



National Trade Measurement Regulations 2009¹

Select Legislative Instrument 2009 No. 233

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *National Measurement Act 1960*.

Dated 7 September 2009

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

KIM CARR
Minister for Innovation, Industry, Science and Research

Contents

Part 1	Preliminary	11
1.1	Name of Regulations	11
1.2	Commencement	11
1.3	Application of Regulations — wine labelling	11
1.4	Interpretation	11
1.5	Certain articles must be sold by measurement — meat	16
Part 2	Measuring instruments and material measures used for trade	20
Division 2.1	Offences for use of a measuring instrument for trade	20
2.1	Use of measuring instrument must not contravene any other provision	20
2.2	Measuring instrument used to measure mass not to be held or suspended from hand	20
2.3	Certain measuring instruments only to be used for specific use	21
2.4	Certain measuring instruments only to be used with specified proportional masses	21
2.5	Measuring instrument fitted with tare bar not to be used in certain circumstances	22
2.6	Person must not use measuring instrument to determine mass greater than permitted	22
2.7	Person must not use certain masses to determine mass of particular items	23
2.8	Metric carat masses only to be used to measure mass of precious stones	23
2.9	Proportional mass to be readily identifiable with measuring instrument	24
2.10	Certain masses only to be used by particular certificate holders	24
2.11	Use of measuring instrument fitted with load receptor	25
2.12	Measuring instrument fitted with load receptor	25

		Page
2.13	Movement of load receptor must not foul measuring instrument	26
2.14	Measuring instrument fitted with certain load receptor	26
2.15	Person must not alter verification scale interval of marked measuring instrument	27
2.16	Measuring instrument not to be used for trade if verification scale interval altered	27
2.17	Measuring instrument of approved pattern designed for measuring liquid	28
2.18	Person in possession of certain measuring instrument must ensure measuring instrument is artificially illuminated	28
2.19	Person who makes certain measuring instrument available must ensure measuring instrument is artificially illuminated	29
2.20	Flowmeter fitted with zero re-setting device must be reset before use for trade	29
2.21	Flowmeter fitted with zero re-setting device must be reset before being made available for use for trade	30
2.22	Fuel dispenser used for trade to measure a liquid or gaseous product	30
2.23	Fuel dispenser made available for use for trade to measure liquid or gaseous product	31
2.24	Certain measuring instruments not to be used for trade to measure diamonds or precious stones	31
2.25	Certain measuring instruments not to be used for trade to measure precious metals	32
2.26	Batch tested glass measure must remain in custody of manufacturer or importer unless certain conditions apply	33
2.27	Use of class 4 measuring instruments	33
Division 2.2	Verification, reverification and in-service inspection	34
2.28	Verifying and marking measuring instruments	34
2.29	Verifying and marking material measure	34
2.30	Certain measuring instruments not to be verified	35
2.31	Measuring instrument to be clean	36
2.32	Testing of measuring instrument	36
2.33	Testing and marking a measure of length	37
2.34	Exemption from reverification	37

		Page
2.35	Inspector may direct controller to dismantle measuring instrument	37
2.36	Inspector may direct controller to provide and pay for certain items	38
Division 2.3	Batch testing and marking — glass measures	39
2.37	Definitions for Division 2.3	39
2.38	Secretary may approve batch testing and marking	39
2.39	Batch testing requirements	40
2.40	Servicing licensee to keep records	41
Division 2.4	Servicing licences and licensees	41
2.41	Prescribed fee — application for servicing licence (Act s 18NA (3) (b))	41
2.42	Prescribed particulars (Act s 18NF)	42
2.43	Prescribed conditions (Act s 18NH (j))	43
2.44	Prescribed fee — application to amend condition of servicing licence (Act s 18NI (2) (b))	48
2.45	Prescribed fee — application to amend servicing licensee due to change of partnership (Act s 18NJ (3) (d))	48
2.46	Prescribed fee — application for renewal of servicing licence (Act s 18NK (2) (b))	49
Part 3	Weighbridges used for trade	50
Division 3.1	General	50
3.1	Application of Part 3	50
3.2	Location of weighbridge	50
3.3	Visibility on weighbridge	50
3.4	Approach to weighbridge	51
3.5	Platform of weighbridge — composition	51
3.6	Pit of weighbridge	52
3.7	Weighbridge without pit	52
3.8	Weighbridge with electrical or electronic devices	53
3.9	Weighbridge with more than 1 platform	53
3.10	Portable weighbridge	54
3.11	Use of weighbridge to determine end-and-end measurement	54

		Page
Division 3.2	Public weighbridges	55
3.12	Prescribed fee — application for public weighbridge licence (Act s 18PA (3) (b))	55
3.13	Prescribed fee — application to amend condition of public weighbridge licence (Act s 18PI (2) (b))	55
3.14	Prescribed fee — application to amend public weighbridge licence due to change of partnership (Act s 18PJ (3) (d))	55
3.15	Prescribed fee — application to contract out public weighbridge operation (Act s 18PK (3) (d))	56
3.16	Prescribed fee — application for renewal of public weighbridge licence (Act s 18PL (2) (b))	56
3.17	When use of weighbridge is taken not to be use of a public weighbridge	56
3.18	Secretary may require inspection report	56
3.19	Display requirements — sign at public weighbridge	57
3.20	When licensee must withdraw public weighbridge from use and notify Secretary	57
3.21	Public weighbridge licensee may refuse measurement request	58
3.22	Platform of public weighbridge to be kept clean	58
3.23	Space between frame and platform must be kept free from obstructions	59
3.24	Weight recorded by public weighbridge without load to be kept accurately at zero	59
3.25	Public weighbridge licensee must ensure operator determines measurement with appropriate care	60
3.26	Measurement tickets — general requirements	60
3.27	Measurement tickets — requirements of public weighbridge licensee	60
3.28	Public weighbridge licensee must ensure certain measurement tickets produced to relevant person	61
3.29	Public weighbridge licensee must not remove or alter original measurement ticket	62
3.30	Public weighbridge licensee must not allow another person to remove or alter original measurement ticket	63
3.31	Public weighbridge licensee must not remove or alter unissued copy measurement ticket	63
3.32	Public weighbridge licensee must not allow another person to remove or alter unissued copy measurement ticket	64

	Page
3.33	Public weighbridge licensee must not delete or alter electronic record included in measurement ticket 64
3.34	Public weighbridge licensee must not allow another person to delete or alter electronic record included in measurement ticket 65
3.35	Public weighbridge licensee must not dispose of or alter printed version of original measurement ticket 65
3.36	Public weighbridge licensee must not allow another person to dispose of or alter printed version of original measurement ticket 66
3.37	Public weighbridge licensee must provide certain information to the Secretary 67
3.38	Public weighbridge licensee must not knowingly permit or assist person to engage in fraudulent conduct 68
3.39	Public weighbridge licensee must notify Secretary of fraudulent conduct related to measurement using weighbridge 68
3.40	Public weighbridge licensee must not knowingly engage in certain conduct related to false representation 69
3.41	Public weighbridge licensee to ensure issue of measurement ticket in approved form 69
3.42	Inspector may direct operator to measure vehicle 70
3.43	Measurement tickets — certain requirements to be met by operator 71
3.44	Operator must issue copy of original measurement ticket to relevant person if certain conditions met 75
3.45	Operator must not use public weighbridge for public weighing in certain circumstances 76
3.46	Operator must not issue original measurement ticket 77
3.47	Operator must issue correct copy of original measurement ticket 77
3.48	Operator must not remove or alter original measurement ticket 77
3.49	Operator must not allow another person to remove or alter original measurement ticket 78
3.50	Operator must not remove or alter unissued copy measurement ticket 78
3.51	Operator must not allow another person to remove or alter unissued copy measurement ticket 79

	Page	
3.52	Operator must not delete or alter electronic record included in measurement ticket	79
3.53	Operator must not allow another person to delete or alter electronic record included in measurement ticket	80
3.54	Operator must not dispose of or alter printed version of original measurement ticket	81
3.55	Operator must not allow another person to dispose of or alter printed version of original measurement ticket	81
3.56	Operator must not knowingly permit or assist person to engage in fraudulent conduct	82
3.57	Operator must notify Secretary of fraudulent conduct related to measurement using weighbridge	82
3.58	Operator must not knowingly engage in certain conduct related to false representation	83
3.59	Issuing copy of original measurement ticket	83
3.60	Prescribed particulars for register (Act s 18PF)	84
3.61	Prescribed reverification period — public weighbridges (Act s 20 (1) (o))	85
3.62	Additional licence conditions — public weighbridges	85
3.63	Transitional	87
3.64	Transitional	87
Part 4	Packaging	88
Division 4.1	Definitions	88
4.1	Definitions for Part 4 — general	88
4.2	Definitions for Part 4 — prepackages	88
Division 4.2	Operation of Part 4	92
4.3	Requirements applicable to inner and outer packages	92
4.4	Exemptions from marking requirements (name, address, measurement)	92
4.5	Exemptions for packages containing paper	93
4.6	Exemptions for certain inner and outer packages	94
Division 4.3	Marking of name and address	94
4.7	Marking of name and address on packages	94

		Page
4.8	Exemption for packaged seed	94
Division 4.4	Marking of measurement	95
Subdivision 1	General requirements for measurement marking	95
4.9	Requirement to mark measurement	95
4.10	General position of measurement marking	96
4.11	Set-out and form of measurement marking	96
4.12	Size etc of characters in measurement marking	97
4.13	Unit etc of measurement to be used	98
4.14	Fractions and significant figures	99
4.15	Special provision — marking by approved printing device	99
4.16	Marking by reference to minimum measurement	100
Subdivision 2	Special provision for measurement marking of certain products	100
4.17	Eggs	100
4.18	Products packed in sheets	101
4.19	Number of packages comprising 1 tonne	101
4.20	Bedsheets, tarpaulins etc	101
4.21	Pairs of window curtains	102
4.22	Marking of width or thickness if it directly affects price	102
Subdivision 3	Special provision concerning measurement marking of outer packages	102
4.23	Package containing packages of products of the same kind and measurement	102
4.24	Inner and outer packages of single product	103
4.25	Package containing products of different kinds or different measurements	103
Subdivision 4	Other markings concerning measurement	104
4.26	Unit price marking — retail sales of particular foods by mass	104
Division 4.5	Prohibited expressions	105
4.27	Marking of “mass when packed”	105
4.28	Prohibition on use of “gross mass”	105
4.29	Prohibited expressions	106
Division 4.6	Desiccation	107
4.30	Definitions for Division 4.6	107
4.31	Permissible deficiency — prepacked fresh mushrooms	107

		Page
4.32	Permissible deficiency — prepacked soap	108
Division 4.7	Shortfall	110
Subdivision 1	Provisions applying for package lots of 100 or more — the average quantity system	110
4.33	Definitions for Subdivision 1	110
4.34	AQS thresholds	111
4.35	Sampling procedures	111
4.36	Test procedures	112
4.37	Weighted average quantity	114
4.38	Test failure	114
Subdivision 2	Packages not marked with an AQS Mark	115
4.39	Sampling procedures	115
4.40	National group test procedures	115
4.41	National single article test procedures	115
4.42	National test thresholds	115
4.43	Test failure circumstances — groups	116
4.44	Test failure circumstances — single article	116
Division 4.8	Miscellaneous	117
4.45	Measuring mass of frozen fish	117
4.46	Application for permit to sell certain articles	119
Part 5	Miscellaneous	120
5.1	Beer, spirits etc must be sold by reference to volume	120
5.2	Sale of article at price determined by reference to measurement	120
5.3	Sale of fuel at price determined by reference to measurement by volume	123
5.4	Regulation 5.3 does not apply to certain sales of fuel	123
5.5	Fees for general applications	126
Schedule 1	Maximum permissible errors	127
Part 1	Interpretation	127
Part 2	Material measures	127
Division 1	Length	127
Division 2	Weight	127
Division 3	Volume	130

		Page
Division 4	Dispensing measures including pharmaceutical measures	132
Part 3	Measuring instruments	134
Division 1	Length-measuring instruments	134
Division 2	Area-measuring instruments	134
Division 3	Farm milk tanks	135
Division 4	Vehicle tanks	135
Division 5	Liquid-measuring systems	135
Division 6	Weighing instruments	140
Division 7	Automatic rail-weighbridges	142
Division 8	Grain protein measuring instruments	144
Division 9	Water Vending Machines	145
Division 10	Multi-dimensional measuring instruments	145
Division 11	Water meters	146
Schedule 2	Classes and subclasses of servicing licences	147
Part 1	General	147
Part 2	Supplementary	149
Schedule 3	The AQS Mark	150
Schedule 4	Exemptions from marking	151
Schedule 5	Expression of measurement marking	154
Schedule 6	Permissible units of measurement	156

Part 1 Preliminary

1.1 Name of Regulations

These Regulations are the *National Trade Measurement Regulations 2009*.

1.2 Commencement

These Regulations commence on the day after they are registered.

1.3 Application of Regulations — wine labelling

These Regulations do not apply in relation to the position of a measurement marking for standard-sized wine containers that are mentioned in the World Wine Trade Group Agreement on Requirements for Wine Labelling, signed on 23 January 2007 by the Minister for Trade for the Commonwealth.

1.4 Interpretation

In these Regulations, unless the contrary intention appears:

Act means the *National Measurement Act 1960*.

approved means approved by the Secretary.

approved form means a form approved, in writing, by the Secretary.

approved manner means a manner approved, in writing, by the Secretary.

class 4 measuring instrument means a measuring instrument of an approved pattern that, in accordance with the approved pattern:

Regulation 1.3

- (a) has not less than 100 but not more than 1000 verification scale intervals, each of which is not less than 5 grams; and
- (b) has a symbol on it that is an oval of any shape, or 2 parallel horizontal lines that are joined at each end by a semi-circle, with 4 vertical lines in it.

end-and-end measurement, in relation to a loaded or unloaded vehicle being measured on a weighbridge, means a measurement of the vehicle determined by adding separate measurements of the mass of the vehicle supported singly or in combination by the different axles of the vehicle, in which:

- (a) each separate measurement is determined by a separate operation of the weighbridge; and
- (b) the separate measurements are performed consecutively.

glass, in relation to a container, drinking vessel or glass measure, includes any other material permitted by the approved pattern issued under the *National Measurement Regulations 1999*.

glass measure, in relation to batch testing:

- (a) means a container that is:
 - (i) made wholly or principally of glass; and
 - (ii) intended to be used to sell lubricating oil by volume of the quantity otherwise than as a prepacked article; and
- (b) means a measure that is:
 - (i) made of glass or another rigid or semi-rigid substance; and
 - (ii) intended to be used to sell beer, ale, stout or spirits by quantity otherwise than as a prepacked article; and
- (c) does not include a cylindrical or conical measure that is used for pharmaceutical purposes; and
- (d) does not include a measure for which the volume measurement is marked at the same time as the measure is moulded.

Regulation 1.3

in-service inspection:

- (a) means the examination of a material measure or measuring instrument by an inspector to determine if:
 - (i) the verification mark is valid; and
 - (ii) the material measure or the measuring instrument does not exceed the maximum permissible errors permitted during an in-service inspection of a material measure or measuring instrument of that kind; and
- (b) does not include the marking of a material measure or a measuring instrument with a verification mark.

inspector means a trade measurement inspector.

licence means:

- (a) a public weighbridge licence; or
- (b) a servicing licence.

Note See Parts 2 and 3.

LPG is an acronym of liquefied petroleum gas.

material measure means a measure of:

- (a) length; or
- (b) weight; or
- (c) volume;

that is used to make a measurement.

maximum permissible error, in relation to a material measure or measuring instrument, means:

- (a) if a National Measurement Institute Certificate of Approval for the material measure or measuring instrument is issued on or after 1 July 2007 — the maximum limit of error mentioned in the certificate; or
- (b) otherwise — the maximum limit of error for a measuring instrument of that kind:
 - (i) prescribed in Schedule 1; and
 - (ii) to which any additional requirement set out in the relevant National Instrument Test Procedure relates.

Note The latest edition of the National Instrument Test Procedures is available on the Internet at <http://www.nmi.gov.au>.

Regulation 1.3

measurement ticket:

- (a) means a measurement ticket issued for a measurement made at a public weighbridge; and
- (b) includes:
 - (i) a copy measurement ticket; and
 - (ii) an original measurement ticket.

meat means anything that is described as the meat of a dead animal in regulation 1.4.

operator means a person who determines a measurement by the use of a weighbridge.

Note Examples of an operator include each of the following:

- (a) a public weighbridge licensee;
- (b) a person contracted by a public weighbridge licensee to operate a weighbridge;
- (c) a person employed by a public weighbridge licensee to operate a weighbridge;
- (d) a person employed by a person mentioned in paragraph (b) to operate a weighbridge.

preservation period means:

- (a) for a measurement ticket issued from a book of tickets or a pad of tickets — a period of 3 years that begins immediately after the measurement ticket is issued; and
- (b) for a measurement ticket cancelled from a book of tickets or a pad of tickets — a period of 3 years that begins immediately after the measurement ticket is cancelled; and
- (c) for a measurement ticket that is generated electronically — a period of 3 years that begins immediately after the measurement ticket is generated.

public weighing means the use of a weighbridge by any of the following persons for a transaction to which the person is not a party:

- (a) the weighbridge licensee;
- (b) a person employed by the weighbridge licensee to operate the weighbridge;
- (c) a person contracted by the weighbridge licensee to operate the weighbridge;

Regulation 1.3

- (d) a person employed to operate the weighbridge by the person mentioned in paragraph (c);
- (e) a person who makes a weighbridge available for use;
- (f) a person employed to operate the weighbridge by a person mentioned in paragraph (e).

public weighing means the use of a weighbridge to which none of the following persons is a party:

- (a) the weighbridge licensee;
- (b) a person employed by the weighbridge licensee to operate the weighbridge;
- (c) a person contracted by the weighbridge licensee to operate the weighbridge;
- (d) a person employed to operate the weighbridge by the person mentioned in paragraph (c).

registered number, in relation to a weighbridge, means the number included in the register of public weighbridge licences kept by the Secretary.

Note Several expressions used in these Regulations are defined in subsection 3 (1) of the Act, including:

- controller
- measuring instrument
- Secretary
- servicing licence
- trade measurement inspector
- use for trade
- verification mark.

Regulation 1.5

**1.5 Certain articles must be sold by measurement —
meat***Meat of dead animals*

- (1) For paragraphs 18HC (1) (b) and (2) (b) of the Act, and subject to subregulation (4), the meat of a dead animal mentioned in the following table is specified as a class of articles that must be sold by mass.

Item	Animal
1	Amphibian, including frog
2	Aquatic reptile or other reptile, including crocodile
3	Aquatic vertebrate or invertebrate: (a) including fish; but (b) not including shellfish
4	Bird, including (a) chicken; and (b) duck; and (c) emu; and (d) goose; and (e) guineafowl; and (f) ostrich; and (g) pheasant; and (h) quail; and (i) squab; and (j) turkey
5	Buffalo
6	Camel
7	Cattle
8	Deer
9	Donkey
10	Goat
11	Hare, but not rabbit
12	Horse

Regulation 1.5

Item	Animal
13	Kangaroo
14	Pig
15	Sheep
16	Wallaby

Methods of processing meat of dead animals

- (2) For paragraphs 18HC (1) (b) and (2) (b) of the Act, the meat of a dead animal mentioned in the table in subregulation (1) which is subjected to a process mentioned in the following table is specified as a class of articles that must be sold by mass.

Item	Process
1	Adding a substance (for example, a preservative, colouring or flavouring)
2	Boning
3	Cooking, if the meat: <ul style="list-style-type: none"> (a) is cooked for the purpose of sale at another location; or (b) is cooked for the purpose of sale to a reseller
4	Crumbing
5	Curing for preservation (for example, salting or drying)
6	Dicing
7	Drying
8	Forming
9	Freezing
10	Glazing
11	Marinading
12	Mincing
13	Pickling
14	Salting
15	Seasoning

Regulation 1.5

Item	Process
16	Shredding
17	Slicing
18	Smoking
19	Tenderising

- (3) For the table in subregulation (1), the meat of a dead animal includes:
- (a) the cheek, liver, spleen, tail and tongue; and
 - (b) tripe.
- (4) For the table in subregulation (1), the meat of a dead animal is taken not to be included in the table if it is subjected to a process mentioned in the following table.

Item	Process
1	Blending with a significant amount of another product or products
2	Combining with a significant amount of another product or products
3	Fermenting
4	Filling
5	Reconstituting
6	Stuffing

- (5) For the table in subregulation (1), the meat of a dead animal is taken not to be included in that table if it is mentioned in the following table.

Item	Kind of meat
1	Meat that is cooked for the purpose of sale at the place at which it is sold
2	Brains
3	Feet
4	Head
5	The whole or any part of a rabbit

Regulation 1.5

Item	Kind of meat
6	Shellfish, including: (a) molluscs; and (b) crustaceans
7	Prepackaged meat

Regulation 2.2

Part 2 Measuring instruments and material measures used for trade

Division 2.1 Offences for use of a measuring instrument for trade

2.1 Use of measuring instrument must not contravene any other provision

- (1) In addition to each other offence included in a provision of these Regulations other than this regulation, a person must not use a measuring instrument for trade in a manner that contravenes any other provision of these Regulations.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note 1 For strict liability, see section 6.1 of the *Criminal Code*.

Note 2 The Act includes several provisions related to the liability of several classes of persons for an offence against a provision of Part IV, V, VI or VII of the Act.

Note 3 See the Act for provisions related to the liability of several classes of persons for the physical element or fault element of an offence against the Act committed by a body corporate.

