



Trade Measurement Administration Regulation 2002

under the

Trade Measurement Administration Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Trade Measurement Administration Act 1989*.

JOHN AQUILINA, M.P.,

Minister for Fair Trading

Explanatory note

This Regulation replaces, without any major changes in substance, the *Trade Measurement Administration Regulation 1997* which is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*. The new Regulation deals with the following matters:

- (a) the returns to be sent by persons licensed to certify measuring instruments (clause 5),
- (b) the fees and charges payable under the *Trade Measurement Act 1989* and the *Trade Measurement Administration Act 1989* (clauses 6–9),
- (c) the prescription of certain offences under the *Trade Measurement Act 1989* as offences for which penalty notices may be issued under the *Trade Measurement Administration Act 1989* and the prescription of the amounts of penalties payable under penalty notices (clause 10),
- (d) other matters of a minor, consequential or ancillary nature (clauses 1–4 and 11).

The Regulation is made under the *Trade Measurement Administration Act 1989*, including Part 3 (Fees and charges), section 23 (Penalty notices for certain offences) and section 28 (the general regulation-making power).

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Explanatory note

This Regulation deals with matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State or Territory.

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Trade Measurement Administration Regulation 2002

1 Name of Regulation

This Regulation is the *Trade Measurement Administration Regulation 2002*.

2 Commencement

This Regulation commences on 1 September 2002.

Note. This Regulation replaces the *Trade Measurement Administration Regulation 1997* which is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

In this Regulation:

servicing licensee means a person holding a servicing licence.

the Act means the *Trade Measurement Administration Act 1989*.

4 Notes

Notes included in this Regulation do not form part of this Regulation.

5 Returns for certification of measuring instruments

- (1) A servicing licensee must prepare a return for each 3 month period as to the number and nature of measuring instruments certified by the licensee in that period for which a charge is payable by the servicing licensee under clause 7.
- (2) Every such return is to be in a form approved by the administering authority and is to be sent to the administering authority within 21 days of the end of the period to which the return relates.
- (3) A servicing licensee must prepare and send a return for a period even if the servicing licensee did not certify any measuring instruments in that period.

Maximum penalty: 20 penalty units.

6 Charges payable in respect of verification or re-verification by an inspector (section 10 of the Act)

For the purposes of section 10 of the Act, the appropriate charge payable to the administering authority by the owner of a measuring instrument when an inspector verifies or re-verifies the instrument is:

- (a) in respect of a matter specified in Column 1 of Schedule 1, an amount of money equal to the amount obtained by multiplying \$31 by the number specified in Column 2 of that Schedule opposite that matter, or
- (b) if 2 or more of those matters relate to the verification or re-verification, an amount of money equal to the sum of the amounts so obtained.

7 Charges payable by servicing licensee in respect of certification (section 11 of the Act)

- (1) A servicing licensee is to pay to the administering authority a charge in respect of the certification of a measuring instrument by the servicing licensee under the Principal Act.
- (2) The charge is:
 - (a) in respect of a matter specified in Column 1 of Schedule 1, an amount of money equal to the amount obtained by multiplying \$13 by the number specified in Column 2 of that Schedule opposite that matter, or
 - (b) if 2 or more of those matters relate to the certification, an amount of money equal to the sum of the amounts so obtained.
- (3) A charge is not payable in respect of a second or subsequent certification of a measuring instrument in the same calendar year.
- (4) A charge payable in respect of a measuring instrument is to be sent to the administering authority with the return under clause 5 in which the certification of the instrument by the servicing licensee is declared.

8 Other fees and charges (section 13 of the Act)

- (1) The fees specified in Column 2 of Part 1 of Schedule 2 are payable to the Director-General in relation to the matters specified in Column 1 of that Part.

- (2) The charges referred to in subclause (3) are payable to the Superintendent in relation to the matters specified in Column 1 of Part 2 of Schedule 2 and are payable by the owner (within the meaning of section 10 of the Act) of the measuring instrument concerned.
- (3) The appropriate charge payable to the Superintendent is, in respect of a matter specified in Column 1 of Part 2 of Schedule 2, an amount of money equal to the amount obtained by multiplying \$34 by the number specified in Column 2 of that Part opposite that matter.

9 Reduction, waiver and deferral of charges

The Superintendent may reduce, waive or defer payment of a charge payable under section 10 or 11 of the Act if of the opinion that the reduction, waiver or deferral is necessary or desirable for the purpose of alleviating hardship.

10 Prescribed offences and penalties

For the purposes of section 23 of the Act:

- (a) an offence created by a provision specified in Column 1 of Schedule 3 is a prescribed offence, and
- (b) the number of penalty units specified in Column 2 of Schedule 3 in respect of such an offence is the prescribed amount of penalty for the offence.

