —
  - (a) from a bound book of tickets or from a block of tickets held together at one edge to form a pad; or
  - (b) electronically.
- (3) If the measurement tickets are generated from a book or pad, the book or pad must be designed so that —
  - (a) each measurement ticket is numbered consecutively; and
  - (b) the original of each measurement ticket remains in the book or pad marked “original”; and
  - (c) at least one removable copy can be generated for each ticket marked “copy”.
- (4) If the measurement tickets are generated electronically, each measurement ticket must be —
  - (a) numbered consecutively as it is generated; and
  - (b) capable of being printed.

**21. Issue of measurement tickets**

- (1) Except as provided in regulations 26(2) and 27(2), a public weighbridge licensee must ensure that, immediately after a public measurement is made at the weighbridge, an appropriately completed measurement ticket, and a copy of the ticket, are generated in accordance with regulation 20.  
Penalty: a fine of \$2 000.
- (2) Except as provided in regulations 26(2) and 27(2), a public weighbridge licensee must ensure that, as soon as practicable after a public measurement is made at the weighbridge, the person for whom the measurement was made is given the copy of the ticket referred to in subregulation (1).  
Penalty: a fine of \$2 000.
- (3) A public weighbridge licensee must not generate, or permit someone else to generate, a measurement ticket or a copy of a



measurement ticket for a public measurement except in accordance with regulations 20 and 31.

Penalty: a fine of \$2 000.

- (4) If a public weighbridge licensee is charged with an offence under subregulation (1), (2) or (3), it is a defence to prove —
- (a) that the offence was committed without the licensee's consent or connivance; and
  - (b) that the licensee took all the measures to prevent the commission of the offence that the licensee could reasonably be expected to have taken having regard to all the circumstances.
- (5) If at a public weighbridge a measurement ticket for a public measurement is generated from a book or pad, the public weighbridge licensee must keep the original of the measurement ticket for at least one year after the last measurement ticket is generated from the book or pad.

Penalty: a fine of \$2 000.

- (6) If at a public weighbridge a measurement ticket for a public measurement is generated electronically, the public weighbridge licensee must keep —

- (a) the electronic record of the ticket; or
- (b) a printed ticket marked "original",

for at least one year after the ticket was generated.

Penalty: a fine of \$2 000.

- (7) Except as provided in regulation 25(5), a public weighbridge licensee must not alter, remove or delete, or permit someone else to alter, remove or delete —
- (a) any original of a measurement ticket or unissued copies in a book or pad kept under subregulation (5); or
  - (b) any electronic record or printed measurement ticket kept under subregulation (6).

Penalty: a fine of \$2 000.

- (8) A public weighbridge licensee must make —
- (a) a measurement ticket kept under subregulation (5); or
  - (b) an electronic record or printed ticket kept under subregulation (6),

available during working hours for inspection by an inspector or relevant person.

Penalty: a fine of \$2 000.

**22. Operation of a public weighbridge**

- (1) A public weighbridge licensee must ensure that the weighbridge gives a measurement of zero when there is no load on the platform.  
Penalty: a fine of \$2 000.
- (2) A public weighbridge licensee must ensure that the weighbridge platform is kept clean.  
Penalty: a fine of \$2 000.
- (3) A public weighbridge licensee must ensure that the space between the weighbridge frame and the weighbridge platform is always kept free from obstructions.  
Penalty: a fine of \$2 000.
- (4) A public weighbridge licensee must ensure that measurements made using the weighbridge are taken as accurately as practicable.  
Penalty: a fine of \$2 000.
- (5) A public weighbridge licensee must ensure that a request for a public measurement to be made using the weighbridge during working hours is granted unless —
- (a) the person asking for the measurement to be made is not an authorised person in relation to the measurement; or

- (b) the person asking for the measurement to be made is asked to pay the licensee's fee in advance and the payment is not made; or
- (c) the weighbridge does not have the capability to make the measurement; or
- (d) the weighbridge has been withdrawn from use under subregulation (7) or regulation 30(8).

Penalty: a fine of \$2 000.

- (6) If a public weighbridge licensee is charged with an offence under subregulation (1), (2), (3), (4) or (5) it is a defence to prove —
  - (a) that the offence was committed without the licensee's consent or connivance; and
  - (b) that the licensee took all measures to prevent the commission of the offence that the licensee could reasonably be expected to have taken having regard to all the circumstances.
- (7) If a public weighbridge licensee knows, or has reason to believe, that a measurement made using the weighbridge is or will be incorrect, the licensee must ensure that —
  - (a) the weighbridge is immediately withdrawn from use; and
  - (b) as soon as practicable after the withdrawal —
    - (i) the Commissioner is given written notice in the approved form of the withdrawal of the weighbridge from use and the reason for the withdrawal; and
    - (ii) each operator of the weighbridge is given written notice of the withdrawal.

Penalty: a fine of \$2 000.

**23. Notification by public weighbridge licensee of change of certain particulars**

- (1) A public weighbridge licensee must, in accordance with subregulation (5), give to the Commissioner written notice of any change in the address for the service of notices on the licensee.

Penalty: a fine of \$1 500.

- (2) When a new person is employed as an operator of a public weighbridge, the public weighbridge licensee must, in accordance with subregulation (5), give to the Commissioner written notice of —

- (a) the full name and residential address of the person; and
- (b) the date the person commenced employment as an operator of the weighbridge.

Penalty: a fine of \$1 500.

- (3) A public weighbridge licensee must, in accordance with subregulation (5), give to the Commissioner written notice of —

- (a) a change in the residential address of each person employed as an operator of the weighbridge; and
- (b) if the person stops being employed to operate the weighbridge — the last day the person was so employed.

Penalty: a fine of \$1 500.

- (4) If a body corporate is the holder, or one of the holders, of a public weighbridge licence and a person concerned in the management of the body corporate ceases to be so concerned, the public weighbridge licensee must, in accordance with subregulation (5), give to the Commissioner written notice of the last day the person was involved in the management of the body corporate.

Penalty: a fine of \$1 500.

- (5) The licensee must give the notice —

- (a) in the approved form; and

- (b) within 14 days after the relevant event happens.

**24. Additional copies of measurement tickets**

- (1) This regulation applies when —
- (a) a relevant person requests a public weighbridge licensee or an operator of the weighbridge to give to the person a copy of a measurement ticket —
    - (i) kept under regulation 21(5) or (6) or that is otherwise still available; and
    - (ii) that is in addition to the copy referred to in regulation 25(1);
- and
- (b) the relevant person pays the licensee or an operator of the weighbridge any fee set by the licensee for providing the copy of the measurement ticket.
- (2) The licensee must ensure that the relevant person is given the copy of the measurement ticket in accordance with this regulation.
- Penalty: a fine of \$2 000.
- (3) If the measurement ticket was issued from a book or pad, the copy of the measurement ticket —
- (a) may be a removable copy remaining in the book or pad; or
  - (b) may be a photocopy of the original of the measurement ticket in the book or pad if that photocopy is marked “copy”; or
  - (c) may be made using an unissued measurement ticket from a book or pad if both the ticket and any removable copy of it —
    - (i) bear the number of the ticket for the measurement; and
    - (ii) are marked “copy”.

- (4) If the measurement ticket was generated electronically, the copy of the measurement ticket may be —
- (a) a printed version of the electronic record kept under regulation 21(6)(a); or
  - (b) a photocopy of the printed version of the electronic record kept under regulation 21(6)(b),
- if it is marked “copy”.
- (5) Except as provided in subregulation (3)(c), the copy of the measurement ticket must not be created by issuing a new measurement ticket.
- (6) If a public weighbridge licensee is charged with an offence under subregulation (2), it is a defence to prove —
- (a) that the offence was committed without the licensee’s consent or connivance; and
  - (b) that the licensee took all the measures to prevent the commission of the offence that the licensee could reasonably be expected to have taken having regard to all the circumstances.

**Subdivision 3 — Operators of public weighbridges**

**25. Issue of a measurement ticket**

- (1) Except as provided in regulations 26(2) and 27(2), an operator of a public weighbridge must ensure that, immediately after a public measurement is made at the weighbridge, an appropriately completed measurement ticket, and a copy of the ticket, are generated in accordance with regulation 20.
- Penalty: a fine of \$2 000.
- (2) Except as provided in regulations 26(2) and 27(2), an operator of a public weighbridge must ensure that, as soon as practicable after a public measurement is made at the weighbridge, the person for whom the measurement was made is given the copy of the ticket referred to in subregulation (1).

Penalty: a fine of \$2 000.

- (3) An operator of a public weighbridge must not generate, or permit someone else to generate, a measurement ticket or a copy of a measurement ticket for a public measurement except in accordance with regulations 20 and 31.

Penalty: a fine of \$2 000.

- (4) Except as provided in subregulation (5), an operator of a public weighbridge must not alter, remove or delete, or permit someone else to alter, remove or delete —
- (a) any original of a measurement ticket or unissued copies in a book or pad kept under regulation 21(5); or
  - (b) any electronic record or printed measurement ticket kept under regulation 21(6).

Penalty: a fine of \$2 000.

- (5) An operator who makes an error in completing a measurement ticket in a book or pad must immediately mark as cancelled, and retain in the book or pad, the original of the measurement ticket and any copy of the ticket forming part of the book or pad.

Penalty: a fine of \$2 000.

**26. Measurement — unloaded then loaded**

- (1) This regulation applies when an authorised person requests the operator of a public weighbridge to take a public measurement of the tare mass of a vehicle so that the gross mass can be measured on a separate occasion within the following 24 hours.
- (2) When the authorised person requests the operator to measure the tare mass of the vehicle, the operator must —
- (a) measure the tare mass of the vehicle; and
  - (b) note the tare mass on a measurement ticket without completing the ticket or giving a copy to the authorised person.

Penalty: a fine of \$2 000.

- (3) If the vehicle is returned to the weighbridge within 24 hours after the measurement of the tare mass of the vehicle, and an authorised person requests the operator to measure the gross mass of the vehicle, the operator must —
- (a) measure the gross mass of the vehicle; and
  - (b) complete the measurement ticket; and
  - (c) give a copy of the ticket to the authorised person.

Penalty: a fine of \$2 000.

- (4) If the vehicle is not returned to the weighbridge within 24 hours after the measurement of the tare mass of the vehicle, the operator must —
- (a) if requested by an authorised person within 72 hours after the measurement of the tare mass of the vehicle —
    - (i) complete the measurement ticket for the tare mass of the vehicle; and
    - (ii) give a copy to the authorised person;
  - or
  - (b) otherwise mark the partially completed measurement ticket as cancelled as soon as practicable after the expiration of 72 hours after the measurement of the tare mass of the vehicle.

Penalty: a fine of \$2 000.

**27. Measurement — loaded then unloaded**

- (1) This regulation applies when an authorised person requests the operator of a public weighbridge to take a public measurement of the gross mass of a vehicle so that the tare mass can be measured on a separate occasion within the following 24 hours.
- (2) When the authorised person requests the operator to measure the gross mass of the vehicle, the operator must —
- (a) measure the gross mass of the vehicle; and



- (b) note the gross mass on a measurement ticket without completing the ticket or giving a copy to the authorised person.

Penalty: a fine of \$2 000.

- (3) If the vehicle is returned to the weighbridge within 24 hours after the measurement of the gross mass of the vehicle, and an authorised person requests the operator to measure the tare mass of the vehicle, the operator must —
  - (a) measure the tare mass of the vehicle; and
  - (b) complete the measurement ticket; and
  - (c) give a copy of the ticket to the authorised person.

Penalty: a fine of \$2 000.

- (4) If the vehicle is not returned to the weighbridge within 24 hours after the measurement of the gross mass of the vehicle, the operator must —
  - (a) if requested by an authorised person within 72 hours after the measurement of the gross mass of the vehicle —
    - (i) complete the measurement ticket; and
    - (ii) give a copy to the authorised person;
  - or
  - (b) otherwise mark the partially completed measurement ticket as cancelled as soon as practicable after the expiration of 72 hours after the measurement of the gross mass of the vehicle.

Penalty: a fine of \$2 000.

## **28. Axle load measurement**

- (1) This regulation applies to a public measurement, except an end-and-end measurement, of the mass of each load supported by separate axles, or groups of axles, of a vehicle at a public weighbridge.

- (2) The operator of the weighbridge must not make the measurement unless —
- (a) the approaches to the weighbridge have a smooth and level surface that —
    - (i) is paved with concrete or other approved material; and
    - (ii) is in the same horizontal plane as the top of the platform or platforms;
  - and
  - (b) the perimeter of the approaches is clearly indicated by painted marks or by other approved means; and
  - (c) at all times during the measuring —
    - (i) the wheels on one or more of the axles are located on the platform or platforms and the wheels on the other axles are located within the indicated perimeter of the approaches; and
    - (ii) the brakes, gears and other means capable of restricting the free movement of the vehicle are disengaged.

Penalty: a fine of \$2 000.

**29. Inspector may require measurement to be made**

An operator of a public weighbridge must, if required to do so by an inspector, make without charge a measurement relating to a loaded or unloaded vehicle.

Penalty: a fine of \$2 000.

**30. Operation of a public weighbridge generally**

- (1) An operator of a public weighbridge must ensure that the weighbridge gives a measurement of zero when there is no load on the platform.

Penalty: a fine of \$2 000.