2.2 Measuring instrument used to measure mass not to be held or suspended from hand

- (1) If a person is using for trade a measuring instrument and the person purports to measure mass, the person must not:
 - (a) hold the measuring instrument in his or her own hand; or
 - (b) suspend the measuring instrument from his or her own hand; or

Regulation 2.4

- (c) hold the measuring instrument in another person's hand;
or
 - (d) suspend the measuring instrument from another person's
hand; or
 - (e) permit another person to hold the measuring instrument in
the other person's hand; or
 - (f) permit another person to suspend the measuring
instrument from the other person's hand.
- (2) A person who engages in conduct that contravenes
subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of
strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

**2.3 Certain measuring instruments only to be used for
specific use**

- (1) If a person is using for trade a measuring instrument that is
marked for a specific use, the person must only use the
measuring instrument in a manner that is in accordance with
the specific use for which the measuring instrument is marked.
- (2) A person who engages in conduct that contravenes
subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of
strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

**2.4 Certain measuring instruments only to be used with
specified proportional masses**

- (1) If a person is using for trade a measuring instrument that is
marked for use with specified proportional masses, the person
must only use the measuring instrument with a proportional
mass that is specified.

Regulation 2.5

- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

2.5 Measuring instrument fitted with tare bar not to be used in certain circumstances

- (1) If a person is using for trade a measuring instrument otherwise than for factory use or non-retail counter use, the person must not use a measuring instrument fitted with a tare bar.

- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

2.6 Person must not use measuring instrument to determine mass greater than permitted

- (1) A person must not, in a single weighing, use for trade a measuring instrument to determine mass greater than the maximum capacity for the measuring instrument (if any) permitted by the approved pattern for the measuring instrument.

- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

Regulation 2.8

2.7 Person must not use certain masses to determine mass of particular items

- (1) If a person is using for trade a measuring instrument and uses masses other than masses marked “A” in accordance with a certificate of approval of pattern issued under paragraph 19A (1) (c) of the Act, the person must not:
 - (a) use the measuring instrument to determine the mass of any goods for therapeutic use within the meaning of the *Therapeutic Goods Act 1989*; or
 - (b) use the measuring instrument to determine the mass of precious metals.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

2.8 Metric carat masses only to be used to measure mass of precious stones

- (1) If a person is using for trade a measuring instrument to determine the mass of anything other than precious stones, the person must not use a metric carat mass.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

Regulation 2.9

2.9 Proportional mass to be readily identifiable with measuring instrument

- (1) If a person:
- (a) is in possession of more than 1 measuring instrument used for trade located on the same premises; and
 - (b) any of the measuring instruments is used with proportional masses;

the person must ensure that each proportional mass is readily identifiable with the measuring instrument on which it was tested.

- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

2.10 Certain masses only to be used by particular certificate holders

- (1) If a person is using for trade a measuring instrument, the person must not use a mass of 0.2 metric carat or less, or 50 mg or less, unless the person holds a certificate issued by:

- (a) the Secretary; or
- (b) the holder of a servicing licence;

that certifies that the mass complies with the meaning of verification provided in section 18GG of the Act.

- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

Regulation 2.12

2.11 Use of measuring instrument fitted with load receptor

- (1) A person must not use for trade a measuring instrument fitted with a removable load receptor if:
 - (a) the measuring instrument is 1 of 2 or more measuring instruments fitted with a removable load receptor that are located on the premises; and
 - (b) the load receptor is not clearly marked in a manner that identifies the load receptor with the measuring instrument to which it is fitted.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

2.12 Measuring instrument fitted with load receptor

- (1) A person must not use for trade a measuring instrument fitted with a load receptor if the load receptor:
 - (a) is removable; and
 - (b) measures incorrectly in any position on its supports.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

Regulation 2.13

2.13 Movement of load receptor must not foul measuring instrument

- (1) A person must not use for trade a measuring instrument fitted with a load receptor if:
 - (a) the load receptor has any latitude of movement on its supports; and
 - (b) the latitude of movement causes the load receptor to foul any part of the measuring instrument to which it is fitted.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

2.14 Measuring instrument fitted with certain load receptor

- (1) A person must not use for trade a measuring instrument fitted with a load receptor if:
 - (a) the person is using the measuring instrument for trade in the presence of a purchaser; and
 - (b) the load receptor is:
 - (i) in the form of a scoop; and
 - (ii) mounted on the measuring instrument in a manner that means the purchaser is unable to see readily if there is any foreign matter in the load receptor.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

Regulation 2.16

2.15 Person must not alter verification scale interval of marked measuring instrument

- (1) A person must not alter the verification scale interval of a measuring instrument that is used for trade if:
 - (a) the measuring instrument bears an inspector's mark or a servicing licensee's mark; and
 - (b) the person alters the verification scale interval of the measuring instrument after the inspector, the servicing licensee or an employee of the servicing licensee:
 - (i) verified the measuring instrument; and
 - (ii) made the mark on the measuring instrument.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

2.16 Measuring instrument not to be used for trade if verification scale interval altered

- (1) A person must not use for trade a measuring instrument if:
 - (a) the measuring instrument bears an inspector's mark or a servicing licensee's mark; and
 - (b) the verification scale interval of the measuring instrument is altered after the inspector, the servicing licensee or an employee of the servicing licensee:
 - (i) verified the measuring instrument; and
 - (ii) made the mark on the measuring instrument.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

Regulation 2.17

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

2.17 Measuring instrument of approved pattern designed for measuring liquid

- (1) A person must not use for trade a measuring instrument if:
- (a) the measuring instrument is of an approved pattern designed for measuring liquid; and
 - (b) the person purports to measure anything other than a liquid to which the approved pattern for the measuring instrument relates.

- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

2.18 Person in possession of certain measuring instrument must ensure measuring instrument is artificially illuminated

- (1) A person who is in possession of a measuring instrument that is used for trade to measure a liquid must ensure that the measuring instrument is, at least to the extent necessary for the purpose of permitting proper observation of its operation, artificially illuminated:
- (a) between sunset and sunrise; and
 - (b) if artificial illumination is necessary for that purpose at any other time — at that time.

- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

Regulation 2.20

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

2.19 Person who makes certain measuring instrument available must ensure measuring instrument is artificially illuminated

- (1) A person who makes a measuring instrument available for use for trade to measure a liquid must ensure that the measuring instrument is, at least to the extent necessary for the purpose of permitting proper observation of its operation, artificially illuminated:
- (a) between sunset and sunrise; and
 - (b) if artificial illumination is necessary for that purpose at any other time — at that time.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

2.20 Flowmeter fitted with zero re-setting device must be reset before use for trade

- (1) A person who is in possession of a measuring instrument that is:
- (a) a flowmeter fitted with a zero re-setting device; and
 - (b) used for trade to measure a liquid;
- must, before the person begins to make a measurement by using the flowmeter, reset the flowmeter to zero.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

Regulation 2.21

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

2.21 Flowmeter fitted with zero re-setting device must be reset before being made available for use for trade

- (1) A person must not make a measuring instrument available for use for trade if:
- (a) the measuring instrument is used for trade to measure a liquid; and
 - (b) the measuring instrument is a flowmeter fitted with a zero re-setting device; and
 - (c) before another person begins to make a measurement by using the flowmeter, the person who made the flowmeter available for use for trade does not reset the flowmeter to zero.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

2.22 Fuel dispenser used for trade to measure a liquid or gaseous product

- (1) If a person is in possession of a fuel dispenser that is used for trade to measure a liquid or a gaseous product, the person must ensure that, in the period between the delivery of the liquid or gaseous product and the completion of the sale:
- (a) the volume is not erased from at least 1 of the fuel dispenser and the control console; and
 - (b) the price per litre is not erased from at least 1 of the fuel dispenser and the control console; and
 - (c) the total price is not erased from at least 1 of the fuel dispenser and the control console.

Regulation 2.24

- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

2.23 Fuel dispenser made available for use for trade to measure liquid or gaseous product

- (1) If a person makes a fuel dispenser that is used for trade to measure a liquid or a gaseous product measuring instrument available for use for trade, the person must ensure that, in the period between the delivery of the liquid or gaseous product and the completion of the sale:

- (a) the volume is not erased from at least 1 of the fuel dispenser and the control console; and
- (b) the price per litre is not erased from at least 1 of the fuel dispenser and the control console; and
- (c) the total price is not erased from at least 1 of the fuel dispenser and the control console.

- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

2.24 Certain measuring instruments not to be used for trade to measure diamonds or precious stones

- (1) A person must not use for trade a measuring instrument to measure diamonds or other precious stones if:

- (a) the measuring instrument has a verification scale interval of more than 10 mg; or

Regulation 2.25

- (b) the measuring instrument has a combination of a capacity and a verification scale interval mentioned in either of the following subparagraphs:
 - (i) a capacity of less than 5 000 CM and a verification scale interval of more than 0.01 CM;
 - (ii) a capacity of at least 5 000 CM and a verification scale interval of more than 0.05 CM.

- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

2.25 Certain measuring instruments not to be used for trade to measure precious metals

- (1) A person must not use for trade a measuring instrument for the purpose of measuring gold, silver or another precious metal if:
 - (a) the measuring instrument has a verification scale interval that is greater than the verification scale interval specified for the instrument's capacity; and
 - (b) the measuring instrument has a combination of capacity and verification scale specified in an item of the following table.

Item	Capacity of instrument	Verification scale interval
1	Less than 1 kg	10 mg
2	1 kg or more but less than 10 kg	100 mg
3	10 kg or more	1 g

- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

Regulation 2.27 Use of class 4 measuring instruments

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

2.26 Batch tested glass measure must remain in custody of manufacturer or importer unless certain conditions apply

- (1) A manufacturer or importer of glass measures that are batch tested must ensure that a marked glass measure is not removed from the custody of the manufacturer or importer unless:
- (a) the measure is part of a batch of glass measures that complies with regulation 2.39; and
 - (b) the inspector or servicing licensee has given the manufacturer or importer written approval for the removal of the batch from the custody of the manufacturer or importer.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

2.27 Use of class 4 measuring instruments

- (1) A person must not use for trade a class 4 measuring instrument unless the measuring instrument is being used:
- (a) as airport baggage scales; or
 - (b) for weighing a thing to decide freight or haulage charges for the thing; or
 - (c) for weighing garbage; or
 - (d) for weighing earth, sand, gravel or other similar material; or
 - (e) as a crane-weigher; or
 - (f) for weighing timber in log form; or
 - (g) for another purpose required or permitted by a law.

Regulation 2.28

- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

Division 2.2 Verification, reverification and in-service inspection

2.28 Verifying and marking measuring instruments

- (1) If an inspector makes a verification mark on a measuring instrument that is not a glass measure, the inspector must also mark on the measuring instrument, in the approved manner, the date on which the inspector's mark is made.
- (2) If a servicing licensee makes a verification mark on a measuring instrument that is not a glass measure, the servicing licensee must also mark on the measuring instrument, in the approved manner, the date on which the servicing licensee's mark is made.
- (3) If an employee of a servicing licensee verifies a measuring instrument that is not a glass measure, the employee must:
- (a) make the servicing licensee's verification mark on the measuring instrument; and
 - (b) mark on the measuring instrument, in the approved manner, the date on which the servicing licensee's mark is made; and
 - (c) make a mark on the measuring instrument that will enable the servicing licensee to identify the employee who made the servicing licensee's mark.

2.29 Verifying and marking material measure

- (1) If an inspector makes a verification mark on a material measure that:
- (a) is not a glass measure; and

Regulation 2.30

- (b) has a denomination of more than 0.2 metric carat or more than 50 mg;
the inspector must also mark on the material measure, in the approved manner, the date on which the inspector's mark is made.
- (2) If a servicing licensee makes a verification mark on a material measure that:
- (a) is not a glass measure; and
- (b) has a denomination of more than 0.2 metric carat or more than 50 mg;
the servicing licensee must also mark on the material measure, in the approved manner, the date on which the servicing licensee's mark is made.
- (3) If an employee of a servicing licensee makes a verification mark on a material measure that:
- (a) is not a glass measure; and
- (b) has a denomination of more than 0.2 metric carat or more than 50 mg;
the employee must perform each of the actions mentioned in subregulation (4).
- (4) For subregulation (3), the employee must:
- (a) make the servicing licensee's verification mark on the material measure; and
- (b) mark on the material measure, in the approved manner, the date on which the servicing licensee's mark is made; and
- (c) make a mark on the measuring instrument that will enable the servicing licensee to identify the employee who made the servicing licensee's mark.

2.30 Certain measuring instruments not to be verified

A measuring instrument must not be verified if the instrument:

- (a) is so damaged that it is unsuitable for use for trade; or
- (b) is not reasonably clean; or
- (c) has wet paint on it; or
- (d) is of rough, crude or inadequate construction; or

Regulation 2.31

- (e) is constructed of inferior material; or
- (f) bears a manufacturer's mark that could be mistaken for:
 - (i) an inspector's mark; or
 - (ii) a servicing licensee's mark; or
- (g) displays a trade mark or advertising that could be mistaken for:
 - (i) an inspector's mark; or
 - (ii) a servicing licensee's mark.

2.31 Measuring instrument to be clean

For the purpose of facilitating the reverification or in-service inspection of a measuring instrument, an inspector may direct the person in possession of the instrument to clean the instrument.

2.32 Testing of measuring instrument

- (1) The testing of a measuring instrument for the purpose of verification, reverification or in-service inspection must be carried out in accordance with this regulation.
- (2) If the measuring instrument is fixed, the testing must be carried out with the instrument in its fixed position.
- (3) If the measuring instrument is movable and has a base, the testing must be carried out with the instrument on a level plane or, if this is not practicable, on a plane that is as nearly level as possible.
- (4) Subregulation (3) does not apply to the extent that the certificate of approval for the measuring instrument sets out a different requirement for testing.
- (5) If the measuring instrument is transportable, and the results obtained by its use are affected by gravity, the testing must be carried out in a way that compensates for the conditions applicable in the region in which the instrument:
 - (a) is used; or
 - (b) is to be used.

Regulation 2.35

2.33 Testing and marking a measure of length

- (1) If a measure of length is to be verified, the measure must be examined, tested and marked in accordance with this regulation.
- (2) If the measure is graduated on both sides and is not permanently fixed so that only one side is visible, the measure must be examined, tested and marked on both sides.
- (3) If the measure is permanently fixed so that only one side is visible, the measure must be examined, tested and marked on the visible side.

2.34 Exemption from reverification

- (1) If a glass measure mentioned in Division 2.3 has been marked in accordance with this Division, or otherwise verified, reverification of the measure is not required.
- (2) If a measure of length has been verified, reverification of the measure is not required.

2.35 Inspector may direct controller to dismantle measuring instrument

- (1) If an inspector considers, on reasonable grounds, that:
 - (a) it is necessary to examine or test a component part of a measuring instrument for the purpose of the verification, reverification or in-service inspection of the measuring instrument; and
 - (b) the measuring instrument cannot be verified, reverified or made subject to in-service inspection without dismantling the measuring instrument;the inspector may direct the controller of the measuring instrument to comply with subsection (2).
- (2) If the inspector directs the controller in accordance with subregulation (1), the controller must:
 - (a) dismantle the measuring instrument; or
 - (b) cause the measuring instrument to be dismantled; or

Regulation 2.36

- (c) subject to subregulations (3) and (4), consent to the inspector dismantling the measuring instrument.
- (3) Before the controller consents to the inspector dismantling the measuring instrument, the inspector must ask the controller to absolve the inspector from liability for any damage caused to the measuring instrument while the measuring instrument is being dismantled or reassembled.
- (4) Subregulation (3) does not apply if section 18MF or 18MR of the Act applies.
- (5) If:
 - (a) an inspector directs the controller to comply with subregulation (2); and
 - (b) the controller does not comply with the inspector's direction;the measuring instrument must not be used for trade until the controller complies with the inspector's direction.
- (6) If:
 - (a) an inspector asks the controller to comply with subregulation (3); and
 - (b) subregulation (4) does not apply; and
 - (c) the controller does not comply with the inspector's request;the measuring instrument must not be used for trade until the controller complies with the inspector's request or with paragraph (2) (a) or (b).

2.36 Inspector may direct controller to provide and pay for certain items

- (1) An inspector may direct the controller of a measuring instrument to provide and pay for any of the following items that the inspector requires to verify or reverify a measuring instrument or to carry out an in-service inspection of a measuring instrument:
 - (a) electricity;
 - (b) equipment, including test masses or measures;

Regulation 2.38

- (c) fuel;
 - (d) gas;
 - (e) labour;
 - (f) liquid;
 - (g) materials;
 - (h) prompt transport to and from the site of the measuring instrument.
- (2) If the controller fails to comply with the inspector's direction, the measuring instrument must not be used for trade until the controller complies.
- (3) If the controller is in possession of test masses, measures or equipment provided by the Secretary and mentioned in paragraph (1) (b), the controller is liable for either of the following:
- (a) the loss of a test mass, measure or piece of equipment;
 - (b) damage to a test mass, measure or piece of equipment.
- (4) Any other cost or expense incurred by the Secretary as a result of loss or damage mentioned in paragraph (3) (a) or (b) is recoverable by the Secretary as a debt due by the controller.

Division 2.3 Batch testing and marking — glass measures

2.37 Definitions for Division 2.3

In this Division:

approval means an approval granted under regulation 2.38.

testing facilities means the combination of labour, equipment and facilities that is necessary to test a batch of glass measures in accordance with regulation 2.39.

2.38 Secretary may approve batch testing and marking

- (1) The Secretary may, in writing, grant a servicing licensee:
- (a) an approval to test and mark a batch of glass measures; or
 - (b) an approval to test and validate a verification mark.

Regulation 2.39

- (2) An approval ceases to have effect if it is revoked by the Secretary.
- (3) An approval ceases to have effect if the servicing licensee:
 - (a) fails to comply with a condition included in the approval; or
 - (b) fails to take reasonable precautions to prevent the commission of an offence mentioned in regulation 2.27.
 - (c) fails to provide and pay for testing facilities in accordance with regulation 2.38 or as required by the Secretary; or
 - (d) fails to keep records in accordance with regulation 2.40; or
 - (e) fails to make records available for examination by an inspector in accordance with regulation 2.40.

2.39 Batch testing requirements

- (1) A manufacturer or an importer of glass measures must ensure that at least the appropriate test proportion of a batch of glass measures is tested by:
 - (a) an inspector; or
 - (b) a servicing licensee; or
 - (c) an employee of a servicing licensee.
- (2) If an inspector tests a batch of glass measures, he or she must provide to the manufacturer or importer of the batch a histogram that details the results of each test of the batch of glass measures made by the inspector.
- (3) If a servicing licensee or an employee of the servicing licensee tests a batch of glass measures, the servicing licensee must provide to:
 - (a) the Secretary; and
 - (b) the manufacturer or importer of the batch;
a histogram that details the results of each test of the batch of glass measures made by the servicing licensee.
- (4) If an employee of a servicing licensee tests a batch of glass measures, he or she must provide to the servicing licensee a histogram that details the results of each test of the batch of glass measures made by the employee.

Regulation 2.41

- (5) The inspector, servicing licensee or employee of the servicing licensee must provide the histogram within 14 days after making the test.
- (6) The appropriate test proportion, in relation to a batch of glass measures, is specified in the relevant national test procedure, itself specified in the latest edition of the National Instrument Test Procedures published by the National Measurement Institute.

Note The latest edition of the National Instrument Test Procedures is available on the Internet at <http://www.nmi.gov.au>.

2.40 Servicing licensee to keep records

- (1) If an approval is granted to a servicing licensee relating to glass measures, the servicing licensee must keep a record of each glass measure specified in the approval for a period of at least 3 years after the batch of glass measures is tested.
- (2) If an inspector exercises the power to inspect under paragraph 18MG (1) (e) of the Act in relation to a record mentioned in paragraph (a), the servicing licensee must give the record to the inspector within 14 days after the inspector exercises the power to inspect.

Note See regulation 2.28 for an offence related to glass measures.

Division 2.4 Servicing licences and licensees

2.41 Prescribed fee — application for servicing licence (Act s 18NA (3) (b))

For paragraph 18NA (3) (b) of the Act, the fee for an application for a servicing licence is the sum of:

- (a) the fee (if any) specified in Part 1 of the following table;
and

Regulation 2.42

(b) the fees worked out using Parts 2 and 3 of the table.

Part 1 Kind of applicant

Item	Applicant	Fee
1.1	Applicant that holds a servicing licence	Nil
1.2	Applicant that does not hold a servicing licence	\$500

Part 2 Number of verifiers

Item	Number of verifiers nominated in application	Fee
2.1	1	$\$550 \times$ number of years of licence (including any part of a year)
2.2	At least 2 but no more than 10	$\$850 \times$ number of years of licence (including any part of a year)
2.3	At least 11 but no more than 50	$\$2\,050 \times$ number of years of licence (including any part of a year)
2.4	At least 51 but no more than 100	$\$3\,550 \times$ number of years of licence (including any part of a year)
2.5	At least 101	$\$5\,800 \times$ number of years of licence (including any part of a year)

Part 3 Categories of licence

Item	Fee
3.1	Number of classes of servicing licence to which the application relates \times \$125

2.42 Prescribed particulars (Act s 18NF)

For section 18NF of the Act, each of the following particulars related to a servicing licence is prescribed:

- (a) the licence number;
- (b) the licensee's name;
- (c) the licensee's address to be used for service of notices;
- (d) the date on which the licence was issued;
- (e) any condition imposed on the licence under section 18NH of the Act;
- (f) the class of the licence.

