



Western Australia

Weights and Measures Act 1915

**Weights and Measures (Pre-packed Articles)
Regulations 1987**

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Western Australia

Weights and Measures (Pre-packed Articles) Regulations 1987

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Western Australia

Weights and Measures Act 1915

Weights and Measures (Pre-packed Articles) Regulations 1987

Part I — Preliminary

1. Citation

These regulations may be cited as the *Weights and Measures (Pre-packed Articles) Regulations 1987*¹.

2. Commencement

These regulations shall come into operation on 1 March 1987.

3. Interpretation

- (1) In these regulations, unless the contrary intention appears —
- “**bottle**” means a hollow vessel of glass, plastic, synthetic resin or other similar material but does not include a jar or a container of the tumbler or drinking glass type;
 - “**coffee**” includes coffee beans;
 - “**compressed or liquefied gases**” does not include liquefied petroleum gas;
 - “**condensed milk and evaporated milk**” includes flavoured condensed milk and flavoured evaporated milk;

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“cream” does not include clotted cream or sour cream;

“dried or dehydrated fruit” includes currants, raisins, sultanas and other dried grape products, dates, apples, pears, peaches, apricots, prunes and figs, glaze and crystallised fruit and fruit peel;

“dried or dehydrated mixed fruit” includes dried or dehydrated mixed fruit mixed with nuts;

“fresh milk” means warm milk, pasteurised milk and any substance in liquid form derived from milk and described (with or without qualification) for sale as milk, but does not include condensed milk or evaporated milk or aseptically packaged milk (commonly known as UHT milk) or milk drinks;

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

“ice cream” includes any form of frozen confection containing ice cream, flavoured ice, fruit-ice, water-ice or ice cream-substitute product;

“liquid chemicals” means all liquid chemicals including solvents packed for sale for pharmaceutical, laboratory or industrial use;

“metric system” means the metric system of measurement as defined in section 3 of the *Metric Conversion Act 1970* of the Commonwealth;

“milk drink” means any substance in liquid form consisting of or derived from milk, where anything has been added to or extracted from the milk, and described (with or without qualification) for sale as flavoured milk or as a milk drink;

“paint” includes enamel but does not include a two-pack paint or artists' paints;

“poultry” includes pigeons and pheasants and both cooked and uncooked poultry and poultry pieces;

“poultry piece” means leg, wing, breast or other portion detached from a bird’s carcass and any fractional part of a bird’s carcass;

“quantity” when used in relation to a pre-packed article means —

- (a) in the case of an article of a description that is ordinarily packed or sold by mass, the mass of the article contained in the package;
- (b) in the case of an article of a description that is ordinarily packed or sold by volume, the volume of the article contained in the package;
- (c) in the case of an article of a description that is ordinarily packed or sold by number, the quantity of the article counted by number; and
- (d) in the case of an article of a description that is ordinarily packed or sold by reference to one or more of its dimensions, the quantity of the article measured by reference to such dimensions or dimensions,

and in the cases referred to in paragraphs (a) and (b), does not include the mass or volume of the package containing the article;

“resins” includes natural resins, synthetic resins and polymeric materials other than paints;

“snack products” means any pre-packed article of food or mixture of articles of food that is ordinarily consumed directly from the package in which it is contained and in a casual manner;

“solid detergents, laundry bleaches and household cleansers” means any such substance in a powder, flake, granular, or other similar form;

“spirits” means brandy, gin, ouzo (oyzo), rum, vodka and whisky;

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“sugar” means all forms of sugar and includes icing sugar and icing sugar mixtures but does not include the manufactured food, sugar icing;

“therapeutic goods” means goods for therapeutic use within the meaning of the *Therapeutic Goods Act 1966* of the Commonwealth;

“tobacco” includes plug tobacco.

- (2) Unless the contrary intention appears, a reference in these regulations to a statement of quantity marked on a package containing an article to which section 27E of the Act applies (in whatever form expressed) is a reference to the mandatory marking.

[Regulation 3 amended in Gazette 6 Jul 1993 p. 3294.]

[Part II (r. 4-10) repealed in Gazette 6 Jul 1993 p. 3294.]

Part III — Marking of pre-packed articles

11. Articles to which section 27E applies

Section 27E of the Act applies to a pre-packed article of every description except a pre-packed article specified under any category of goods referred to in the Table to regulation 13(1) in the circumstances specified in that Table.

12. Marking of name, address and brand

Any name, address or brand required under section 27C of the Act to be marked on a package containing an article shall be marked clearly and legibly on the package containing the article.

13. Articles to which sections 27C and 27E of the Act do not apply

- (1) Sections 27C and 27E do not apply to or in relation to an article specified under any category of goods referred to in the Table to this subregulation, in the circumstances specified in the Table.