- (2) An operator of a public weighbridge must ensure that the weighbridge platform is kept clean.  
Penalty: a fine of \$2 000.
- (3) An operator of a public weighbridge must ensure that the space between the weighbridge frame and the weighbridge platform is always kept free from obstructions.  
Penalty: a fine of \$2 000.
- (4) An operator of a public weighbridge must ensure that measurements made using the weighbridge are taken as accurately as practicable.  
Penalty: a fine of \$2 000.
- (5) An operator of a public weighbridge must ensure that a request for a measurement to be made using the weighbridge during working hours is granted unless —
- (a) the person asking for the measurement to be made is not an authorised person in relation to the measurement; or
  - (b) the person asking for the measurement to be made is asked to pay the licensee's fee in advance and the payment is not made; or
  - (c) the weighbridge does not have the capability to make the measurement; or
  - (d) the weighbridge has been withdrawn from use under subregulation (8) or regulation 22(7).
- Penalty: a fine of \$2 000.
- (6) If an operator of a public weighbridge is charged with an offence under subregulation (5) it is a defence to prove that the operator took all the measures to prevent the commission of the offence that the operator could reasonably be expected to have taken having regard to all the circumstances.
- (7) If an operator of a public weighbridge is charged with an offence under subregulation (5)(d) it is a defence to prove that the operator was not aware that the weighbridge had been

withdrawn from use by another operator of the weighbridge under subregulation (8) or by the public weighbridge licensee under regulation 22(7).

- (8) If an operator of a public weighbridge knows, or has reason to believe, that a measurement made using the weighbridge is or will be incorrect, the operator must —
- (a) immediately withdraw the weighbridge from use; and
  - (b) as soon as practicable after the withdrawal of the weighbridge from use, give both the licensee and the Commissioner written notice of the withdrawal and the reason for the withdrawal.

Penalty: a fine of \$2 000.

- (9) An operator of a public weighbridge must not use the weighbridge for public measurement if the operator knows, or has reason to believe, that a measurement made using the weighbridge is or will be incorrect.

Penalty: a fine of \$2 000.

**31. Additional copies of measurement tickets**

- (1) This regulation applies when —
- (a) a relevant person requests an operator of a public weighbridge to give to the person a copy of a measurement ticket —
    - (i) kept under regulation 21(5) or (6) or that is otherwise still available; and
    - (ii) that is in addition to the copy referred to in regulation 25(1);
- and
- (b) the relevant person pays the operator any fee set by the licensee for providing the copy of the measurement ticket.

- (2) The operator must ensure that the relevant person is given the copy of the measurement ticket in accordance with this regulation.  
Penalty: a fine of \$2 000.
- (3) If the measurement ticket was issued from a book or pad, the copy of the measurement ticket —
- (a) may be a removable copy remaining in the book or pad; or
  - (b) may be a photocopy of the original of the measurement ticket in the book or pad if that photocopy is marked “copy”; or
  - (c) may be made using an unissued measurement ticket from a book or pad if both the ticket and any removable copy of it —
    - (i) bear the number of the ticket for the measurement; and
    - (ii) are marked “copy”.
- (4) If the measurement ticket was generated electronically, the copy of the measurement ticket may be —
- (a) a printed version of the electronic record kept under regulation 21(6)(a); or
  - (b) a photocopy of the printed version of the electronic record kept under regulation 21(6)(b),  
if it is marked “copy”.
- (5) Except as provided in subregulation (3)(c), the copy of the measurement ticket must not be created by issuing a new measurement ticket.
- (6) If an operator of a public weighbridge is charged with an offence under subregulation (2), it is a defence to prove that —
- (a) at the time of the request referred to in subregulation (1), the original of the measurement ticket or the electronic

record of it, as the case may be, was in the possession of the licensee of the weighbridge; and

- (b) the operator took all practicable measures to ensure that the licensee provided a copy of the ticket to the relevant person.

### **Division 3 — End-and-end measurements**

#### **32. Prohibition on using public weighbridges for end-and-end measurements and transitional**

- (1) In this regulation —

*relevant period* means 5 years after the commencement of these regulations;

*relevant change*, in a public weighbridge licensee, means a change in the licensee that requires the granting of a new licence for the weighbridge;

*repealed Act* means the Act repealed by the Administration Act section 36(1).

- (2) If a public weighbridge is used for public measurement to determine an end-and-end measurement, the licensee and operator of the weighbridge each commit an offence.  
Penalty: a fine of \$2 000.
- (3) Subregulation (2) does not apply to a public weighbridge until the end of the relevant period or until there is a relevant change in the licensee of the weighbridge, whichever occurs first, if —
  - (a) a certificate of registration under the repealed Act section 2 in relation to the weighbridge, issued in the name of the licensee —
    - (i) was in force immediately before the commencement of these regulations; and
    - (ii) did not include a condition that prohibited the use of the weighbridge for an end-and-end measurement;

and

- (b) the end-and-end measurement is made in accordance with regulation 33(2)(a) to (d); and
- (c) the measurement ticket is marked to indicate that —
  - (i) the measurement is an end-and-end measurement; and
  - (ii) the accuracy of the measurement is not guaranteed.

**33. Restrictions in other cases**

- (1) If a public weighbridge is used to determine an end-and-end measurement that is not a public measurement, the licensee and operator of the weighbridge each commit an offence unless subregulation (2) is complied with.

Penalty: a fine of \$2 000.

- (2) This subregulation is complied with if —
  - (a) the wheelbase of the vehicle concerned is —
    - (i) longer than the length of the platform of the weighbridge or, if the weighbridge has 2 or more platforms, the total of the lengths of the platforms; and
    - (ii) shorter than the sum of the length, or total length, determined in accordance with subparagraph (i) and the length of the shorter, or, if their lengths are the same, of either, of the approaches to the platform or platforms;

and

- (b) the approaches have a smooth and level surface that is paved with concrete or other approved material and is in the same horizontal plane as the top of the platform or platforms; and
- (c) the perimeter of the approaches is clearly indicated by painted marks or by other approved means; and

- (d) at all times during the measuring —
  - (i) the wheels on one or more of the axles are located on the platform or platforms and the wheels on the other axles are located within the indicated perimeter of the approaches; and
  - (ii) the brakes, gears and any other means capable of restricting the free movement of the vehicle are disengaged;and
- (e) the measurement ticket, or any other document issued for the measurement, is marked to indicate that —
  - (i) the measurement is an end-and-end measurement; and
  - (ii) the accuracy of the measurement is not guaranteed.

#### **Division 4 — Miscellaneous**

#### **34. Fraudulent activities of licensee or operator**

A licensee or operator of a weighbridge commits an offence if he or she —

- (a) knowingly permits, assists in, or connives at, a fraud in connection with the measurement of anything by using the weighbridge or the issue of a measurement ticket; or
- (b) makes, or connives at the making of, a representation known by the licensee or operator to be false with respect to the measurement of anything by means of the weighbridge; or
- (c) knowing of anything fraudulent in connection with the measurement of anything by means of the weighbridge, fails to inform an inspector as soon as practicable.

Penalty: a fine of \$2 000.



## **Part 3 — Measuring instruments**

### **Division 1 — Use of measuring instruments for trade**

**35. Form of notice under the principal Act section 11**

A written notice under the principal Act section 11(1) is to be in the approved form.

**36. Prescribed measuring instruments and uses (principal Act section 12)**

For the purposes of the principal Act section 12 —

- (a) a measuring instrument is of a prescribed class if it is a class 4 measuring instrument; and
- (b) a measuring instrument is used for a prescribed purpose or in prescribed circumstances if it is used to measure the mass of —
  - (i) baggage at an airport; or
  - (ii) a thing for the purposes of determining freight or haulage charges applicable to it; or
  - (iii) garbage; or
  - (iv) earth, sand, gravel or other similar material; or
  - (v) something that is suspended from a crane; or
  - (vi) timber logs.

### **Division 2 — Verification, re-verification, certification and re-certification**

**37. Measuring instruments to be verified or certified in accordance with this Division**

A measuring instrument cannot be verified, re-verified, certified or re-certified except in accordance with this Division.

**38. Duration of verification and certification**

- (1) For the purposes of the principal Act section 21(1), the period for which the verification, re-verification, certification or re-certification of measuring instruments or classes of measuring instruments is to have effect is, in respect of an instrument specified in Schedule 6 Column 1, the period specified in Column 5 of that Schedule opposite that instrument.
- (2) The period specified in Schedule 6 Column 5 has effect from the day the measuring instrument was —
  - (a) verified or certified, as the case may be; or
  - (b) last re-verified or re-certified, as the case may be,whichever is the later.

**39. Marking of measuring instrument**

- (1) When an inspector's mark or licensee's mark is made on a measuring instrument, the person who makes the mark must also mark, in the approved manner, the date on which the mark is made, unless the instrument is a glass measure.
- (2) When an employee of a servicing licensee certifies or re-certifies a measuring instrument, the employee must in addition to making the licensee's mark on the measuring instrument also make such other mark in conjunction with the licensee's mark as will enable the licensee to identify the employee who made the mark.

**40. Certain measuring instruments not to be verified or certified**

A measuring instrument cannot be verified, re-verified, certified or re-certified if —

- (a) it bears a manufacturer's mark or trade mark that could be mistaken for an inspector's mark or a licensee's mark; or
- (b) it is of rough, crude or unworkmanlike construction or is constructed of inferior material; or

- (c) it is not reasonably clean or has wet paint on it; or
- (d) it is so damaged as to be unsuitable for use for trade.

**41. Directions may be given for the purposes of verification or certification**

- (1) An inspector or servicing licensee may give reasonable directions to the owner, or any person in possession, of a measuring instrument for the purposes of facilitating the verification, re-verification, certification or re-certification of a measuring instrument, as the case may be.
- (2) Those directions may include, but are not limited to —
  - (a) directions as to the time and place at which the instrument is to be made available for examination or testing; and
  - (b) a requirement for the instrument to be cleaned; and
  - (c) in the case of a verification or re-verification, directions as to the provision of labour, materials, equipment and transportation necessary for the purpose of the verification or re-verification.

**42. Testing of measuring instrument**

The testing of a measuring instrument for the purpose of verification, re-verification, certification or re-certification must —

- (a) if the measuring instrument is fixed — be carried out with the measuring instrument in its fixed position; or
- (b) if the measuring instrument is movable and has a base — be carried out with the measuring instrument on a level plane or, if this is not practicable, on a plane that is as nearly level as possible; or
- (c) if the measuring instrument is transportable and the results obtained by its use are affected by gravity — be carried out so as to compensate for the conditions applicable in the region in which it is used or to be used.

**43. Testing and marking of measure of length**

If a measure of length is to be verified, re-verified, certified or re-certified, it must be examined, tested and marked —

- (a) on both sides if it is calibrated on both sides and is not permanently fixed so that only one side is visible; or
- (b) on the visible side if it is permanently fixed so that only one side is visible.

**44. Exemption of certain marked glass measures from re-verification or re-certification**

If a glass measure referred to in Division 3 has been marked in accordance with regulation 49, re-verification or re-certification of it is not required.

**45. Exemption from marking, and restriction on use for trade, of certain small masses**

- (1) For the purposes of the principal Act section 9, a mass of 0.2 metric carat or less, or of 50 mg or less, is exempt from the principal Act section 10(1).
- (2) A person who uses such a mass for trade commits an offence unless the person is the holder of a certificate, issued by the Commissioner or a servicing licensee, stating that the mass complies with the requirements for verification or certification specified in the principal Act section 22.

Penalty: a fine of \$2 000.

**46. Dismantling of measuring instrument for testing**

- (1) If an inspector considers it to be necessary to examine or test a component part of a measuring instrument for the purpose of verifying or re-verifying the instrument and that cannot be done without dismantling the instrument, the inspector may require the owner of the measuring instrument to comply with subregulation (2).

- (2) The owner of a measuring instrument complies with this subregulation if the owner —
  - (a) dismantles the measuring instrument or causes it to be dismantled; or
  - (b) consents to the measuring instrument being dismantled by the inspector and absolves the inspector from liability for any damage caused in the course of its dismantling or reassembly.

**47. Owner liable for costs of verification or re-verification**

- (1) When an inspector verifies or re-verifies a measuring instrument, the owner of the instrument is liable for any costs reasonably incurred by the Commissioner in respect of that verification or re-verification.
- (2) The Commissioner may recover the costs from the owner in a court of competent jurisdiction as a debt due to the State.

**Division 3 — Batch testing and marking**

**48. Approval for batch testing of glass measures**

- (1) The Commissioner may give a manufacturer or importer of glass measures written approval for the glass measures to be tested and marked under this Division.
- (2) An approval ceases to have effect if it is revoked by the Commissioner in writing or if the manufacturer or importer fails —
  - (a) to comply with any requirements of the Commissioner notified in the approval; or
  - (b) to take reasonable precautions to prevent the commission of an offence referred to in regulation 50; or
  - (c) to provide and pay for testing facilities as required by the Commissioner; or

- (d) to make the testing facilities available, without charge, for use by an inspector or a servicing licensee in order to carry out tests in accordance with regulation 51; or
- (e) to comply with regulation 52 relating to the keeping and examination of records.

