



New South Wales

Trade Measurement Amendment (Measuring Instruments and Pre- packed Articles) Regulation 2001

under the

Trade Measurement Act 1989

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

JOHN WATKINS, M.P.,

Minister for Fair Trading

Explanatory note

Under an agreement between the Commonwealth and most of the States and Territories, uniform trade measurement legislation has been enacted in a number of jurisdictions, including New South Wales.

The ongoing review of the uniform trade measurement legislation is the responsibility of the Trade Measurement Advisory Committee (*TMAC*).

TMAC has recommended a number of amendments to the uniform legislation of a technical nature or to improve the administration of the legislation. A number of these were suggested amendments to the *Trade Measurement (Measuring Instruments) Regulations 1997* and the *Trade Measurement (Pre-packed Articles) Regulations 1997*.

The object of this Regulation is to amend those Regulations to adopt certain of the amendments suggested.

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Trade Measurement Amendment (Measuring Instruments and Pre-packed Articles)
Regulation 2001

Explanatory note

The *Trade Measurement (Measuring Instruments) Regulations 1997* are amended:

- (a) to provide for the batch testing of a range of appropriate measuring instruments including glass jugs used for the sale of beer, ale and stout by volume and glass measures used for the sale of prescribed spirits by volume, and
- (b) to remove an inconsistency between a provision that specifies a maximum verification scale interval for an instrument used for the purpose of measuring diamonds or other precious stones by weight and a provision that specifies the maximum verification scale interval by metric carat.

The *Trade Measurement (Pre-packed Articles) Regulations 1997* are amended:

- (a) to provide that an article exempt from the requirement to be marked under the Regulations must comply with all marking requirements if it is so marked, and
- (b) to define the expression *ordinarily sold*, and
- (c) to make it clear that an exemption of certain agricultural produce from marking requirements is not limited by reference to particular kinds of agricultural produce, and
- (d) to include the centilitre and decilitre as permissible units of measurement of volume (except for certain specified articles).

This Regulation is made under the *Trade Measurement Act 1989*, including section 80 (the general regulation-making power).

Trade Measurement Amendment (Measuring Instruments and Pre-packed Articles) Regulation 2001

1 Name of Regulation

This Regulation is the *Trade Measurement Amendment (Measuring Instruments and Pre-packed Articles) Regulation 2001*.

2 Commencement

This Regulation commences on 1 July 2001.

3 Amendment of Trade Measurement (Measuring Instruments) Regulations 1997

The *Trade Measurement (Measuring Instruments) Regulations 1997* are amended as set out in Schedule 1.

4 Amendment of Trade Measurement (Pre-packed Articles) Regulations 1997

The *Trade Measurement (Pre-packed Articles) Regulations 1997* are amended as set out in Schedule 2.

5 Notes

The explanatory note does not form part of this Regulation.

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Schedule 1 Amendment of Trade Measurement (Measuring Instruments) Regulations 1997

**Schedule 1 Amendment of Trade Measurement
(Measuring Instruments) Regulations 1997**

(Clause 3)

[1] Regulation 13 Definitions

Omit paragraph (b) of the definition of *glass measure*. Insert instead:

- (b) a measure made of glass or another 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).

[2] Regulation 26 Measurement of precious stones

Omit “0.1 CM” from Regulation 26 (c). Insert instead “0.05 CM”.

Schedule 2 Amendment of Trade Measurement (Pre-packed Articles) Regulations 1997

(Clause 4)

[1] Regulation 5 Exemptions from marking requirements (name, address, measurement)

Insert after Regulation 5 (2):

- (2A) However, if an exempt package has a name and address or measurement marked on it, the way the name and address or measurement is marked on the package must comply with these Regulations.

[2] Regulation 15 Unit etc of measurement to be used

Insert after Regulation 15 (3):

- (4) In this section, *ordinarily sold*, in relation to an article sold by number or linear or superficial measurement, means the majority of the merchants selling the article in Australia ordinarily sell it by number or linear or superficial measurement.

[3] Schedule 1 Exemptions from marking

Omit “Chaff, maize, oats, potatoes, wheat and other like” from item 1 of the matter appearing under the heading “Food goods”.

Insert instead “Any”.

[4] Schedule 3 Permissible units of measurement

Insert “, decilitre or centilitre” after “litre” in clause 2 (a).