Regulation 2.43

2.43 Prescribed conditions (Act s 18NH (j))

- (1) For paragraph 18NH (j) of the Act, each of the conditions in this regulation is prescribed.
- (2) A servicing licensee must comply with these Regulations.
- (3) An employee of a servicing licensee must comply with these Regulations.
- (4) If paragraph 18QA (1) (a), (b), (c), (e), (g), (h) or (i) of the Act applies to the servicing licensee, the servicing licensee must notify the Secretary of that fact within 14 days after the servicing licensee first knows that the paragraph applies.
- (5) If any change occurs in the circumstances of the servicing licensee that will result in paragraph 18QA (1) (a), (b), (c), (e), (g), (h) or (i) of the Act applying to the servicing licensee, the servicing licensee must notify the Secretary of that fact within 14 days after the change in circumstances.
- (6) If an employee of a servicing licensee verifies measuring instruments as part of his or her duties, the employee must, within 14 days after the change in circumstances, notify the servicing licensee of any change in the employee's circumstances that is relevant to:
 - (a) the employee's eligibility to carry out his or her duties; or
 - (b) identifying the employee.

Note Examples of a relevant change in the employee's circumstances include, but are not limited to, the following:

 - (a) loss of competence;
 - (b) change of name;
 - (c) change of residential address.
- (7) If an employee of a servicing licensee notifies the servicing licensee of any change in the employee's circumstances in accordance with subregulation (6), the servicing licensee must notify the Secretary of the change in circumstances within 14 days after the servicing licensee is notified by the employee.

Regulation 2.43

- (8) If a servicing licensee otherwise knows of any change in the circumstances of an employee that is relevant to the employee's eligibility to carry out his or her duties, the servicing licensee must notify the Secretary of the change in circumstances within 14 days after the servicing licensee first knows of the change in circumstances.
- (9) A servicing licensee must notify the Secretary within 14 days after any of the following events:
 - (a) if an employee of the servicing licensee who verifies measuring instruments as part of his or her duties ceases to be employed by the servicing licensee;
 - (b) if the servicing licensee employs a new employee who will verify measuring instruments as part of his or her duties.
- (10) If a servicing licensee verifies a measuring instrument, the servicing licensee must:
 - (a) in writing in an approved form; and
 - (b) within 14 days after verifying the measuring instrument; notify the controller of the measuring instrument that the measuring instrument has been verified.
- (11) If an employee of a servicing licensee verifies a measuring instrument, the servicing licensee must:
 - (a) in writing in an approved form; and
 - (b) within 14 days after verifying the measuring instrument; notify the controller of the measuring instrument that the measuring instrument has been verified.
- (12) If:
 - (a) a servicing licensee or an employee of a servicing licensee examines or tests a measuring instrument; and
 - (b) the servicing licensee or the employee does not verify the measuring instrument immediately after completing the examination or test; and
 - (c) the measuring instrument:
 - (i) is not of an approved pattern; or

Regulation 2.43

- (ii) is outside the range of maximum permissible error that is permitted at verification for the measuring instrument; or
- (iii) does not comply with the relevant National Instrument Test Procedure;

the servicing licensee must notify the Secretary, in the manner described in subregulation (13), that the measuring instrument has not been verified.

Note The latest edition of the National Instrument Test Procedures is available on the Internet at <http://www.nmi.gov.au>.

(13) For subregulation (12):

- (a) the servicing licensee must notify the Secretary that the measuring instrument has not been verified:
 - (i) in writing in an approved form; and
 - (ii) within 14 days after the servicing licensee completes the examination or test; and
- (b) the servicing licensee, or an employee of the servicing licensee, must obliterate a verification mark on the measuring instrument.

Note The servicing licensee can notify the Secretary electronically by using a facility available on the Internet at <http://www.nmi.gov.au>.

(14) If:

- (a) a servicing licensee or an employee of a servicing licensee examines or tests a measuring instrument; and
- (b) the servicing licensee or employee does not verify the measuring instrument immediately after completing the examination or test; and
- (c) the measuring instrument:
 - (i) is not of an approved pattern; or
 - (ii) is outside the range of maximum permissible error that is permitted at verification for the measuring instrument; or
 - (iii) does not comply with the relevant National Instrument Test Procedure;

the servicing licensee or employee must notify the controller of the measuring instrument, in the manner described in

Regulation 2.43

subregulation (15), that the measuring instrument has not been verified.

Note The latest edition of the National Instrument Test Procedures is available on the Internet at <http://www.nmi.gov.au>.

- (15) For subregulation (14), the servicing licensee or employee must notify the controller of the measuring instrument:
- (a) in writing in an approved form; and
 - (b) immediately after the servicing licensee or employee completes the examination or test.
- (16) If a servicing licensee, or an employee of a servicing licensee, verifies a measuring instrument, the servicing licensee must notify the Secretary of the verification:
- (a) in writing in an approved form; and
 - (b) within 14 days after the measuring instrument has been verified.

Note The servicing licensee can notify the Secretary electronically by using a facility available on the Internet at <http://www.nmi.gov.au>.

- (17) A servicing licensee must:
- (a) retain a copy of any notification made in accordance with subregulation (10), (11), (12), (13), (14), (15) or (16) for a period of at least 3 years after the notification is made; and
 - (b) if an inspector exercises the power to inspect under paragraph 18MG (1) (e) of the Act in relation to a copy mentioned in paragraph (a) — give the copy to the inspector within 14 days after the inspector exercises the power to inspect.
- (18) A servicing licensee, or an employee of a servicing licensee, must not verify a measuring instrument unless it has been tested in accordance with:
- (a) the relevant national test procedure as specified in the latest edition of the National Instrument Test Procedures; and
 - (b) any particular test procedures specified in the relevant National Measurement Institute Certificate of Approval.

Note The latest edition of the National Instrument Test Procedures is available on the Internet at <http://www.nmi.gov.au>.

Regulation 2.43

- (19) A servicing licensee, or an employee of a servicing licensee, who verifies a measuring instrument must ensure that the measuring instrument is in accordance with its approved pattern.
- (20) A servicing licensee, or an employee of a servicing licensee, who verifies a measuring instrument must ensure that the measuring instrument operates within the relevant maximum permissible error.
- (21) A servicing licensee, or an employee of a servicing licensee, who verifies a measuring instrument must ensure that:
- (a) if an item of equipment used by the servicing licensee or the employee is required by the National Instrument Test Procedures published by the National Measurement Institute to be the subject of a current certificate of verification issued in accordance with paragraph 13 (1) (b) or (c) of the *National Measurement Regulations 1999* — the item is the subject of the certificate; or
 - (b) if paragraph (a) does not apply — the item of equipment used by the servicing licensee or the employee is specified in the latest edition of the National Instrument Test Procedures published by the National Measurement Institute.

Note The latest edition of the National Instrument Test Procedures is available on the Internet at <http://www.nmi.gov.au>.

- (22) A servicing licensee must maintain a quality management system in an approved form.
- (23) If the Secretary:
- (a) notifies a servicing licensee that the quality management system used by the servicing licensee does not comply with an approved form of the quality management system; and
 - (b) includes in the notification a recommendation related to the noncompliant quality management system
- the servicing licensee must, within 14 days after being notified by the Secretary, act in accordance with the recommendation.

Note Information regarding an approved form of the quality management system is available on the Internet at <http://www.nmi.gov.au>.

Regulation 2.44

- (24) If an inspector gives a direction to a servicing licensee, or an employee of a servicing licensee, in relation to reverification of a measuring instrument in accordance with section 18MJ of the Act for the purpose of establishing whether the servicing licensee or employee is competent to perform the functions and duties of a verifier, the servicing licensee or employee must:
- (a) perform any test of the measuring instrument requested by the inspector; and
 - (b) perform the test at a time and place agreed by the inspector and the servicing licensee or employee who will perform the test.
- (25) If a servicing licensee, or an employee of a servicing licensee, tests or verifies a measuring instrument that is included in a licence class prescribed in Schedule 2, the servicing licensee must, if the Secretary directs, provide a test report to the Secretary:
- (a) in writing in an approved form; and
 - (b) within 14 days after the Secretary directs the servicing licensee to provide the test report.

Note 1 Section 18NH of the Act sets out other conditions on all servicing licenses.

Note 2 An electronic version of each of the National Instrument Test Procedures is available on the internet at <http://www.nmi.gov.au>.

2.44 Prescribed fee — application to amend condition of servicing licence (Act s 18NI (2) (b))

For paragraph 18NI (2) (b) of the Act, the fee for an application to amend a condition of a servicing licence is \$125.

2.45 Prescribed fee — application to amend servicing licensee due to change of partnership (Act s 18NJ (3) (d))

For paragraph 18NJ (3) (d) of the Act, the fee for an application to amend a servicing licence to state the people who are or will be the partners is \$500.

Regulation 2.46

2.46 Prescribed fee — application for renewal of servicing licence (Act s 18NK (2) (b))

For paragraph 18NK (2) (b) of the Act, the fee for an application for the renewal of a servicing licence is the sum of the fees worked out using Parts 1 and 2 of the following table.

Part 1 Number of verifiers

Item	Number of verifiers nominated in application for renewal	Fee
1.1	1	$\$550 \times$ number of years of licence
1.2	At least 2 but no more than 10	$\$850 \times$ number of years of licence
1.3	At least 11 but no more than 50	$\$2\,050 \times$ number of years of licence
1.4	At least 51 but no more than 100	$\$3\,550 \times$ number of years of licence
1.5	At least 101	$\$5\,800 \times$ number of years of licence

Part 2 Categories of licence

Item	Fee
2.1	$\$125 \times$ number of classes of servicing licence to which the application relates

Regulation 3.1

Part 3 Weighbridges used for trade

Division 3.1 General

3.1 Application of Part 3

- (1) This Part applies to weighbridges used for trade (including public weighbridges).
- (2) This Part is in addition to, and does not limit, any other provision of these Regulations relating to measuring instruments generally.

3.2 Location of weighbridge

A weighbridge must be located so that:

- (a) a vehicle using the weighbridge has enough room to move on and off the weighbridge without the vehicle turning on any platform; and
- (b) the indicating device of the weighbridge is protected from wind and rain by an office or other adequate means; and
- (c) any operational visual summing device of the weighbridge is protected from wind and rain by an office or other adequate means; and
- (d) water, mud or debris from the area surrounding the weighbridge does not accumulate:
 - (i) on or under a platform; or
 - (ii) in the pit.

3.3 Visibility on weighbridge

- (1) A weighbridge must simultaneously provide the operator with a clear view of:
 - (a) each platform in its entirety; and
 - (b) the result of the measurement displayed on the indicator; without requiring the operator to change position from his or her normal operating position.

Regulation 3.5

- (2) For a road weighbridge, the position of the indicator must enable the driver of a vehicle using the weighbridge to read easily the mass displayed on the indicator.

3.4 Approach to weighbridge

- (1) An approach to a weighbridge must:
- (a) have a hard, true and durable surface of concrete or another approved material; and
 - (b) have a perimeter that is clearly indicated by painted marks or other approved means; and
 - (c) be arranged so that drainage from the surface of the approach does not flow into the pit; and
 - (d) be in the same plane as the platform for a minimum distance of either of the following:
 - (i) if the length of the platform is less than 18 metres — 3 metres;
 - (ii) if the length of the platform is 18 metres or more — 1 metre.
- (2) The approach to a platform of a weighbridge that is the entry or exit end of the entire weighbridge is *in the same plane* as the platform or platforms of the weighbridge if:
- (a) the surface of the approach is, for its entirety, contained within an angle of no more than +/- 0.25 degrees of level (horizontal) measured from the end of the nearer end of the weighbridge; and
 - (b) for a multi-platform weighbridge — the dead space, if applicable, between the platforms of the weighbridge is level and in the same plane as each of the platforms.

3.5 Platform of weighbridge — composition

Each platform of a weighbridge must be composed of:

- (a) concrete; or
- (b) steel; or
- (c) a combination of concrete and steel; or
- (d) an approved material not mentioned in paragraph (a) or (b); or

Regulation 3.6

- (e) a combination of approved materials not mentioned in paragraph (c).

3.6 Pit of weighbridge

If a weighbridge has 1 or more pits:

- (a) each entrance to a pit must be:
 - (i) covered; and
 - (ii) at least 1 metre deep; and
 - (iii) at least 900 mm wide; and
- (b) the neck of the pit must be at least 900 mm wide; and
- (c) a lever located in the neck of the pit must have a clearance of at least 150 mm on each side of the lever; and
- (d) each part of the underwork must be freely accessible; and
- (e) if each part of the underwork is freely accessible from above, there must be a clearance of at least 150 mm below each part of the underwork; and
- (f) in any other case — there must be a clearance of at least 400 mm below the lowest lever; and
- (g) each pit must be kept free from any accumulation of water, mud or debris; and
- (h) each pit must be:
 - (i) free-draining; or
 - (ii) provided with automatic mechanical drainage.

3.7 Weighbridge without pit

- (1) If a weighbridge does not have a pit:
 - (a) the clearance under the lowest live part of the platforms must be at least 150 mm; and
 - (b) the floor between load cell supports must be:
 - (i) composed of concrete at least 75 mm thick; and
 - (ii) effectively drained; and
 - (iii) kept free from any accumulation of water, mud or debris; and

Regulation 3.9

- (c) a clear space of at least 750 mm from the external edges of the platform must extend from the floor of the weighbridge to at least 1 metre above the platforms; and
 - (d) the load cell footings must be individually and mutually stable.
- (2) The Secretary may, in writing, permit a weighbridge that does not comply with subregulation (1) to be used.

3.8 Weighbridge with electrical or electronic devices

If a weighbridge is equipped with electrical or electronic devices:

- (a) each electrical or electronic device must be protected from:
 - (i) electrical interference; and
 - (ii) electronic interference; and
 - (iii) the rays of the sun; and
- (b) the data plate of the load cells must be sufficiently accessible to enable the data plate to be read with ease.

3.9 Weighbridge with more than 1 platform

- (1) If a weighbridge has more than 1 platform:
- (a) the dead space between each platform must not exceed 2 metres; and
 - (b) each platform must operate in a manner that does not affect the operation of any other platform; and
 - (c) the upper surface of a platform should be in the same plane as the upper surface of each other platform; and
 - (d) a visual summing indicator must be installed on the weighbridge in a manner that meets the requirements of paragraph 3.2 (c).
- (2) A platform of the weighbridge is *in the same plane* as each other platform if the platform meets the requirements specified in subregulation 3.4 (2) for an approach to a weighbridge.

Regulation 3.10

3.10 Portable weighbridge

If a weighbridge is portable:

- (a) there must be a clearance of at least 150 mm under the lowest live part of the platforms; and
- (b) the base of the weighbridge must be stable when the weighbridge is in use; and
- (c) the headwork of the weighbridge must be adequately protected from wind and rain by an office or other adequate means; and
- (d) the levers (if any) of the weighbridge must be adequately protected; and
- (e) any electrical cabling from the load cells to the headwork must be adequately protected; and
- (f) the ground under the platform must be:
 - (i) treated to prevent the growth of foliage; and
 - (ii) kept free from any accumulation of water, mud or debris.

3.11 Use of weighbridge to determine end-and-end measurement

- (1) A weighbridge may only be used to determine an end-and-end measurement if the approaches to the weighbridge:
 - (a) have a smooth and level surface that is paved with concrete or other approved material; and
 - (b) are in the same horizontal plane as the top of the platform or platforms; and
 - (c) have a perimeter that is clearly indicated by painted marks or other approved means.
- (2) For the measurement of a vehicle, a weighbridge must not be used to determine an end-and-end measurement if, at any time during the measurement of the vehicle, any of the following paragraphs applies:
 - (a) the brakes, gears or any other means capable of restricting the free movement of the vehicle are engaged;
 - (b) the air suspension of the vehicle is manipulated;

Regulation 3.14

- (c) any item or mechanism that can affect the measurement of the vehicle when it is engaged is engaged;
- (d) any item or mechanism that can affect the measurement of the vehicle when it is disengaged is disengaged;
- (e) the wheels of the axles that are being weighed in any of the weighings are not wholly on the platform;
- (f) the wheels on 1 or more of the axles of the vehicle are not located within the indicated perimeter of the approaches.

Division 3.2 Public weighbridges

3.12 Prescribed fee — application for public weighbridge licence (Act s 18PA (3) (b))

For paragraph 18PA (3) (b) of the Act, the fee for an application for a public weighbridge licence is the sum of:

- (a) \$850; and
- (b) \$350 multiplied by each year, or part of a year, of the licence after the first year.

Note The amount of \$850 is the component of the total fee covering the first year of the licence.

3.13 Prescribed fee — application to amend condition of public weighbridge licence (Act s 18PI (2) (b))

For paragraph 18PI (2) (b) of the Act, the fee for an application to amend a condition of a public weighbridge licence is \$125.

3.14 Prescribed fee — application to amend public weighbridge licence due to change of partnership (Act s 18PJ (3) (d))

For paragraph 18PJ (3) (d) of the Act, the fee for an application to amend a public weighbridge licence to state the people who are or will be the partners is \$500.

Regulation 3.15

3.15 Prescribed fee — application to contract out public weighbridge operation (Act s 18PK (3) (d))

For paragraph 18PK (3) (d) of the Act, the fee for an application to amend a public weighbridge licence to state the person who will operate the public weighbridge is \$350 multiplied by each year, or part of a year, of the licence remaining after the application is made.

3.16 Prescribed fee — application for renewal of public weighbridge licence (Act s 18PL (2) (b))

For paragraph 18PL (2) (b) of the Act, the fee for an application for the renewal of a public weighbridge licence is \$350 multiplied by each year of the licence.

3.17 When use of weighbridge is taken not to be use of a public weighbridge

The use of a weighbridge is taken not to be the use of a public weighbridge only if:

- (a) the weighbridge is being used to weigh stock on the hoof;
or
- (b) both of the following subparagraphs apply:
 - (i) the weighbridge is used to measure the tare mass of a vehicle for the purpose of registering the vehicle;
 - (ii) the operator issues to the person who is in charge of the vehicle a written statement of the tare mass of the vehicle that indicates clearly that the tare mass was measured solely for the purpose mentioned in subparagraph (i).

3.18 Secretary may require inspection report

In exercising his or her powers under section 18PB or 18PC of the Act, the Secretary may require an inspector to:

- (a) inspect a weighbridge; and

Regulation 3.20

- (b) provide to the Secretary, within 14 days after the inspector examines the weighbridge, an inspection report that includes an assessment by the inspector regarding whether the inspector is satisfied that:
 - (i) a vehicle using the weighbridge is able to move onto and off the weighbridge without reversing; and
 - (ii) the type of weighbridge is suitable for the purpose of a public weighbridge; and
 - (iii) the size of the platforms of the weighbridge is suitable for the purpose of a public weighbridge; and
 - (iv) the weighbridge complies with these Regulations.

3.19 Display requirements — sign at public weighbridge

A public weighbridge licensee must display at the weighbridge a sign that meets each requirement mentioned in the following paragraphs:

- (a) the sign must be displayed in a prominent position; and
- (b) a person using the weighbridge must be able to easily see the sign; and
- (c) each letter or number included on the sign must be at least 100 mm high; and
- (d) the background colour of the sign must contrast with the colour of each letter and number included on the sign; and
- (e) the sign must clearly state that the weighbridge is a public weighbridge; and
- (f) the sign must clearly state the registered number of the weighbridge.

3.20 When licensee must withdraw public weighbridge from use and notify Secretary

If a public weighbridge licensee knows, or believes on reasonable grounds, that a measurement determined using a public weighbridge would be incorrect, the licensee must, immediately after forming the knowledge or belief:

- (a) withdraw the public weighbridge from use; and

Regulation 3.21

- (b) notify the Secretary, in an approved form, of:
 - (i) the withdrawal of the public weighbridge from use;
and
 - (ii) the reason that the public weighbridge has been withdrawn from use.

3.21 Public weighbridge licensee may refuse measurement request

A public weighbridge licensee or operator may refuse a request for measurement during normal trading hours only if:

- (a) the weighbridge does not have the capacity to determine the measurement; or
- (b) the licensee or operator knows, or believes on reasonable grounds, that a measurement determined using the weighbridge would be incorrect; or
- (c) the person requesting the measurement does not comply with a request made by the licensee or operator to pay the fee for the measurement before the measurement is determined.

3.22 Platform of public weighbridge to be kept clean

- (1) A public weighbridge licensee must ensure that each platform of a public weighbridge is kept clean.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.23 Space between frame and platform must be kept free from obstructions

- (1) A public weighbridge licensee must ensure that:
 - (a) for a public weighbridge with 1 platform — the space between the frame of the weighbridge and the platform of the weighbridge is, at all times, kept free from any obstruction; or
 - (b) for a public weighbridge with more than 1 platform — the space between the frame of the weighbridge and each platform of the weighbridge is, at all times, kept free from any obstruction.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.24 Weight recorded by public weighbridge without load to be kept accurately at zero

- (1) A public weighbridge licensee must ensure that the weight recorded by a public weighbridge is kept accurately at zero if:
 - (a) for a public weighbridge with 1 platform — there is no load on the platform; or
 - (b) for a public weighbridge with more than 1 platform — there is no load on any platform.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

Regulation 3.25

3.25 Public weighbridge licensee must ensure operator determines measurement with appropriate care

- (1) A public weighbridge licensee must ensure that, for each measurement determined using a public weighbridge, the operator takes the appropriate degree of care to determine the measurement.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.26 Measurement tickets — general requirements

- (1) For a public weighbridge, a measurement ticket must be:
 - (a) issued from a bound book of tickets; or
 - (b) issued from a pad of tickets; or
 - (c) generated electronically.
- (2) A bound book or pad of measurement tickets mentioned in subregulation (1) may contain more than 1 copy measurement ticket for each original measurement ticket.