Table

1. TEXTILE GOODS
 - (a) textiles, wearing apparel and other similar articles that are not packed for sale by mass, measure or number and are not ordinarily so sold;
 - (b) textiles that are —
 - (i) packed for sale by mass and are sold in packages each containing more than 4 kg;
 - (ii) packed for sale by length and are sold in packages each containing more than 25 m; or
 - (iii) packed for sale by area and are sold in packages each containing more than 25 m².
2. FOOD GOODS
 - (a) wheat, maize, oats, chaff, potatoes and other like agricultural produce in each case packed by the grower on the property where the same is grown and sold by mass in sacks of more than 25 kg gross mass;

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- (b) confectionery, nuts, popcorn, potato crisps and savouries that are —
 - (i) packed on premises for sale on those premises if the package is displayed for sale on those premises in a receptacle that bears a prominent statement in letters, figures and symbols not less than 10 mm in height 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
 - (ii) packed in or with another article if the value of the combined articles is substantially represented by that other article;
 - (c) confectionery packed singly in novelty shapes and Easter eggs pack singly;
 - (d) honey in the comb in original frames;
 - (e) hay;
 - (f) ice cream packed in a quantity less than 150 mL;
 - (g) kippers;
 - (h) pie or pasties made for use as an individual serve the mass whereof is less than 250 g;
 - (i) cakes, sponges and puddings packed singly in a quantity less than 125 g;
 - (j) alcoholic liquors packed in a quantity more than 10 L;
 - (k) wines labelled before 1 November 1969.
3. MEDICINAL AND TOILET GOODS
- (a) therapeutic goods being —
 - (i) goods compounded or made to the order of the purchaser or of a person recognized by law as competent to prescribe them; or
 - (ii) 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;
 - (b) a toilet preparation in a compact and a refill of such a preparation;

- (c) single application hair dyes or hair bleaches or single application home permanent hair waving kits;
 - (d) 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**
- (a) articles of hardware that are not packed for sale by mass, measure or number and are not ordinarily so sold;
 - (b) 2 or more articles of hardware packed to the order of the purchaser for use as components in building or engineering construction work and accompanied, at the time of delivery to or at the direction of the purchaser, by an invoice that specifies the number and description of each article in the package;
 - (c) tinters or colouring agents for use in paint that are packed in a tube in a quantity less than 100 g or 100 mL;
 - (d) colouring material contained in a package on which is marked a direction that the whole of the contents of the package or a specified portion of those contents is to be mixed with a stated volume of paint of a type specified in the direction, if the measure of the contents or, as the case may be, of the specified portion thereof is not more than 10% of that stated volume.
5. **GENERAL GOODS**
- (a) articles ordinarily sold by number that are packed in a quantity 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;
 - (b) an article the weight whereof exceeds 75 kg or the volume whereof exceeds 150 L;
 - (c) an article packed in a quantity less than 15 g or 15 mL other than adhesives, therapeutic goods, pepper and other spices, herbs, instant tea, tobacco, dried vegetables and freeze-dried vegetables;
 - (d) fire extinguisher refills;
 - (e) photographic film and photographic printing paper;

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- (f) a bag of clay;
 - (g) fish bait other than prawns;
 - (h) a roll of wall paper;
 - (i) tree bark, pine-bark feature mix, pine-bark nuggets, pre-planted mushroom spawn, any article that is or contains compost, tanbark, farmyard manure, peatmoss, garden peat, sphagnum moss, leaf mould or other like substance;
 - (j) artists' paint packed in a quantity less than 100 g;
 - (k) candles;
 - (l) legume seed inoculants;
 - (m) a pre-packed article that is, for the time being, the subject of a permit issued by the Minister under section 27F of the Act and that is sold in accordance with the conditions (if any) specified in the permit.
- (2) Section 27C of the Act does not apply to or in relation to an article specified in Column A of the Table to this subregulation in the circumstance specified in Column B opposite the reference to that article.

Table

Column A Nature of Article	Column B Circumstance of Exemption
agricultural seed — public bred varieties	packed in a quantity of 25 kg or more
horticultural seed — non-proprietary varieties	packed in a quantity of 25 kg or more

[Regulation 13 corrigendum in Gazette 13 Mar 1987 p. 661.]

14. Package of 2 or more exempted articles not necessarily exempt

When 2 or more articles are contained in a package, that package shall not be taken to be exempt from the application of section 27C or 27E of the Act by reason only that each of such articles is so exempt under regulation 13.

15. Construction of this Part in relation to certain goods

- (1) An article shall not be taken to be excluded from the category “general goods” in the Table to regulation 13(1) by reason only that it is an article that could properly be included in any other category of goods referred to in the Table.
- (2) An article that is a type of goods specified in the paragraph (a) of the category “textile goods” or paragraph (a) of the category “hardware goods” in the Table to regulation 13(1) shall not be taken to be packed for sale by mass, measure or number by reason only of the fact that it is contained in a package for sale as a single item or as a set or, being an article ordinarily described as a pair or as one of a pair, it is contained in a package for sale as a pair or as one of a pair.
- (3) In subregulation (2) “set” does not include 2 or more automotive parts that are identical whether or not they are ordinarily sold as a set.

16. Manner of marking packages of pre-packed articles

- (1) In this regulation —
“copy” does not include a statement of quantity marked once only in close proximity to the mandatory marking in accordance with regulation 17;
“main display portion” means that portion of a package on which the name or brand of an article contained in the package is shown or, where the name or brand is shown on 2 or more portions that portion on which it is shown most prominently or, where the name or brand is shown on 2 or more portions with the same prominence, any one of those portions.
- (2) Unless these regulations otherwise provide, the mandatory markings shall in all cases be, on the main display portion of a package and —
 - (a) where the shape or design of the package is such that one portion of the package other than the main display

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portion is likely to be displayed as an alternative to the display of the main display portion when the article is exposed for sale, shall be on that portion also;