11 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Trade Measurement Administration Regulation 1997*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Verification and certification charges

(Clauses 6, 7)

Column 1	Column 2
Matter	Number used to calculate charge
Verification, re-verification or certification of:	
Weighing instruments (not elsewhere covered) with a capacity:	
not exceeding 30 kg (including a set of masses necessary to use the instrument, with no more than 20 masses per set)—for each	2
exceeding 30 kg not exceeding 300 kg—for each	3
exceeding 300 kg not exceeding 3 tonne—for each	5
exceeding 3 tonne not exceeding 15 tonne—for each	10
exceeding 15 tonne not exceeding 45 tonne—for each	15
exceeding 45 tonne not exceeding 90 tonne—for each	20
exceeding 90 tonne—for each	30
Wheel load weighing instrument—for each	2
Totalising belt conveyer weigher—for each	30
in the case of a verification or re-verification, plus time in excess of 3 hours necessarily spent in testing, for each inspector per quarter hour or part thereof	1
Train weighing-in-motion weighing instrument—for each	30
in the case of a verification or re-verification, plus time in excess of 3 hours necessarily spent in testing, for each inspector per quarter hour or part thereof	1
Pre-packing weighing-in-motion weigher—for each	10

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Schedule 1 Verification and certification charges

Column 1	Column 2
Matter	Number used to calculate charge
Masses (when not associated with a particular weighing instrument)—for each	0.2
Measures of capacity (excluding lubricating oil measures that are submitted for verification or re-verification or certified in batches)—for each	0.2
Lubricating oil measures (submitted for verification or re-verification or certified in batches):	
per 100 or part thereof	2
Maximum fee per batch for certification	50
Lubricating oil measures (certified other than in batches)—for each	0.001
Liquor beverage measures and spirit measures (submitted for verification or re-verification or certified in batches):	
per 1 000 or part thereof	2
Maximum fee per batch for certification	50
Liquor beverage measures and spirit measures (certified other than in batches)—for each	0.001
Measures of length:	
Rigid—for each	0.2
Flexible—for each	1
Flowmeters—for each meter with a flowrate:	
not exceeding 100 litres/min	3
exceeding 100 litres/min not exceeding 1 000 litres/min	10
exceeding 1 000 litres/min	20
Bulk tanks with a capacity:	
not exceeding 1 000 litres—for each	5

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Verification and certification charges

Schedule 1

Column 1	Column 2
Matter	Number used to calculate charge
exceeding 1 000 litres not exceeding 10 000 litres—for each	10
exceeding 10 000 litres—for each	20
Volumetric drum filler—for each	5
Liquor dispensers—for each	0.2
Dimensional measuring instruments—for each	4
Measuring instruments not elsewhere covered—for each	2
Additional charge	
An additional charge payable in respect of the verification, re-verification or certification of a measuring instrument approved by the National Standards Commission, for each interactive device (that is, console, card reader or note acceptor) so approved that is attached to the instrument and is not a measuring instrument	3

Note. The numbers in Column 2 are used to calculate the amounts of charges referred to in clauses 7 and 8.

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Schedule 2 Other fees and charges

Schedule 2 Other fees and charges

(Clause 8)

Part 1 Fees payable to Director-General

Column 1	Column 2
Fee to accompany application for servicing licence	\$60
Fee to accompany application for public weighbridge licence	\$60
Periodic licence fee for servicing licence	\$252 per annum for each place at which the servicing licensee carries on business
Periodic licence fee for public weighbridge licence	\$187 per annum for each place at which the public weighbridge licensee carries on business
Fee for issue of certificate of suitability	\$60
Fee for amended licence or certificate of suitability	\$56
Fee for duplicate licence or certificate of suitability	\$26

Part 2 Charges payable to Superintendent

Column 1	Column 2
Matter	Number used to calculate charge
Verification or re-verification of measuring instruments	
Charge on request for service for each visit to premises, of an inspector with a view to verification or re-verification of measuring instruments at the owner's premises, where the visit is requested by the owner of the instrument (within the meaning of section 10 of the Act) and:	
(a) the instruments could, in the opinion of an inspector, reasonably be taken to the office of an inspector for testing, or	
(b) the instruments could not, in the opinion of an inspector, reasonably be taken to the office of an inspector and less than 7 calendar days' notice of the day of testing has been given to the inspector	4
Waiting time	
Charge for the keeping of an appointment to examine or test a measuring instrument, where examination or testing is unable to be carried out because the measuring instrument is unavailable or inaccessible or access to it is unreasonably refused:	
(a) in the case of an inspector	4
(b) in the case of the Weighbridge Test Unit made available by the Superintendent	10
Charge, per kilometre travelled by the Weighbridge Test Unit made available by the Superintendent, for the keeping of an appointment to examine or test a measuring instrument, where examination or testing is unable to be carried out because the measuring instrument is unavailable or inaccessible or access to it is unreasonably refused	0.083
Charge, per quarter hour or part of a quarter hour, payable on keeping of appointment to examine or test a measuring instrument for time spent waiting before the measuring instrument is made available or access to it is allowed:	
(a) in the case of an inspector	1
(b) in the case of the Weighbridge Test Unit made available by the Superintendent	1

