

1992—No. 252

**TRADE MEASUREMENT ADMINISTRATION ACT 1989—
REGULATION**

(Trade Measurement Administration Regulation 1992)

NEW SOUTH WALES



[Published in Gazette No. 62 of 22 May 1992]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Trade Measurement Administration Act 1989, has been pleased to make the Regulation set forth hereunder.

TERRY GRIFFITHS, M.P.
Acting Minister for Consumer Affairs.

Citation

1. This Regulation may be cited as the Trade Measurement Administration Regulation 1992.

Commencement

2. This Regulation commences on 22nd day of May, 1992.

Repeal

3. The Trade Measurement Administration Regulation 1991 is repealed.

Definition

4. In this Regulation:

“the Act” means the Trade Measurement Administration Act 1989.

Returns for certification of measuring instruments

5. (1) A 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 licensee under clause 6.

(2) Every such return is to be in a form approved by the administering authority and is to be forwarded to the administering authority within 21 days of the expiration of the period to which the return relates.

(3) A licensee must prepare and forward a return for a period even if the licensee did not certify any measuring instruments in that period.

Maximum penalty: 20 penalty units.

Charges payable by licensee in respect of certification

6. (1) A licensee is to pay to the administering authority the appropriate charges specified in Part 1 of Schedule 1 in respect of the certification of a measuring instrument by the licensee under the Principal Act..

(2) A charge is not payable in respect of a second or subsequent certification of a measuring instrument in the same calendar year.

(3) A charge payable under this clause in respect of a measuring instrument is to be forwarded to the administering authority with the return under clause 5 in which the certification of the instrument by the licensee is declared.

(4) A reference in Part 1 of Schedule 1 to a number of CFUs (Certification Fee Units) is a reference to an amount of money equal to the amount obtained by multiplying \$10 by that number of CFUs.

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

7. (1) For the purposes of section 10 of the Act, the charges payable to the administering authority by the owner of a measuring instrument when an inspector verifies or re-verifies the instrument are specified in Part 2 of Schedule 1.

(2) A reference in Part 2 of Schedule 1 to a number of VFUs (Verification Fee Units) is a reference to an amount of money equal to the amount obtained by multiplying \$25 by that number of VFUs.

Other fees and charges

8. (1) The fees and charges specified in Column 2 of Part 1 of Schedule 2 are payable to the Commissioner in relation to the matters specified in Column 1 of that Part.

(2) The charges specified in Column 2 of Part 2 of Schedule 2 are payable to the Superintendent in relation to the matters specified in Column 1 of that Part and are payable by the owner (within the meaning of section 10 of the Act) of the measuring instrument concerned.

SCHEDULE 1

(Cll. 6, 7)

PART 1

Column 1

Column 2

CERTIFICATION FEE UNIT**CFU**

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) | 2 |
| exceeding 30 kg not exceeding 300 kg | 3 |
| exceeding 300 kg not exceeding 3 tonne | 5 |
| exceeding 3 tonne not exceeding 15 tonne | 10 |
| exceeding 15 tonne not exceeding 45 tonne | 15 |
| exceeding 45 tonne not exceeding 90 tonne | 20 |
| exceeding 90 tonne | 30 |

| | |
|--------------------------------------|---|
| Wheel load weighing instrument | 2 |
|--------------------------------------|---|

| | |
|--|----|
| Totalising belt conveyer weigher | 30 |
|--|----|

| | |
|--|----|
| Train weighing-in-motion weighing instrument | 30 |
|--|----|

| | |
|--|----|
| Pre-packing weighing-in-motion weigher | 10 |
|--|----|

| | |
|--|---|
| Masses (when not associated with a particular weighing instrument)-for each five or part thereof | 1 |
|--|---|