- (b) where the shape or design of the package is such that any one of several portions of the package, other than the main display portion, is likely to be displayed as an alternative to the display of the main display portion when the article is exposed for sale, shall be on at least one of those other portions also; or
 - (c) where the shape or design of the package is such that one or more portions of the package, other than the main display portion, is likely to be displayed when the article is exposed for sale but the package is not one to which subparagraph (a) or (b) applies, shall be on at least one of those other portions also.
- (3) The mandatory markings referred to in subregulation (2) shall show the quantity of the article clearly, prominently and conspicuously so that it may be seen readily and read easily by any person when the article is exposed for sale.
- (4) The letters and figures included in the mandatory marking —
- (a) shall be —
 - (i) clearly stamped or printed in a colour of a distinct contrast to the colour of their background; or
 - (ii) clearly stamped or embossed and of a height of at least 3 times the minimum height of print specified in the Table to regulation 39(1) as the minimum height of print in a mandatory marking on the package on which the marking is to be made;
 - (b) shall be —
 - (i) in close proximity to the name or brand of the article when the name or brand appears on the package; and

- (ii) stamped, printed, or handwritten in accordance with subregulation (7), so as to be read in the same direction as the name or brand;
 - (c) shall be as ordinarily written in the English language in units of measurement of the metric system;
 - (d) shall not be obscured or crowded by any other copy or graphic matter; and
 - (e) in the case of a package that is or is substantially cylindrical, oval or conical, shall be contained wholly within that portion of the package comprised of the 2 parts of the main display portions lying either side of the line drawn from the top surface to the bottom surface by the package that bisects the main display portion, each part being subtended by an angle of 60 degrees measured at the point of intersection of the axis of symmetry of the package that is in the same horizontal plane as the central horizontal of the mandatory marking.
- (5) The mandatory marking shall be so placed that all parts of it are 2 mm at the least from the limits of the package and are separated from other copy by 2 mm at the least measured in all directions.
- (6) The Minister may by notice published in the *Gazette* and subject to such conditions and restrictions as he may determine and specify in the notice —
 - (a) exempt a pre-packed article to which section 27E of the Act applies, or a number of units of such an article, contained in an outer package from the requirements of subregulation (2)(a);
 - (b) exempt a pre-packed article to which section 27E of the Act applies from the requirements of subregulation (4)(a); or
 - (c) exempt a pre-packed article to which section 27E of the Act applies from the requirement in subregulation (4)(c)

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that the mandatory marking be in units of measurement of the metric system.

- (7) Where the Minister exercises the power conferred on him under subregulation (6)(b) he shall determine and specify in the published notice as a condition that the letters and figures included in the mandatory marking shall be clearly and legibly handwritten.
- (8) The mandatory marking may be on a portion of a package other than the main display portion in the case of —
 - (a) toilet preparations packed in quantities not more than 75 g or 75 mL if —
 - (i) the mandatory marking may be readily seen and easily read by any person when the article is exposed for sale; or
 - (ii) the mandatory marking is associated with descriptive material or directions as to the use of the article;
 - (b) automotive parts; and
 - (c) an article or a number of units of an article exempted by the Minister under subregulation (6)(a) if the quantity of the article marked on the package containing the article or of each unit of the article marked on the outer package containing the number of units of the article is marked in accordance with the conditions and restrictions (if any) specified in the published notice of exemption.
- (9) Subregulation (4)(a) does not apply to or in relation to —
 - (a) any —
 - (i) package to which regulation 36(1) applies;
 - (ii) package containing cake or fresh fruit;
 - (iii) package containing a roll of ribbon, lace, elastic or other article of haberdashery; or

- (iv) article contained in a package and sold to a person on the premises on which it is packed, if the quantity of the contents of the package is marked in clear and legible handwriting in letters or figures or letters and figures on the package; or
 - (b) any article exempted by the Minister under subregulation (6)(b) if the quantity of the article marked on the package containing the article is marked in accordance with the conditions and restrictions, if any, specified in the published notice of exemption.
- (10) For as long as an exemption given under subregulation (6)(c) subsists in relation to a pre-packed article the mandatory marking made on a package containing that article shall be taken to be duly made if it is made in accordance with the conditions and restrictions specified in the published notice of exemption.

17. Additional markings permitted on packages

Where a mandatory marking is duly marked on a package there may be marked, in addition, on the package a statement of the quantity of the article contained therein expressed —

- (a) in terms of Commonwealth legal units of measurement other than those in which the mandatory marking is expressed;
- (b) in terms of units of measurement other than Commonwealth legal units of measurement; or
- (c) in any language,

if the additional statement expresses the equivalent of the quantity specified in the mandatory marking.

18. Marking under section 27E to be accompanied by word “net”

Where the statement of the quantity of an article to which section 27E of the Act applies that is marked on a package

containing that article to satisfy the requirements of that section is expressed in terms of mass there shall be marked in close proximity to that statement the word “net”.

19. Units of measurement to be used in marking mass and degree of accuracy of such markings

- (1) Where an article to which section 27E of the Act applies is packed for sale by mass the mandatory marking shall be expressed in terms of the tonne, kilogram, gram or milligram.
- (2) A reference to a fraction of a unit of mass shall be expressed as a decimal submultiple of that unit.
- (3) Subject to subregulation (4), where an article to which section 27E of the Act applies is packed for sale by mass, a reference in the mandatory marking to the mass or a part of the mass of the article, whether it consists of a reference to a whole number or to a decimal submultiple or to a combination of both, shall express a degree of accuracy to not more than 3 significant figures.
- (4) Notwithstanding subregulation (3), where the mandatory marking is made by a ticket printing device that conforms with a pattern in relation to which there is in force a certificate of approval under the *National Measurement (Patterns of Instruments) Regulations* of the Commonwealth that approves the use for trade of that pattern to measure a degree of accuracy to more than 3 significant figures, the degree of accuracy shall be expressed in accordance with that certificate.