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Schedule 2

Other fees and charges

Column 1	Column 2
Matter	Number used to calculate charge
Examination of instruments that do not comply	
Charge payable to reimburse costs in connection with examination or testing of a measuring instrument with a view to verification or re-verification but where measuring instrument does not comply with requirements for verification or re-verification	The charge that would be payable under Schedule 1 for the verification or re-verification of the measuring instrument
Other instruments	
Charge payable, per quarter hour or part of a quarter hour that each inspector necessarily spends examining and testing the instrument or instruments, to reimburse costs in connection with examination or testing of a measuring instrument:	
(a) in the case of a standard of measuring for which a certificate is issued under Regulation 13 of the <i>National Measurement Regulations 1999</i> of the Commonwealth	1
(b) in the case of examination and testing of an instrument under section 15 (4) of the Principal Act, at the request of the person in possession of the measuring instrument:	
(i) a measure being a pipette, milk or cream flask used in connection with dairy products	1
(ii) thermometers	1
(iii) dip sticks	1
(iv) other	1
Charge payable to reimburse costs in connection with examination or testing of a measuring instrument: in the case of examination and testing of an instrument under section 15 (4) of the Principal Act, at the request of the person in possession of the measuring instrument:	
(i) each wheel load weighing instrument	2
(ii) each chondrometer	2
Charge payable, per quarter hour or part of a quarter hour, for the use of labour necessary for the exercise of an inspector's functions and not provided for by any of the preceding items	1
Equipment	
Charge payable for first two hours of testing for use of the Weighbridge Test Unit provided by the Superintendent.	10
Charge payable, per quarter hour, for hours of testing in excess of 2 hours, for use of the Weighbridge Test Unit provided by the Superintendent.	1

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Other fees and charges

Schedule 2

Column 1	Column 2
Matter	Number used to calculate charge
Charge payable, per kilometre travelled in excess of 100 kilometres, for use of the Weighbridge Test Unit provided by the Superintendent where such visit has been requested by the owner, user or other person	0.083
Charges payable, for the use of masses provided by the Superintendent	2
Charges payable, for the use of any other equipment provided by the Superintendent	2
Advisings	
Charges payable, for the first hour or part of the first hour, for the provision of technical advice by an inspector relating to the use or installation of measuring instruments, the testing of any package, or the examination of any document in relation to the administration of the Act, the Principal Act or the regulations	4
Charges payable, per quarter hour or part of a quarter hour in excess of 1 hour, for the provision of technical advice by an inspector relating to the use or installation of measuring instruments, the testing of any package, or the examination of any document in relation to the administration of the Act, the Principal Act or the regulations	1

Note. The numbers in Column 2 of Part 2 are used to calculate the amounts of fees referred to in clause 8 (3).

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Schedule 3 Penalty notice offences

Schedule 3 Penalty notice offences

(Clause 10)

Column 1	Column 2
Offence	Penalty Units
Offences under the Trade Measurement Act 1989	
Section 7 (1)	2
Section 7 (2)	3
Section 7A	2
Section 7B	2
Section 8 (1)	5
Section 8 (2)	5
Section 8 (3)	5
Section 16 (4)	2
Section 18 (2)	5
Section 20 (1)	5
Section 21	5
Section 22 (3)	2
Section 23	5
Section 25 (1)	2
Section 26 (2)	2
Section 28 (1)	3
Section 28 (2)	3
Section 42 (1)	5
Section 42 (2)	5
Section 43 (1)	5

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Penalty notice offences

Schedule 3

Column 1	Column 2
Offence	Penalty Units
Offences under the Trade Measurement Regulation 2002	
Clause 18	0.5
Clause 24 (1)	1
Clause 24 (3)	1
Clause 24 (4)	1
Clause 24 (5)	1
Clause 28	1
Clause 29 (1)	1
Clause 50 (1)	1
Clause 50 (2)	1
Clause 50 (3)	1
Clause 50 (4)	1
Clause 50 (5)	1
Clause 50 (6)	1
Clause 50 (7)	1
Clause 50 (8)	1
Clause 50 (9)	1
Clause 50 (10)	1
Clause 51	1
Clause 52	1
Clause 53	1
Clause 54	1

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Schedule 3 Penalty notice offences

Column 1	Column 2
Offence	Penalty Units
Clause 55	1
Clause 91 (2)	1
Offences under this Regulation	
Clause 5	1

BY AUTHORITY