**49. Approval authorises making of marks**

While an approval under regulation 48 is in force, the manufacturer or importer is authorised for the purposes of the principal Act section 30(4) to mark a glass measure with a mark consisting of —

- (a) the mark of —
    - (i) the inspector, as specified in the approval; or
    - (ii) if the manufacturer or importer is a servicing licensee licensed for the purposes of batch testing glass measures — the manufacturer or importer; or
    - (iii) if the manufacturer is not a servicing licensee licensed for the purposes of batch testing glass measures — a servicing licensee nominated by the manufacturer or importer;
- and
- (b) the characters specified in the approval as those that are to form part of the approved mark, in the size and manner, and in the position on the measure, required by the approval.

**50. Restrictions on removal of marked glass measure**

If a glass measure is removed from the custody of the manufacturer or importer after being marked in accordance with an approval under regulation 48, the manufacturer or importer commits an offence unless —

- (a) the measure is one of a batch of measures that complies with regulation 51; and

- (b) an inspector or a servicing licensee has given written approval for the removal of the batch of measures from the custody of the manufacturer or importer.

Penalty: a fine of \$2 000.

**51. Batch testing requirements**

- (1) A batch of glass measures complies with this regulation only if —
  - (a) at least the appropriate test proportion of the batch is tested by an inspector or a servicing licensee; and
  - (b) in each test less than 2% of the measures tested fail to comply with the requirements of the principal Act section 22 for verification or certification.
- (2) The appropriate test proportion of a batch of glass measures is the proportion determined by the Commissioner from time to time.
- (3) A batch of glass measures fails to comply with this regulation unless the batch is accompanied by a histogram detailing the results of tests made on the batch by or on behalf of the manufacturer or importer concerned.

**52. Records to be kept and made available**

A manufacturer or importer given an approval under regulation 48 must —

- (a) keep such records relating to glass measures as are specified in the approval; and
- (b) make the records available for examination if required to do so by an inspector.

**Division 4 — Servicing licences and servicing licensees**

**53. Certificate issued by servicing licensee**

- (1) A certificate issued by a servicing licensee under the principal Act section 19(1)(b) or (2)(b) must —

- (a) be in the approved form; and
- (b) be given to the owner of the instrument as soon as practicable after the instrument has been certified or re-certified, as the case requires.

Penalty: a fine of \$1 500.

- (2) The servicing licensee must —
  - (a) retain a copy of the certificate for at least 3 years after the certification or re-certification to which it relates; and
  - (b) on demand, produce the retained copy to an inspector.

Penalty: a fine of \$1 500.

**54. Information to be provided by servicing licensee when instrument is certified or re-certified**

- (1) For the purposes of the principal Act section 20(1), the information to be given to the Commissioner by a servicing licensee in respect of any certification or re-certification by that licensee of a measuring instrument is —
  - (a) the business name and street address of the place at which the instrument was certified or re-certified; and
  - (b) the business name and postal address of the owner of the instrument; and
  - (c) the serial number, make and model of the instrument; and
  - (d) the number of the approved pattern of the instrument stated on the relevant certificate of approval; and
  - (e) where applicable — the capacity or flow rate of the instrument; and
  - (f) where the instrument is a replacement for another instrument — the serial number of the replaced instrument; and
  - (g) if instruments of the same type are situated at the place referred to in paragraph (a) (for example, if the



instrument is a fuel pump certified or re-certified at a filling station) — a specification of where the instrument is situated at that place.

- (2) For the purposes of the principal Act section 20(2)(b), the prescribed period is 14 days.

**55. Report by servicing licensee under principal Act section 61(d) or (e) to be in approved form**

A report under the principal Act section 61(d) or (e) must be in the approved form.

**56. Servicing licensee to keep certain records**

- (1) The Commissioner may direct a servicing licensee to —
- (a) make specified records relating to the certification or re-certification of measuring instruments; and
  - (b) retain those records for at least 3 years after making them; and
  - (c) on demand, produce the retained records to an inspector.
- (2) The servicing licensee must comply with a direction given under subregulation (1).

Penalty: a fine of \$1 500.

**57. Register of servicing licences**

For the purposes of the principal Act section 59, the particulars to be kept in a register by the Commissioner in respect of each servicing licence are as follows —

- (a) the number of the licence and the date it was granted;
- (b) the name of the licensee;
- (c) the address at which notices may be served personally on the licensee;
- (d) if a body corporate is the holder, or one of the holders, of the licence, the name of all the persons concerned in the management of that body corporate;

- (e) any name registered under the *Business Names Act 1962* that the licensee uses in carrying on activities under the licence;
- (f) for each person employed by the licensee to certify or re-certify measuring instruments —
  - (i) the full name and residential address of the person; and
  - (ii) the date the person commenced that employment; and
  - (iii) if the person stops being employed to certify or re-certify measuring instruments — the last day the person was so employed;
- (g) particulars of any conditions imposed in relation to the licence under the principal Act section 60.

**58. Applications to amend servicing licence to be in approved form**

An application under the principal Act section 71(1), 73(2) or 74(2) to amend a servicing licence must be in the approved form.

**59. Notification by servicing licensee of change of certain particulars**

- (1) A servicing licensee must, in accordance with subregulation (5), give written notice to the Commissioner of any change in the address for the service of notices on the licensee.  
Penalty: a fine of \$1 500.
- (2) When a servicing licensee employs a new person to certify or re-certify measuring instruments, the licensee must, in accordance with subregulation (5), give written notice to the Commissioner of —
  - (a) the full name and residential address of the person; and
  - (b) the date the person commenced that employment.

Penalty: a fine of \$1 500.

- (3) A servicing licensee must, in accordance with subregulation (5), give written notice to the Commissioner of —
- (a) a change in the residential address of each person employed by the licensee to certify or re-certify measuring instruments; and
  - (b) if the person stops being employed to certify or re-certify measuring instruments — the last day the person was so employed.

Penalty: a fine of \$1 500.

- (4) If a body corporate is the holder, or one of the holders, of a servicing licence and a person concerned in the management of the body corporate ceases to be so concerned, the licensee must, in accordance with subregulation (5), give written notice to the Commissioner of the last day the person was involved in the management of the body corporate.

Penalty: a fine of \$1 500.

- (5) The licensee must give the notice —
- (a) in the approved form; and
  - (b) within 14 days after the relevant event happens.

### **Division 5 — Restrictions on use of measuring instrument for trade**

#### **60. General restrictions on use of measuring instrument for trade**

- (1) A person who uses for trade a measuring instrument of an approved pattern designed for measuring a liquid commits an offence if the person purports to measure anything other than a liquid to which the approved pattern relates.

Penalty: a fine of \$2 000.

- (2) A person who uses for trade a measuring instrument held in, or suspended from, the person's hand commits an offence if the person is purporting to measure mass.  
Penalty: a fine of \$2 000.
- (3) A person who uses for trade a measuring instrument that is, under the relevant certificate of approval, approved for a use, or for uses, specified in that certificate commits an offence unless —
- (a) the instrument is marked for that use or those uses; and
  - (b) the instrument is used for that use or those uses and no other use.
- Penalty: a fine of \$2 000.
- (4) A person commits an offence if the person uses for trade, other than for factory use or non-retail counter use, a measuring instrument with a tare bar.  
Penalty: a fine of \$2 000.
- (5) A person commits an offence if the person uses a measuring instrument for trade to determine a mass greater than the mass permitted by the approved pattern for the instrument.  
Penalty: a fine of \$2 000.
- (6) A person using a measuring instrument for trade to determine the mass of any therapeutic goods, or the mass of precious metals, commits an offence if the person uses masses other than masses marked "A" in accordance with a certificate of approval for the pattern.  
Penalty: a fine of \$2 000.
- (7) A person using a measuring instrument for trade to determine the mass of anything other than precious stones commits an offence if the person uses metric carat masses.  
Penalty: a fine of \$2 000.

**61. Restrictions on use of measuring instrument for trade with proportional masses**

- (1) A person who uses for trade a measuring instrument designed for use with specific proportional masses commits an offence if the person does not use those proportional masses.

Penalty: a fine of \$2 000.

- (2) A person who, on the same premises, is in possession of more than one measuring instrument that —

- (a) is used for trade; and  
(b) is designed for use with specific proportional masses,

commits an offence unless those proportional masses are marked with the serial number of the measuring instrument.

Penalty: a fine of \$2 000.

**62. Restrictions on use of measuring instrument for trade with load receptor**

- (1) A person who uses for trade a measuring instrument fitted with a removable load receptor commits an offence if —

- (a) the instrument is one of 2 or more such measuring instruments on the same premises; and  
(b) the instrument's load receptor is not clearly marked to identify it with the instrument.

Penalty: a fine of \$2 000.

- (2) A person who uses for trade a measuring instrument fitted with a removable load receptor commits an offence if the load receptor measures incorrectly in any position on its supports.

Penalty: a fine of \$2 000.

- (3) A person who uses for trade a measuring instrument fitted with a load receptor commits an offence if any latitude of movement of the load receptor on its supports causes it to foul any part of the measuring instrument.

Penalty: a fine of \$2 000.

- (4) A person who uses for trade a measuring instrument fitted with a load receptor commits an offence if the load receptor is in the form of a scoop mounted so that a purchaser of goods being measured by the instrument cannot readily see whether there is anything in the load receptor other than the goods.

Penalty: a fine of \$2 000.

### **Division 6 — Miscellaneous**

#### **63. Subdivision of scale spacing**

If the scale spacing on a measuring instrument that bears an inspector's mark or a licensee's mark is altered by being subdivided after the inspector's mark or licensee's mark was marked on the instrument —

- (a) the person who subdivided the scale spacing commits an offence; and
- (b) a person who uses the measuring instrument for trade commits an offence.

Penalty: a fine of \$2 000.

#### **64. Measurement of liquid**

- (1) This regulation applies when a measuring instrument is used for trade in order to measure a liquid.
- (2) If the measuring instrument is not, to the extent necessary for the purpose of permitting proper observation of its operation, artificially illuminated between sunset and sunrise and at any other time when illumination is necessary for that purpose —
  - (a) a person in possession of the instrument commits an offence; and
  - (b) a person who made it available for use for trade commits an offence.

Penalty: a fine of \$2 000.

- (3) If the measuring instrument is a flowmeter fitted with a zero re-setting device and the flowmeter is not re-set to zero before the commencement of each measurement —
- (a) a person in possession of the instrument commits an offence; and
  - (b) a person who made it available for use for trade commits an offence.

Penalty: a fine of \$2 000.

- (4) If the measuring instrument is a driveway flowmeter being used to measure liquid for sale and the existing readings of volume, price per litre and price are erased before the sale has been completed —
- (a) a person in possession of the instrument commits an offence; and
  - (b) a person who made it available for use for trade commits an offence.

Penalty: a fine of \$2 000.

#### **65. Measurement of precious stones**

- (1) This regulation applies to a person who is using for trade a measuring instrument for the purpose of measuring diamonds or other precious stones.
- (2) The person commits an offence if the measuring instrument has a verification scale interval greater than 10 mg.  
Penalty: a fine of \$2 000.
- (3) The person commits an offence if the measuring instrument has the capability of measuring a mass less than 5 000 CM yet has a verification scale interval greater than 0.01 CM.  
Penalty: a fine of \$2 000.
- (4) A person commits an offence if the measuring instrument has the capability of measuring a mass of 5 000 CM or more yet has a verification scale interval greater than 0.05 CM.

Penalty: a fine of \$2 000.

**66. Measurement of precious metals**

A person who uses for trade a measuring instrument for the purpose of measuring gold, silver or other precious metals commits an offence if the instrument has the capability of measuring a mass specified in Column 1 of the Table to this regulation, yet has a verification scale interval greater than the corresponding mass specified in Column 2.

Penalty: a fine of \$2 000.

**Table**

<b>Column 1</b>	<b>Column 2</b>
Less than 1 kg	10 mg
1 kg or more but less than 10 kg	100 mg
10 kg or more	1 g

**67. Commissioner to be notified when person obliterates mark on instrument**

- (1) Except as provided in subregulation (3), a person must, in accordance with subregulation (2), give written notice to the Commissioner of an action taken by that person under the principal Act section 28(1)(a) to obliterate any inspector's mark or licensee's mark that a measuring instrument bears.

Penalty: a fine of \$1 500.

- (2) The person must give the notice —
- (a) in the approved form; and
  - (b) within 14 days after the person has taken the action to which the notice relates.
- (3) This regulation does not apply if the measuring instrument is certified or re-certified within 7 days after the action referred to in subregulation (1) is taken.



## Part 4 — Pre-packed articles

### Division 1 — Preliminary

#### 68. Requirements as to packaging of pre-packed articles

For the purposes of the principal Act section 39, the requirements as to the packaging of pre-packed articles are those prescribed in this Part.

#### 69. Exemptions from marking requirements (name, address, measurement)

(1) In this regulation —

*Schedule 2 package* means a package containing an article specified in Schedule 2.

(2) Except as provided in subregulations (3) and (4), a Schedule 2 package is exempt from the operation of Divisions 2 and 3 in the circumstances specified in Schedule 2 in relation to the article or, if no circumstances are specified, in all circumstances.

(3) A Schedule 2 package is not exempt from the operation of Divisions 2 and 3 merely because it contains 2 or more packages each of which would be exempt under subregulation (2) as separate packages.

(4) A Schedule 2 package —

(a) is not exempt from the operation of Division 2 if it has a name and address marked on it; and

(b) is not exempt from the operation of Division 3 if it has a measurement marked on it.