20. Units of measurement used in marking volume and degree of accuracy of such markings

- (1) Where an article to which section 27E of the Act applies is packed for sale by volume and is not of a kind that may, under these regulations, be marked in terms of the cubic metre, the mandatory marking shall be expressed in terms of the litre or millilitre.

- (2) A reference to a fraction of a unit of volume shall be expressed as a decimal submultiple of that unit.
- (3) Where an article to which section 27E of the Act applies is packed for sale by volume a reference in the mandatory marking to the volume or a part of the volume of the article, whether it consists of a reference to a whole number or to a decimal submultiple or to a combination of both, shall express a degree of accuracy to not more than 3 significant figures.

21. Quantity to be expressed in largest unit of measurement

- (1) Unless these regulations otherwise require or permit, the statement of quantity contained in the mandatory marking shall be expressed in terms of the largest unit of measurement of the article to which it relates.
- (2) Notwithstanding subregulation (1) —
- (a) a statement of quantity is not required to be expressed in terms of a unit of measurement greater than the kilogram, litre or metre; and
- (b) in any case where it is customary to express the length or width of an article in terms of metres or millimetres the length or width of the article may be so expressed.

22. Permitted limits for use of units of measurement

- (1) Unless otherwise permitted under these regulations, the quantity of an article referred to in a mandatory marking may be expressed in terms of a unit specified in the first column of the following Table if the quantity so expressed is not more than the quantity specified in the second column of the Table opposite that unit —

Table	
First Column	Second Column
Unit of Measurement	Limit of Measurement
Mass	
milligram	2 000 mg

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First Column Unit of Measurement	Second Column Limit of Measurement
gram	2 000 g
Volume (liquids)	
millilitre	2 000 mL
Volume (solids)	
cubic centimetre	2 000 cm ³
Length	
millimetre	2 000 mm
centimetre	2 000 cm

- (2) A unit of measurement specified in the first column of the Table to subregulation (1) may be used to express the quantity of an article specified in the first column of the following Table if the quantity to be so expressed is not more than the quantity specified in the second column of the following Table opposite the reference to that article —

Table

First Column Name of Article	Second Column Limit of Measurement
paper lengths	10 000 mm
building material in sheet form	no limit
coated abrasive belts	no limit

- (3) Notwithstanding subregulations (1) and (2), the mass of an article referred to in a mandatory marking may be expressed in grams if —
- (a) the marking is made on the package or is provided by means of a label affixed to the package;
 - (b) the marking is printed wholly or partly by a ticket printing device that conforms to a pattern in relation to which there is in force a certificate of approval under the *National Measurement (Patterns of Instruments) Regulations* of the Commonwealth approving the use for trade of that pattern; and

- (c) the marking is made or provided in accordance with the certificate referred to in paragraph (b).

23. Manner of stating quantity of particular articles

- (1) Unless these regulations otherwise require or permit, the statement of quantity marked on a package containing an article to which section 27E of the Act applies shall —
- (a) if the article is one that is ordinarily sold by lineal or superficial measure, be expressed in terms of such measure;
 - (b) if the article is a liquid, be expressed in terms of volume;
 - (c) if the article is one that is ordinarily sold by number, be expressed in terms of number; and
 - (d) if the article (not being one referred to in paragraph (a) or (c)) is one that is solid, semi-solid or partly solid and partly liquid, be expressed in terms of mass.
- (2) The statement of quantity marked on a package containing an article specified in the first column of the following Table shall be expressed in the terms specified in the second column of that Table opposite the reference to that article —

Table

First Column Nature of Article	Second Column Terms of Measure
acids in liquid form	mass or volume
aerosol products	mass
compressed or liquefied gases	mass or equivalent volume (cubic metres or litres) at stated temperature and pressure
cream and cream substitutes	volume
diatomite	mass
eggs	number and mass
fencing wire	length

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First Column Nature of Article	Second Column Terms of Measure
flavouring essences	mass or volume if the quantity is not less than 500 g
garden landscape material	mass or volume
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
resins	mass or volume
rope, cord and line —	
(a) of a diameter less than 1.5 mm	length and tex
(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 tex
yoghurt	mass

- (3) Where 2 or more units of —
- (a) apple or other fruit turnovers;
 - (b) cannelloni;
 - (c) crumpets;
 - (d) dim-sims;
 - (e) jaffles;
 - (f) lasagna;
 - (g) pies;
 - (h) pasties;
 - (i) rissoles;
 - (j) waffles and rolls containing meat;
 - (k) fish; or
 - (l) vegetables or fruit or a mixture of both,

are packed for sale in a package the statement of quantity marked on the package shall be in terms of the number of units of the article contained in the package and of the quantity of the aggregate of the article contained in the package.

- (4) Where —
- (a) aluminium foil;
 - (b) waxed paper;
 - (c) facial tissues; or
 - (d) toilet paper,

is or are packed for sale in a package the statement of quantity marked on the package may be expressed in terms of the number of useable sheets of stated dimensions of the article contained in the package.

- (5) Where an article ordinarily packed or sold by mass is packed for sale in a package and the number of packages to the tonne of that article is not more than 45 the mass of the article may be

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marked on the package by reference to the number of packages of the article to the tonne.

- (6) The marking containing the reference referred to in subregulation (5) shall be taken to be a marking of the mass of the article contained in the package, such mass being calculated by dividing one tonne by the number of packages specified in the reference.

[Regulation 23 corrigendum in Gazette 13 Mar 1987 p. 661.]