3.27 Measurement tickets — requirements of public weighbridge licensee

- (1) A public weighbridge licensee must ensure that, for each measurement determined using a public weighbridge:
 - (a) the operator takes the appropriate degree of care to determine the measurement; and
 - (b) the operator completes an original measurement ticket:
 - (i) in an approved form; and
 - (ii) in numerical order; and
 - (iii) with appropriate care; and
 - (iv) as soon as practicable after the operator determines the measurement; and

Regulation 3.28

- (c) the operator completes a copy measurement ticket:
 - (i) in an approved form; and
 - (ii) in numerical order; and
 - (iii) with appropriate care; and
 - (iv) as soon as practicable after the operator determines the measurement; and
 - (d) immediately after the operator completes the original measurement ticket, the operator issues the copy measurement ticket to the person for whom the measurement was determined.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.
- Penalty: 20 penalty units.
- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.28 Public weighbridge licensee must ensure certain measurement tickets produced to relevant person

- (1) If a relevant person requests a public weighbridge licensee to produce a measurement ticket during the preservation period, the public weighbridge licensee must ensure that either of the following documents is produced to the relevant person as soon as practicable after the request is made:
- (a) for a measurement ticket issued from a book or pad of tickets — the original measurement ticket;
 - (b) for a measurement ticket generated electronically — a printed version of the original measurement ticket.
- Note* For the definition of *preservation period*, see regulation 1.4.
- (2) In this regulation, *relevant person* means:
- (a) an inspector; or

Regulation 3.29

- (b) a person who has a genuine interest in examining the measurement ticket.

Note An example of a person with a genuine interest in the measurement ticket is a person whose goods were located on a truck being driven by another person at the time of the weighing.

- (3) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (4) The offence mentioned in subregulation (3) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.29 Public weighbridge licensee must not remove or alter original measurement ticket

- (1) During the preservation period, if a measurement ticket for a measurement determined using the public weighbridge is issued from a book or pad of tickets, a public weighbridge licensee must not:

- (a) remove an original measurement ticket from a book or pad; or
(b) alter an original measurement ticket.

Note For the definition of *preservation period*, see regulation 1.4.

- (2) A person who engages in conduct that contravenes paragraph (1) (a) or (b) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.30 Public weighbridge licensee must not allow another person to remove or alter original measurement ticket

- (1) During the preservation period, if a measurement ticket for a measurement determined using the public weighbridge is issued from a book or pad of tickets, a public weighbridge licensee must not:
- (a) allow another person to remove an original measurement ticket from a book or pad of tickets; or
 - (b) allow another person to alter an original measurement ticket.

Note For the definition of *preservation period*, see regulation 1.4.

- (2) A person who engages in conduct that contravenes paragraph (1) (a) or (b) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.31 Public weighbridge licensee must not remove or alter unissued copy measurement ticket

- (1) During the preservation period, if a measurement ticket for a measurement determined using the public weighbridge is issued from a book or pad of tickets, a public weighbridge licensee must not:
- (a) remove an unissued copy measurement ticket from a book or pad of tickets; or
 - (b) alter an unissued copy measurement ticket.

Note For the definition of *preservation period*, see regulation 1.4.

- (2) A person who engages in conduct that contravenes paragraph (1) (a) or (b) commits an offence.

Penalty: 20 penalty units.

Regulation 3.32

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.32 Public weighbridge licensee must not allow another person to remove or alter unissued copy measurement ticket

- (1) During the preservation period, if a measurement ticket for a measurement determined using the public weighbridge is issued from a book or pad of tickets, a public weighbridge licensee must not:
- (a) allow another person to remove an unissued copy measurement ticket from a book or pad of tickets; or
 - (b) allow another person to alter an unissued copy measurement ticket.

Note For the definition of *preservation period*, see regulation 1.4.

- (2) A person who engages in conduct that contravenes paragraph (1) (a) or (b) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.33 Public weighbridge licensee must not delete or alter electronic record included in measurement ticket

- (1) During the preservation period, if a measurement ticket for a measurement determined using the public weighbridge is generated electronically, a public weighbridge licensee must not:
- (a) delete any electronic record of particulars in the measurement ticket; or
 - (b) alter any electronic record of particulars in the measurement ticket.

Note For the definition of *preservation period*, see regulation 1.4.

Regulation 3.35

- (2) A person who engages in conduct that contravenes paragraph (1) (a) or (b) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.34 Public weighbridge licensee must not allow another person to delete or alter electronic record included in measurement ticket

- (1) During the preservation period, if a measurement ticket for a measurement determined using the public weighbridge is generated electronically, a public weighbridge licensee must not:

- (a) allow another person to delete any electronic record of particulars in a measurement ticket; or
(b) allow another person to alter any electronic record of particulars in a measurement ticket.

Note For the definition of *preservation period*, see regulation 1.4.

- (2) A person who engages in conduct that contravenes paragraph (1) (a) or (b) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.35 Public weighbridge licensee must not dispose of or alter printed version of original measurement ticket

- (1) During the preservation period, if a measurement ticket for a measurement determined using the public weighbridge is generated electronically, a public weighbridge licensee must not:

- (a) dispose of any printed version of an original measurement ticket; or

Regulation 3.36

- (b) alter any printed version of an original measurement ticket.

Note For the definition of *preservation period*, see regulation 1.4.

- (2) A person who engages in conduct that contravenes paragraph (1) (a) or (b) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.36 Public weighbridge licensee must not allow another person to dispose of or alter printed version of original measurement ticket

- (1) During the preservation period, if a measurement ticket for a measurement determined using the public weighbridge is generated electronically, a public weighbridge licensee must not:

- (a) allow another person to dispose of any printed version of an original measurement ticket; or
(b) allow another person to alter any printed version of an original measurement ticket.

Note For the definition of *preservation period*, see regulation 1.4.

- (2) A person who engages in conduct that contravenes paragraph (1) (a) or (b) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

Regulation 3.37

3.37 Public weighbridge licensee must provide certain information to the Secretary

- (1) A public weighbridge licensee must provide, in writing, the information included in each of the following paragraphs to the Secretary, within the period mentioned in each paragraph:
 - (a) a change in the address for service of notices on the public weighbridge licensee — within 14 days after the change in address;
 - (b) the full name and residential address of each person employed by the public weighbridge licensee to operate the public weighbridge — within 14 days after the person's employment commences;
 - (c) if an operator ceases to be employed by the public weighbridge operator, the last day the operator was employed to operate the public weighbridge — within 14 days after the final day of employment;
 - (d) the full name and residential address of each person contracted by the public weighbridge licensee to operate the public weighbridge — within 14 days after the person's employment commences;
 - (e) if an operator ceases to be contracted by the public weighbridge operator, the last day the operator was contracted to operate the public weighbridge — within 14 days after the final day of employment.
- (2) A person who engages in conduct that contravenes paragraph (1) (a), (b) or (c) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

Regulation 3.38

3.38 Public weighbridge licensee must not knowingly permit or assist person to engage in fraudulent conduct

- (1) A public weighbridge licensee must not knowingly:
 - (a) permit a person to engage in fraudulent conduct in connection with the measurement of anything by using a public weighbridge; or
 - (b) permit a person to engage in fraudulent conduct in connection with the measurement of anything by using a measurement ticket; or
 - (c) assist a person to engage in fraudulent conduct in connection with the measurement of anything by using a public weighbridge; or
 - (d) conspire with a person who engages in fraudulent conduct in connection with the measurement of anything by using a public weighbridge.
- (2) A person who engages in conduct that contravenes paragraph (1) (a), (b), (c) or (d) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.39 Public weighbridge licensee must notify Secretary of fraudulent conduct related to measurement using weighbridge

- (1) If a public weighbridge licensee knows of any fraudulent conduct related to the measurement of anything using a public weighbridge, the licensee must notify the Secretary as soon as practicable after acquiring the knowledge.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

Regulation 3.41

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.40 Public weighbridge licensee must not knowingly engage in certain conduct related to false representation

- (1) A public weighbridge licensee must not:
- (a) make a representation in relation to the measurement of anything using a public weighbridge that the licensee knows to be false; or
 - (b) conspire with another person to make a representation in relation to the measurement of anything using a public weighbridge that the licensee knows to be false.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.41 Public weighbridge licensee to ensure issue of measurement ticket in approved form

- (1) A public weighbridge licensee must ensure that a measurement ticket in an approved form is able to be issued at a public weighbridge for each measurement determined at the weighbridge.
- (2) For a measurement ticket that is issued from a book of tickets or a pad of tickets, a public weighbridge licensee must:
- (a) retain a clearly identifiable original measurement ticket that is:
 - (i) clearly identifiable as an original measurement ticket; and
 - (ii) numbered consecutively.

Regulation 3.42

- (b) ensure that a clearly identifiable copy measurement ticket is issued to the person for whom the measurement was determined; and
- (c) ensure that, immediately after the last copy measurement ticket is issued from a pad of measurement tickets, all original measurement tickets and all unissued copy measurement tickets are securely bound together; and
- (d) retain, for at least the preservation period, the bound book or pad from which the measurement ticket was issued.

Note For the definition of *preservation period*, see regulation 1.4.

- (3) For a measurement ticket that is generated electronically, a public weighbridge licensee must:
 - (a) unless regulation 3.59 applies — ensure that:
 - (i) the tickets are numbered consecutively; and
 - (ii) particulars of the measurement ticket are created electronically; and
 - (b) ensure that a printed version of the measurement ticket, clearly identifiable as a copy measurement ticket, is issued to the person for whom the measurement is determined in accordance with the ticket's numerical order; and
 - (c) retain, for at least the preservation period, 1 or both of the following:
 - (i) the electronic record of the particulars included in the measurement ticket;
 - (ii) a printed version of the original measurement ticket that is clearly identifiable as an original measurement ticket.

Note For the definition of *preservation period*, see regulation 1.4.

3.42 Inspector may direct operator to measure vehicle

- (1) An inspector may direct an operator to determine a measurement of a loaded or unloaded vehicle.
- (2) The operator must comply with the inspector's request.
- (3) The inspector is not required to pay a fee or a charge for a measurement determined in accordance with subregulation (1).

Regulation 3.43

3.43 Measurement tickets — certain requirements to be met by operator

- (1) An operator must complete a measurement ticket only for the purpose of complying with these Regulations.
- (2) Unless subregulation (7), (8), (9), (10), (11), (12) or (13) applies, if an operator determines a measurement for a person, the operator must
 - (a) as soon as practicable after the measurement is determined — complete an original measurement ticket; and
 - (b) immediately after the original measurement ticket is completed — issue to the person a copy measurement ticket.
- (3) Without limiting the particulars that may be included on a measurement ticket, if completing a measurement ticket:
 - (a) for a measurement of only the tare mass of a vehicle — an operator must indicate clearly on the measurement ticket that the measurement refers to the tare mass of the vehicle; or
 - (b) for a measurement of only the gross mass of a vehicle, animal or any other thing — an operator must indicate clearly on the measurement ticket that the measurement refers to the gross mass of the vehicle, animal or thing; or
 - (c) for a measurement determined for 2 or more linked but separately registered vehicles — an operator must include on the measurement ticket the registration letters and figures for each vehicle; or
 - (d) for a measurement of a load on a vehicle — an operator must include on the measurement ticket the measurement of the load supported by all the axles of the vehicle.
- (4) If an operator makes a mistake while completing a measurement ticket that is in a book or pad of tickets and becomes aware of the mistake before issuing a copy measurement ticket, the operator:
 - (a) must, immediately after becoming aware of the mistake, cancel the original measurement ticket and any copy of the original measurement ticket; and

Regulation 3.43

- (b) must not remove the original measurement ticket or any copy of the original measurement ticket from the book or pad of tickets.
 - (5) Subject to subregulation (6), an operator must not, without reasonable excuse, issue a completed copy measurement ticket if the ticket includes any information that is not required by:
 - (a) these Regulations; or
 - (b) an approved form.
 - (6) Subregulation (5) does not apply to the following:
 - (a) the licensee's business name, address or logo;
 - (b) if the licensee intends to use the measurement ticket as a tax invoice — any other details or information required for the ticket to meet the requirements of a tax invoice under the *A New Tax System (Goods and Services Tax) Act 1999*;
 - (c) if the information is consistent with, and does not qualify the meaning or accuracy of, the information required by these Regulations or an approved form — additional information written in the following locations on the measuring ticket:
 - (i) in the margin;
 - (ii) at the bottom;
 - (iii) on the back.
- Note* An example of the details or information mentioned in paragraph (b) is an Australian Business Number (ABN).
- (7) If the driver of an unloaded vehicle notifies the operator that the vehicle is to be loaded within 24 hours after notifying the operator and requests the operator to measure the tare mass of the vehicle and the gross mass of the vehicle in 2 weighings, the operator:
 - (a) must measure the tare mass of the vehicle; and
 - (b) must partially complete a measurement ticket for the measurement by including the tare mass on the measurement ticket; and
 - (c) must not issue the partially completed measurement ticket.

Regulation 3.43

- (8) If the vehicle returns to the weighbridge with its load within 24 hours after the operator measures the tare mass of the vehicle, and the driver of the vehicle requests a measurement of the gross mass of the vehicle, the operator must:
- (a) measure the gross mass of the vehicle; and
 - (b) complete the partially completed measurement ticket; and
 - (c) issue a copy measurement ticket.
- (9) If the vehicle does not return to the weighbridge with its load within 24 hours after the operator measures the tare mass of the vehicle, the operator must:
- (a) if the driver of the vehicle requests a completed measurement ticket within 72 hours after the operator measures the tare mass of the vehicle — issue the completed measurement ticket showing only the tare mass of the vehicle; or
 - (b) if another person requests a completed measurement ticket and the operator is satisfied, on reasonable grounds, that the person is authorised to make the request — issue the completed measurement ticket showing only the tare mass of the vehicle; or
 - (c) if no request for a completed measurement ticket is made within 72 hours after the operator measures the tare mass of the vehicle — cancel the partially completed measurement ticket immediately after the period of 72 hours expires.
- (10) If the driver of a loaded vehicle notifies the operator that the vehicle is to be unloaded within 24 hours after notifying the operator, and requests the operator to measure the gross mass of the vehicle and the tare mass of the vehicle in 2 weighings, the operator:
- (a) must measure the gross mass of the vehicle; and
 - (b) must partially complete a measurement ticket for the measurement by including the gross mass on the measurement ticket; and
 - (c) must not issue the partially completed measurement ticket.

Regulation 3.43

- (11) If the vehicle returns to the weighbridge unloaded within 24 hours after the operator measures the gross mass of the vehicle and the driver of the vehicle requests a measurement of the tare mass of the vehicle, the operator must:
- (a) measure the tare mass of the vehicle; and
 - (b) complete the partially completed measurement ticket; and
 - (c) issue a copy measurement ticket.
- (12) If the vehicle does not return unloaded within 24 hours after the operator measures the gross mass of the vehicle, the operator must:
- (a) if the driver of the vehicle requests a completed measurement ticket within 72 hours after the operator measures the gross mass of the vehicle — issue the completed measurement ticket showing only the gross mass of the vehicle; or
 - (b) if another person requests a completed measurement ticket and the operator is satisfied, on reasonable grounds, that the person is authorised to make the request — issue the completed measurement ticket showing only the gross mass of the vehicle; or
 - (c) if no request for a completed measurement ticket is made within 72 hours after the operator measures the tare mass of the vehicle — cancel the partially completed measurement ticket immediately after the period of 72 hours expires.
- (13) An operator may determine a measurement for the purpose of issuing a copy measurement ticket showing each load supported by separate axles, or groups of axles, of a vehicle only if making the measurement does not breach:
- (a) the licence condition mentioned in paragraph 3.62 (d); or
 - (b) the licence condition mentioned in paragraph 3.62 (f).

Regulation 3.44

3.44 Operator must issue copy of original measurement ticket to relevant person if certain conditions met

- (1) This regulation applies if:
 - (a) a relevant person requires an operator to issue to the relevant person a copy of an original measurement ticket for a measurement that has already been determined; and
 - (b) either of the following applies:
 - (i) the preservation period has not expired;
 - (ii) the original measurement ticket is otherwise still available.
- (2) If the relevant person pays to the operator the public weighbridge licensee's fee for issuing a copy of an original measurement ticket, the operator must issue the copy, clearly marked as a copy measurement ticket, to the relevant person.
- (3) The copy must include the same particulars as the original measurement ticket of which it is a copy.
- (4) The copy must be 1 of the following:
 - (a) a photocopy of the original measurement ticket;
 - (b) a copy measurement ticket;
 - (c) a copy of a form of measurement ticket:
 - (i) completed for the purpose of creating the copy; and
 - (ii) numbered with the number of the measurement ticket of which it is a copy;
 - (d) a printed version of a measurement ticket that was generated electronically.
- (5) The operator must not create an original measurement ticket for the purpose of issuing a copy.
- (6) The operator may use the form of an original measurement ticket from a book or pad of measurement tickets to create a copy of the kind mentioned in paragraph (4) (c).

Regulation 3.45

- (7) If the operator uses the form of an original measurement ticket from a book or pad of measurement tickets to create a copy of the kind mentioned in paragraph 4 (c), the public weighbridge licensee must retain, for at least the preservation period, the original measurement ticket.
- (8) In this regulation:
relevant person, in relation to the issue of a copy of an original measurement ticket, means:
- (a) a buyer of goods that have been weighed using a public weighbridge; or
 - (b) a seller of goods that have been weighed using a public weighbridge; or
 - (c) another person who has an interest in the goods mentioned in paragraph (a) or (b).

Note An example of a person mentioned in paragraph (c) is the owner of a vehicle that is being weighed for the purpose of enabling the owner to charge for the transportation of goods, in circumstances in which the transportation charges are based on the weight of the goods being transported.

3.45 Operator must not use public weighbridge for public weighing in certain circumstances

- (1) An operator must not use a public weighbridge for public weighing if the operator:
- (a) knows that a measurement determined using the weighbridge would be incorrect; or
 - (b) believes, on reasonable grounds, that a measurement determined using the weighbridge would be incorrect.
- (2) A person who engages in conduct that contravenes paragraph (1) (a) or (b) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

Regulation 3.48

3.46 Operator must not issue original measurement ticket

- (1) An operator that determines a measurement using a public weighbridge must not issue the original measurement ticket for the measurement to the person for whom the measurement was made.
- (2) A person who engages in conduct that contravenes subsection (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.47 Operator must issue correct copy of original measurement ticket

- (1) An operator that determines a measurement using a public weighbridge must issue a copy measurement ticket that is a correct copy of the original measurement ticket to the person for whom the measurement was made.
- (2) A person who engages in conduct that contravenes subsection (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.48 Operator must not remove or alter original measurement ticket

- (1) During the preservation period, if a measurement ticket for a measurement determined using the public weighbridge is issued from a book or pad of tickets, an operator must not:
 - (a) remove an original measurement ticket from a book or pad; or

Regulation 3.49

- (b) alter an original measurement ticket.

Note For the definition of *preservation period*, see regulation 1.4.

- (2) A person who engages in conduct that contravenes paragraph (1) (a) or (b) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.49 Operator must not allow another person to remove or alter original measurement ticket

- (1) During the preservation period, if a measurement ticket for a measurement determined using the public weighbridge is issued from a book or pad of tickets, an operator must not:

- (a) allow another person to remove an original measurement ticket from a book or pad; or
(b) allow another person to alter an original measurement ticket.

Note For the definition of *preservation period*, see regulation 1.4.

- (2) A person who engages in conduct that contravenes paragraph (1) (a) or (b) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.50 Operator must not remove or alter unissued copy measurement ticket

- (1) During the preservation period, if a measurement ticket for a measurement determined using the public weighbridge is issued from a book or pad of tickets, an operator must not:

- (a) remove an unissued copy measurement ticket from a book or pad; or

Regulation 3.52

- (b) alter an unissued copy measurement ticket.

Note For the definition of *preservation period*, see regulation 1.4.

- (2) A person who engages in conduct that contravenes paragraph (1) (a) or (b) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.51 Operator must not allow another person to remove or alter unissued copy measurement ticket

- (1) During the preservation period, if a measurement ticket for a measurement determined using the public weighbridge is issued from a book or pad of tickets, an operator must not:

- (a) allow another person to remove an unissued copy measurement ticket from a book or pad; or
(b) allow another person to alter an unissued copy measurement ticket.

Note For the definition of *preservation period*, see regulation 1.4.

- (2) A person who engages in conduct that contravenes paragraph (1) (a) or (b) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.52 Operator must not delete or alter electronic record included in measurement ticket

- (1) During the preservation period, if a measurement ticket for a measurement determined using the public weighbridge is generated electronically, an operator must not:

- (a) delete any electronic record of particulars in the measurement ticket; or

Regulation 3.53

- (b) alter any electronic record of particulars in the measurement ticket.

Note For the definition of *preservation period*, see regulation 1.4.

- (2) A person who engages in conduct that contravenes paragraph (1) (a) or (b) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.53 Operator must not allow another person to delete or alter electronic record included in measurement ticket

- (1) During the preservation period, if a measurement ticket for a measurement determined using the public weighbridge is generated electronically, an operator must not:

- (a) allow another person to delete any electronic record of particulars in the measurement ticket; or
(b) allow another person to alter any electronic record of particulars in the measurement ticket.

Note For the definition of *preservation period*, see regulation 1.4.

- (2) A person who engages in conduct that contravenes paragraph (1) (a) or (b) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

Regulation 3.55

3.54 Operator must not dispose of or alter printed version of original measurement ticket

- (1) During the preservation period, if an original measurement ticket for a measurement determined using the public weighbridge is generated electronically, an operator must not:
 - (a) dispose of any printed version of the original measurement ticket; or
 - (b) alter any printed version of the original measurement ticket.

Note For the definition of *preservation period*, see regulation 1.4.