| Column 1 | Column 2 |
|--|----------|
| Measures of capacity (excluding lubricating oil measures and liquor beverage measures which are certified in batches)—for each 5 or part thereof | 1 |
| Lubricating oil measures (certified in batches)—per 100 or part thereof (Maximum fee—50 CFUs per batch) | 2 |
| Liquor beverage measures (certified in batches)—per 1000 or part thereof (Maximum fee—50 CFUs per batch) | 2 |
| Measures of length: | |
| Rigid—for each 5 or part thereof | 1 |
| Flexible—each | 1 |
| Flowmeters (excluding liquefied gas flowmeters)—for each meter with a flowrate: | |
| not exceeding 100 litres/min. | 3 |
| exceeding 100 litres/min not exceeding 1000 litres/min | 10 |
| exceeding 1000 litres/min | 20 |
| Liquefied gas flowmeters—for each meter with a flowrate: | |
| not exceeding 100 litres/min | 10 |
| exceeding 100 litres/min | 20 |
| Bulk tanks with a capacity: | |
| not exceeding 1000 litres | 5 |
| exceeding 1000 litres not exceeding 10 000 litres | 10 |
| exceeding 10 000 litres | 20 |
| Volumetric drum filler | 5 |
| Liquor dispensers—for each 5 dispensing heads or part thereof | 1 |
| Measuring instruments—for each not elsewhere covered..... | 2 |

| Column 1 | Column 2 |
|---|----------|
| An additional charge payable in respect of the 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 which is attached to the instrument and is not a measuring instrument | 3 |

PART 2

SUBMISSION WITH A VIEW TO VERIFICATION OR RE-VERIFICATION

| Column 1 | Column 2 |
|---|----------|
| VERIFICATION FEE UNIT | VFU |
| Fee on request for service of an inspector with a view to verification or re-verification: For each visit to premises where the visit is requested by the owner, user, or other person and where the instruments could, in the opinion of an inspector, reasonably be taken to the office of an inspector for testing or, where the instruments could not reasonably be taken to the office of an inspector, and where less than 7 calendar days' notice of the day of testing has been given to the inspector | 4 |
| Weighing instruments not covered elsewhere 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) | 2 |
| exceeding 30 kg not exceeding 300 kg | 3 |
| exceeding 300 kg not exceeding 3 tonne | 5 |
| exceeding 3 tonne not exceeding 15 tonne. | 10 |
| exceeding 15 tonne not exceeding 45 tonne | 15 |
| exceeding 45 tonne not exceeding 90 tonne | 20 |
| exceeding 90 tonne | 30 |
| Wheel load weighing instrument | 2 |

| Column 1 | Column 2 |
|--|----------|
| Totalising belt conveyer weigher.. | 30 |
| 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 | 30 |
| 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 | 10 |
| Masses (when not associated with a particular weighing instrument)—for each 5 or part thereof | 1 |
| Measures of capacity (excluding lubricating oil measures and liquor beverage measures which are submitted in batches)—for each 5 or part thereof | 1 |
| Lubricating oil bottles (submitted in batches): | |
| per batch | 10 |
| plus for each 5 required to be tested | 1 |
| Liquor beverage measures (submitted in batches): | |
| per batch..... | 10 |
| plus for each 5 required to be tested | 1 |
| Measures of length: | |
| Rigid—for each 5 or part thereof | 1 |
| Flexible—each | 1 |
| Flowmeters (excluding liquefied gas flowmeters)—for each meter with a flowrate: | |
| not exceeding 100 litres/min..... | 3 |
| exceeding 100 litres/min not exceeding 1000 litres/min | 10 |
| exceeding 1000 litres/min..... | 20 |
| Liquefied gas flowmeters—for each meter with a flowrate: | |
| not exceeding 100 litres/min | 10 |
| exceeding 100 litres/min..... | 20 |

| Column 1 | Column 2 |
|---|----------|
| Bulk tanks with a capacity: | |
| not exceeding 1000 litres | 5 |
| exceeding 1000 litres not exceeding 10 000 litres | 10 |
| exceeding 10 000 litres | 20 |
| Volumetric drum filler | 5 |
| Liquor dispensers—for each 5 dispensing heads or part thereof | 1 |
| Measuring instruments—for each not elsewhere covered | 2 |
| An additional charge payable in respect of the verification or re-verification of a measuring instrument approved by the National Standards Commission for each interactive device (that is, console, card reader or note acceptor) so approved which is attached to the instrument and is not a measuring instrument | 3 |

