



New South Wales

Trade Measurement Amendment (Pre-packed Articles—Frozen Fish) Regulation 2009

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*.

VIRGINIA JUDGE, MP
Minister for Fair Trading

Explanatory note

The object of this Regulation is to introduce a test for determining the net weight of frozen fish pre-packed articles. An identical test has been introduced in Queensland and is proposed to be introduced in other States and Territories. (Under an agreement made in 1990 between the Commonwealth and most States and Territories, uniform trade measurement legislation has been enacted throughout those jurisdictions.)

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

2009 No 303

Trade Measurement Amendment (Pre-packed Articles—Frozen Fish)
Clause 1 Regulation 2009

**Trade Measurement Amendment (Pre-packed Articles—
Frozen Fish) Regulation 2009**

under the

Trade Measurement Act 1989

1 Name of Regulation

This Regulation is the *Trade Measurement Amendment (Pre-packed Articles—Frozen Fish) Regulation 2009*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Trade Measurement Regulation 2007

Clause 88

Omit the clause. Insert instead:

88 Measuring mass of frozen fish

- (1) This clause applies to pre-packed frozen fish that has surface ice on any part of the fish.
- (2) For the purposes of the Act and this Regulation, the mass of pre-packed frozen fish in a package must be measured using the following steps:
 - (a) measure and record the mass of a sieve,
 - (b) immediately after removing the package from cold storage, remove the fish from the package and:
 - (i) if the fish does not exceed the capacity of the sieve—complete the steps mentioned in subclause (3), or
 - (ii) if the fish exceeds the capacity of the sieve—complete the steps mentioned in subclause (4).
- (3) If the fish does not exceed the capacity of the sieve:
 - (a) put the fish in the sieve and put the sieve containing the fish in a water bath containing an amount of water at least 8 times the volume of the fish at a temperature of $25^{\circ}\text{C}\pm 5^{\circ}\text{C}$, and
 - (b) keep the fish immersed in the water bath until the surface ice has been removed from the fish, and
 - (c) remove the sieve containing the fish from the water bath, and
 - (d) keep the sieve at an angle of about 20° from the horizontal for at least 2 minutes but not more than 2 minutes 15 seconds to allow water to drain from the fish, and
 - (e) if practicable, remove excess water from the fish by using a cloth or a paper towel, and
 - (f) measure and record the combined mass of the sieve and the fish, and
 - (g) deduct the recorded mass of the sieve from the recorded combined mass of the sieve and the fish to find the mass of the fish.

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- (4) If the fish exceeds the capacity of the sieve:
- (a) divide the fish into lots that do not exceed the capacity of the sieve in any way that is convenient for complying with this subclause, and
 - (b) for fish in a lot that has surface ice on it—complete the steps mentioned in subclause (3) (a)–(g), and
 - (c) for fish in a lot that does not have surface ice on it—directly measure and record the mass of the fish, and
 - (d) add together the mass of fish recorded under paragraphs (b) and (c) to find the mass of the fish.
- (5) The mass of the fish is:
- (a) if the fish does not exceed the capacity of the sieve—the mass of the fish as worked out under subclause (3) (g), or
 - (b) if the fish exceeds the capacity of the sieve—the mass of the fish as worked out under subclause (4) (d).
- (6) In this clause:
- fish** means all or part of, or any number of, or any combination of, any cold-blooded aquatic vertebrate or invertebrate, including shellfish but not an amphibian or a reptile.
- frozen** means kept in storage at a maximum temperature of 0°C.
- International Standard** means a standard made or published by the International Organisation for Standardisation, Geneva.
- sieve**, for measuring fish from a package, means a circular wirecloth sieve:
- (a) with a diameter of:
 - (i) if the measurement marking on the package is not more than 500g—200mm, or
 - (ii) if the measurement marking on the package is more than 500g—300mm, and
 - (b) with a mesh aperture size of 2.36mm, and
 - (c) that complies with the requirements for wirecloth sieves in:
 - (i) the Australian Standard entitled AS 1152—1993, *Specification for test sieves*, or
 - (ii) the International Standard entitled ISO 3310-1:2000 (E), *Test sieves—Technical requirements and testing*.