(5) It is not to be assumed that an article described in Schedule 2 item 1 or 4 has been packed for sale by measurement merely because it has been packed for sale —

(a) as a single item; or

- (b) as a set (except in the case of identical automotive parts); or
  - (c) as a pair, or as one of a pair, if it is an article ordinarily described by pairs, or as one of a pair.
- (6) An article is not excluded from being an article described in Schedule 2 item 5 merely because it could be included in some other description of goods in that Schedule.

**70. Exemptions for packages containing paper**

- (1) A package containing paper that is a package to which this regulation applies —
- (a) is exempt from regulations 73 and 75; and
  - (b) is permitted to be marked with the expression “gross mass” or any other expression that has a similar meaning to that expression.
- (2) This regulation applies to a package containing paper if —
- (a) it was packed at the factory at which the paper was produced; or
  - (b) it is packed in a quantity of more than 5 kg; or
  - (c) it contains at least 500 sheets and is marked with the number of sheets and the dimensions of each sheet.

**71. Requirements applicable to both inner and outer packages**

A requirement of this Part as to the marking of a package containing a pre-packed article applies to both the immediate package containing the article and any other package containing that package (whether or not with other packages) unless the provision that imposes the requirement otherwise provides.

**72. Exemptions for certain inner and outer packages**

A requirement of this Part as to the marking of a package does not apply to —

- (a) any immediate package ordinarily sold only in an outer package that is marked in accordance with the requirement; or
- (b) any outer package in which the immediate package is packed only for the purposes of transportation.

**Division 2 — Marking of name and address**

**73. Marking of name and address on packages**

- (1) When a pre-packed article is packed or sold, the package containing the article must be marked with the name and address of the person who packed the article or on whose behalf it was packed.
- (2) That marking must be —
  - (a) readily visible and legible; and
  - (b) such as to enable the person named to be identified and located.
- (3) The address marked must be an address in a State or Territory at which, under a law in force in that State or Territory, notices or legal process may be served on the person named.

**74. Exemption for packaged seed**

- (1) In this regulation —  
*prescribed variety*, in relation to agricultural seed, means seed for Rhodes grass, Molasses grass, Buffel grass, Veldt grass, Brachiaria species, Guinea grass, Hamil grass, Gamba grass, Mitchell grass, Creeping Blue grass and Indian Blue grass.
- (2) Regulation 73 does not apply to —
  - (a) public-bred agricultural seed that is of a prescribed variety and is packed in a quantity of 10 kg or more; or

- (b) public-bred agricultural seed that is not of a prescribed variety and is packed in a quantity of 25 kg or more; or
- (c) non-proprietary varieties of horticultural seed packed in a quantity of 25 kg or more.

### **Division 3 — Marking of measurement**

#### **Subdivision 1 — General requirements for measurement marking**

##### **75. Requirement to mark measurement**

- (1) When a pre-packed article is packed or sold, the package containing the article must be marked with a statement of the measurement of the article.
- (2) The statement must be such as will be clear, conspicuous and easily read when the article is exposed for sale in the manner in which it is likely to be exposed for sale.

##### **76. General position of measurement marking**

- (1) The measurement marking on a package must be made —
  - (a) on the main display part of the package; and
  - (b) if another part of the package is, or other parts of the package are, likely to be displayed instead of the main display part when the article is exposed for sale — on that other part or one of those other parts.
- (2) Subregulation (1) does not apply in the case of —
  - (a) automotive parts; or
  - (ba) a standard wine package, as defined in regulation 77A, if the measurement marking on the package complies with that regulation; or
  - (b) any other package if the Commissioner, by notice published in the *Gazette*, exempts the package from the operation of this regulation and any conditions or restrictions specified in the notice are complied with.

*[Regulation 76 amended in Gazette 23 Dec 2008 p. 5468.]*

**77A. Position of measurement marking on standard wine package**

(1) In this regulation —

*standard wine package* means a package containing —

- (a) 50 mL, 100 mL, 187 mL, 200 mL, 250 mL, 375 mL, 500 mL, 750 mL, 1 L or 1.5 L of wine; or
- (b) 2 or more whole litres of wine;

*wine* means a beverage —

- (a) produced by the complete or partial alcoholic fermentation of fresh grapes, grape must or other products derived from fresh grapes; and
- (b) containing not less than 7% and not more than 24% of alcohol by volume.

(2) For the purposes of regulation 76(2)(ba), the measurement marking on a standard wine package must be made on the surface of the package, other than the base or the top, in a way that enables all of the following information about the wine to be seen in a single field of vision —

- (a) the statement of the measurement;
- (b) the country of origin;
- (c) the product name or product description;
- (d) the actual alcohol content by volume in percentage terms.

(3) For the purposes of subregulation (2), information on a standard wine package can be seen in a single field of vision if a person can see the information without having to turn the package.

*[Regulation 77A inserted in Gazette 23 Dec 2008 p. 5468-9; amended in Gazette 13 Feb 2009 p. 294.]*

**77. Set-out and form of measurement marking**

(1) The required measurement marking must —

- (a) be close to, and marked to be read in the same direction as, any name or brand of the article to which it relates; and

- (b) be at least 2 mm from the limits of the package and separated by at least 2 mm in all directions from other graphic matter or copy; and
  - (c) be in a form in which units of measurement under the metric system are ordinarily written in the English language; and
  - (d) in the case of a decimal submultiple, be preceded by a zero or other numeral.
- (2) If a package is entirely or substantially cylindrical, spheroidal, conical or of oval cross-section, the measurement marking must, in addition to complying with subregulation (1), be positioned so that no part of the marking is further than one-sixth of the circumference of the package from a notional line vertically bisecting that part of the package on which the marking is required to be made.
- (3) For the purposes of subregulation (2), the circumference of a package is the circumference where the measurement marking is made.

**78. Size etc. of characters in measurement marking**

- (1) The characters used in a measurement marking must be clear and —
- (a) stamped or printed in a colour that provides a distinct contrast with the colour of the background and be of at least the minimum height required by subregulation (2); or
  - (b) stamped or embossed and be of at least 3 times the minimum height required by subregulation (2); or
  - (c) marked by an approved printing device in characters at least 3 mm high; or
  - (d) legibly handwritten, if permitted by subregulation (3).
- (2) The minimum height for the characters in a measurement marking is the height specified in Column 2 of the Table to this

regulation opposite the maximum dimension of the package specified in Column 1 of that Table.

- (3) A measurement marking may be legibly handwritten in the following cases —
- (a) when the article is packed to be sold on the premises on which it is packed;
  - (b) when the package contains cake or is one to which regulation 92 applies;
  - (c) when the package contains a roll of ribbon, lace or elastic or other article of haberdashery;
  - (d) when the article is, by notice published in the *Gazette* by the Commissioner, declared to be an article to which this subregulation applies and any conditions applicable to the packaging of the article and specified in the notice are complied with.
- (4) For the purposes of the Table to this regulation, the maximum dimension of a package is —
- (a) if the package is rectangular — the measurement of the breadth, height or length of the package, whichever is the greatest; or
  - (b) if the package is cylindrical, spheroidal, conical or of oval cross-section — the height, length or maximum diameter of the package, whichever is the greatest.

**Table**

<b>Column 1</b>	<b>Column 2</b>
<b>Maximum dimension of package</b>	<b>Minimum character height</b>
120 mm or under	2.0 mm
Over 120 mm but not over 230 mm	2.5 mm
Over 230 mm but not over 360 mm	3.3 mm
Over 360 mm	4.8 mm

**79. Unit etc. of measurement to be used**

- (1) In this regulation —  
*ordinarily sold*, in relation to an article sold by number or lineal or superficial measurement, means the majority of the merchants selling the article in Australia ordinarily sell it by number or lineal or superficial measurement.
- (2) Except for an article specifically provided for by subregulation (3), the measurement marking of an article must be expressed as follows —
  - (a) if the article is ordinarily sold by number — by reference to number;
  - (b) if the article is ordinarily sold by linear or superficial measurement — by reference to that kind of measurement;
  - (c) if the article is a liquid — by reference to volume;
  - (d) if the article is solid (including in the form of powder or flakes), semi-solid or partly solid and partly liquid, and is not included in paragraph (a) — by reference to mass.
- (3) The measurement marking of an article of a kind described in Schedule 3 Column 1 must be expressed by reference to the kind of measurement specified in Column 2 of that Schedule opposite the description of the article.
- (4) Except as provided in regulation 81(b), a measurement marking (other than in terms of number) must be expressed in terms of a permissible unit of measurement as specified in Schedule 4.

**80. Fractions, significant figures**

- (1) If a measurement marking includes a fraction of a unit of measurement, it must be expressed as a decimal submultiple of the unit.



- (2) Except as provided in regulation 81(a), whether a measurement marking is a whole multiple or a submultiple, or a combination of both, it must express a degree of accuracy to not more than —
- (a) in the case of a measurement marking referred to in Schedule 4 clause 3(d) — 5 significant figures;
  - (b) in any other case — 3 significant figures.

**81. Special provision — marking by approved printing device**

If a measurement marking is made by an approved printing device —

- (a) the measurement marking may express a degree of accuracy to more than the number of significant figures referred to in regulation 80(2) if the relevant certificate of approval specifies that the device may be used to measure that specified degree of accuracy; and
- (b) a measurement marking made by use of the device must be expressed in terms of a permissible unit of measurement in accordance with the relevant certificate of approval.

**82. Marking by reference to minimum measurement**

- (1) A marking on the package containing a pre-packed article of the measurement of the article (whether or not for the purposes of these regulations) must not be made by reference to minimum measurement unless —
- (a) permitted by this regulation or required or permitted by regulation 83; and
  - (b) the reference to minimum measurement is marked in the same way as the required measurement marking.

- (2) Pre-packed dressed poultry (other than poultry pieces) may be marked with a measurement in terms of minimum mass if —
  - (a) the mass stated is a whole number multiple of 100 g; and
  - (b) (except in the case of cooked poultry) the package is also marked, in characters not less than 10 mm in height, with a size number calculated by dividing the stated minimum mass by 100.
- (3) Pre-packed preserved sausage may be marked with a measurement in terms of minimum mass.

**Subdivision 2 — Special provision for measurement marking of certain articles**

**83. Eggs**

- (1) A pre-packed article containing eggs must be marked by reference to —
  - (a) the number of eggs in the package; and
  - (b) the minimum total mass of all the eggs in the package.
- (2) A pre-packed article containing eggs must not be marked with the minimum mass of each egg in the package unless each egg has at least that mass.

**84. Articles packed in sheets**

Pre-packed aluminium foil, facial tissues, toilet paper and waxed paper are articles that do not require a measurement marking on the package if the number of usable sheets of specified dimensions is marked on the package as if the number and dimensions marked were a measurement marking.

**85. Number of pre-packed articles comprising 1 tonne**

If 45 or fewer packages of an article that is ordinarily sold by mass have a total mass of 1 tonne, the measurement marking of the mass of the article may be made on each package by referring to the number of packages to the tonne in such a

manner as to imply that the mass of each package is 1 tonne divided by that number.

**86. Bed sheets, tarpaulins etc.**

- (1) The measurement marking relating to —
- (a) bed sheets (not designed as fitted or semi-fitted bed sheets) or other sheets of hemmed fabric material; or
  - (b) tarpaulins,

must be expressed in terms of the finished size of the article.

- (2) The measurement marking relating to —
- (a) a mattress protector; or
  - (b) a bed sheet designed as a fitted or semi-fitted bed sheet,

must be expressed in terms of the suitability of its finished size to fit a mattress of specified dimensions expressed as length × width × depth.

**87. Pairs of window curtains**

The measurement marking relating to window curtains designed to cross over when hung in pairs must be expressed in terms of the finished size of the maximum width, and the maximum drop, of each curtain.

**88. Marking of width or thickness if it directly affects price**

If a measurement marking may be made in terms of the length of an article, the marking must include any measurement of the thickness or width of the article, or both, that bears a direct relationship to the price of the article.

**Subdivision 3 — Special provision concerning measurement marking of outer packages**

**89. Package containing packages of articles of the same kind and measurement**

- (1) This regulation applies to 2 or more pre-packed articles of the same kind and apparently with the same measurement —
  - (a) each of which is separately packed in its own package (an *inner package*); and
  - (b) all of which are also packed together in another package (the *outer package*).
- (2) The measurement marking on the outer package may —
  - (a) state the total measurement of all the articles in the outer package; or
  - (b) state (as if it were a measurement marking) the number of packages in the outer package and the measurement of each of them.
- (3) A measurement marking need not be marked on the outer package if —
  - (a) the outer package contains not more than 8 inner packages; and
  - (b) the inner packages are ordinarily sold only while in the outer package; and
  - (c) the whole or part of the outer package is transparent and the measurement marking on each of the inner packages is clearly visible through the packaging of the outer package.

**90. Inner and outer packages of single article**

- (1) This regulation applies to a pre-packed article consisting of an article contained in a package (the *inner package*) that is contained in another package (the *outer package*).

- (2) A measurement marking need not be marked on the outer package if —
  - (a) the inner package is ordinarily sold only while in the outer package; and
  - (b) the whole or part of the outer package is transparent and the measurement marking on the inner package is clearly visible through the packaging of the outer package.