SCHEDULE 2

(Cl. 8)

PART 1

| Column 1 | Column 2 |
|------------------------------------|--|
| LICENCE FEES | |
| Fee to accompany application for: | |
| • servicing licence | \$50 |
| • public weighbridge licence | \$50 |
| Periodic licence fee for: | |
| • servicing licence | \$200 per annum for each place at which the licensee carries on business |
| • public weighbridge licence | \$150 per annum for each place at which the licensee carries on business |

| Column 1 | Column 2 |
|---|----------|
| Fee for issue of certificate of suitability..... | \$50 |
| Fee for amended licence or certificate of suitability | \$45 |
| Fee for duplicate licence or certificate of suitability | \$20 |

PART 2

| Column 1 | Column 2 |
|--|--|
| 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: | |
| in the case of an inspector | \$100 |
| in the case of the Weighbridge Test Unit made available by the Superintendent..... | \$250 plus \$2 per kilometre travelled |
| Charge 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: | |
| in the case of an inspector | \$25 per quarter hour or part thereof |
| in the case of the Weighbridge Test Unit made available by the Superintendent.. | \$25 per quarter hour or part thereof |

Column 1

Column 2

**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 Part 2 of Schedule 1 for the verification or re-verification of the measuring instrument

OTHER INSTRUMENTS

Charge payable to reimburse costs in connection with examination or testing of a measuring instrument:

in the case of a standard of measurement for which a certificate is issued under Regulation 80 of the National Measurement Regulations of the Commonwealth.....

\$25 per quarter hour or part thereof that each inspector necessarily spends examining and testing the instrument or instruments

in the case of examination and testing of an instrument under section 15 (4) of the Trade Measurement Act 1989, at the request of the person in possession of the measuring instrument:

- each wheel load weighing instrument \$50
- each chondrometer \$50

| Column 1 | Column 2 |
|---|---|
| <ul style="list-style-type: none"> • a measure being a pipette, milk or cream flask used in connection with dairy products.. • thermometers..... • dip sticks • other | <ul style="list-style-type: none"> \$25 per quarter hour or part thereof that each inspector necessarily spends examining and testing the instrument or instruments \$25 per quarter hour or part thereof that each inspector necessarily spends examining and testing the instrument or instruments \$25 per quarter hour or part thereof that each inspector necessarily spends examining and testing the instrument or instruments \$25 per quarter hour or part thereof that each inspector necessarily spends examining and testing the instrument |
| Charges payable for the use of labour necessary for the exercise of an inspector's functions and not provided for by any of the preceding items | \$25 per quarter hour or part thereof |

| Column 1 | Column 2 |
|---|---|
| EQUIPMENT | |
| Charges payable for the use of equipment provided by the Superintendent: | |
| Weighbridge Test Unit | \$250 for first two hours of testing, plus \$25 per quarter hour thereafter plus \$2 per kilometre travelled in excess of 100 kilometres where such visit has been requested by the owner, user or other person |
| Masses | \$50 per tonne or part thereof per day |
| Any other equipment | \$50 per day |
| ADVISINGS | |
| Charges payable 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 Regulations | |
| | \$100 for the first hour plus \$25 per quarter hour or part thereof after the first hour |

EXPLANATORY NOTE

The purpose of this Regulation is to repeal and replace the Trade Measurement Administration Regulation 1991 so as to reflect amendments to the Trade Measurement Administration Act 1989. Those amendments removed the Schedule of charges for certification and verification of measuring instruments contained in that Act and provided for those charges to be prescribed by regulation.

In addition to the prescription of those charges, other fees and charges currently prescribed under the 1991 Regulation are altered.

At present, a return must be prepared for each 14-day period as to the number and nature of measuring instruments certified by a licensee during that period. The new Regulation changes that 14-day period to 3 months and also requires returns to be prepared even if no measuring instruments have been certified

The Regulation relates to matters arising under legislation that is substantially uniform with legislation of other States and Territories.