24. How dimensions of sheets, curtains etc. to be stated

- (1) A statement of the dimensions of tarpaulins, mattress protectors, bedsheets or other sheets of hemmed fabric material or window curtains designed to cross over when hung in pairs marked on any such article or on a package containing the same shall be expressed in terms of the finished size of the article.
- (2) In the case of a bedsheet that is designed as a fitted or semi-fitted sheet the finished size shall be expressed in terms of the suitability of the sheet to fit a mattress of specified dimensions expressed as length x breadth x depth.
- (3) In the case of window curtains referred to in this regulation the finished size shall be expressed by reference to the greatest measurement of the width and the drop of each curtain.

25. Thickness and width to be marked when relevant

Where under these regulations a statement of the quantity of an article may be marked on a package containing the article in terms of the length of the article, and the thickness or width of the article, or both, have a direct relationship to the value of the article the thickness or width of the article, or both, as the case may require, shall also be marked on the package.

26. Marking of packages containing reconstituted, soluble, or dilutable concentrate

- (1) Subject to subregulation (4), where an article to which section 27E of the Act applies is one that is to be reconstituted, dissolved or diluted before use and it is material to the consumer of that article to know the quantity of solution that should be produced from the whole of the contents of the package the package containing the article shall be marked with a statement of that quantity in accordance with subregulation (2).
- (2) A statement referred to in subregulation (1) —
 - (a) shall be marked on the package in accordance with these regulations as if it were the mandatory marking;
 - (b) shall be marked on the package in the following manner —

“x makes y”

where “x” expresses the true measure of the article contained in the package and “y” expresses the quantity of solution that should be produced from that measure;
 - (c) shall be marked in close proximity to or shall include the mandatory marking;
 - (d) shall relate to the whole of the contents of the package except as is required by paragraph (e); and
 - (e) may be marked on an outer package that contains a number of units of an article (each unit being contained in a package) or that contains a number of articles that are to be reconstituted, dissolved or diluted together (each article being contained in a package) as if the outer package were the package containing the relevant article but if it is so marked the statement shall relate to the whole of the contents of each inner package containing a unit or, as the case may be, an article.

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- (3) Without limiting the generality of subregulation (1) and subject to subregulation (4), subregulation (1) applies in particular to the following pre-packed articles —
 - (a) jelly crystals, blancmange powders, custard powders, junket tablets, junket powders and other food substances, whether flavoured or not, that are to be reconstituted, dissolved or diluted before use;
 - (b) photographic developers, fixers and chemicals; and
 - (c) agricultural and horticultural chemicals.
- (4) This regulation does not apply to powdered milk or condensed milk.
- (5) The obligation prescribed by subregulation (1) is in addition to the obligation imposed under the Act to duly mark on a package the mandatory marking.

27. Marking of quantity of article packed in inner and outer packages

- (1) Where one article to which section 27E of the Act applies is pre-packed (whether as a single unit or in units of 2 or more) in both an inner and an outer package —
 - (a) if it is an article that is ordinarily sold only without removal from the outer package, it is sufficient compliance with a requirement of the Act that a statement of the quantity of the article be marked on the package containing the article if the mandatory marking is marked in accordance with these regulations on the outer package only; and
 - (b) if it is an article that is ordinarily sold both without removal from the outer package and in the inner package after removal from the outer package, the mandatory marking shall be made in accordance with these regulations on both the inner and outer packages.
- (2) Where the contents of an outer package consist of 2 or more units of one article to which section 27E of the Act applies, the

mandatory marking made on the outer package (whether or not a mandatory marking is also made on an inner package) shall be made by way of a statement of the quantity of the aggregate of the article contained in the package or by way of a statement of the number of units of the article that are contained in the package and the quantity of each such unit.

(3) Where —

- (a) one article to which section 27E of the Act applies is pre-packed in an outer package in a measure of 2 or more units but less than 9 units, each unit being contained in an inner package;
- (b) those units are ordinarily sold only without removal from the outer package; and
- (c) the whole or a sufficient part of the outer package is transparent and the inner packages are so packed therein that a statement of quantity marked in accordance with these regulations on each inner package containing a unit is clearly visible without removing the article or any unit thereof from the outer package,

the mandatory marking with respect to each unit may be marked in accordance with these regulations on the inner package containing the unit and, in that event, a mandatory marking need not be made on the outer package.

(4) Where an article to which section 27E of the Act applies is pre-packed and is an outer package together with another article or other articles (whether or not section 27E of the Act applies to that other article or those other articles or any of them), if those articles are ordinarily sold only without removal from the package that contains them, it is sufficient compliance with a requirement of the Act that a statement of the quantity of an article be marked on the package containing it if —

- (a) the mandatory marking in respect of each article to which section 27E of the Act applies is marked in

accordance with these regulations on the outer package;
and

- (b) subregulations (5) and (6) are complied with.
- (5) Where the contents of a package consist of units of different articles the mandatory marking in respect of each such article to which section 27E of the Act applies made on the package (whether or not a mandatory marking is also made on an inner package) shall be made by way of a statement of a description of each article contained in the package accompanied by a marking of the quantity of each article.
- (6) Every description and statement of quantity referred to in subregulation (5) shall be marked in accordance with these regulations as if it were part of the mandatory marking in respect of an article to which section 27E of the Act applies.
- (7) Notwithstanding subregulations (4), (5) and (6), where the whole or a sufficient part of a package on which markings are permitted under subregulation (4) to be made is transparent so that all the articles or packaged units of articles contained in the package are clearly visible, markings need not be in accordance with regulation 16 to the extent that it requires a mandatory marking to be on specified portions of a package.
- (8) A requirement of the Act that a statement of the quantity of an article to which section 27E of the Act applies be marked on the package containing it does not extend to requiring the marking of such a statement on an outer package containing 2 or more pre-packed articles for the purpose of transport only.