**91. Package containing articles of different kinds or different measurements**

- (1) This regulation applies to a pre-packed article consisting of a package (the *outer package*) containing at least 2 articles of which at least one is a pre-packed article, but does not apply in a case to which regulation 89 applies.
- (2) None of the articles in the outer package is required to be marked with a measurement marking if —
  - (a) all the articles in the outer package are ordinarily sold only while in the outer package; and
  - (b) the outer package is marked in the same way as a measurement marking with a description of each article in the outer package and a statement of its measurement.
- (3) The provisions of regulation 76 as to the position of a measurement marking do not apply to a marking referred to in subregulation (2)(b) if the packaging of the outer package is transparent and all the articles it contains are clearly visible through it.

**Subdivision 4 — Other markings concerning measurement**

**92. Unit price marking — retail sales of certain foods by mass**

- (1) This regulation applies to pre-packed —
  - (a) fruit, other than whole fruit, priced according to mass; and
  - (b) dried or dehydrated fruit; and

- (c) dried or dehydrated mixed fruit; and
  - (d) vegetables, other than whole vegetables, priced according to mass; and
  - (e) mushrooms; and
  - (f) cheese and cheese products; and
  - (g) dressed poultry not marked in terms of minimum mass in accordance with regulation 82; and
  - (h) fish (including crustaceans); and
  - (i) meat; and
  - (j) smallgoods (including bacon, corned beef and ham).
- (2) When a pre-packed article to which this regulation applies is sold, the package containing the article must, in addition to being marked with the measurement of the article, be marked with its total price and price per kilogram unless, for the sale, the package is exposed —
- (a) in or on a receptacle on or immediately adjacent to which the total price and price per kilogram of the article is displayed —
    - (i) in characters at least 10 mm high; and
    - (ii) where the price can be readily seen and easily read;
  - or
  - (b) in a display of packages each marked —
    - (i) as containing the same article; and
    - (ii) with the same measurement of the article,  
(for example, a display of packages each marked as containing a particular kind of cheese and marked with the measurement of 250 g).
- (3) The marking on a package required by this regulation must be made as if it were a measurement marking.

- (4) This regulation does not apply to a pre-packed article if it is sold for resale.

#### **Division 4 — Prohibited and restricted expressions**

##### **93. Marking of “mass when packed”**

- (1) This regulation applies to bars of soap, cotton wool, flax, glauber salts, jute, manila, fresh mushrooms, oven-baked animal biscuits, personal deodorant tablets, personal soap tablets (medicinal or toilet), sisal, soap flakes, soap powder (excluding detergent powders), tobacco, washing soda and whole hams.
- (2) Pre-packed articles of the kind to which this regulation applies that are not packed in a hermetically sealed package may be marked “mass when packed”, or with other words that have a similar meaning to those words, if they are marked in the same way as the appropriate measurement marking.

##### **94. Marking of “mass at standard condition”**

A package containing pre-packed yarn or cotton wool that is not a hermetically sealed package may be marked with the words “mass at standard condition” or with other words that have a similar meaning to those words if —

- (a) the words are marked in the same way as the appropriate measurement marking; and
- (b) (if the yarn or cotton wool is composed of a mixture of fibres) — the package is also marked in the same way as the appropriate measurement marking with a correct statement of the proportion by mass of each of the kinds of fibre of which the yarn or cotton wool is composed.

##### **95. Restrictions on use of “gross mass”**

- (1) For the purposes of the principal Act section 41(1)(b), the expression “gross mass” and any other expression that has a similar meaning to that expression are restricted expressions.

- (2) A package may be marked with such an expression only if permitted by regulation 70 or if —
- (a) the package is used only for the purpose of transporting an article; and
  - (b) the expression is immediately followed by the words “for transport purposes only” and a statement of the appropriate quantity; and
  - (c) immediately below or following the expression the net mass is marked and designated as such or stated as a net amount in words that correspond to those used to express the gross amount.

**96. Prohibited expressions**

For the purposes of the principal Act section 41(1)(b), a prohibited expression is —

- (a) any expression (other than a marking required or permitted by the principal Act or these regulations) that directly or indirectly relates to or qualifies a measurement marked on the package; or
- (b) a statement that directly or indirectly relates or refers to the measurement of the article or any ingredient or component of the article, or of any source from which the article is derived, if the statement cannot be tested for truth by testing the article.

**Division 5 — Short measure**

**97. Extent of deficiency necessary to constitute short measure**

- (1) In this Division —
- permissible actual deficiency* means the deficiency in actual measurement permitted for the purposes of the principal Act section 44(1)(a);



*permissible average deficiency* means the deficiency in the average of the actual measurements of a number of like articles permitted for the purposes of the principal Act section 44(1)(b).

- (2) This Division makes provision for the deficiency in the actual and average measurements of pre-packed articles permitted under the principal Act section 44 before the actual measurement of a pre-packed article is to be regarded as being less than the measurement marked on the package.

**98. Articles marked “mass when packed” etc.**

If the package containing a pre-packed article is, in accordance with regulation 93, marked “mass when packed”, or with other words that have a similar meaning to those words —

- (a) the permissible actual deficiency, if measured on the day the article is packed, is a deficiency of 5%; and
- (b) the permissible average deficiency, if measured on the day the article is packed, is nil; and
- (c) the permissible actual deficiency, if measured after the day the article is packed, is the deficiency specified in Column 2 of the Table to this regulation opposite the description of the article in Column 1 of that Table; and
- (d) the permissible average deficiency, if measured after the day the article is packed, is the deficiency specified in Column 3 of the Table to this regulation opposite the description of the article in Column 1 of that Table.

**Table — Permissible deficiencies after day of packing**

Column 1 Description of article	Column 2 Permissible actual deficiency — %	Column 3 Permissible average deficiency — %
Bar soaps	21	16
Cotton wool	7	2
Flax	8	3
Glauber salts	7	2
Jute	9	4

**Trade Measurement Regulations 2007**

**Part 4** Pre-packed articles

**Division 5** Short measure

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<b>Column 1</b> <b>Description of article</b>	<b>Column 2</b> <b>Permissible actual deficiency — %</b>	<b>Column 3</b> <b>Permissible average deficiency — %</b>
Manila	8	3
Mushrooms (fresh)	18	13
Oven-baked animal biscuits	9	4
Personal deodorant tablets	12	7
Personal soap tablets (medicinal or toilet)	11	6
Sisal	8	3
Soap flakes	10	5
Soap powder (excluding detergent powders)	15	10
Tobacco	10	5
Washing soda	7	2
Whole hams	7	2

**99. Articles marked “mass at standard condition”**

- (1) If the package containing a pre-packed article of a particular class is, in accordance with regulation 94, marked “mass at standard condition” or with other words that have a similar meaning —
- (a) the permissible actual deficiency is the deficiency specified in Column 2 of the Table to this regulation opposite the description of that class of article in Column 1 of that Table; and
  - (b) the permissible average deficiency is the deficiency specified in Column 3 of the Table to this regulation opposite the description of that class of article in Column 1 of that Table.

- (2) If the article consists of a mixture of any 2 or more of class A, B or C fibres (as described in Column 1 of the Table to this regulation) —
- (a) the permissible actual deficiency is the deficiency, expressed as a percentage, calculated in accordance with the formula  $6x + 2y + 5$ ; and
  - (b) the permissible average deficiency is the deficiency, expressed as a percentage, calculated in accordance with the formula  $6x + 2y$ ,

where —

- x is the proportion that the mass of all class A fibre (if any) in the article bears to the total mass of the article; and
- y is the proportion that the mass of all class B fibre (if any) in the article bears to the total mass of the article.

**Table**

<b>Column 1</b> <b>Class of article</b>	<b>Column 2</b> <b>Permissible actual deficiency — %</b>	<b>Column 3</b> <b>Permissible average deficiency — %</b>
Class A fibre (wool or other animal fibre, viscose or cuprammonium rayon, or a mixture of any 2 or more of them)	11	6
Class B fibre (silk, cotton or cellulose acetate or a mixture of any 2 or more of them)	7	2
Class C fibre (a fibre, or a mixture of fibres, that is not a Class A or Class B fibre)	5	0

**100. Other pre-packed articles**

If the package containing a pre-packed article is not one to which regulation 98 or 99 applies —

- (a) the permissible actual deficiency is 5%; and
- (b) the permissible average deficiency is nil.

**101. Method of determining average measurement**

- (1) For the purposes of this Division, the average of the actual measurements of a number of like articles is to be determined by calculating the average of the measurements of the contents of at least 12 packages or, if less than 12 are available, of such number (not less than 6) as are available.
- (2) If more than 12 packages are available, the actual number to be tested is to be as determined by an inspector.
- (3) Each of the packages measured must be of the same kind and have the same measurement marking and must be selected by an inspector without having been measured by an inspector.

**Division 6 — Miscellaneous**

**102. Measuring mass of frozen fish**

- (1) In this regulation —

*fish* means all or part of, or any number of, or any combination of, any cold-blooded aquatic vertebrate or invertebrate, including shellfish but not an amphibian or a reptile;

*frozen* means kept in storage at a maximum temperature of 0°C;

*International Standard* means a standard made or published by the International Organisation for Standardisation, Geneva;

*sieve*, for measuring fish from a package, means a circular wirecloth sieve —

- (a) with a diameter of —
  - (i) if the measurement marking on the package is not more than 500 g — 200 mm; or

- (ii) if the measurement marking on the package is more than 500 g — 300 mm;
- and
- (b) with a mesh aperture size of 2.36 mm; and
- (c) that complies with the requirements for wirecloth sieves in —
  - (i) Australian Standard AS 1152 — 1993: Specification for test sieves, published by Standards Australia; or
  - (ii) International Standard ISO 3310 — 1:2000 (E): Test sieves — Technical requirements and testing.
- (2) This regulation applies to pre-packed frozen fish that has surface ice on any part of the fish.
- (3) For the purposes of the Act, the mass of pre-packed frozen fish in a package must be measured using the following steps —
  - (a) measure and record the mass of a sieve;
  - (b) immediately after removing the package from cold storage, remove the fish from the package and —
    - (i) if the fish does not exceed the capacity of the sieve — complete the steps mentioned in subregulation (4); or
    - (ii) if the fish exceeds the capacity of the sieve — complete the steps mentioned in subregulation (5).
- (4) If the fish does not exceed the capacity of the sieve —
  - (a) put the fish in the sieve and put the sieve containing the fish in a water bath containing an amount of water at least 8 times the volume of the fish at a temperature of 25°C ± 5°C; and
  - (b) keep the fish immersed in the water bath until the surface ice has been removed from the fish; and

- (c) remove the sieve containing the fish from the water bath; and
  - (d) keep the sieve at an angle of about 20° from the horizontal for at least 2 minutes but not more than 2 minutes 15 seconds to allow water to drain from the fish; and
  - (e) if practicable, remove excess water from the fish by using a cloth or a paper towel; and
  - (f) measure and record the combined mass of the sieve and the fish; and
  - (g) deduct the recorded mass of the sieve from the recorded combined mass of the sieve and the fish to find the mass of the fish.
- (5) If the fish exceeds the capacity of the sieve —
- (a) divide the fish into lots that do not exceed the capacity of the sieve in any way that is convenient for complying with this subregulation; and
  - (b) for fish in a lot that has surface ice on it — complete the steps mentioned in subregulation (4)(a) to (g); and
  - (c) for fish in a lot that does not have surface ice on it — directly measure and record the mass of the fish; and
  - (d) add together the mass of fish recorded under paragraphs (b) and (c) to find the mass of the fish.
- (6) The mass of the fish is —
- (a) if the fish does not exceed the capacity of the sieve — the mass of the fish as worked out under subregulation (4)(g); or
  - (b) if the fish exceeds the capacity of the sieve — the mass of the fish as worked out under subregulation (5)(d).

*[Regulation 102 inserted in Gazette 13 Feb 2009 p. 295-7.]*

**103. Application for permit to sell certain articles**

- (1) A person may apply for a permit to be issued under the principal Act section 49 in accordance with subregulation (2).
- (2) The application must —
  - (a) be in the approved form; and
  - (b) specify the grounds in the principal Act section 50 that are relied on by the applicant; and
  - (c) give particulars of the facts justifying reliance on those grounds; and
  - (d) be accompanied by the application fee payable under regulation 108.

## **Part 5 — Miscellaneous**

### **Division 1 — Articles sold by reference to measurement**

#### **104. Beer, spirits to be sold by volume**

- (1) Beer, stout, ale, brandy (including cognac and armagnac), gin, rum, vodka and whisky (or whiskey) are prescribed articles for the purposes of the principal Act section 37.
- (2) For the purposes of the principal Act section 37(2), 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.

#### **105. Offer etc. for sale by reference to measurement**

- (1) This regulation does not apply to —
  - (a) pre-packed articles; or
  - (b) wine, spirits, beer, porter, stout, ale, cider, perry, mead or any other spirituous or fermented liquor; 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) commits an offence unless the measurement is —
  - (a) in the case of mass —
    - (i) 1 kg; or
    - (ii) 1 kg, with reference to another integral number of kilograms; or
    - (iii) an integral number of tonnes; or
    - (iv) if the article is a precious metal — 1 g or 1 troy ounce;or
  - (b) in the case of volume —
    - (i) 1 L; or



- (ii) 1 L, with reference to another integral number of litres; or
  - (iii) an integral number of cubic metres;
- or
- (c) in the case of linear measurement —
    - (i) 1 cm; or
    - (ii) 1 m; or
    - (iii) 1 m, with reference to another integral number of metres;
- or
- (d) in the case of superficial measurement —
    - (i) 1 cm<sup>2</sup>; or
    - (ii) 1 m<sup>2</sup>; or
    - (iii) 1 m<sup>2</sup>, with reference to another integral number of square metres,

or is a measurement authorised by subregulation (3).