- (2) A person who engages in conduct that contravenes paragraph (1) (a) or (b) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.55 Operator must not allow another person to dispose of or alter printed version of original measurement ticket

- (1) During the preservation period, if an original measurement ticket for a measurement determined using the public weighbridge is generated electronically, an operator must not:
 - (a) allow another person to dispose of any printed version of the original measurement ticket; or
 - (b) allow another person to alter any printed version of the original measurement ticket.

Note For the definition of *preservation period*, see regulation 1.4.

- (2) A person who engages in conduct that contravenes paragraph (1) (a) or (b) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

Regulation 3.56

3.56 Operator must not knowingly permit or assist person to engage in fraudulent conduct

- (1) An operator must not knowingly:
 - (a) permit a person to engage in fraudulent conduct in connection with the measurement of anything by using a public weighbridge; or
 - (b) permit a person to engage in fraudulent conduct in connection with the measurement of anything by using a measurement ticket; or
 - (c) assist a person to engage in fraudulent conduct in connection with the measurement of anything by using a public weighbridge; or
 - (d) conspire with a person who engages in fraudulent conduct in connection with the measurement of anything by using a public weighbridge.
- (2) A person who engages in conduct that contravenes paragraph (1) (a), (b), (c) or (d) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.57 Operator must notify Secretary of fraudulent conduct related to measurement using weighbridge

- (1) If an operator knows of any fraudulent conduct related to the measurement of anything using a public weighbridge, the operator must notify the Secretary as soon as practicable after acquiring the knowledge.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

Regulation 3.59

3.58 Operator must not knowingly engage in certain conduct related to false representation

- (1) An operator must not:
 - (a) make a representation in relation to the measurement of anything using a public weighbridge that the licensee knows to be false; or
 - (b) conspire with another person to make a representation in relation to the measurement of anything using a public weighbridge that the licensee knows to be false.
- (2) A person who engages in conduct that contravenes subregulation (1) commits an offence.
- (3) The offence mentioned in subregulation (2) is an offence of strict liability.

Penalty: 20 penalty units.

Note For strict liability, see section 6.1 of the *Criminal Code*.

3.59 Issuing copy of original measurement ticket

- (1) This regulation applies if:
 - (a) a relevant person requires an operator to issue to the relevant person a copy of an original measurement ticket for a measurement that has already been determined; and
 - (b) either of the following applies:
 - (i) the preservation period has not expired;
 - (ii) the original measurement ticket is otherwise still available.
- (2) If the relevant person pays to the operator the public weighbridge licensee's fee for issuing a copy of an original measurement ticket, the operator must issue the copy, clearly marked as a copy measurement ticket, to the relevant person.
- (3) The copy must include the same particulars as the original measurement ticket of which it is a copy.
- (4) The copy must be 1 of the following:
 - (a) a photocopy of the original measurement ticket;
 - (b) a copy measurement ticket;

Regulation 3.60

- (c) a copy of a form of measurement ticket:
 - (i) completed for the purpose of creating the copy; and
 - (ii) numbered with the number of the measurement ticket of which it is a copy;
 - (d) a printed version of a measurement ticket that was generated electronically.
- (5) The operator must not create an original measurement ticket for the purpose of issuing a copy.
 - (6) The operator may use the form of an original measurement ticket from a book or pad of measurement tickets to create a copy of the kind mentioned in paragraph (4) (c).
 - (7) If the operator uses the form of an original measurement ticket from a book or pad of measurement tickets to create a copy of the kind mentioned in paragraph 4 (c), the public weighbridge licensee must retain, for at least the preservation period, the original measurement ticket.
 - (8) In this regulation:
 - relevant person**, in relation to the issue of a copy of an original measurement ticket, means:
 - (a) a buyer of goods that have been weighed using a public weighbridge; or
 - (b) a seller of goods that have been weighed using a public weighbridge; or
 - (c) another person who has an interest in the goods mentioned in paragraph (a) or (b).

Note An example of a person mentioned in paragraph (c) is the owner of a vehicle that is being weighed for the purpose of enabling the owner to charge for the transportation of goods, in circumstances in which the transportation charges are based on the weight of the goods being transported.

3.60 Prescribed particulars for register (Act s 18PF)

For section 18PF of the Act, the following particulars relating to a public weighbridge licence is prescribed:

- (a) the licence number;
- (b) the licensee's name;

Regulation 3.62

- (c) the date on which the licence was issued;
- (d) the licensee's address to be used for service of notices;
- (e) any condition imposed on the licence under section 18PH of the Act;
- (f) the location of the weighbridge;
- (g) the registered number that the Secretary assigned to the public weighbridge;
- (h) the capacity and dimensions of the platform or platforms of the weighbridge.

3.61 Prescribed reverification period — public weighbridges (Act s 20 (1) (o))

For paragraph 20 (1) (o) of the Act, the prescribed reverification period for public weighbridges is 12 months.

3.62 Additional licence conditions — public weighbridges

For section 18PH of the Act, each of the following conditions is imposed on a public weighbridge licence:

- (a) a public weighbridge must not be used for public weighing to determine an end-and-end measurement if the measurement can be performed by a single operation;
- (b) a public weighbridge must not be used for public weighing to determine an end-and-end measurement unless the measurement ticket is marked with a statement:
 - (i) that indicates that the public weighing is an end-and-end measurement; and
 - (ii) that indicates that the accuracy of the public weighing is not guaranteed; and
 - (iii) in which each letter of each word of the statement is at least 4 mm high; and
 - (iv) located adjacent to the measurement statement recorded or printed on the ticket.

Regulation 3.62

- (c) a public weighbridge may only be used to determine an end-and-end measurement if the approaches to the weighbridge:
 - (i) have a smooth and level surface that is paved with concrete or other approved material; and
 - (ii) are in the same horizontal plane as the top of the platform or platforms; and
 - (iii) have a perimeter that is clearly indicated by painted marks or other approved means;
- (d) a public weighbridge may only be used to determine axle weights if the approaches to the weighbridge:
 - (i) have a smooth and level surface that is paved with concrete or other approved material; and
 - (ii) are in the same horizontal plane as the top of the platform or platforms; and
 - (iii) have a perimeter that is clearly indicated by painted marks or other approved means;
- (e) for the measurement of a vehicle, a public weighbridge must not be used to determine an end-and-end measurement if, at any time during the measurement of the vehicle, any of the following subparagraphs applies:
 - (i) the brakes, gears and any other means capable of restricting the free movement of the vehicle are engaged;
 - (ii) the air suspension of the vehicle is manipulated;
 - (iii) any item or mechanism that can affect the measurement of the vehicle is manipulated;
 - (iv) the wheels of the axles that are being weighed in any of the weighings are not wholly on the platform;
 - (v) the wheels on 1 or more of the axles of the vehicle are not located within the indicated perimeter of the approaches.

Regulation 3.64

- (f) for the measurement of axle weights, a public weighbridge must not be used to determine an end-and-end measurement if, at any time during the measurement of the vehicle, any of the following subparagraphs applies:
- (i) the brakes, gears and any other means capable of restricting the free movement of the vehicle are engaged;
 - (ii) the air suspension of the vehicle is manipulated;
 - (iii) any item or mechanism that can affect the measurement of the vehicle when it is engaged is engaged;
 - (iv) any item or mechanism that can affect the measurement of the vehicle when it is disengaged is disengaged;
 - (v) the wheels of the axles that are being weighed in any of the weighings are not wholly on the platform;
 - (vi) the wheels on 1 or more of the axles of the vehicle are not located within the indicated perimeter of the approaches.

Note For conditions that apply to all public weighbridge licences, see section 18PH of the Act.

3.63 Transitional

This Part applies in relation to an application for a public weighbridge licence made on or after the commencement of these Regulations.

3.64 Transitional

Until 1 July 2011, a public weighbridge operator may issue a measurement ticket in any format that has been approved in accordance with an earlier corresponding law.

Note The expression *earlier corresponding law* is defined in subsection 3 (1) of the Act.

Regulation 4.1

Part 4 Packaging

Division 4.1 Definitions

4.1 Definitions for Part 4 — general

In this Part:

approved printing device means a printing device that conforms to a pattern in relation to which there is in force under the Act a certificate that approves the use of the device for trade.

characters includes letters, figures and symbols.

inadequate package has the meaning given by regulation 4.33.

lot of packages:

- (a) in Division 4.6 — has the meaning given by regulation 4.30; and
- (b) in Division 4.7 — has the meaning given by regulation 4.33.

measurement marking means the marking of measurement required by this regulation to be made on a prepackage.

permissible actual deficiency has the meaning given by regulation 4.30.

principal display panel, in relation to a package, means the part of the package that is most likely to be displayed under normal and customary conditions of display.

weighted average quantity has the meaning given by regulation 4.37.

4.2 Definitions for Part 4 — prepackages

In this Part:

actual quantity, in relation to a prepackage, means the quantity of a product contained in the prepackage, as determined by measurements made by a trade measurement inspector in accordance with the Act and these Regulations.

Regulation 4.2

AQS mark means a letter “e”:

- (a) presented as a letter at least 3 mm high; and
- (b) in the form set out in Schedule 3.

AQS threshold, in relation to a prepackage, means the number of prepackages taken from an inspection lot that are to be inspected to provide information for a decision about the conformance of the inspection lot.

average error, in relation to a prepackage, means the sum of individual errors in a sample divided by the number of prepackages in the sample.

cheese does not include an article that is for sale as processed cheese or cheese spread.

cheese products do not include an article that is for sale as processed cheese or cheese spread.

compressed or liquefied gas does not include liquefied petroleum gas.

content, in relation to a prepackage, means the actual quantity of product in the prepackage.

cream does not include clotted cream or sour (or cultured) cream.

dried or dehydrated fruit includes:

- (a) glaze or crystallised fruit; and
- (b) glaze or crystallised fruit peel.

dried or dehydrated mixed fruit includes any fruit of that kind, whether or not it is mixed with nuts.

garden landscape material means any of the following:

- (a) soil;
- (b) pebbles;
- (c) crushed tile;
- (d) crushed rock;
- (e) pinebark;
- (f) mulch;
- (g) Pacific coral;
- (h) river stones;
- (i) crushed material mix;

Regulation 4.2

(j) any like substance for use in gardens.

ice cream includes any form of frozen confection containing:

- (a) ice cream; or
- (b) flavoured ice; or
- (c) fruit-ice; or
- (d) water-ice; or
- (e) a substitute for ice cream.

individual prepackage error, in relation to a prepackage, means the difference between the actual quantity of the product in the prepackage and its nominal quantity.

inspection lot means a definite quantity of prepackages:

- (a) that are produced at one time under conditions that are presumed uniform; and
- (b) from which a sample is drawn and inspected to provide information for a decision about the conformance of the prepackages as a whole.

Note An inspection lot is also known as a batch.

liquid chemicals includes solvents packed for sale for pharmaceutical, laboratory or industrial use.

nominal quantity means the quantity of the product in a prepackage that is declared on the label by the packer.

Note 1 The symbol “ Q_n ” is used to denote the nominal quantity.

Note 2 The nominal quantity is declared in accordance with OIML Recommendation 79, *Labelling Requirements for Prepackaged Products (1997)*.

packing material, in relation to a prepackage:

- (a) means the part of the prepackage that is meant to be left over after use of the product (including consumption or subjecting the product to a treatment); but
- (b) does not include items that occur naturally in the product.

Note Packing material is also known as individual package, tare, packaging or packaging material. It is generally used to contain, protect, handle, deliver, preserve, transport, inform about and serve as an aid (e.g., food serving tray) while using the product it contains.

paint:

- (a) includes enamel; but

Regulation 4.2

(b) does not include any of the following:

- (i) a two-pack paint;
- (ii) artists' paint;
- (iii) powder coatings.

poultry means any kind of bird used for human consumption, whether it is cooked or uncooked or consists of poultry pieces.

poultry piece means:

- (a) a leg, wing, breast or other part detached from a poultry carcase; and
- (b) any division of a poultry carcase.

prepackage means a combination of a product and the packing material in which it is prepacked.

prepackaged product means a single item:

- (a) that consists of a product and the packing material into which it was put before being offered for sale; and
- (b) that is prepared for presentation to a consumer:
 - (i) as a single item, whether the packing material encloses the product completely or partially; and
 - (ii) in a way in which the quantity of the product cannot be altered without opening or perceptibly modifying the packing material; and
- (c) in relation to which the quantity of the product has a predetermined value.

random sampling, in relation to a prepackage, means the process of selecting prepackages randomly in conditions in which each prepackage has the same probability of being included in the sample.

resins includes:

- (a) natural resins; and
- (b) synthetic resins; and
- (c) polymeric materials other than paint.

soap:

- (a) excludes each of the following:
 - (i) liquid soap;
 - (ii) detergent powder; and

Regulation 4.3

- (b) includes each of the following:
- (i) bar soap;
 - (ii) personal medicinal soap tablets;
 - (iii) personal toilet soap tablets;
 - (iv) soap flakes;
 - (v) soap powder other than detergent powder.

therapeutic goods means goods for therapeutic use within the meaning of the *Therapeutic Goods Act 1989*.

tobacco includes plug tobacco.

tolerable deficiency means the deficiency in a quantity of product permitted in a prepackage.

Note 1 The symbol “(T)” is used to denote the tolerable deficiency. The tolerable deficiencies are specified in the table in subregulation 4.52 (4).

Note 2 The tolerable deficiency is also known as the tolerable negative error.

Division 4.2 Operation of Part 4

4.3 Requirements applicable to inner and outer packages

A requirement in this Part about the marking of a prepackage applies to:

- (a) the immediate package containing the product; and
- (b) any other package containing that package (whether or not other packages are involved);

unless the provision that imposes the requirement contains information to the contrary.

4.4 Exemptions from marking requirements (name, address, measurement)

- (1) Divisions 4.3 and 4.4 do not apply to a prepackage containing a product specified in Schedule 4:
 - (a) in the circumstances specified in Schedule 4 in relation to the product; or
 - (b) if no circumstances are specified in Schedule 4 — in all circumstances.

Regulation 4.5

- (2) A package is not exempt from the operation of Divisions 4.3 and 4.4 only because it contains 2 or more packages each of which would be exempt under subregulation (1) as separate packages.
- (3) Despite subregulation (1), if an exempt package has a name and address or measurement marked on it, the way in which the name and address or measurement is marked on the package must comply with Divisions 4.3 and 4.4.
- (4) It is not to be assumed that a product described in item 1 under the heading “Textile goods” or in item 4 under the heading “Hardware goods” in Schedule 4 has been packed for sale by measurement only because it has been packed for sale:
 - (a) as a single item; or
 - (b) as a set (unless the products are identical automotive parts); or
 - (c) as a pair, or as one of a pair, if it is a product that is ordinarily described by pairs, or as one of a pair.
- (5) A product is not excluded from the description “General goods” in Schedule 4 merely because it could be included in another description of goods in Schedule 4.

4.5 Exemptions for packages containing paper

- (1) This regulation applies to a package containing paper that:
 - (a) was packed at the factory at which the paper was produced; or
 - (b) is packed in a quantity of more than 5 kg; or
 - (c) is packed in a quantity of 500 sheets or more, and is marked with the number of sheets and the dimensions of each sheet.
- (2) Regulations 4.7 and 4.9 do not apply to the package.
- (3) The package may be marked with:
 - (a) the expression “gross mass”; or
 - (b) another expression that has a similar meaning.

Regulation 4.6

4.6 Exemptions for certain inner and outer packages

A requirement of this Part about the marking of a package other than a prepackaged product does not apply to:

- (a) any immediate package ordinarily sold only in an outer package that is marked in accordance with the requirement; or
- (b) any outer package in which the immediate package is packed only for the purposes of transportation.

Division 4.3 Marking of name and address

4.7 Marking of name and address on packages

- (1) If a prepackaged product is packed or sold, the package containing the product must be marked with the name and address of the person who packed the product or on whose behalf it was packed.

Note See also regulation 4.6 for requirements about prepackaged products.

- (2) The marking must be:
 - (a) readily visible and legible; and
 - (b) appropriate to enable the person to be identified and located.
- (3) The address must be a place in Australia where a document may be served personally on the person.

Note A post office box address is not a place where a document may be served personally.

4.8 Exemption for packaged seed

- (1) Regulation 4.7 does not apply to any of the following:
 - (a) public-bred agricultural seed of a prescribed variety that is packed in a quantity of 10 kg or more;
 - (b) public-bred agricultural seed that is not agricultural seed of a prescribed variety that is packed in a quantity of 25 kg or more;
 - (c) non-proprietary varieties of horticultural seed that is packed in a quantity of 25 kg or more.

Regulation 4.9

(2) In subregulation (1):

agricultural seed of a prescribed variety means agricultural seed for any of the following:

- (a) Brachiaria species;
- (b) Buffel grass;
- (c) Creeping Blue grass;
- (d) Gamba grass;
- (e) Guinea grass;
- (f) Hamil grass;
- (g) Indian Blue grass;
- (h) Mitchell grass;
- (i) Molasses grass;
- (j) Rhodes grass;
- (k) Veldt grass.

Division 4.4 Marking of measurement

**Subdivision 1 General requirements for measurement
marking**

4.9 Requirement to mark measurement

(1) If a prepackaged product is packed or sold, the package containing the product must be marked with a statement of the measurement of the product.

Note See also regulation 4.6 for requirements about prepackaged products.

(2) The statement must be marked in a way that will be:

- (a) clear; and
- (b) conspicuous; and
- (c) readily seen and easily read when the product is exposed for sale in the manner in which it is supposed to be exposed for sale.

Regulation 4.10

4.10 General position of measurement marking

- (1) A measurement marking on a package must be made on the principal display panel.
- (2) If there is more than 1 principal display panel, a measurement marking must be made on at least 2 of the principal display panels.
- (3) Subregulations (1) and (2) do not apply to the packaging for automotive parts.
- (4) If the Secretary, by notice published in the *Gazette*, specifies 1 or more other acceptable arrangements for the marking of a kind of package specified in the notice, the package may be marked in accordance with subregulations (1) and (2) or any of the other arrangements.

4.11 Set-out and form of measurement marking

- (1) The required measurement marking must be:
 - (a) close to any name or brand of the product to which it relates; and
 - (b) marked to be read in the same direction as any name or brand of the product to which it relates; and
 - (c) at least 2 mm from the limits of the package; and
 - (d) separated by at least 2 mm in all directions from other graphic matter or copy; and
 - (e) in a form in which units of measurement under the metric system are ordinarily written in the English language.
- (2) If the measurement is a decimal sub-multiple, the required measurement marking must also be preceded by a zero or other numeral.
- (3) If the package is entirely or substantially cylindrical, spheroidal, conical or of oval cross-section:
 - (a) the measurement marking must also be positioned so that no part of the marking is further than one-sixth of the circumference of the package from the line that vertically bisects the part of the package on which the marking is required to be made; and

Regulation 4.12

- (b) the circumference of the package is taken to be the circumference where the measurement marking is made.

4.12 Size etc of characters in measurement marking

- (1) The characters used in a measurement marking must be:
 - (a) clear; and
 - (b) stamped, printed, embossed, marked by an approved printing device or handwritten.
- (2) The characters must:
 - (a) be stamped or printed in a colour that provides a distinct contrast with the colour of the background, and be of at least the minimum height required by the table in subregulation (3); or
 - (b) be stamped or embossed, and be of at least 3 times the minimum height required by the table in subregulation (3); or
 - (c) be marked by an approved printing device in characters at least 3 mm high; or
 - (d) be legibly handwritten if permitted by subregulation (5).
- (3) For paragraphs (2) (a) and (b), the table is as follows.

Item	If the maximum dimension of the package is ...	the minimum height of the characters is ...
1	120 mm or less	2.0 mm
2	Over 120 mm but not over 230 mm	2.5 mm
3	Over 230 mm but not over 360 mm	3.3 mm
4	Over 360 mm	4.8 mm

- (4) In the table in subregulation (3):
 - (a) if the package is rectangular, the maximum dimension is the dimension of the greatest of the breadth, height and length of the package; and
 - (b) if the package is:
 - (i) cylindrical; or
 - (ii) spheroidal; or
 - (iii) conical; or

Regulation 4.13

- (iv) of an oval cross-section; or
 - (v) otherwise not rectangular;
the maximum dimension is the dimension that is the greatest of the height, length and maximum diameter of the package; and
 - (c) the minimum height of a character is the height for each individual character, including each character in a symbol for a unit of measurement.
- (5) A measurement marking may be handwritten on a product only if:
- (a) the product is packed to be sold on the premises on which it is packed; or
 - (b) the package contains cake; or
 - (c) regulation 4.26 applies to the package; or
 - (d) the package contains a roll of ribbon, lace or elastic or another article of haberdashery; or
 - (e) the Secretary, declares, by notice published in the *Gazette* that this subregulation applies to the product, and any conditions or restrictions specified in the notice are complied with.

4.13 Unit etc of measurement to be used

- (1) Subject to subregulation (2):
- (a) the measurement marking of a product that is ordinarily sold by number must be expressed by reference to number; and
 - (b) the measurement marking of a product that is ordinarily sold by linear or superficial measurement must be expressed by reference to the kind of measurement; and
 - (c) the measurement marking of a product that is a liquid must be expressed by reference to volume; and
 - (d) the measurement marking of a product:
 - (i) that is solid (including in the form of powder or flakes), semi-solid or partly solid and partly liquid; and

Regulation 4.15

- (ii) to which paragraph (a) does not apply;
must be expressed by reference to mass.
- (2) The measurement marking of a product of a kind described in an item of Schedule 5 must be expressed by reference to the kind of measurement specified in the item.
- (3) A measurement marking (other than a marking that is expressed by reference to number) must be expressed in terms of a unit of measurement that is permitted by Schedule 6.
- (4) For subregulation (1), a product sold by number or linear or superficial measurement is *ordinarily sold* if the majority of the merchants selling the product in Australia ordinarily sell it by a method of number or linear or superficial measurement that has been approved, in writing, by the Secretary.