Part IV — Statement of quantity that may vary

28. Articles to which section 27H of the Act applies

Section 27H of the Act applies to the following articles when the articles are packed for sale in a package other than an hermetically sealed container —

bar soaps, cotton wool, flax, glauber salts, jute, manila, mushrooms (fresh), oven-baked animal biscuits, personal deodorant tablets, personal soap tablets (medicinal or toilet), sisal, soap flakes, soap powders (excluding detergent powders), tobacco, washing soda, whole hams.

29. Marking of packages “Net mass when packed”

When an article of a description specified in regulation 28 is packed for sale in a package other than an hermetically sealed container the package may be marked with the words “Net mass when packed” or words to the like effect.

30. Permissible weight losses — section 27H(6)

- (1) An article specified in the first column of the following Table is an article to which section 27H(6) of the Act applies.

Table

First Column Description of Article	Second Column Deficiency in mass as parts per centum	Third Column Average Deficiency in mass expressed as parts per centum
bar soaps	21	16
cotton wool	7	2
flax	8	3
glauber salts	7	2
jute	9	4
manila	8	3

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First Column Description of Article	Second Column Deficiency in mass as parts per centum	Third Column Average Deficiency in mass expressed as parts per centum
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 powders (excluding detergent powders)	15	10
tobacco	10	5
washing soda	7	2
whole hams	7	2

- (2) The number of parts per centum specified in the 2nd column of the Table opposite the description of an article is the number of parts per centum of the mass stated on the package containing an article of that description prescribed for the purposes of section 27H(6) in relation to that article.
- (3) The number of parts per centum specified in the 3rd column of the Table opposite the description of an article is the number of parts per centum of the mass stated on the package containing the article of that description prescribed as the permissible average deficiency for the purposes of section 27H(6) in relation to that article.

31. Articles to which section 27HA applies

Section 27HA of the Act applies to the following articles —

- (a) yarn;

- (b) cotton wool.

32. Permissible losses in mass — section 27HA(3)

Subject to regulation 33 —

- (a) the number of parts per centum specified in the 2nd column of the following Table opposite a class of fibre specified in the first column of that Table is the maximum deficiency of mass prescribed for the purposes of section 27HA(3)(a) of the Act in relation to yarn or cotton wool that is composed of a fibre or fibres of that class;
- (b) the number of parts per centum specified in the 3rd column of the following Table opposite a class of fibre specified in the first column of that Table is the permissible average deficiency of mass prescribed for the purposes of section 27HA(3)(b) of the Act in relation to yarn or cotton wool that is composed of a fibre or fibres of that class.

Table

First Column Class of Fibre	Second Column Maximum Deficiency of mass expressed as parts per centum	Third Column Permissible Average Deficiency of mass expressed as parts per centum
(a) Class A fibre being a fibre of any of the following kinds or a mixture of 2 or more of those kinds of fibres, namely — (i) wool or other animal fibre;	11	6

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First Column Class of Fibre	Second Column Maximum Deficiency of mass expressed as parts per centum	Third Column Permissible Average Deficiency of mass expressed as parts per centum
(ii) viscose; (iii) cuprammonium rayon		
(b) Class B fibre being a fibre of any of the following kinds or a mixture of 2 or more of those kinds of fibres, namely — (i) silk; (ii) cotton; (iii) cellulose acetate	7	2
(c) Class C fibre being a fibre or mixture of fibres of a kind not specified in paragraph (a) or (b) of this Table.	5	Nil

33. Maximum deficiency and permissible average deficiency of mass in case of a mixture of fibres

- (1) Where yarn or cotton wool is composed of a mixture of fibres and that mixture comprises fibres of 2 or more of the classes of fibres specified in the first column of the Table to regulation 32 then notwithstanding that regulation —
- (a) the number of parts per centum obtained by adding to 5 parts per centum the number of parts per centum ascertained in accordance with the prescribed formula is the maximum deficiency of mass prescribed for the

purposes of section 27HA(3)(a) of the Act in relation to that yarn or cotton wool; and

- (b) the number of parts per centum ascertained in accordance with the prescribed formula is the permissible average deficiency of mass prescribed for the purposes of section 27HA(3)(b) of the Act in relation to that yarn or cotton wool.

- (2) For the purposes of subregulation (1) the prescribed formula is $A \times 6 + B \times 2$ where —

A represents the proportion that the mass of the class A fibre (or, as the case may be, that the total weight of all the class A fibres) of which the yarn or cotton wool is composed bears to the total mass of the yarn or cotton wool; and

B represents the proportion that the mass of the class B fibre (or, as the case may be, that the total mass of all the class B fibres) of which the yarn or cotton wool is composed bears to the total mass of the yarn or cotton wool.

- (3) In this regulation —

“**class A fibre**” means a fibre of any kind specified in paragraph (a) in the first column of the Table to regulation 32;

“**class B fibre**” means a fibre of any kind specified in paragraph (b) in the first column of the Table to regulation 32;

“**class C fibre**” means a fibre of any kind other than a class A fibre or a class B fibre.

34. Statement of proportion of fibre content in mixture

A package that contains an article to which section 27H of the Act applies, being an article that is composed of a mixture of fibres, and that is marked with the words “Net mass at standard condition” or words to the like effect shall also be marked prominently and legibly with a correct statement of the

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proportion by mass of each of the fibres of which the article is composed.