Penalty: a fine of \$2 000.

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

**Table**

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

Floor coverings	Timber
Hardboard	Veneers
Particle board	Wire netting
Plastic mouldings	

**Division 2 — Sale of fuel by reference to measurement by volume**

**106. Regulation of sale of fuel by reference to measurement by volume**

(1) In this Division —

*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 distribution 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 distribution 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 either 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 to which fuel may be supplied by ship.

- (2) Except as provided in subregulation (3), 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: a fine of \$2 000.

- (3) Subregulation (2) does not apply to —
  - (a) a retail sale of fuel; or
  - (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;or
  - (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 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;

or

- (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 storage facility but before the wholesale sale, the fuel was not the subject of another sale.

## **Part 6 — Administration**

### **Division 1 — Prescribed fees and charges**

**107. Term used: commencement day**

In this Division —

*commencement day* means the day on which these regulations come into operation.

**108. Application, licence and other fees**

Except as provided in regulations 109 and 110, the fees specified in Schedule 5 are payable to the Commissioner for the purposes of the principal Act and the Administration Act.

**109. Period for which servicing licence fee is payable**

- (1) The servicing licence fee specified in Schedule 5 item 3 is payable for each annual period starting on —
  - (a) the commencement day; and
  - (b) every anniversary of the commencement day before 1 June 2010; and
  - (c) 31 May 2010 and every anniversary of that day.
- (2) If an application for a servicing licence is made after the start of an annual period referred to in subregulation (1), the licence fee —
  - (a) is payable for the period starting on the day that the licence is granted and expiring at the end of the annual period; and
  - (b) is the amount specified in Schedule 5 item 3, as adjusted by the Commissioner to be proportionate to the time remaining in the period.

*[Regulation 109 amended in Gazette 28 May 2010 p. 2299.]*

**110. Period for which public weighbridge licence fee is payable**

- (1) Except as provided in this regulation, the public weighbridge licence fee specified in Schedule 5 item 4 is payable for the annual period starting on —
  - (a) the day 6 months after the commencement day; and
  - (b) every anniversary of the day 6 months after the commencement day.
- (2) If an application for a public weighbridge licence is made on or after the commencement day but before the day 6 months after the commencement day, the licence fee —
  - (a) is payable for the period starting on the day that the licence is granted and expiring on the day 6 months after the commencement day; and
  - (b) is the amount calculated in accordance with Schedule 5 item 4, as adjusted by the Commissioner to be proportionate to that period.
- (3) If an application for a public weighbridge licence is made after the start of an annual period referred to in subregulation (1), the licence fee —
  - (a) is payable for the period starting on the day that the licence is granted and expiring at the end of the annual period; and
  - (b) is the amount specified in Schedule 5 item 4, as adjusted by the Commissioner to be proportionate to the time remaining in the period.

**111. Fees payable by servicing licensee in respect of certification or re-certification**

- (1) A fee is payable under the Administration Act to the Commissioner by a servicing licensee for —
  - (a) the certification or re-certification of a measuring instrument by the licensee under the principal Act; and
  - (b) a report given under regulation 55.

- (2) The fee payable under subregulation (1)(a) is —
- (a) in respect of an instrument specified in Schedule 6 Column 1, the amount of money obtained by multiplying \$10.20 by the number of fee units specified in Column 4 of that Schedule opposite that instrument; or
  - (b) if 2 or more of those instruments are certified or re-certified, an amount of money equal to the sum of the amounts payable for each instrument as calculated under paragraph (a).
- (3) The fee payable under subregulation (1)(b) is the amount of money obtained by multiplying \$10.20 by the number of fee units specified in Schedule 6 Column 4 of item 27 of that Schedule.

*[Regulation 111 amended in Gazette 17 Jun 2008 p. 2560-1; 23 Jun 2009 p. 2456.]*

**112. Charges payable in respect of verification or re-verification by an inspector**

- (1) A charge is payable under the Administration Act to the Commissioner by the owner of a measuring instrument for each examination or testing of the instrument for the purposes of verification or re-verification by an inspector under the principal Act.
- (2) The charge is —
- (a) in respect of an instrument specified in Schedule 6 Column 1, the amount of money obtained by multiplying \$22.60 by the number of fee units specified in Column 3 of that Schedule opposite that instrument; or
  - (b) if 2 or more of those instruments are examined or tested for the purpose of verification or re-verification, the amount of money equal to the sum of the amounts

payable for each instrument as calculated under paragraph (a).

*[Regulation 112 amended in Gazette 17 Jun 2008 p. 2561;  
23 Jun 2009 p. 2457.]*

**113. Other charges and fees**

- (1) In this regulation —
- relevant person**, in relation to a matter referred to in Schedule 7 Column 1, means a person who requests —
- (a) the services of an inspector for the purpose of examining, testing, calibrating, verifying or re-verifying a measuring instrument; or
  - (b) the use of equipment provided by the Commissioner; or
  - (c) a report or other documentation or information relating to a matter provided for by the principal Act, the Administration Act or these regulations; or
  - (d) technical advice or training by an inspector relating to a matter provided for by the principal Act, the Administration Act or these regulations.
- (2) The charges and fees referred to in subregulation (3) are payable by the relevant person to the Commissioner under the principal Act and the Administration Act in relation to the matters specified in Schedule 7 Column 1.
- (3) A charge or fee payable under this regulation is, in respect of a matter specified in Schedule 7 Column 1 —
- (a) an amount of money equal to the amount obtained by multiplying \$22.60 by the number of fee units specified in Column 3 of that Schedule opposite that matter; or
  - (b) in the case of the matter specified in Schedule 7 item 1(5), the actual expenses incurred.

*[Regulation 113 amended in Gazette 17 Jun 2008 p. 2561;  
23 Jun 2009 p. 2457.]*



**114. Period for payment of fees and charges**

A person who is liable to pay a charge or fee under regulation 111, 112 or 113 must pay the charge or fee within 30 days after the Commissioner has issued an invoice in respect of the charge or fee to the person.

**115. Penalty for late payment of fees or charges**

For the purposes of the Administration Act section 15(o), if a fee or charge (or part of a fee or charge) payable under regulation 111, 112 or 113 is outstanding for 28 days after the fee or charge is payable under regulation 114, a penalty of 10% of the outstanding amount is imposed.

**Division 2 — Infringement notices**

**116. Prescribed offences and modified penalties**

- (1) The offences specified in Schedule 8 Column 1 are prescribed under the Administration Act section 20 as offences for which an infringement notice may be given under section 22 of that Act.
- (2) The modified penalty to be specified in an infringement notice issued for an offence is —
  - (a) in the case of a body corporate — the modified penalty set out for that offence in Schedule 8 Column 2; and
  - (b) in the case of an individual — the modified penalty set out for that offence in Schedule 8 Column 3.

**117. Forms**

- (1) Schedule 9 Form 1 is prescribed for the purposes of the Administration Act section 23.
- (2) Schedule 9 Form 2 is prescribed for the purposes of the Administration Act section 25.

## **Part 7 — Transitional and savings provisions**

### **118. Terms used**

In this Part —

*alcoholic liquor* has the meaning given to that term in the principal Act section 103(1);

*designated day* has the meaning given to that term in the principal Act section 103(1);

*former regulations* means the *Weights and Measures Regulations 1927*;

*repealed Act* means the Act repealed by the Administration Act section 36(1).

### **119. Application**

This Part does not apply to alcoholic liquor that is packed as a pre-packed article.

### **120. Delayed application of certain provisions**

Despite any other provision of these regulations —

- (a) Part 3 Divisions 2, 3, 5 and 6 apply to the use of a measuring instrument for the measurement of alcoholic liquor for trade; and
- (b) Part 5 Division 1 applies to the sale of alcoholic liquor by reference to measurement,

on and from, but not before, the designated day.

### **121. Temporary continuation of certain provisions of former regulations**

- (1) Despite the repeal of the former regulations, until the designated day —
  - (a) Part IV; and
  - (b) Part V; and

- (c) Part XI regulation 11,  
as in force immediately before that repeal continue to apply to the measurement of alcoholic liquor for the purposes of sale, as defined in the repealed Act, as if the former regulations had not been repealed.
- (2) Subject to subregulation (3), a reference to *these regulations* in Parts 1 to 6, includes the provisions continued in force by subregulation (1).
- (3) Despite subregulation (2), the provisions continued in force by subregulation (1) are to be construed in accordance with regulation 3 of the former regulations and the relevant sections of the repealed Act.

## **Schedule 1 — Requirements for measurement tickets**

[r. 20(1)(a)]

### **1. Particulars**

A measurement ticket must —

- (a) if the measurement is of the tare mass of a vehicle and nothing else — bear a clear statement to that effect; and
- (b) if the measurement is of the gross mass of a vehicle and nothing else — bear a clear statement to that effect; and
- (c) if the measurement relates to 2 or more linked but separately licensed vehicles — specify the licence figures and letters for each vehicle; and
- (d) if the measurement is of the mass of a load on the vehicle — specify the measurement of the mass of the load supported by all the axles of the vehicle.

### **2. Restriction on additional information**

- (1) Except as provided in subclause (2), a measurement ticket must not contain anything other than information required by these regulations or the approved form.
- (2) A measurement ticket may contain —
  - (a) the licensee's business name, address and logo; and
  - (b) if the measurement ticket is also a tax invoice under the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth, anything else necessary for the ticket to be a tax invoice; and
  - (c) any other information written in the margin, at the bottom, or on the back of the measurement ticket, if that information is consistent with, and does not qualify the meaning or accuracy of, the information required to be on the ticket by these regulations or the approved form.

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## Schedule 2 — Exemptions from marking

[r. 69]

### 1. Textile goods

- (1) Textile, wearing apparel and other similar articles that are not packed for sale by measurement and are not ordinarily so sold.
- (2) Textiles that are —
  - (a) packed for sale by mass and are sold in packages each containing more than 4 kg; or
  - (b) packed for sale by length and are sold in packages each containing more than 25 m; or
  - (c) packed for sale by area and are sold in packages each containing more than 25 m<sup>2</sup>.

### 2. Food goods

- (1) Any agricultural produce grown and packed on the same property by the grower and sold by mass in sacks of more than 25 kg gross mass.
- (2) Confectionery, nuts, popcorn, potato crisps and savouries that are —
  - (a) packed on premises for sale on those premises if the package is displayed for sale on those premises in a receptacle that bears a statement that can be readily seen and easily read in characters not less than 10 mm high of the mass and of the price of the contents of the package and if the mass of the contents does not exceed 200 g; or
  - (b) packed in or with another article if the value of the combined articles is substantially represented by that other article.
- (3) Confectionery packed singly in a novelty shape and an Easter egg packed singly.
- (4) Honey in the comb in original frames.
- (5) Hay.
- (6) Ice cream packed in a quantity less than 200 mL.
- (7) Kippers.

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- (8) Pies or pasties made for use as an individual serve of which the mass is less than 250 g.
- (9) Cakes, puddings and sponges packed singly in a quantity less than 125 g.
- (10) Alcoholic liquors packed in a quantity more than 10 L.

**3. Medicinal and toilet goods**

- (1) Therapeutic goods, being goods the sale or supply of which to the public is prohibited by law except on the written prescription of a person recognized by law as competent to prescribe them.
- (2) A toilet preparation in a compact and a refill of the preparation.
- (3) Single application hair dyes or hair bleaches or single application home permanent hair waving kits.
- (4) Vaccine packed in a quantity less than 25 mL or a single dose of any substance packed in a vial or ampoule for sale for use as an injection.

**4. Hardware goods**

- (1) Articles of hardware that are not packed for sale by measurement and are not ordinarily so sold.
- (2) Tinters or colouring agents for use in paint that are packed in a quantity less than 100 g or 100 mL.
- (3) Colouring material in a package on which is marked directions for mixing it, or a specified quantity of it, with a specified type and volume of paint — if the quantity of the material to be mixed does not exceed 10% of the volume of the paint with which it is to be mixed.

**5. General goods**

- (1) Articles ordinarily sold by number that are packed in a quantity of less than 9 in a package made wholly or partly of transparent material so that when the package is exposed for sale the number of articles contained in the package is readily apparent to a purchaser.
- (2) An article of which the mass exceeds 75 kg or the volume exceeds 150 L.

- (3) An article packed in a quantity less than 15 g or 15 mL other than adhesives, dried vegetables and freeze-dried vegetables, herbs, instant tea, pepper and other spices, therapeutic goods and tobacco.
- (4) Fire extinguisher refills.
- (5) Photographic film and photographic printing paper.
- (6) A bag of clay.
- (7) Fish bait.
- (8) Garden landscape material, including pine-bark feature mix, pine-bark nuggets, pre-planted mushroom spawn, tree-bark, any article that is or contains compost, farmyard manure, garden peat, leaf mould, peat moss, sphagnum moss, tan bark or other like substance.
- (9) Artists' paint packed in a quantity less than 100 g.
- (10) Candles.
- (11) Legume seed inoculants.
- (12) A pre-packed article sold as authorised by the principal Act Part 5 Division 2.