4.14 Fractions and significant figures

- (1) If a measurement marking includes a fraction of a unit of measurement, it must be expressed as a decimal sub-multiple of the unit.
- (2) A measurement marking that is a whole multiple or a sub-multiple, or a combination of both, must express a degree of accuracy to not more than 3 significant figures.

4.15 Special provision — marking by approved printing device

If a measurement marking is made by an approved printing device:

- (a) the measurement marking may express a degree of accuracy to more than 3 significant figures if the certificate of approval approves use of the device to measure the degree of accuracy expressed; and
- (b) a measurement marking in terms of mass made by use of the device in accordance with the certificate of approval may be expressed in terms of grams.

Regulation 4.16

4.16 Marking by reference to minimum measurement

- (1) A marking on a prepackage of the measurement of the product (whether or not it is for the purposes of these Regulations) must not be made by reference to minimum measurement unless:
 - (a) either:
 - (i) the marking is permitted by subregulation (2) or (3); or
 - (ii) the marking is required or permitted by regulation 4.17 in relation to eggs; and
 - (b) the reference to minimum measurement is marked in the same way as the required measurement marking.
- (2) Prepacked dressed poultry (that is not poultry pieces) may be marked with a measurement in terms of minimum mass if:
 - (a) the mass stated is a whole number multiple of 100 g; and
 - (b) for poultry that is not cooked poultry, the package is also marked, in characters not less than 10 mm in height, with a size number calculated by dividing the stated minimum mass by 100.
- (3) Prepacked preserved sausage may be marked with a measurement in terms of minimum mass.

Subdivision 2 Special provision for measurement marking of certain products

4.17 Eggs

- (1) The measurement marking of a prepackage containing eggs must be made:
 - (a) by reference to the number of eggs in the package; and
 - (b) by reference to the minimum total mass of all the eggs in the package.
- (2) The measurement marking of a prepackage containing eggs must not include a marking by reference to the minimum mass of each egg unless each egg in the package has at least the stated minimum mass.

4.18 Products packed in sheets

- (1) This regulation applies to prepacked aluminium foil, facial tissues, toilet paper and waxed paper.
- (2) The product does not require a measurement marking on the package if the number of usable sheets of specified dimensions is marked on the package as if the number and dimensions marked were a measurement marking.

4.19 Number of packages comprising 1 tonne

If:

- (a) a product is ordinarily sold by mass; and
- (b) 45 or fewer packages of the product have a total mass of 1 tonne;

the measurement marking of the mass of the product may be made on each package by referring to the number of packages to the tonne in a manner that implies that the mass of each package is 1 tonne divided by that number.

4.20 Bedsheets, tarpaulins etc

- (1) The measurement marking relating to:
 - (a) bedsheets that are not designed as fitted or semi-fitted bedsheets; and
 - (b) other sheets of hemmed fabric material; and
 - (c) tarpaulins;must be expressed in terms of the finished size of the product.
- (2) The measurement marking relating to:
 - (a) a mattress protector; or
 - (b) a bedsheet designed as a fitted or semi-fitted bedsheet;must be expressed in terms of the suitability of its finished size to fit a mattress of specified dimensions expressed as length × width × depth.

Regulation 4.21

4.21 Pairs of window curtains

The measurement marking relating to window curtains that are designed to cross over when hung in pairs must be expressed in terms of:

- (a) the finished size of the maximum width of each curtain; and
- (b) the maximum drop of each curtain.

4.22 Marking of width or thickness if it directly affects price

If a measurement marking may be made in terms of the length of a product, the marking must include any measurement of the product's thickness, width, or both, that bears a direct relationship to the product's price.

Subdivision 3 Special provision concerning measurement marking of outer packages

4.23 Package containing packages of products of the same kind and measurement

- (1) This regulation applies to 2 or more prepackages of the same kind, and which appear to have the same measurement, if:
 - (a) each of them is separately packed in its own package (an *inner package*); and
 - (b) all of them are also packed together in another package (the *outer package*).
- (2) The measurement marking on the outer package may:
 - (a) state the total measurement of all the products in the outer package; or
 - (b) state the number of packages in the outer package, and the measurement of each of them, as if the statement were a measurement marking.

Regulation 4.25

- (3) A measurement marking need not be marked on the outer package if:
 - (a) the outer package contains not more than 8 inner packages; and
 - (b) the inner packages are ordinarily sold only while they are in the outer package; and
 - (c) the whole or part of the outer package is transparent; and
 - (d) the measurement marking on each of the inner packages is clearly visible through the packaging of the outer package.

4.24 Inner and outer packages of single product

- (1) This regulation applies to a prepackage that consists of a product contained in a package (the *inner package*) that is contained in another package (the *outer package*).
- (2) A measurement marking need not be marked on the outer package if:
 - (a) the inner package is ordinarily sold only while it is in the outer package; and
 - (b) the whole or part of the outer package is transparent; and
 - (c) the measurement marking on the inner package is clearly visible through the packaging of the outer package.

4.25 Package containing products of different kinds or different measurements

- (1) This regulation:
 - (a) applies to a prepackage consisting of a package (the *outer package*) containing at least 2 products of which at least 1 is a prepackaged product; but
 - (b) does not apply if regulation 4.23 applies.
- (2) None of the products in the outer package is required to be marked with a measurement marking if:
 - (a) all of the products in the outer package are ordinarily sold only while in the outer package; and
 - (b) the outer package is marked in the same way as a measurement marking, with a description of each product in the outer package and a statement of its measurement.

Regulation 4.26

- (3) The provisions of regulation 4.10 relating to the position of a measurement marking do not apply to a marking mentioned in paragraph (2) (b) if:
- (a) the whole of the outer package is transparent; and
 - (b) all of the products in the outer package are clearly visible through the packaging of the outer package.

Subdivision 4 Other markings concerning measurement

4.26 Unit price marking — retail sales of particular foods by mass

- (1) This regulation applies to the following packaged products:
- (a) fruit, including fruit pieces but not including whole fruit that is priced according to number;
 - (b) dried or dehydrated fruit;
 - (c) dried or dehydrated mixed fruit;
 - (d) vegetables, including vegetable pieces but not including whole vegetables that are priced according to number;
 - (e) mushrooms;
 - (f) cheese or cheese products;
 - (g) dressed poultry that is not marked in terms of minimum mass in accordance with regulation 4.16;
 - (h) fish, including crustaceans;
 - (i) meat;
 - (j) smallgoods, including bacon, corned beef and ham.
- (2) If the product is sold, the package containing the product must, in addition to being marked with the measurement of the product, be marked with its total price and price per kilogram.
- (3) However, subregulation (2) does not apply if, for the sale:
- (a) the package is exposed in or on a receptacle on which or immediately adjacent to which the total price and price per kilogram of the product is displayed:
 - (i) in characters at least 10 mm high; and

Regulation 4.28

- (ii) where that price can be readily seen and easily read;
or
- (b) the package is exposed in a display of packages each of which marked:
 - (i) as containing the same product; and
 - (ii) with the same measurement of the product.

Example of display of packages mentioned in paragraph (b)

A display of packages each marked as containing a particular kind of cheese and marked with a measurement of 250 g.

- (4) The marking on a package required by this regulation must be made as if it were a measurement marking.
- (5) This regulation does not apply to a prepackaged product if:
 - (a) it is sold for resale; or
 - (b) the package containing the product is a rigid container.

Division 4.5 Prohibited expressions

4.27 Marking of “mass when packed”

A prepackage of fresh mushrooms or soap that is not a hermetically sealed prepackage may be marked:

- (a) “mass when packed”; or
- (b) with other words that have a similar meaning;

if it is marked in the same way, and as part of, the appropriate measurement marking.

4.28 Prohibition on use of “gross mass”

- (1) For Subdivision 2-B of Division 2 of Part VI of the Act:
 - (a) the expression “gross mass” is a prohibited expression; and
 - (b) an expression that has a similar meaning to the expression “gross mass” is a prohibited expression.
- (2) A package may be marked with the expression only:
 - (a) if the marking is permitted by a permit issued by the Secretary in accordance with section 18JX of the Act; or

Regulation 4.29

- (b) if:
 - (i) the package is used only for the purpose of transporting a product; and
 - (ii) the expression is immediately followed by the words “for transport purposes only” and a statement of the appropriate quantity; and
 - (iii) immediately below or following the expression the net mass is marked and designated as such or stated as a net amount in words that correspond to those used to express the gross amount.

4.29 Prohibited expressions

- (1) For Subdivision 2-B of Division 2 of Part VI of the Act, any expression that:
 - (a) is not a marking that is required or permitted by the Act; and
 - (b) directly or indirectly relates to, or qualifies, a measurement marked on the package;is a prohibited expression.
- (2) For Subdivision 2-B of Division 2 of Part VI of the Act, any expression that:
 - (a) directly or indirectly relates or refers to:
 - (i) the measurement of the product; or
 - (ii) any ingredient or component of the product; or
 - (iii) any ingredient or component of any source from which the product is derived; and
 - (b) cannot be tested for its truth by testing the product;is a prohibited expression.

Division 4.6 Desiccation

4.30 Definitions for Division 4.6

In this Division:

permissible actual deficiency means the deficiency in actual measurement that is permitted for the purposes of section 18JR of the Act.

permissible average deficiency means the deficiency in the average of the actual measurements of a number of prepackaged products of the same kind that is permitted for the purposes of section 18JR of the Act.

4.31 Permissible deficiency — prepacked fresh mushrooms

- (1) This regulation applies if a package containing prepacked fresh mushrooms is, in accordance with regulation 4.27, marked “mass when packed” or with other words that have a similar meaning.

Permissible actual deficiency

- (2) The permissible actual deficiency, if measured on the day on which the prepacked fresh mushrooms are packed, is a deficiency of 5%.
- (3) The permissible actual deficiency, if measured after the day on which the prepacked fresh mushrooms are packed, is 18%.

Permissible average deficiency

- (4) The permissible average deficiency, if measured on the day on which the prepacked fresh mushrooms are packed, is nil.
- (5) The permissible average deficiency, if measured after the day on which the prepacked fresh mushrooms are packed, is 13%.

Regulation 4.32

4.32 Permissible deficiency — prepacked soap

- (1) This regulation applies if a package containing prepacked soap is, in accordance with regulation 4.27, marked “mass when packed” or with other words that have a similar meaning.

Permissible actual deficiency — bar soap

- (2) For bar soap — the permissible actual deficiency, if measured after the day on which the bar soap is packed, is 21%.

Permissible average deficiency — bar soap

- (3) For bar soap — the permissible average deficiency, if measured after the day on which the bar soap is packed, is 16%.

Permissible actual deficiency — personal medicinal soap tablets

- (4) For personal medicinal soap tablets — the permissible actual deficiency, if measured after the day on which the soap tablets are packed, is 11%.

Permissible average deficiency — personal medicinal soap tablets

- (5) For personal medicinal soap tablets — the permissible average deficiency, if measured after the day on which the soap tablets are packed, is 6%.

Permissible actual deficiency — personal toilet soap tablets

- (6) For personal toilet soap tablets — the permissible actual deficiency, if measured after the day on which the soap tablets are packed, is 11%.

Regulation 4.32

Permissible average deficiency — personal toilet soap tablets

- (7) For personal toilet soap tablets — the permissible average deficiency, if measured after the day on which the soap tablets are packed, is 6%.

Permissible actual deficiency — soap flakes

- (8) For soap flakes — the permissible actual deficiency, if measured after the day on which the soap flakes is packed, is 10%.

Permissible average deficiency — soap flakes

- (9) For soap flakes — the permissible average deficiency, if measured after the day on which the soap flakes are packed, is 5%.

Permissible actual deficiency — soap powder other than detergent powder

- (10) For soap powder other than detergent powder — the permissible actual deficiency, if measured after the day on which the soap powder is packed, is 15%.

Permissible average deficiency — soap powder other than detergent powder

- (11) For soap powder other than detergent powder — the permissible average deficiency, if measured after the day on which the soap powder is packed, is 10%.

Regulation 4.33

Division 4.7 Shortfall

Subdivision 1 Provisions applying for package lots of 100 or more — the average quantity system

4.33 Definitions for Subdivision 1

In this Subdivision:

inadequate package means a package containing a prepackaged product with a deficiency greater than the tolerable deficiency for the package.

lot of packages means:

- (a) a collection of prepackaged products that are:
 - (i) produced or imported at the same time; and
 - (ii) available for inspection at the same time and place; and
 - (iii) of the same kind, area, length, mass, volume or number; or
- (b) if it is not possible for an inspector to determine a single production time for prepackaged products — a collection of prepackaged products that are selected by the inspector for the purposes of this Subdivision.

tolerable deficiency means the tolerable deficiency worked out under subregulation 4.36 (4).

Regulation 4.35

4.34 AQS thresholds

For paragraph 20 (1) (q) of the Act, the following table explains the AQS thresholds for inspection lots for the purposes of Subdivision 3-C of Division 3 of Part VI of the Act:

Item	If the inspection lot size is ...	the sample size is ...	and the sample correction factor of $(t_{1-\alpha}) \times \frac{1}{\sqrt{n}}$ is ...	and the number of prepackages in a sample allowed to exceed the tolerable deficiency is ...
1	At least 100 and not more than 500 prepackages	50 packages	0.379	3
2	At least 501 and not more than 3 200 prepackages	80 packages	0.295	5
3	At least 3 201 prepackages	125 packages	0.234	7

where:

$t_{1-\alpha}$ is the one-sided significance level of 99.5% derived from a Student's t distribution.

Note A *Student's t distribution* is a statistical term.

n is the number of packages in the sample.

4.35 Sampling procedures

- (1) For paragraph 20 (1) (r) of the Act, this regulation explains AQS sampling procedures for the purposes of Subdivision 3-C of Division 3 of Part VI of the Act.
- (2) A sample must be selected from a lot of packages at random in accordance with generally accepted statistical sampling practice.
- (3) If the sample selected from a lot of packages produced on a production line is collected from the production line, the size of the batch from which the sample is collected must be equal to the maximum hourly output of the production line.

Regulation 4.36

- (4) If the sample selected from a lot of packages produced on a production line with a maximum hourly output of more than 10 000 packages is not collected from the production line, the size of the batch from which the sample is collected must be equal to the maximum hourly output of the production line.
- (5) If the sample selected from a lot of packages produced on a production line with a maximum hourly output of not more than 10 000 packages is not collected from the production line, the size of the batch from which the sample is collected must not be more than 10 000 packages.

4.36 Test procedures

- (1) For paragraph 20 (1) (s) of the Act, this regulation explains AQS test procedures for the purposes of Subdivision 3-C of Division 3 of Part VI of the Act.
- (2) Identify the inspection lot using regulation 4.35.
- (3) Determine a sample size that is appropriate for the inspection lot using column 2 of the table in regulation 4.34.
- (4) Determine the tolerable deficiency (*T*) appropriate for the nominal quantity of the prepackages using the following table.

Nominal quantity of product (<i>Q_n</i>) in g or mL	Tolerable deficiency (<i>T</i>) ^a	
	Percent of <i>Q_n</i>	g or mL
0 to 50	9	–
50 to 100	–	4.5
100 to 200	4.5	–
200 to 300	–	9
300 to 500	3	–
500 to 1 000	–	15
1 000 to 10 000	1.5	–
10 000 to 15 000	–	150
15 000 to 50 000	1	–

^a *T* values are to be rounded up to the next 1/10 of a g or mL for *Q_n* ≤ 1 000 g or mL and to the next whole g or mL for *Q_n* > 1 000 g or mL

Regulation 4.36

Nominal quantity of product (Q_n) in length	Percent of (Q_n)
$Q_n \leq 5$ m	No tolerable deficiency allowed
$Q_n > 5$ m	2

Nominal quantity of product (Q_n) in area	Percent of (Q_n)
All Q_n	3

Nominal quantity of product (Q_n) in count	Percent of (Q_n)
$Q_n \leq 50$ items	No tolerable deficiency allowed
$Q_n > 50$ items	1 ^b

^b Compute the value of T by multiplying the nominal quantity by 1 % and rounding the result up to the next whole number. The value may be larger than 1 % due to the rounding but this is accepted because the products are whole items and cannot be divided.

- (5) Determine the number of prepackages allowed to exceed the tolerable deficiency using column 5 of the table in regulation 4.34.
- (6) For gravimetric determinations:
 - (a) randomly select an initial tare sample of 10 or more packing materials (for example, from the sample taken from an inspection lot or from a lot of packing materials at the point-of-pack); and
 - (b) measure the weight of each packing material.
- (7) Determine the average tare weight and the sample standard deviation of the initial tare sample.
- (8) For each sample selected, determine the actual quantity of the product and subtract from it the nominal quantity (Q_n) of product to calculate the individual prepackage error.

Regulation 4.37

4.37 Weighted average quantity

The weighted average quantity of the packages in a sample is worked out using the formula:

$$x + (s \times c)$$

where:

x is the sample mean.

s is the standard deviation of the sample.

c is the sample correction factor in column 4 of the table in regulation 4.34.

4.38 Test failure

- (1) For paragraph 20 (1) (t) of the Act, this regulation prescribes circumstances in which a group of prepackages is taken to have failed testing in accordance with AQS test procedures
- (2) A circumstance is that the weighted average quantity of product in the sample of prepackages is less than the nominal quantity.
- (3) A circumstance is that the sample includes more inadequate prepackages, containing a quantity of product less than $Q_n - T$, than is permitted in column 5 of the table in regulation 4.34.

Note This is also known as a *T1* error.

An inadequate prepackage that is found to contain an actual quantity less than the nominal quantity minus the tolerable deficiency for the nominal quantity has a *T1* error.

- (4) A circumstance is that 1 or more inadequate prepackages in the sample contains a quantity of product less than $Q_n - T2$, where $T2$ is equal to $2 \times T$.

Note 1 This is also known as a *T2* error.

An inadequate prepackage that is found to contain an actual quantity less than the nominal quantity minus twice the tolerable deficiency for the nominal quantity has a *T2* error.

Note 2 The effect of this regulation is that an inspection lot:

- (a) will be accepted if none of the circumstances exists; and
- (b) will be rejected if 1 or more of the circumstances exists.

Subdivision 2 Packages not marked with an AQS Mark

4.39 Sampling procedures

- (1) For paragraph 20 (1) (u) of the Act, this regulation prescribes a national sampling procedure for packages for the purposes of Subdivision 4-B of Division 4 of Part VI of the Act.
- (2) Each of the packages measured must:
 - (a) be of the same kind; and
 - (b) have the same measurement marking; and
 - (c) be selected by an inspector without having been measured by an inspector.

4.40 National group test procedures

- (1) For paragraph 20 (1) (v) of the Act, this regulation prescribes a national group test procedure for prepackages for the purposes of Subdivision 4-B of Division 4 of Part VI of the Act.
- (2) An inspector must determine the quantity of the content of each sampled prepackage in accordance with the relevant National Instrument Test Procedure.

Note The latest edition of the National Instrument Test Procedures is available on the Internet at <http://www.nmi.gov.au>.

4.41 National single article test procedures

- (1) For paragraph 20 (1) (w) of the Act, this regulation prescribes a national single article test procedure for a prepackage for the purposes of Subdivision 4-B of Division 4 of Part VI of the Act.
- (2) An inspector must determine the quantity of the content of the prepackage.

4.42 National test thresholds

- (1) For paragraph 20 (1) (x) of the Act, this regulation prescribes national test thresholds for packages for the purposes of Subdivision 4-B of Division 4 of Part VI of the Act.

Regulation 4.43

- (2) The number of like packages sampled must be at least 12.
- (3) However:
 - (a) if fewer than 6 packages have been packed in a production run, each package must be treated as a single article; and
 - (b) if more than 6 packages but fewer than 12 packages are available, the number of like packages sampled must be as many as are available, but at least 6.
- (4) If more than 12 packages are available, an inspector must determine the number to be tested.

4.43 Test failure circumstances — groups

- (1) For paragraph 20 (1) (y) of the Act, this regulation prescribes circumstances in which a group of packages is taken to have failed testing in accordance with national group test procedures.
- (2) A circumstance is that the average of the actual quantity contained in the packages sampled is less than the nominal quantity.
- (3) A circumstance is that the deficiency of any one of the sampled packages is greater than 5%.

4.44 Test failure circumstances — single article

- (1) For paragraph 20 (1) (z) of the Act, this regulation prescribes circumstances in which a package is taken to have failed testing in accordance with national single article test procedures.
- (2) A circumstance is that:
 - (a) the package is measured; and
 - (b) the actual quantity is less than the nominal quantity.

Division 4.8 Miscellaneous

4.45 Measuring mass of frozen fish

- (1) This regulation applies to prepacked frozen fish that has surface ice on any part of the fish.
- (2) For the purposes of the Act, the mass of prepacked 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 subregulation (3);
or
 - (ii) if the fish exceeds the capacity of the sieve, complete the steps mentioned in subregulation (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.

