



New South Wales

# Trade Measurement (Miscellaneous) Regulations 1997

under the  
Trade Measurement Act 1989

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulations under the *Trade Measurement Act 1989*.

FAYE LO PO' MP  
Minister for Fair Trading

## Explanatory note

The object of these Regulations is to repeal and remake, without change, the provisions of the *Trade Measurement (Miscellaneous) Regulations 1991*.

The Regulations:

- (a) specify the measurements to be used when certain articles are advertised for sale at a price determined by reference to mass, volume, linear measurement or superficial measurement, and
- (b) require certain beers and spirits to be sold at prices calculated by reference to volume.

The Regulations are made under the *Trade Measurement Act 1989*, including section 26 (Articles required to be sold by specific measurement) and section 80 (the general regulation making power).

The Regulations deal with matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State or Territory.

The Regulations are made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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## Trade Measurement (Miscellaneous) Regulations 1997

### 1 Name of Regulations

These Regulations are the *Trade Measurement (Miscellaneous) Regulations 1997*.

### 2 Commencement

These Regulations commence on 1 September 1997.

### 3 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) is guilty of an offence unless the measurement is:
  - (a) in the case of mass:
    - (i) 1 kilogram, or
    - (ii) 1 kilogram, with another reference to an integral number of kilograms, or
    - (iii) an integral number of tonnes, or
    - (iv) if the article is a precious metal—1 gram or 1 troy ounce, or
  - (b) in the case of volume:
    - (i) 1 litre, or
    - (ii) 1 litre, with another reference to an integral number of litres, or
    - (iii) an integral number of cubic metres, or

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- (c) in the case of linear measurement:
  - (i) 1 centimetre, or
  - (ii) 1 metre, or
  - (iii) 1 metre, with another reference to an integral number of metres, or
- (d) in the case of superficial measurement:
  - (i) 1 square centimetre, or
  - (ii) 1 square metre, or
  - (iii) 1 square metre, with another reference to an integral number of square metres,

or is a measurement authorised by clause (3).

Maximum penalty: \$2,000.

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

**Table**

carpets	Resin laminates
Ceramic tiles	Rope
Chain	Rubber material
Cord	Rubber mouldings
Cordage	Sheet glass
Electrical cable	Textiles
Electrical flex	Textile products (other than ready-made clothing)
Fabrics	
Floor coverings	Plywood
Hardboard	Timber
Particle board	Veneers
Plastic mouldings	Wire netting

#### **4 Beer and spirits to be sold by volume**

- (1) Beer, stout, ale, brandy (including cognac and armagnac), gin, mm, vodka and whisky (whiskey) are prescribed articles to which section 26 of the Act applies.
- (2) Pursuant to that section, 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.

#### **5 Repeal**

- (1) The *Trade Measurement (Miscellaneous) Regulations 1991* are repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Trade Measurement (Miscellaneous) Regulations 1991*, had effect under those Regulations continues to have effect under these Regulations.