**Schedule 3 — Expression of measurement marking**

[r. 79(3)]

<b>Column 1</b> <b>Description of article</b>	<b>Column 2</b> <b>Kind of measurement permissible</b>
Acids in liquid form	mass or volume
Aerosol products	mass
Compressed or liquefied gases (except liquefied petroleum gas)	mass or equivalent volume (cubic metres or litres) at stated temperature and pressure
Cream and cream substitutes	volume
Fencing wire	length
Flavouring essences	mass or volume, if the quantity is not less than 500 g
Heavy residual fuel oil, industrial diesel fuel and furnace oil	mass or volume
Honey, malt extract, golden syrup and treacle	mass
Ice cream	volume
Linseed oil and other vegetable oils	volume if the quantity is not more than 5 L; mass or volume if the quantity is more than 5 L
Liquefied petroleum gas	mass
Liquid chemicals	mass or volume
Paint (other than paste paint), varnish and varnish stains	volume
Paste paint	mass
Perfume compounds	mass or volume, if the quantity is not less than 500 g
Perlite	mass or volume
Pet litter and similar products	mass or volume



<b>Column 1</b> <b>Description of article</b>	<b>Column 2</b> <b>Kind of measurement permissible</b>
Resins	mass or volume
Rope, cord and line —	
(a) of a diameter less than 1.5 mm	length and mass per specified length
(b) of a diameter of 1.5 mm or more	length and diameter
Skin cream in jars	mass or volume
Tomato sauce	volume
Toothpaste	mass
Twines, twists and lashings	length and mass per specified length
Yoghurt	mass

## **Schedule 4 — Permissible units of measurement**

[r. 79(4)]

### **1. Mass**

If the measurement marking is to be expressed in terms of mass, the permissible units of measurement are as follows —

- (a) kilogram is permissible in all cases;
- (b) gram is also permissible if the mass is less than 1 000 g;
- (c) milligram is also permissible if the mass is less than 1 000 mg.

### **2. Volume**

If the measurement marking is to be expressed in terms of volume, the permissible units of measurement are as follows —

- (a) litre, decilitre or centilitre is permissible for liquids in all cases;
- (b) cubic metre is permissible for solids in all cases;
- (c) millilitre is also permissible in the case of a liquid if the volume is less than 1 000 mL;
- (d) cubic centimetre is also permissible in the case of a solid if the volume is less than 1 000 cm<sup>3</sup>.

### **3. Linear measurement**

If the measurement marking is to be expressed in terms of linear measurement, the permissible units of measurement are as follows —

- (a) metre is permissible in all cases;
- (b) centimetre is also permissible if the length is less than 100 cm;
- (c) millimetre is also permissible if the length is less than 1 000 mm;
- (d) millimetre is also permissible in the case of paper lengths not exceeding 10 000 mm, building material in sheet form and coated abrasive belts;

- (e) millimetre is also permissible in the case of an article if it was customary before these regulations commenced to express the linear measurement of the article in millimetres.

**4. Superficial measurement**

If the measurement marking is to be expressed in terms of superficial measurement, any unit of superficial measurement is permissible.

**5. Mass per specified length**

If the measurement marking is to be expressed in terms of mass per specified length, the permissible units of measurement are grams or kilograms for mass and metres for length.

**Schedule 5 — Application and licence fees**

[r. 108]

*[Heading inserted in Gazette 23 Jun 2009 p. 2457.]*

<b>Item</b>	<b>Description</b>	<b>Fee (\$)</b>
1.	Application under regulation 103	45.25
2.	Application under the principal Act section 55	91.00
3.	Periodic licence for servicing licences under the principal Act section 64(1) ..... plus an additional amount of ..... for each person who, whether as the holder of the licence or an employee of the holder of the licence, will under the authority conferred by the licence — (a) test a batch of measuring instruments for the purposes of certification or re-certification; or (b) certify or re-certify measuring instruments.	215.00 57.00
4.	Periodic licence for public weighbridge licences under the principal Act section 64(1)	114.00
5.	Public weighbridge suitability statement	Combined with fee payable under item 4
6.	Application under the principal Act section 71(1) to amend a condition of a kind mentioned in the principal Act section 60(2)	45.25
7.	Application under the principal Act section 73(2)	45.25
8.	Application under the principal Act section 74(2)	45.25
9.	Amended licence	91.00

<b>Item</b>	<b>Description</b>	<b>Fee (\$)</b>
10.	Duplicate licence	45.25
11.	Inspection of register kept under the principal Act section 25 or 59	16.70
12.	Extract of an individual registration in a register kept under the principal Act section 25 or 59 —	
	(a) for the first page .....	16.70
	(b) for each subsequent page .....	3.45
13.	Copy of the register kept under the principal Act section 25 or 59	215.00

*[Schedule 5 inserted in Gazette 23 Jun 2009 p. 2457-8.]*

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## Schedule 6 — Verification or certification fees, charges and periods

[r. 38, 111, 112]

### 1. Terms used

In this Schedule —

*certification* includes re-certification;

*verification* includes re-verification.

Column 1 Instrument	Column 2 Value of fee unit	Column 3 Verification: fee units	Column 4 Certification: fee units	Column 5 Verification/ certification period
<b>Masses</b>				
1. Masses not exceeding 20 kg	For each mass	0.2	0.2	2 years
2. Masses exceeding 20 kg	In the case of a verification, for each ½ hour or part of each ½ hour taken by each inspector  In the case of a certification, for each mass	2	0.2	2 years
<b>Measures of volume</b>				
3. Lubricating oil measures, alcoholic liquor measures or beverage measures	For each measure	0.1	0.1	Indefinite
4. Alcoholic liquor dispensing measures	For each measure	0.2	0.2	2 years

	<b>Column 1 Instrument</b>	<b>Column 2 Value of fee unit</b>	<b>Column 3 Verification: fee units</b>	<b>Column 4 Certification: fee units</b>	<b>Column 5 Verification/ certification period</b>
5.	Graduated glass measuring cylinders	In the case of a verification, for each ½ hour or part of each ½ hour taken by each inspector  In the case of a certification, for each measure	2	0.2	Indefinite
	<b>Measures of length</b>				
6.	Measures of length —				
(a)	not exceeding 1 m	For each measure on initial verification or certification	0.2	0.1	Indefinite
(b)	exceeding 1 m but not exceeding 20 m	For each measure	1	0.2	2 years
(c)	exceeding 20 m	In the case of a verification, each ½ hour or part of each ½ hour taken by each inspector  In case of a certification, for each measure	2	1	2 years
7.	For each additional set of graduations on the same measure of length	Same as item 6, as applicable	Same as item 6, as applicable	Same as item 6, as applicable	Same as item 6, as applicable
	<b>Weighing instruments</b>				

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	<b>Column 1 Instrument</b>	<b>Column 2 Value of fee unit</b>	<b>Column 3 Verification: fee units</b>	<b>Column 4 Certification: fee units</b>	<b>Column 5 Verification/ certification period</b>
8.	Weighbridges and hopper weighing instruments —				
(a)	not exceeding 10 tonne weighing capacity	For each instrument	4	3	1 year
(b)	exceeding 10 tonne weighing capacity	Same as item 8(a) plus for every 10 tonne or part of every 10 tonne	2	1.5	1 year
9.	Automatic weighers, belt conveyor weighers, totalising hopper weighers and weighing in-motion weighbridges	In the case of a verification, for each ½ hour or part of each ½ hour taken by each inspector  In the case of a certification, for each instrument	2	12	1 year
10.	Electronic price computing digital indicating weighing instruments with a weighing capacity not exceeding 75 kg (including connected instruments such as ticket printers and peripheral devices)	For each instrument	1.5	1	2 years



	Column 1 Instrument	Column 2 Value of fee unit	Column 3 Verification: fee units	Column 4 Certification: fee units	Column 5 Verification/ certification period
11.	Wheeled loader weighing instrument	In the case of a verification, for each ½ hour or part of each ½ hour taken by each inspector			
		In the case of a certification, for each instrument	2	3	1 year
12.	Automatic pre-packing weighing instruments	In the case of a verification, for each ½ hour or part of each ½ hour taken by each inspector			
		In the case of a certification, for each instrument	2	3	2 years
13.	Weighing instruments not specified elsewhere with a capacity —				
(a)	not exceeding 30 kg (including a set of masses necessary to use the instruments, with no more than 20 masses per set)	For each instrument	1	1	2 years
(b)	exceeding 30 kg but not exceeding 200 kg	For each instrument	1	1	2 years

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	<b>Column 1 Instrument</b>	<b>Column 2 Value of fee unit</b>	<b>Column 3 Verification: fee units</b>	<b>Column 4 Certification: fee units</b>	<b>Column 5 Verification/ certification period</b>
(c)	exceeding 200 kg but not exceeding 1 000 kg	For each instrument	2	2	2 years
(d)	exceeding 1 000 kg but not exceeding 3 000 kg	For each instrument	4	3	2 years
(e)	exceeding 3 000 kg	Same as item 8	Same as item 8	Same as item 8	1 year
14.	Other weighing instruments not specified elsewhere	In the case of a verification, for each ½ hour or part of each ½ hour taken by each inspector  In the case of a certification, for each instrument	2	2	2 years
<b>Other measuring instruments</b>					
15.	Petroleum and bio-petroleum measuring instruments with a flowrate —				
(a)	not exceeding 100 L/minute	For each instrument	3	1	2 years
(b)	exceeding 100 L/minute but not exceeding 1 000 L/minute	For each instrument	4	2	1 year
(c)	exceeding 1 000 L/minute	For each instrument	8	3	1 year

	Column 1 Instrument	Column 2 Value of fee unit	Column 3 Verification: fee units	Column 4 Certification: fee units	Column 5 Verification/ certification period
16.	LPG measuring instruments with a flowrate —				
(a)	not exceeding 100 L/minute	For each instrument	3	1	1 year
(b)	exceeding 100 L/minute but not exceeding 1 000 L/minute	For each instrument	4	2	1 year
(c)	exceeding 1 000 L/minute	For each instrument	8	3	1 year
17.	Milk metering instruments with a flowrate —				
(a)	not exceeding 100 L/minute	For each instrument	3	1	1 year
(b)	exceeding 100 L/minute but not exceeding 1 000 L/minute	For each instrument	4	2	1 year
(c)	exceeding 1 000 L/minute	For each instrument	8	3	1 year
18.	Calibrated tanks other than farm milk tanks	For each 5 000 L or part of each 5 000 L contained in an individual compartment of each tank	4	2	Indefinite
19.	Calibrated measures and measuring instruments —				

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**cl. 1**

	<b>Column 1 Instrument</b>	<b>Column 2 Value of fee unit</b>	<b>Column 3 Verification: fee units</b>	<b>Column 4 Certification: fee units</b>	<b>Column 5 Verification/ certification period</b>
(a)	not exceeding 50 L	In the case of a verification, for each ½ hour or part of each ½ hour taken by each inspector  In the case of a certification, for each instrument	2	1	2 years
(b)	exceeding 50 L	In the case of a verification, for each ½ hour or part of each ½ hour taken by each inspector  In the case of a certification, for each instrument	2	2	2 years
20.	Dimensional measuring instruments	In the case of a verification, for each ½ hour or part of each ½ hour taken by each inspector  In the case of a certification, for each instrument	2	1	2 years
21.	Calibrated farm milk tanks	For each 250 L or part of each 250 L of each tank	1	1	Indefinite

	Column 1 Instrument	Column 2 Value of fee unit	Column 3 Verification: fee units	Column 4 Certification: fee units	Column 5 Verification/ certification period
22.	Calibrated volumetric loader buckets	In the case of a verification, for each ½ hour or part of each ½ hour taken by each inspector	2	2	Indefinite
		In the case of a certification, for each instrument			
23.	Water dispensing units	For each unit	1	1	2 years
24.	Other measuring instruments not specified elsewhere	In the case of a verification, for each ½ hour or part of each ½ hour taken by each inspector			
		In the case of a certification, for each instrument	2	1	2 years
		<b>Quality measuring devices</b>			
25.	Grain quality analysis equipment	In the case of a verification, for each ½ hour or part of each ½ hour taken by each inspector			
		In the case of a certification, for each instrument	2	2	1 year

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**Schedule 6** Verification or certification fees, charges and periods

**cl. 1**

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<b>Column 1 Instrument</b>	<b>Column 2 Value of fee unit</b>	<b>Column 3 Verification: fee units</b>	<b>Column 4 Certification: fee units</b>	<b>Column 5 Verification/ certification period</b>
26. Quality measuring instruments not specified elsewhere	In the case of a verification, for each ½ hour or part of each ½ hour taken by each inspector  In the case of a certification, for each instrument	2	2	1 year
<b>All measuring instruments</b>				
27. Report given under regulation 55	For each instrument		1	

## Schedule 7 — Other charges and fees

[r. 113]