35. Manner of marking statements of mass

The marking on a package of a statement of net mass to section 27H or section 27HA of the Act refers and to which this Part applies shall be made in accordance with these regulations as if it were the mandatory marking.

Part V — Marketing of unit prices

36. Marking of statement of price per kilogram

- (1) Subject to subregulation (2), a package containing —
- (a) cheese;
 - (b) fish (including crustacea);
 - (c) dressed poultry;
 - (d) meat (excluding processed meat);
 - (e) smallgoods (including bacon, ham and corned beef);
 - (f) bananas;
 - (g) tomatoes;
 - (h) fresh mushrooms; or
 - (i) fresh vegetables,

which is packed for sale by mass, before being exposed for sale, shall be marked with a statement of the price per kilogram of the article contained in the package.

- (2) Notwithstanding subregulation (1), a statement of the price per kilogram is not required to be marked on a package containing —
- (a) any article if a statement of the price per kilogram of the article is indicated in letters or in letters and figures of a height not less than 10 mm and is prominently displayed on or immediately adjacent to a tray or like receptacle in or on which packages containing the article are displayed;
 - (b) dressed poultry, if the statement of the mass thereof is expressed in accordance with regulation 45 as a minimum mass;

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- (c) any article of a description specified in the following Table if it is packed in a quantity specified in the Table opposite the description of that article.

Table

cheese	100 g, 125 g, 200 g, 250 g, 375 g, 500 g, integral multiples of 500 g.
dressed poultry and meat (excluding processed meat)	100 g, 125 g, 200 g, 250 g, 500 g, 1 kg, integral multiples of 1 kg.
fish (including crustacea), bananas, grapes, tomatoes, fresh mushrooms and fresh vegetables	15 g, 20 g, 25 g, 50 g, 75 g, 100 g, 125 g, 150 g, 200 g, 250 g, 375 g, 500 g, 750 g, 1 kg, 1.25 kg, 1.5 kg, 2 kg, 2.5 kg, 3 kg, 4 kg, 5 kg, integral multiples of 1 kg.
smallgoods (including bacon, ham and corned beef)	50 g, 125 g, 175 g, 250 g, 375 g, 500 g, integral multiples of 500 g.

37. Marking of statement of sale price

- (1) Where a package contains an article specified in regulation 36(1), then subject to subregulation (2), before being exposed for sale, the package shall be marked with a statement of the price of the quantity of the article contained in the package.
- (2) Notwithstanding subregulation (1), a statement of the price is not required to be marked on a package containing an article if a statement of the price of the quantity of the article contained in that package is indicated in letters or in letters and figures of a height not less than 10 mm and is prominently displayed on or immediately adjacent to a tray or like receptacle in or on which packages containing the article are displayed.

38. Manner of marking unit — price statement

- (1) A statement of the price per kilogram of an article required by regulation 36(1) to be marked on a package containing the article or a statement of the price of the quantity of an article required by regulation 37(1) to be marked on a package containing the article —
 - (a) shall be marked clearly, prominently and conspicuously on the main display portion of the package in such a manner that it may be readily seen and easily read by a purchaser when the package is exposed for sale; and
 - (b) shall be otherwise marked in accordance with the provisions of these regulations that apply to such a statement.
- (2) In this regulation “**main display portion**” means that portion of the package that is likely to be displayed to a customer when the package is exposed for sale.

Part VI — Size of letters and figures in markings

39. Minimum size of letters and figures in mandatory marking etc.

- (1) On a package required under the Act to be marked with a statement of the quantity of an article contained in the package —
- (a) the mandatory marking;
 - (b) the marking that includes the words “Net mass when packed”; and
 - (c) the marking that includes the words “Net mass at standard condition” or words to like effect,

shall, according to the maximum dimension of the package, be printed or stamped thereon in print of a height not less than the height specified in the following Table in relation to that dimension —

Table

Maximum Dimension of Package (other than a bottle)	Minimum Height of Print
80 mm or under	2.0 mm
Over 80 mm but not over 160 mm	2.5 mm
Over 160 mm but not over 260 mm	3.3 mm
Over 260 mm	4.8 mm

Maximum Dimension of Package being a bottle	Minimum Height of Print
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

- (2) The minimum height of print specified in subregulation (1) applies in respect of all letters and all figures in the marking concerned.

40. Minimum size of letters and figures in unit price marking

On a package required by these regulations to be marked with a statement of the price per kilogram or an article contained in the package or the price of the quantity of the article contained in the package, the marking of such statement shall, according to the maximum dimension of the package, be in letters or letters and figures of a height not less than the height specified in the following Table in relation to that dimension —

Table

Maximum Dimension of Package	Minimum Height of Letters or Letters and Figures
80 mm or under	2.0 mm
Over 80 mm but not over 160 mm	2.5 mm
Over 160 mm but not over 260 mm	3.3 mm
Over 260 mm	4.8 mm

41. Acceptable size of marking made by ticket-printing price-computing device

Where the markings referred to in regulation 39 or 40 are made on the package or are provided by means of a label affixed to the package and in either case are printed wholly or partly by a ticket-printing device that conforms to a pattern in relation to which there is in force a certificate of approval under the *National Measurement (Patterns of Instruments) Regulations* of the Commonwealth approving the use for trade of that pattern, regulation 39 or, as the case may be, regulation 40 shall be taken to be sufficiently complied with if the letters, figures and symbols comprising the markings on the package or the label are 3.00 mm at the least in height, irrespective of the maximum dimension of the package.