Regulation 4.45

- (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 subregulation; and
 - (b) for fish in a lot that has surface ice on it, complete the steps mentioned in paragraphs (3) (a) to (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) If the fish does not exceed the capacity of the sieve, the mass of the fish is the mass as worked out under paragraph (3) (g).
- (6) If the fish exceeds the capacity of the sieve, the mass of the fish is the mass as worked out under paragraph (4) (d).
- (7) In this regulation:
- fish:**
- (a) means all or part of, or any number of, or any combination of, any cold-blooded aquatic vertebrate or invertebrate; and
 - (b) includes shellfish; and
 - (c) does not include 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 500 g — 200 mm; or
 - (ii) if the measurement marking on the package is more than 500 g — 300 mm; and
 - (b) with a mesh aperture size of 2.36 mm; and

Regulation 4.46

- (c) that complies with the requirements for wirecloth sieves in:
 - (i) Australian Standard AS 1152-1993: Specification for test sieves; or
 - (ii) International Standard ISO 3310-1:2000 (E): Test sieves — Technical requirements and testing.

4.46 Application for permit to sell certain articles

An application for a permit under section 18JX of the Act for the sale of an article must:

- (a) be made to the Secretary in writing signed by or on behalf of the applicant; and
- (b) specify the grounds that are relied on by the applicant; and
- (c) give particulars of the facts justifying reliance on the grounds.

Regulation 5.1

Part 5 Miscellaneous**5.1 Beer, spirits etc must be sold by reference to volume**

- (1) For a sale of each of the following items, the item must be sold at a price determined by reference to volume:
 - (a) beer;
 - (b) stout;
 - (c) ale;
 - (d) brandy (including armagnac and cognac);
 - (e) gin;
 - (f) rum;
 - (g) vodka;
 - (h) whisky (including whiskey).
- (2) In this regulation:
sale means retail sale.

5.2 Sale of article at price determined by reference to measurement

- (1) Subject to subregulation (3), if an article is advertised, offered or exposed for sale at a price determined by reference to measurement, the measurement referred to in the price must be:
 - (a) if the price of the article is determined by reference to mass:
 - (i) 1 kilogram; or
 - (ii) 1 kilogram, with another reference to a whole number of kilograms; or
 - (iii) a whole number of tonnes; or
 - (iv) for an item that is a precious metal — 1 gram or 1 troy ounce; or
 - (b) if the price of the article is determined by reference to volume:
 - (i) 1 litre; or

Regulation 5.2

- (ii) 1 litre, with another reference to a whole number of litres; or
 - (iii) a whole number of cubic metres; or
 - (iv) for LPG — the volume of the LPG as measured by the amount in litres that the LPG occupies, or would occupy, at a temperature of 15 degrees Celsius at equilibrium vapour pressure; or
- (c) if the price of the article is determined by reference to linear measurement:
- (i) 1 centimetre; or
 - (ii) 1 metre; or
 - (iii) 1 metre, with another reference to a whole number of metres; or
- (d) if the price of the article is determined by reference to superficial measurement:
- (i) 1 square centimetre; or
 - (ii) 1 square metre; or
 - (iii) 1 square metre, with another reference to a whole number of square metres.

Note 1 An example of a measurement mentioned in paragraph (a) (ii) is 1 kilogram for \$10 and 3 kilograms for \$25.

Note 2 An example of a measurement mentioned in paragraph (b) (ii) is 1 litre for \$10 and 3 litres for \$25.

Note 3 An example of a measurement mentioned in paragraph (c) (iii) is 1 metre for \$10 and 3 metres for \$25.

Note 4 An example of a measurement mentioned in paragraph (d) (iii) is 1 square metre for \$10 and 3 square metres for \$25.

- (2) A person who engages in conduct that contravenes paragraph (1) (a), (b), (c) or (d) commits an offence.

Penalty: 20 penalty units.

- (3) An offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

- (4) Subregulation (1) does not apply to:
- (a) a prepacked article; or

Regulation 5.2

- (b) diamonds; or
 - (c) precious stones; or
 - (d) a domestic LPG cylinder that weighs no more than 30 kilograms when filled.
- (5) The length, width, thickness, diameter or other linear measure of each article mentioned in the following table must be advertised, offered or exposed for sale by the millimetre, centimetre or metre.

Item	Article
1	Carpets
2	Ceramic tiles
3	Chain
4	Cord
5	Cordage
6	Electrical cable
7	Electrical flex
8	Floor coverings
9	Hardboard
10	Particle board
11	Plastic mouldings
12	Plywood
13	Resin laminates
14	Rope
15	Rubber materials
16	Rubber mouldings
17	Sheet glass
18	Textile products, not including ready-made clothing
19	Textiles
20	Timber
21	Veneers
22	Wire netting

Regulation 5.4

(6) In this regulation:

measurement means:

- (a) mass; or
- (b) volume; or
- (c) linear measurement; or
- (d) superficial measurement.

sale means:

- (a) retail sale; or
- (b) wholesale sale.

5.3 Sale of fuel at price determined by reference to measurement by volume

(1) Unless regulation 5.4 applies, if a person advertises, offers or exposes fuel for sale at a price determined by reference to the volume of the fuel, the volume referred to in the price must be the volume of the fuel, as measured by the amount in litres that the fuel occupies, or would occupy, at a temperature of 15 degrees Celsius.

(2) In this Regulation:

fuel means petrol or diesel fuel that a person would consider, on reasonable grounds, is ultimately intended for automotive consumption.

(3) A person who engages in conduct that contravenes subregulation (1) commits an offence.

Penalty: 20 penalty units.

(4) The offence mentioned in subregulation (2) is an offence of strict liability.

Note For strict liability, see section 6.1 of the *Criminal Code*.

5.4 Regulation 5.3 does not apply to certain sales of fuel

(1) Regulation 5.3 does not apply to a retail sale of fuel.

Regulation 5.4

- (2) Regulation 5.3 does not apply to a wholesale sale of fuel, if:
- (a) the sale of the fuel takes place immediately before, or at the same time as, a retail sale of the fuel; and
 - (b) the volume of the fuel measured for the wholesale sale is the same as the volume of the fuel measured for the retail sale.
- (3) Regulation 5.3 does not apply to a wholesale sale of fuel if, before the wholesale sale, the fuel:
- (a) is moved, in any way, from a primary storage facility to a fixed storage facility in another location; and
 - (b) is unloaded into the fixed storage facility for either of the following purposes:
 - (i) further distribution;
 - (ii) further sale and distribution; and
 - (c) for the movement of the fuel mentioned in paragraph (a), the fuel is measured by reference to the volume of the fuel as measured by the amount in litres that the fuel occupies, or would occupy, at a temperature of 15 degrees Celsius.
- (4) Regulation 5.3 does not apply to a wholesale sale of fuel if:
- (a) before the wholesale sale, the fuel is moved, in any way, from a primary storage facility to a fixed storage facility in another location; and
 - (b) before the wholesale sale, the fuel is unloaded into the fixed storage facility for either of the following purposes:
 - (i) further distribution;
 - (ii) further sale and distribution; and
 - (c) before the wholesale sale and after the fuel is moved from the primary storage facility, the fuel is not the subject of another sale.
- (5) In this regulation:
- business entity*** means an entity that operates a business other than a fuel business.
- cooperative entity*** includes an entity that is a buying group for the members of the entity.

Regulation 5.4

diesel fuel means any fuel commonly known as:

- (a) automotive diesel fuel; or
- (b) automotive diesel oil; or
- (c) diesel; or
- (d) diesel oil; or
- (e) distillate.

fixed storage facility means a facility, other than a primary storage facility:

- (a) at which fuel is unloaded for either of the following purposes:
 - (i) further distribution;
 - (ii) further sale and distribution; and
- (b) from which fuel is reloaded for either of the following purposes:
 - (i) further distribution;
 - (ii) further sale and distribution.

fuel means petrol or diesel fuel that a person would consider, on reasonable grounds, is ultimately intended for automotive consumption.

primary storage facility means:

- (a) an oil refinery; or
- (b) a shipping facility; or
- (c) a facility connected by product transfer pipeline to an oil refinery or a shipping facility; or
- (d) a facility connected by product transfer pipeline to a facility mentioned in paragraph (c).

retail sale, of fuel, means a sale to any of the following:

- (a) an entity that purchases the fuel to be used only for its own consumption;
- (b) a business entity that purchases the fuel to be used only for either or both of the following purposes:
 - (i) its own consumption;
 - (ii) resale of the fuel to a staff member or contractor of the business entity for consumption of the staff member or contractor who purchases the fuel.

Regulation 5.5

- (c) a cooperative entity that purchases the fuel to be used only for resale of the fuel to its members for consumption by the members who purchase the fuel.

shipping facility means a facility at which fuel may be supplied by ship.

5.5 Fees for general applications

For subsection 20 (2) of the Act, the fee for an application of a kind mentioned in an item of the following table is the fee specified in the item.

Item	Application	Fee
1	Application to amend a licence to change the name of the licensee or the licensee's business (not being an application to which section 18NJ or 18NI of the Act applies)	\$125
2	Application to amend a licence to change the name of a director of the licensee	\$125
3	Application for supply of a duplicate copy of a licence	\$50
4	Application for supply of: <ul style="list-style-type: none"> (a) a verification book; or (b) a non verification book 	\$50 for each book of 50 forms
5	Application to have a criminal history check conducted for the purposes of an application for a licence	\$50

Schedule 1 Maximum permissible errors

(regulation 1.4, definition of *maximum permissible error*)

Part 1 Interpretation

In this Schedule:

verification includes reverification.

Part 2 Material measures

Division 1 Length

Table 1 Measures of Length

Item	Lengths	Maximum permissible error from zero to any scale mark for verification or in-service inspection
1	Not more than 500 mm	±0.5 mm
2	More than 500 mm but not more than 2 m	±1 mm
3	More than 2 m but not more than 100 m	±0.05%

Division 2 Weight

Table 2 Non-ferrous weights marked 'A'

Item	Denomination	Maximum permissible error (mg)		
		Verification	In-service inspection	
			Deficiency	Excess
1	1 mg	+0.1	-0.05	+0.1
2	2 mg	+0.2	-0.1	+0.2
3	5 mg	+0.3	-0.15	+0.3
4	10 mg	+0.4	-0.2	+0.4
5	20 mg	+0.6	-0.3	+0.6
6	50 mg	+0.9	-0.45	+0.9

Item	Denomination	Maximum permissible error (mg)		
		Verification	In-service inspection	
			Deficiency	Excess
7	100 mg	+1.3	-0.65	+1.3
8	200 mg	+2	-1	+2
9	500 mg	+3	-1.5	+3
10	1 g	+4	-2	+4
11	2 g	+5.5	-2.75	+5.5
12	5 g	+9	-4.5	+9
13	10 g	+12.5	-6.25	+12.5
14	20 g	+18	-9	+18
15	50 g	+28	-14	+28
16	100 g	+40	-20	+40
17	200 g	+60	-30	+60
18	500 g	+90	-45	+90
19	1 kg	+130	-65	+130
20	2 kg	+220	-110	+220
21	5 kg	+280	-140	+280
22	10 kg	+400	-200	+400
23	20 kg	+560	-280	+560

Table 3 Non-ferrous weights not marked 'A'

Item	Denomination	Maximum permissible error (mg)		
		Verification	In-service inspection	
			Deficiency	Excess
1	1 g	+60	-30	+60
2	2 g	+60	-30	+60
3	5 g	+60	-30	+60
4	10 g	+120	-60	+120
5	20 g	+120	-60	+120

Item	Denomination	Maximum permissible error (mg)		
		Verification	In-service inspection	
			Deficiency	Excess
6	50 g	+120	-60	+120
7	100 g	+120	-60	+120
8	200 g	+170	-85	+170
9	500 g	+270	-135	+270
10	1 kg	+380	-190	+380
11	2 kg	+650	-325	+650
12	5 kg	+850	-425	+850
13	10 kg	+1 200	-600	+1 200
14	20 kg	+1 700	-850	+1 700

Table 4 Iron Weights

Item	Denomination	Maximum permissible error (mg)		
		Verification	In-service inspection	
			Deficiency	Excess
1	100 g	+240	-120	+240
2	200 g	+340	-170	+340
3	500 g	+540	-270	+540
4	1 kg	+760	-380	+760
5	2 kg	+1 300	-650	+1 300
6	5 kg	+1 700	-850	+1 700
7	10 kg	+2 400	-1 200	+2 400
8	20 kg	+3 400	-1 700	+3 400

Table 5 Metric carat weights

Item	Denomination (CM)	Maximum permissible error (mg)		
		Verification	In-service inspection	
			Deficiency	Excess
1	0.005	+0.1	-0.05	+0.1
2	0.01	+0.1	-0.05	+0.1
3	0.02	+0.1	-0.05	+0.1
4	0.05	+0.1	-0.05	+0.1
5	0.1	+0.1	-0.05	+0.1
6	0.2	+0.15	-0.075	+0.15
7	0.5	+0.2	-0.1	+0.2
8	1	+0.2	-0.1	+0.2
9	2	+0.3	-0.15	+0.3
10	5	+0.5	-0.25	+0.5
11	10	+0.7	-0.35	+0.7
12	20	+1	-0.5	+1
13	50	+2	-1	+2
14	100	+2	-1	+2
15	200	+3	-1.5	+3
16	500	+5	-2.5	+5

Division 3 Volume

Table 6 Conical measures

Item	Capacity (L)	Maximum permissible error (mL)	
		Verification	In-service inspection
1	0.5	+5	±5
2	1	+6	±6
3	2	+10	±10
4	4	+15	±15
5	5	+20	±20

Item	Capacity (L)	Maximum permissible error (mL)	
		Verification	In-service inspection
6	10	+30	±30
7	20	+45	±45

Table 7 Cylindrical line measures

Item	Capacity (L)	Maximum permissible error (mL)		
		Verification	In-service inspection	
			Glass measures	Metal measures
1	0.5	±5	±5	±10
2	1	±10	±10	±20
3	2	±15	±15	±30
4	5	±30	±30	±60
5	10	±45	±45	±90
6	20	±70	±70	±140

Table 8 Cylindrical brim measures made of glass or metal for alcoholic liquor

Item	Capacity (mL)	Maximum permissible error (mL)			
		Verification	In-service inspection		
			Glass measures		Metal measures
			Deficiency	Excess	
1	15	+1	0	+1	±1
2	30	+2	0	+2	±2
3	60	+3.5	0	+3.5	±3.5

Table 9 Cylindrical line measures made of metal for special purposes

Item	Capacity (L)	Purpose	Maximum permissible error (mL)	
			Verification	In-service inspection
1	12	Ice cream	±50	±100
2	45	Milk	±150	±300

Table 10 Portable measures for potable liquids — line measures

Item	Type	Maximum permissible error (mL)		
		Verification	In-service inspection	
			Glass measures	Metal measures
1	Line measure	±3%	±3%	±6 %

Table 11 Portable measures for potable liquids — brim measures

Item	Type	Maximum permissible error (mL)			
		Verification	In-service inspection		Metal measures
			Glass measures		
Deficiency	Excess				
1	Brim measure	+6%	0	+6%	±6 %

Division 4 Dispensing measures including pharmaceutical measures

Table 12 Conical dispensing measures

Item	Scale mark (mL)	Maximum permissible error at each scale mark (mL) for verification or in-service inspection
1	1	±0.08
2	2	±0.12
3	3	±0.16
4	4	±0.20
5	5	±0.25
6	6, 7, 8	±0.3
7	9	±0.4
8	10	±0.4
9	15	±0.5
10	20	±0.6
11	30	±0.8
12	40, 50	±1.0
13	60, 70, 80, 90	±1.5

Item	Scale mark (mL)	Maximum permissible error at each scale mark (mL) for verification or in-service inspection
14	100, 120, 140	± 2.0
15	160, 180, 200	± 3.0

Table 13 Beaker dispensing measures

Item	Capacity (mL)	Maximum permissible error at each scale mark on a particular measure (mL) for verification or in-service inspection
1	500	± 5
2	1 000	± 7

Table 14 Lubricating oil measures

Item	Capacity (L)	Maximum permissible error (mL) for verification or in-service inspection
1	0.5	+20
2	1	+30

Table 15 Graduated measuring cylinders

Item	Capacity (mL)	Maximum permissible error at each scale mark on a particular measure (mL) for verification or in-service inspection
1	5	± 0.1
2	10	± 0.2
3	25	± 0.5
4	50	± 1
5	100	± 1
6	250	± 2
7	500	± 5
8	1 000	± 10
9	2 000	± 20

Part 3 Measuring instruments

Division 1 Length-measuring instruments

Table 1 Length-measuring instruments

Item	Type of indication	Maximum permissible error	
		Verification	In-service inspection
1	Analog	$\pm 0.5\%$	$\pm 1\%$
2	Digital	$\pm 0.5\% + 0.5$ scale interval	$\pm 1\% + 0.5$ scale interval

Division 2 Area-measuring instruments

Single-measurement error — instruments with analog indication

Table 2 Instruments with analog indication

Item	Area of template(s) (dm ²)	Maximum permissible error (dm ²)	
		Verification	In-service inspection
1	Not exceeding 25	± 0.5	± 1.0
2	Exceeding 25	$\pm(0.5 + 1 \text{ dm}^2 \text{ for each additional } 50 \text{ dm}^2 \text{ or part})$	$\pm(1 + 2 \text{ dm}^2 \text{ for each additional } 50 \text{ dm}^2 \text{ or part})$

Single-measurement error — instruments with digital indication

- For instruments with digital indication add 0.5 scale interval to the maximum permissible error for an analog instrument.

Mean error

- On analog and digital instruments the mean of 20 measurements must not differ from the denominated value of the template by more than half the maximum permissible error mentioned in table 2.

Note The test templates for measuring instruments with digital indication must have values that are an integral number of square decimetres.

Division 3 Farm milk tanks

The maximum permissible error for all scale marks on the dipsticks for verification and in-service inspection is ± 1 scale interval.

Table 3 Farm milk tanks

Item	Maximum capacity (L)	Maximum scale interval (L)
1	$\leq 1\ 000$	2
2	$1\ 000 \leq 2\ 500$	5
3	$2\ 500 \leq 5\ 000$	10
4	$5\ 000 \leq 10\ 000$	20
5	$10\ 000 \leq 25\ 000$	50

Division 4 Vehicle tanks

Tanks used only for sullage

- 1 The maximum permissible error for verification or in-service inspection for each scale mark on a sight tube is ± 0.5 scale interval.

Vehicle tanks except for sullage

- 2 The maximum permissible error applicable to a vehicle tank for verification or in-service inspection is:
 - (a) for a tank with a capacity mark — $\pm 0.2\%$ of the indicated volume; and
 - (b) for a tank with a dipstick — ± 0.5 scale interval for each scale mark on the dipstick.

Division 5 Liquid-measuring systems

Accuracy classes

- 1 Liquid-measuring systems are classified into 5 accuracy classes as set out in table 4.

Table 4 Liquid-measuring systems — Accuracy classes

Item	Accuracy class	Field of application
1	0.3	Measuring systems on pipeline
2	0.5	All measuring systems if not differently stated elsewhere in this table, in particular: <ul style="list-style-type: none"> (a) fuel dispensers for motor vehicles (except LPG dispensers); and (b) measuring systems on road tankers for liquids of low viscosity; and (c) measuring systems for the unloading of ships' tanks and rail and road tankers; and (d) measuring systems for milk; and (e) measuring systems for loading ships; and (f) measuring systems for refuelling aircraft
3	1.0	Measuring systems (except LPG dispensers) for liquefied gases under pressure measured at a temperature equal to or above -10°C LPG dispensers for motor vehicles Measuring systems normally in class 0.3 or 0.5 but used for liquids: <ul style="list-style-type: none"> (a) the temperature of which is less than -10°C or greater than 50°C; or (b) the dynamic viscosity of which is higher than 1 000 mPa.s; or (c) the maximum volumetric flow rate of which is not higher than 20 L/h
4	1.5	Measuring systems for liquefied carbon dioxide Measuring systems (except LPG dispensers) for liquefied gases under pressure measured at a temperature below -10°C
5	2.5	Measuring systems for liquids at a temperature below -153°C

Maximum permissible errors

- 2 For volumes equal to or greater than 2 L, and subject to clauses 4 and 5, the maximum permissible error on volume indications are set out in table 5.

Table 5 Volumes equal to or greater than 2 L

Item	Accuracy class	Maximum permissible error		
		Verification or in-service inspection excluding conversion device	A	Conversion device
1	0.3	±0.2%	±0.3%	±0.1%
2	0.5	±0.3%	±0.5%	±0.2%
3	1.0	±0.6%	±1.0%	±0.4%
4	1.5	±1.0%	±1.5%	±0.5%
5	2.5	±1.5%	±2.5%	±1.0%

- 3 For volumes less than 2 L, and subject to clauses 4 and 5, the maximum permissible errors, positive or negative, on volume indications are set out in table 6.

Table 6 Volumes less than 2 L

Item	Measured quantity	Maximum permissible errors
1	≥ 1 L < 2 L	Value fixed in table 5, applied to 2 L
2	≥ 0.4 L < 1 L	2 × the value fixed in table 5
3	≥ 0.2 L < 0.4 L	2 × the value fixed in table 5, applied to 0.4 L
4	≥ 0.1 L < 0.2 L	4 × the value fixed in table 5
5	< 0.1 L	4 × the value fixed in table 5, applied to 0.1 L

- 4 However, whatever the measured quantity may be, the magnitude of the maximum permissible error is the greater of the following 2 values:
- (a) the absolute value of the maximum permissible error in table 5 or table 6;
 - (b) the minimum specified volume deviation under clause 5.

- 5 For minimum measured quantities equal to or greater than 2 L, the minimum specified volume deviation (E_{min}) is calculated using the formula:

$$E_{min} = 2 \times V_{min} \times \frac{A}{100}$$

where:

V_{min} is the minimum measured quantity.

A is the maximum permissible error specified in the column headed 'A' of table 5 for the accuracy class of the measuring system.

- 6 For minimum measured quantities less than 2 L, the minimum specified volume deviation is twice the value set out in table 6 and related to the column headed 'A' in table 5.