Column 1 Matter	Column 2 Value of fee unit	Column 3 Fee units
<b>1. Verification or re-verification of measuring instruments</b>		
(1) Waiting time allowed by an inspector to permit another person to carry out necessary repairs, acquire equipment etc.	per ½ hour or part of ½ hour	2
(2) Any adjustment made by an inspector to —		
(a) masses not exceeding 20 kg	per ½ hour or part of ½ hour	1
(b) masses exceeding 20 kg	per ½ hour or part of ½ hour	2
(c) calibrating measures	per ½ hour or part of ½ hour	2
(3) Distance travelled by an inspector —		
(a) not exceeding 100 km	per km (subject to a minimum charge of \$10.00)	0.0355
(b) exceeding 100 km	per km	0.02
(4) Recouping overtime worked by an inspector at the request of the owner of an instrument	per ½ hour or part of ½ hour	2
(5) Recouping other expenses incurred, including air fares, hire cars etc.	actual expenses	actual expenses
<b>2. Calibration or testing of instruments (other than for the purpose of verification or re-verification)</b>		
Inspector's time to —		
(a) calibrate a measuring instrument to a degree of accuracy greater than the degree of accuracy applied under the principal Act to instruments used for trade	per 15 min or part of 15 min	1.492
(b) calibrate and certify a measuring instrument under the principal Act section 26	per 15 min or part of 15 min	1.492
<b>3. Other instruments</b>		
Inspector's time and costs relating to the examination and testing of a measuring instrument —		

**Trade Measurement Regulations 2007**  
**Schedule 7 Other charges and fees**

**cl. 4**

Column 1 Matter	Column 2 Value of fee unit	Column 3 Fee units
(a) in the case of a reference standard of measurement for a servicing licensee for which a certificate is issued under the National Measurement Regulations regulation 13	per ½ hour or part of ½ hour	2
(b) in the case of a weight or measure or weighing or measuring instrument that is certified for quality assurance purposes	per 15 min or part of 15 min	1.5
(c) in the case of verification and testing charges for standards of measurement and measuring instruments tested to special accuracy	per 15 min or part of 15 min	1.5
<b>4. Equipment provided by the Commissioner</b>		
Equipment —		
(a) for test masses or a group of test masses up to but not including 1 tonne	per group of test masses per day	2
(b) for 1 tonne test masses	per mass per day	2
(c) for weighing equipment	per day	2
(d) for calibrated measures not exceeding 200 L	per measure per day	2
<b>5. Additional labour</b>		
Additional labour necessary for the exercise of an inspector's functions under the principal Act	per 15 min or part of 15 min	1
<b>6. Waiting time after expiration of appointed time</b>		
Waiting time incurred by an inspector after the appointed time to examine or test a measuring instrument has expired	per 15 min or part of 15 min	1
<b>7. Time incurred where instrument is not able to be examined or tested at appointed time</b>		
Time incurred by an inspector to keep an appointment to examine or test a measuring instrument where the examination or testing is unable to be carried out because the instrument is unavailable or inaccessible or because access to it is unreasonably refused	per appointment	4
<b>8. Reports and other information</b>		
Time taken to prepare report or other documentation or information provided under the principal Act, the Administration Act or these regulations	per 15 min or part of 15 min	1
<b>9. Technical advice or training</b>		



Column 1 Matter	Column 2 Value of fee unit	Column 3 Fee units
Inspector's time in providing —		
(a) technical advice (including the examination of any relevant document); or	per 15 min or part of 15 min	1
(b) training,	per 15 min or part of 15 min	1
under the principal Act, the Administration Act or these regulations		
<b>10. Certificate of verification issued by Commissioner: r. 45(2)</b>		
Certificate issued by Commissioner under regulation 45(2)	per certificate	2
<i>[Schedule 7 amended in Gazette 17 Jun 2008 p. 2562.]</i>		

**Schedule 8 — Prescribed offences and modified penalties**

[r. 116]

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<b>Column 1 Offence</b>	<b>Column 2 Modified penalty — body corporate (\$)</b>	<b>Column 3 Modified penalty — individual (\$)</b>
<i>Trade Measurement Act 2006</i>		
s. 10(1) (weighbridge)	1 100	220
s. 10(1) (other case)	750	150
s. 10(2)	1 100	220
s. 12 (weighbridge)	1 100	220
s. 12 (other case)	750	150
s. 13	750	150
s. 14(1)	2 200	440
s. 16(2)	1 100	220
s. 20(3)	750	150
s. 28(2)	2 200	440
s. 30(1)	2 200	440
s. 31(a)	2 200	440
s. 31(b)	2 200	440
s. 31(c)	2 200	440
s. 31(d)	2 200	440
s. 32(3)	750	150
s. 33(3)(a)	2 200	440
s. 33(3)(b)	2 200	440
s. 34	2 200	440
s. 35(2)	750	150
s. 35(4)	750	150
s. 37(2)	750	150
s. 39(1)	1 100	220
s. 39(2)	1 100	220

<b>Column 1 Offence</b>	<b>Column 2 Modified penalty — body corporate (\$)</b>	<b>Column 3 Modified penalty — individual (\$)</b>
s. 41(1)(a)	750	150
s. 41(1)(b)	750	150
s. 42(1)	2 200	440
s. 43(1)(a)	2 200	440
s. 43(1)(b)	2 200	440
s. 53(1)	2 200	440
s. 53(2)	2 200	440
s. 54(1)	2 200	440
s. 57(2)	550	110
s. 69	550	110
s. 77(a)	2 200	440
s. 77(b)	2 200	440
s. 87(b)	550	110
s. 93(1)(a)	550	110
s. 93(1)(b)	550	110
s. 93(1)(c)	550	110
s. 93(1)(d)	550	110
s. 93(1)(e)	550	110
<i>Trade Measurement Regulations 2007</i>		
r. 19(1)	550	110
r. 19(3)	550	110
r. 20(1)	550	110
r. 21(1)	550	110
r. 21(2)	550	110
r. 21(3)	550	110
r. 21(5)	550	110

**Trade Measurement Regulations 2007****Schedule 8** Prescribed offences and modified penalties**cl. 10**

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<b>Column 1 Offence</b>	<b>Column 2 Modified penalty — body corporate (\$)</b>	<b>Column 3 Modified penalty — individual (\$)</b>
r. 21(6)	550	110
r. 21(7)	550	110
r. 21(8)	550	110
r. 22(1)	550	110
r. 22(2)	550	110
r. 22(3)	550	110
r. 22(4)	550	110
r. 22(5)	550	110
r. 22(7)	550	110
r. 23(1)	400	80
r. 23(2)	400	80
r. 23(3)	400	80
r. 23(4)	400	80
r. 25(1)	550	110
r. 25(2)	550	110
r. 25(3)	550	110
r. 25(4)	550	110
r. 25(5)	550	110
r. 26(2)	550	110
r. 26(3)	550	110
r. 26(4)	550	110
r. 27(2)	550	110
r. 27(3)	550	110
r. 27(4)	550	110
r. 28(2)	550	110
r. 29	550	110
r. 30(1)	550	110

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<b>Column 1 Offence</b>	<b>Column 2 Modified penalty — body corporate (\$)</b>	<b>Column 3 Modified penalty — individual (\$)</b>
r. 30(2)	550	110
r. 30(3)	550	110
r. 30(4)	550	110
r. 30(5)	550	110
r. 30(8)	550	110
r. 30(9)	550	110
r. 31(2)	550	110
r. 32(2)	550	110
r. 33(1)	550	110
r. 45(2)	550	110
r. 50	550	110
r. 53(1)	400	80
r. 53(2)	400	80
r. 56(2)	400	80
r. 59(1)	400	80
r. 59(2)	400	80
r. 59(3)	400	80
r. 59(4)	400	80
r. 60(1)	550	110
r. 60(2)	550	110
r. 60(3)	550	110
r. 60(4)	550	110
r. 60(5)	550	110
r. 60(6)	550	110
r. 60(7)	550	110
r. 61(1)	550	110
r. 61(2)	550	110

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<b>Column 1 Offence</b>	<b>Column 2 Modified penalty — body corporate (\$)</b>	<b>Column 3 Modified penalty — individual (\$)</b>
r. 62(1)	550	110
r. 62(2)	550	110
r. 62(3)	550	110
r. 62(4)	550	110
r. 63(a)	550	110
r. 63(b)	550	110
r. 64(2)(a)	550	110
r. 64(2)(b)	550	110
r. 64(3)(a)	550	110
r. 64(3)(b)	550	110
r. 64(4)(a)	550	110
r. 64(4)(b)	550	110
r. 65(2)	550	110
r. 65(3)	550	110
r. 65(4)	550	110
r. 66	550	110
r. 67(1)	400	80
r. 105(2)	550	110
r. 106(2)	550	110

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## Schedule 9 — Forms

[r. 117]

## Form 1 — Infringement notice

<i>Trade Measurement Administration Act 2006</i>		Infringement notice no.
<b>Infringement notice</b>		
<b>Alleged offender</b>	Name: Family name	
	Given names	
	or Company name	
	ACN	
<b>Alleged offence</b>	Address	
	Postcode	
<b>Alleged offence</b>	Description of offence	
	<i>Trade Measurement Act 2006 s.</i>	
	OR	
	<i>Trade Measurement Regulations 2007 r.</i>	
<b>Inspector issuing notice</b>	Date / /20	Time a.m./p.m.
	Modified penalty \$	
<b>Inspector issuing notice</b>	Name	
	Signature	
<b>Date</b>	Date of notice / /20	
<b>Notice to alleged offender</b>	It is alleged that you have committed the above offence.	
	If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.	
<b>Notice to alleged offender</b>	<b>How to pay</b>	
	<b>By post:</b> Send this notice (or a copy) with a cheque or money order (made payable to the Commissioner, Trade Measurement) to: Department of Consumer and Employment Protection <sup>2</sup> Locked Bag 14 Cloisters Square Perth WA 6850	

**cl. 10**

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	<p><b>In person:</b> Present this notice and your payment to the cashier at: Department of Consumer and Employment Protection <sup>2</sup> 219 St George's Terrace, Perth WA</p> <p><b>If you do not pay</b> the modified penalty within 28 days, you may be prosecuted.</p> <p><b>If you need more time</b> to pay the modified penalty, you can apply for an extension of time by writing to: Commissioner, Trade Measurement Trading Standards Branch Department of Consumer and Employment Protection <sup>2</sup> Locked Bag 14 Cloisters Square Perth WA 6850</p> <p><b>If you want this matter to be dealt with by prosecution in court,</b> sign here</p> <p>_____</p> <p>and, within 28 days after it was given, post this notice to the above postal address.</p>
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**Form 2 — Withdrawal of infringement notice**

<i>Trade Measurement Administration Act 2006; s. 25</i>		Withdrawal no.
<b>Withdrawal of infringement notice</b>		
<b>Alleged offender</b>	Name: Family name	
	Given names	
	or Company name	
	ACN	
Address		Postcode
<b>Infringement notice</b>	Infringement notice no.	
	Date of issue _____ / _____ /20	
<b>Alleged offence</b>	Description of offence	
	<i>Trade Measurement Act 2006 s.</i>	
	OR <i>Trade Measurement Regulations 2007 r.</i>	
Date _____ / _____ /20		Time _____ a.m./p.m.
<b>Authorised person giving this notice</b>	Name	
	Signature	
<b>Date</b>	Date of withdrawal _____ / _____ /20	
<b>Withdrawal of infringement notice</b>	The above infringement notice issued against you has been withdrawn. If you have already paid the modified penalty for the alleged offence you are entitled to a refund.	
<i>[*delete whichever is not applicable]</i>	* Your refund is enclosed. or * If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to: Commissioner, Trade Measurement Trading Standards Branch Department of Consumer and Employment Protection <sup>2</sup> Locked Bag 14 Cloisters Square Perth WA 6850	
	Signature	/ /20

**Notes**

<sup>1</sup> This is a compilation of the *Trade Measurement Regulations 2007* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Trade Measurement Regulations 2007</i>	29 May 2007 p. 2353-474	1 Jun 2007 (see r. 2 and <i>Gazette</i> 29 May 2007 p. 2485)
<i>Trade Measurement Amendment Regulations 2008</i>	17 Jun 2008 p. 2560-2	r. 1 and 2: 17 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))
<i>Trade Measurement Amendment Regulations (No. 2) 2008</i>	23 Dec 2008 p. 5467-9	r. 1 and 2: 23 Dec 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Dec 2008 (see r. 2(b))
<i>Trade Measurement Amendment Regulations 2009</i>	13 Feb 2009 p. 294	r. 1 and 2: 13 Feb 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Feb 2009 (see r. 2(b))
<i>Trade Measurement Amendment Regulations (No. 2) 2009</i>	13 Feb 2009 p. 295-7	r. 1 and 2: 13 Feb 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Feb 2009 (see r. 2(b))
<b>Reprint 1: The Trade Measurement Regulations 2007 as at 5 Jun 2009</b> (includes amendments listed above)		
<i>Trade Measurement Amendment Regulations (No. 3) 2009</i>	23 Jun 2009 p. 2456-8	r. 1 and 2: 23 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))
<i>Trade Measurement Amendment Regulations 2010</i>	28 May 2010 p. 2299	r. 1 and 2: 28 May 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 29 May 2010 (see r. 2(b))
<i>Trade Measurement Amendment Regulations (No. 2) 2010</i>	22 Jun 2010 p. 2768-9	r. 1 and 2: 22 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 23 Jun 2010 (see r. 2(b))

[These regulations expired on 1 Jul 2013 \(see the \*Trade Measurement Administration Act 2006\* s. 3B\)](#)

- <sup>2</sup> Under the *Public Sector Management Act 1994* the names of departments may be changed. At the time of this compilation the former Department of Consumer and Employment Protection is called the Department of Commerce.