42. Meaning of “maximum dimension”

For the purposes of regulations 39 and 40 the maximum dimension of a package is —

- (a) in the case of a rectangular package, the length, breadth or height, whichever is the greatest;
- (b) in the case of a cylindrical, oval or conical package, the height or the maximum diameter, whichever is the greater.

Part VII — Markings prohibited or restricted

43. Use of decimal submultiples

The quantity of an article to which section 27E of the Act applies shall not be marked on a package containing the article by reference to a decimal submultiple unless a zero or other numeral precede the decimal point that indicates the submultiple.

44. Range of quantities, minimum approximate or average quantities restricted

Except as provided in regulations 45, 46 and 47, a statement of quantity marked on a package containing an article to which section 27E of the Act applies shall not be expressed —

- (a) in terms of 2 denominations of measure between which the quantity of the article falls; or
- (b) in terms of a minimum, approximate or average quantity.

45. Statement of mass of dressed poultry

- (1) A statement of the mass of dressed poultry (other than poultry pieces) marked on a package may be expressed in terms of a minimum mass that is an integral multiple of 100 g.
- (2) Where a statement of the mass of dressed poultry (other than cooked poultry and poultry pieces) marked on the package containing the poultry is expressed in terms of a minimum mass the package shall also be marked with a size number being the numeral ascertained by dividing such minimum mass expressed in grams, by 100.
- (3) Where a number is marked on a package under subregulation (2) each figure contained in that number shall not be less than 10 mm in height.

46. Statement of mass of eggs

A statement of the mass of a number of eggs contained in a package shall be expressed in terms of the minimum mass of each egg contained therein.

47. Statement of mass of preserved sausage

A statement of the mass of smallgoods that consist of preserved sausage may be expressed in terms of the minimum mass of the sausage.

48. Restricted expressions

For the purpose of section 27J of the Act an expression (not being a prohibited expression) that is marked on a package containing a pre-packed article is a restricted expression if it consists of or includes any of the following words —

King, Giant, Jumbo, Queen, Longfellow, Family, Hi-boy, Huge, Gigantic, Colossal, Economy, Bigger, Extra, Large, Long.

49. Application of Part

The regulations in this Part apply in relation to any statement of quantity or expression marked on a package whether the same is or is part of the mandatory marking or of a statement of quantity made in addition to the mandatory marking.

Part VIII — Exemptions

50. Exemption from prohibition on marking gross mass for transport purposes

Section 21(1)(b) of the Act does not apply to a package containing an article when that package is used only for the purpose of transporting the article if the package is marked as specified in Schedule 3.

51. Exemption from obligation to pack in prescribed quantities and obligation to mark net quantity

Any provision of the Act or these regulations that requires the net mass or volume of an article contained in a package to be marked does not apply to —

- (a) a package containing one or more articles that are ordinarily sold by number if the number of articles in the package is marked on the package in accordance with these regulations;
- (b) a bottle that contains alcoholic liquor, aerated water, fruit drink, cordial or milk and that is marked in embossed or ceramic markings, being a bottle —
 - (i) manufactured before 1 November 1970;
 - (ii) packed before 1 July 1982; and
 - (iii) that, if it had been in existence and filled, could, with its content, have lawfully been sold in the State before 1 November 1969.

[Regulation 51 amended in Gazette 6 Jul 1993 p. 3294.]

52. Exemption of packages of paper from obligation to mark mass and obligations under sections 21(1) and 27C

A provision of the Act or these regulations that requires the net mass of an article contained in package to be marked on the package and sections 21(1) and 27C of the Act do not apply to a package of paper or sheets of paper sold in wrappings originally

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applied to that paper or those sheets at the factory at which the paper was produced if —

- (a) the package is sold in a quantity greater than 5 kg; or
- (b) the package contains 500 sheets of paper at the least and is marked with the number of sheets contained therein and with the dimensions of each such sheet.

53. Exemption of matches from provisions relating to deficiency in counts

Section 27G(1) and (2) of the Act do not apply in relation to pre-packed matches the true measure of which is less than the quantity stated in the mandatory marking on the package if —

- (a) the mandatory marking indicates the quantity of matches to be 50;
- (b) the deficiency in the contents of the package does not exceed 4 matches; and
- (c) there is no average deficiency in the contents of 12 packages of matches selected by an inspector without prior measurement thereof or, where there are less than 12 such packages available, in the contents of all the available packages, being not fewer than 6.

[Part IX omitted under the Reprints Act 1984 s. 7(4)(f).]

[Schedules 1 and 2 repealed in Gazette 6 Jul 1993 p. 3294.]

Schedule 3

[Regulation 50]

Marking on package used for transport only

Gross Mass for Transport purposes only:

Net Mass:

Notes

- ¹ This reprint is a compilation as at 7 November 2003 of the *Weights and Measures (Pre-packed Articles) Regulations 1987* 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

Citation	Gazettal	Commencement
<i>Weights and Measures (Pre-packed Articles) Regulations 1987</i>	27 Feb 1987 p. 519-33 (Corrigendum 13 Mar 1987 p. 661)	1 Mar 1987 (see r. 2)
<i>Weights and Measures (Pre-Packed Articles) Amendment Regulations 1991</i>	5 Jul 1991 p. 3327-8	5 Jul 1991 (see r. 2)
<i>Weights and Measures (Pre-Packed Articles) Amendment Regulations 1993</i>	6 Jul 1993 p. 3293-4	6 Jul 1993
Reprint 1: The <i>Weights and Measures (Pre-packed Articles) Regulations 1987</i> as at 7 Nov 2003 (includes amendments listed above)		