Note The minimum specified volume deviation is an absolute maximum permissible error.

Accuracy of associated measuring instruments

- 7 Associated measuring instruments must exhibit an accuracy at least as good as the values set out in tables 7A, 7B and 7C for the accuracy class of the measuring system.

Table 7A Associated measuring instruments — temperature

Item	Accuracy classes of the measuring system	Maximum permissible error on measuring temperature
1	0.3	±0.3°C
2	0.5, 1.0 and 1.5	±0.5°C
3	2.5	±1°C

Table 7B Associated measuring instruments — pressure

Item	Accuracy classes of the measuring system	Maximum permissible error on measuring pressure
1	0.3, 0.5, 1.0, 1.5 and 2.5	Less than 1 MPa: ±50 kPa Between 1 and 4 MPa: ±5% More than 4 MPa: ±200 kPa

Table 7C Associated measuring instruments — Density

Item	Accuracy classes of the measuring system	Maximum permissible error on measuring density
1	0.3, 0.5, 1.0, 1.5 and 2.5	$\pm 10 \text{ kg/m}^3$

Price computing devices

- 8 The price indicated must equal the price calculated for the volume and unit price indicated within the following maximum permissible errors as set out in table 8.

Table 8 Price computing devices

Item	Scale interval	Maximum permissible error for verification and in-service inspection
1	1 cent	± 0.5 cent
2	2 cents	± 1.0 cent
3	5 cents	± 2.5 cents
4	10 cents	± 5.0 cents

Beverage dispensers

Table 9 Beverage dispensers for alcoholic liquor

Item	Capacity (mL)	Maximum permissible error (mL)		
		Verification	In-service inspection	
			Deficiency	Excess
1	10	± 0.5 mL	-0.5 mL	+1.0 mL
2	15	± 0.6 mL	-0.6 mL	+1.2 mL
3	30	± 1.0 mL	-1.0 mL	+2.0 mL
4	60–100	± 1.5 mL	-1.5 mL	+3.0 mL
5	> 100	$\pm 1.5\%$ of quantity dispensed	-1.5% of quantity dispensed	+3.0% of quantity dispensed

Division 6 Weighing instruments

Class 1, 2, 3 or 4 non-automatic instruments

- 1 The maximum permissible errors for increasing and decreasing loads, expressed in terms of verification scale interval (e), with an instrument adjusted to zero with $\pm 0.25 e$ at no load, are set out in table 10.

Table 10 Class 1, 2, 3 or 4 non-automatic instruments

Item	Load				Maximum permissible error for verification and in-service inspection
	Class 1	Class 2	Class 3	Class 4	
1	$0 < m \leq 50\,000 e$	$0 < m \leq 5\,000 e$	$0 < m \leq 500 e$	$0 < m \leq 50 e$	$\pm 0.5 e$
2	$> 50\,000 e \leq 200\,000 e$	$> 5\,000 e \leq 20\,000 e$	$> 500 e \leq 2\,000 e$	$> 50 e, \leq 200 e$	$\pm 1 e$
3	$> 200\,000 e$	$> 20\,000 e$	$> 2\,000 e$	$> 200 e$	$\pm 1.5 e$

where e is the verification scale interval.

- 2 For digital indication or printing, a permissible error does not include the positive or negative error arising from rounding up or down to the nearest whole number of scale intervals.

Unclassified even-arms scales

Table 11 Unclassified even-arm scales

Item	Capacity	Maximum permissible error for verification and in-service inspection			
		Balances	Beam scales		Counter scales
			Class B	Class C	
1	5 g	± 4 mg	± 10 mg	-	-
2	25 g	± 6 mg	± 15 mg	± 60 mg	-
3	50 g	-	± 20 mg	-	-

Item	Capacity	Maximum permissible error for verification and in-service inspection			
		Balances	Beam scales		Counter scales
			Class B	Class C	
4	100 g	-	±30 mg	-	-
5	250 g	-	±60 mg	±240 mg	-
6	500 g	±12 mg	±100 mg	±400 mg	±1.5 g
7	1 kg	-	±150 mg	±600 mg	±2.5 g
8	2 kg	-	±250 mg	±1 g	±3.5 g
9	5 kg	±70 mg	±500 mg	±2 g	±6 g
10	10 kg	-	±1 g	±4 g	±8 g
11	15 kg	-	±1.5 g	±6 g	±10 g
12	25 kg	±120 mg	±2.5 g	±10 g	±15 g
13	50 kg	-	±4.5 g	±20 g	±25 g

- 3 The maximum permissible error for even-arm scales must be half the amount specified in table 11 for loads not more than half capacity and the whole amount specified for loads more than half to maximum capacity.

Other unclassified instruments

- 4 The maximum permissible errors for self-indicating weighing instruments and graduated non-self-indicating weighing instruments, with an instrument adjusted to zero within ±0.25 scale interval at no load must be:
- (a) ±0.5 scale interval for the first 500 scale intervals; and
 - (b) ±1 scale interval for more than 500 but not more than 2 000 scale intervals; and
 - (c) ±1.5 scale intervals for more than 2 000 scale intervals.

Belt weighers

Table 12 Belt weighers

Item	Class	Maximum permissible error for or verification	Maximum permissible error for in-service inspection
1	0.5	±0.25%	±0.5%
2	1.0	±0.5%	±1.0%
3	2.0	±1.0%	±2.0%

Catch weighers

- 5 The maximum permissible error for any load equal to or greater than the minimum capacity and equal to or less than the maximum capacity in automatic operation is set out in table 13.

Table 13 Automatic catch weighing instruments

Item	Load (<i>m</i>) expressed in verification scale intervals (e)		Maximum permissible error for class Y (a) or Y (b) instruments — verification or in-service inspection
	Class Y (a)	Class Y (b)	
1	0 < <i>m</i> ≤ 500	0 < <i>m</i> ≤ 50	±1.5 e
2	500 < <i>m</i> ≤ 2 000	50 < <i>m</i> ≤ 200	±2 e
3	2 000 < <i>m</i> ≤ 10 000	200 < <i>m</i> ≤ 1 000	±2.5 e

Division 7 Automatic rail-weighbridges

Accuracy classes

- 1 Automatic rail-weighbridges are divided into the following 4 accuracy classes:
- (a) 0.2;
 - (b) 0.5;
 - (c) 1;
 - (d) 2.
- 2 An instrument may be in an accuracy class for wagon weighing that is different from that for train weighing.

Maximum permissible errors — weighing in motion

Table 14 Maximum permissible errors for weighing in motion

Item	Accuracy class	Percentage of weight of single wagon or total train, as appropriate	
		Verification	In-service inspection
1	0.2	±0.10%	±0.2%
2	0.5	±0.25%	±0.5%
3	1	±0.50%	±1.0%
4	2	±1.00%	±2.0%

Wagon weighing

- 3 The maximum permissible error for coupled or uncoupled wagon weighing is the greatest of the following values:
- the value calculated according to table 14, rounded to the nearest scale interval d ;
 - the value calculated according to table 14, rounded to the nearest scale interval for the weight of a single wagon equal to 35% of the maximum wagon weight (as inscribed on the descriptive markings);
 - $1 d$.

Train weighing

- 4 The maximum permissible error for train weighing is the greatest of the following values:
- the value calculated according to table 14, rounded to the nearest scale interval d ;
 - the value calculated according to table 14 for the weight of a single wagon equal to 35% of the maximum wagon weight (as inscribed on the descriptive markings) multiplied by the number of reference wagons in the train (not exceeding 10 wagons) and rounded to the nearest scale interval;
 - $1 d$ for each wagon in the train, but not exceeding $10 d$.

Maximum permissible errors — static weighing

- 5 The maximum permissible errors on static weighing for increasing or decreasing loads must be the appropriate values set out in table 15.

Table 15 Static weighing

Item	Maximum permissible error for verification and in-service inspection	Load (<i>m</i>) expressed in numbers of scale intervals
1	$\pm 0.5 d$	$0 \leq m \leq 500$
2	$\pm 1.0 d$	$500 < m \leq 2\,000$
3	$\pm 1.5 d$	$2\,000 < m \leq 10\,000$

Minimum capacity

- 6 The minimum capacity must not be less than 1 t, and not greater than the value of the result of the minimum wagon weight divided by the number of partial weighing.

Minimum wagon weight

- 7 The minimum wagon weight must not be less than 50 *d*.

Division 8 Grain protein measuring instruments

The maximum permissible errors at verification or in-service inspection are:

- (a) wheat — $\pm 0.4\%$ at 11% moisture; and
- (b) barley — $\pm 0.5\%$ at 0% moisture.

Division 9 Water Vending Machines

Table 16 Water vending machines at all volumes vended

Item	Maximum permissible error		
	Verification	In-service inspection	
		Deficiency	Excess
1	±1.5%	-1.5%	+3%

Division 10 Multi-dimensional measuring instruments

- 1 The maximum permissible error applicable to the measurement by the instrument of any of the 3 dimensions for verification and in-service inspection is +/- $1d$.

Division 11 Water meters

Table 1 Maximum permissible errors for water meters

Item	Verification	In-service inspection
1	<p>±5% in the flow rate range where the flow rate (Q) is greater than or equal to the minimum flow rate (Q_1) and less than the transitional flow rate (Q_2).</p> <p>ie: $Q_1 \leq Q < Q_2$</p> <p>±2% in the flow rate range if the flow rate (Q) is greater than or equal to the transitional flow rate (Q_2) and less than or equal to the maximum flow rate (Q_4).</p> <p>ie: $Q_2 \leq Q \leq Q_4$</p>	<p>±4% in the flow rate range if the flow rate (Q) is greater than or equal to 0.075 times the maximum continuous flow rate (Q_3) and less than or equal to the maximum flow rate (Q_4).</p> <p>ie: $0.075 Q_3 \leq Q \leq Q_4$</p>

Schedule 2 Classes and subclasses of servicing licences

(subregulation 2.43 (25))

Part 1 General

Item	Servicing licence
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- | | |
|-----|--|
| 1 | Servicing licence relating to length measuring instruments |
| 1.1 | Measures of length not exceeding 2 metres |
| 1.2 | Measures of length exceeding 2 metres |
| 1.3 | Fabric measuring instruments |
| 2 | Servicing licence relating to area measuring instruments |
| 2.1 | Leather measuring instruments |
| 3 | Servicing licence relating to masses |
| 3.1 | Masses not exceeding 20 kg, other than:
(a) masses marked "A"; and
(b) metric carat masses. |
| 3.2 | Masses, other than the masses mentioned in item 3.1, that are :
(a) marked "A"; and
(b) metric carat masses. |
| 4 | Servicing licence relating to measures of volume |
| 4.1 | Volume measures |
| 4.2 | Beverage dispensers |
| 4.3 | Alcoholic beverage measures (drinking and portable) |
| 4.4 | Lubricating oil measures |
| 4.5 | Pharmaceutical dispensing measures, graduated measuring cylinders |
| 4.6 | Brim measures for flowable solids |
| 4.7 | Food products |
| 4.8 | Non-food products |

Item	Servicing licence
4.9	Grain density measuring instruments
4.10	Measuring container bottles
5	Servicing licence relating to liquid measuring instruments
5.1	Liquid measuring instruments of the fuel dispenser type used for petroleum products other than LPG
5.2	Liquid measuring instruments of the flow meter type used for petroleum products
5.3	Liquid measuring instruments of the flow meter type used for other than petroleum products
6	Servicing licence relating to weighing instruments
6.1	Weighing instruments, classes 1 and 2
6.2	Weighing instruments of 30 kg capacity or less, classes 3 and 4
6.3	Weighing instruments of a capacity exceeding 30 kg, but not exceeding 3 tonnes, classes 3 and 4
6.4	Weighing instruments of a capacity exceeding 3 tonnes, classes 3 and 4
6.5	Belt-conveyor weighing instruments
6.6	Automatic rail weighbridges
6.7	Automatic packaging conveyor weighers
6.8	Wheeled loaders.
6.9	Totalising Hopper weighing instruments
6.10	Legal measuring instruments
7	No licence available
8	Servicing licence relating to farm milk tanks
8.1	All categories
9	Servicing licence relating to vehicle tanks
9.1	All categories
10	Servicing licence relating to LPG dispensers
10.1	Liquefied petroleum gas measuring instruments of the fuel dispenser type, excluding cryogenic liquids

Item	Servicing licence
	10.2 Liquefied petroleum gas measuring instruments of the flow meter type, excluding cryogenic liquids
12	Servicing licence relating to natural gas dispensers
	12.1 All categories
13	Servicing licence relating to multi-dimensional measuring instruments
	13.1 All categories
14	Servicing licence relating to utility meters
	14.1 All categories
15	Servicing licence relating to quality measuring instruments
	15.1 Protein
	15.2 Sugar
	15.3 Wine
16	Servicing licence relating to evidential breath analysis
	16.1 All categories
17	Servicing licence relating to density hydrometers
	17.1 All categories

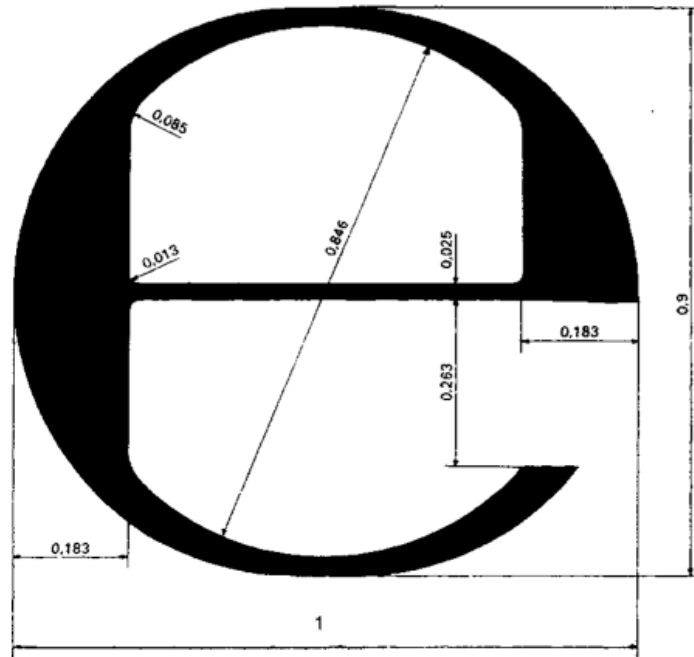
Part 2 Supplementary

Item	Servicing licence
18	Supplementary servicing licences relating to:
	18.1 Control systems for liquid — measuring systems
	18.2 Point of Sale systems
	18.3 Weighbridge control systems

Schedule 3 The AQS Mark

(regulation 4.2, definition of *AQS mark*)

The figures on the mark below show the relative dimensions of the mark as a proportion of its width.



Schedule 4 Exemptions from marking

(subregulation 4.4 (1))

1 Textile goods

- 1.1 Textile, wearing apparel and other similar articles that are not packed for sale by measurement and are not ordinarily so sold.
- 1.2 Textiles that are:
- (a) packed for sale by mass and are sold in packages each containing more than 4 kg; or
 - (b) packed for sale by length and are sold in packages each containing more than 25 m; or
 - (c) packed for sale by area and are sold in packages each containing more than 25 m².

2 Food goods

- 2.1 Any agricultural produce grown and packed on the same property by the grower and sold by mass in sacks of more than 25 kg gross mass.
- 2.2 Confectionery, nuts, popcorn, potato crisps and savouries that are:
- (a) packed on premises for sale on those premises if:
 - (i) the package is displayed for sale on those premises in a receptacle that bears a statement that can be readily seen and easily read in characters not less than 10 mm high of the mass and of the price of the contents of the package; and
 - (ii) the mass of the contents does not exceed 200 g; or
 - (b) packed in or with another article if the value of the combined articles is substantially represented by that other article.
- 2.3 Confectionery packed singly in a novelty shape and an Easter egg packed singly.

- 2.4 Honey in the comb in original frames.
- 2.5 Hay.
- 2.6 Ice cream packed in a quantity less than 200 mL.
- 2.7 Kippers.
- 2.8 Pies or pasties made for use as an individual serve of which the mass is less than 250 g.
- 2.9 Cakes, puddings and sponges packed singly in a quantity less than 125 g.
- 2.10 Alcoholic liquors packed in a quantity more than 10 L.

3 Medicinal and toilet goods

- 3.1 Therapeutic goods, being goods the sale or supply of which to the public is prohibited by law except on the written prescription of a person recognised by law as competent to prescribe them.
- 3.2 A toilet preparation in a compact and a refill of a toilet preparation in a compact.
- 3.3 Single application hair dyes or hair bleaches or single application home permanent hair waving kits.
- 3.4 Vaccine packed in a quantity less than 25 mL or a single dose of any substance packed in a vial or ampoule for sale for use as an injection.

4 Hardware goods

- 4.1 Articles of hardware that are:
 - (a) not packed for sale by measurement; and
 - (b) not ordinarily sold by measurement.
- 4.2 Tinters or colouring agents for use in paint that are packed in a quantity less than 100 g or 100 mL.
- 4.3 Colouring material in a package on which is marked directions for mixing it, or a specified quantity of it, with a specified type

and volume of paint, if the quantity of the material to be mixed does not exceed 10 per cent of the volume of the paint with which it is to be mixed.

5 General goods

- 5.1 Articles ordinarily sold by number that are packed:
- (a) in a quantity of less than 9; and
 - (b) in a package made wholly or partly of transparent material so that when the package is exposed for sale the number of articles contained in the package is readily apparent to a purchaser.
- 5.2 An article of which the mass exceeds 75 kg or the volume exceeds 150 L.
- 5.3 An article that is:
- (a) packed in a quantity less than 15 g or 15 mL; and
 - (b) is not an adhesive, dried vegetables, freeze-dried vegetables, herbs, instant tea, pepper and other spices, therapeutic goods or tobacco.
- 5.4 Fire extinguisher refills.
- 5.5 Photographic film and photographic printing paper.
- 5.6 A bag of clay.
- 5.7 Fish bait.
- 5.8 Garden landscape material, including pine-bark feature mix, pine-bark nuggets, pre-planted mushroom spawn, tree-bark, any article that is or contains compost, farmyard manure, garden peat, leaf mould, peat moss, sphagnum moss, tanbark or another like substance.
- 5.9 Artists' paint packed in a quantity less than 100 g.
- 5.10 Candles.
- 5.11 Legume seed inoculants.
- 5.12 A prepackaged product sold as authorised by section 18JX of the Act.

Schedule 5 Expression of measurement marking

(subregulation 4.13 (2))

Item	Description of article	Kind of measurement permissible
1	Acids in liquid form	Mass or volume
2	Aerosol products	Mass
3	Compressed or liquefied gases	Mass or equivalent volume (cubic metres or litres) at stated temperature and pressure
4	Cream and cream substitutes	Volume
5	Fencing wire	Length
6	Flavouring essences	Mass or volume, if the quantity is not less than 500 mg
7	Heavy residual fuel oil, industrial diesel fuel and furnace oil	Mass or volume
8	Honey, malt extract, golden syrup and treacle	Mass
9	Ice cream	Volume
10	Linseed oil and other vegetable oils	Volume if the quantity is not more than 5 L Mass or volume if the quantity is more than 5 L
11	Liquefied petroleum gas	Mass
12	Liquid chemicals	Mass or volume
13	Paint (other than paste paint), varnish and varnish stains	Volume
14	Paste paint	Mass
15	Perfume compounds	Mass or volume, if the quantity is not less than 500 g
16	Perlite	Mass or volume
17	Pet litter and similar products	Mass or volume
18	Resins	Mass or volume

Item	Description of article	Kind of measurement permissible
19	Rope, cord and line of a diameter less than 1.5 mm	Length and mass per specified length
20	Rope, cord and line of a diameter of 1.5 mm or more	Length and diameter
21	Skin cream in jars	Mass or volume
22	Tomato sauce	Volume
23	Toothpaste	Mass
24	Twines, twists and lashings	Length and mass per specified length
25	Yoghurt	Mass

Schedule 6 Permissible units of measurement

(subregulation 4.13 (3))

1 Mass

1.1 If the measurement marking is to be expressed in terms of mass, the permissible units of measurement are as follows:

- (a) kilogram is permissible in all cases;
- (b) gram is also permissible if the mass does not exceed 1 000 grams;
- (c) milligram is also permissible if the mass does not exceed 1 000 milligrams.

2 Volume

2.1 If the measurement marking is to be expressed in terms of volume, the permissible units of measurement are as follows:

- (a) litre, decilitre or centilitre is permissible for liquids in all cases;
- (b) cubic metre is permissible for solids in all cases;
- (c) millilitre is also permissible in the case of a liquid if the volume does not exceed 1 000 millilitres;
- (d) cubic centimetre is also permissible in the case of a solid if the volume does not exceed 1 000 cubic centimetres.

3 Linear measurement

3.1 If the measurement marking is to be expressed in terms of linear measurement, the permissible units of measurement are as follows:

- (a) metre is permissible in all cases;
- (b) centimetre is also permissible if the length does not exceed 100 centimetres;
- (c) millimetre is also permissible if the length does not exceed 1 000 millimetres;

-
- (d) millimetre is also permissible in the case of:
 - (i) paper lengths not exceeding 10 000 millimetres; and
 - (ii) building material in sheet form; and
 - (iii) coated abrasive belts;
 - (e) millimetre is also permissible in the case of an article if it was customary before these Regulations commenced to express the linear measurement of the article in millimetres.

4 Superficial measurement

If the measurement marking is to be expressed in terms of superficial measurement, any unit of superficial measurement is permissible.

5 Mass per specified length

If the measurement marking is to be expressed in terms of mass per specified length, the permissible units of measurement are grams, or kilograms, for mass, and metres for length.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.