



# National Trade Measurement Amendment Regulations 2011 (No. 1)<sup>1</sup>

## Select Legislative Instrument 2011 No. 126

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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 30 June 2011

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

KIM CARR  
Minister for Innovation, Industry, Science and Research

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**1 Name of Regulations**

These Regulations are the *National Trade Measurement Amendment Regulations 2011 (No. 1)*.

**2 Commencement**

These Regulations commence on 1 July 2011.

**3 Amendment of *National Trade Measurement Regulations 2009***

Schedule 1 amends the *National Trade Measurement Regulations 2009*.

**Schedule 1 Amendments**

(regulation 3)

**[1] Regulation 1.4, note at the foot**

*substitute*

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

- controller
- earlier corresponding law
- measuring instrument
- Secretary
- servicing licence
- servicing licensee
- trade measurement inspector
- use for trade
- verification mark
- verifier
- weighbridge.

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**[2] Regulation 2.11**

*substitute*

**2.11 Use of measuring instrument fitted with load receptor**

- (1) A person commits an offence if:
- (a) the person uses for trade a measuring instrument that is fitted with a removable load receptor; and
  - (b) the measuring instrument does not have an automatic or semi-automatic zero adjustment facility; and
  - (c) the measuring instrument is one of 2 or more measuring instruments fitted with a removable load receptor that are located on the premises; and
  - (d) the load receptor is not clearly marked in a manner that identifies the load receptor with the measuring instrument to which it is fitted.

Penalty: 20 penalty units.

- (2) The offence mentioned in subregulation (1) is an offence of strict liability.

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

**[3] Regulation 2.29**

*substitute*

**2.29 Verifying and marking material measure**

- (1) If a verifier makes a verification mark on a material measure that is not a glass measure, the verifier must:
- (a) if the verifier is an inspector or servicing licensee — mark on the material measure, in the approved manner, the date on which the verification mark is made; and
  - (b) if the verifier is an employee of a servicing licensee — perform each of the following actions:
    - (i) mark the servicing licensee's verification mark on the material measure; and

- (ii) mark on the material measure, in the approved manner, the date on which the servicing licensee's mark is made; and
  - (iii) make a mark on the material measure that will enable the servicing licensee to identify the employee who made the servicing licensee's mark.
- (2) However, if compliance with subregulation (1) is impracticable because of the nature, shape or size of a material measure, the requirements in subregulation (1) are taken to have been complied with if the material measure is enclosed in a sealed container that is marked in accordance with subregulation (1).

**[4] Regulation 2.47**

*omit*

\$212

*insert*

\$136

**[5] Paragraphs 3.4 (2) (a) and (b)**

*substitute*

- (a) for a weighbridge not used to determine end-and-end measurements — the surface of the approach is, for its entirety, contained within an angle of no more than +/-2 degrees of level (horizontal). measured from the end of the nearer end of the weighbridge; and
- (b) for a weighbridge used to determine end-and-end measurements — 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
- (c) 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.

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**[6] Paragraph 3.7 (1) (c)**

*substitute*

- (c) the clearance from the external edges of the platform must:
- (i) be wide enough to provide access for servicing and maintenance; and
  - (ii) be wide enough to allow for drainage of water from the weighbridge; and
  - (iii) extend from the floor of the weighbridge to at least 1 metre above the platforms; and
  - (iii) be free from obstructions that may interfere with the operation or accuracy of the weighbridge; and

**[7] Subregulation 3.11 (1)**

*substitute*

- (1) A weighbridge may only be used to determine an end-and-end measurement if:
- (a) the weighbridge was approved under an earlier corresponding law for use to determine end-and-end measurements; and
  - (b) the approach to the weighbridge complies with the requirements mentioned in subregulation 3.4 (1).

**[8] Paragraph 3.11 (2) (b)**

*omit*

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**[9] After subregulation 3.11 (2)**

*insert*

- (3) The Secretary may, in writing, permit a weighbridge that does not comply with this regulation to be used to determine an end-and-end measurement.

**[10] Subparagraphs 3.62 (e) (ii) and (f) (ii)**

*omit*

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**[11] After regulation 5.5**

*insert*

**5.6 Exempt utility meters**

For the definition of *utility meter* in subsection 3 (1) of the Act, the following classes of meters are exempt from the operation of Part IV of the Act:

- (a) gas meters;
- (b) electricity meters;
- (c) water meters installed before 1 July 2004;
- (d) water meters installed on or after 1 July 2004, other than cold water meters:
  - (i) with a maximum continuous flow rate capacity of not more than 4 000 litres per hour; and
  - (ii) that do not exceed the maximum permissible errors mentioned in Schedule 1 to the *National Trade Measurement Regulations 2009*.

*Note* Meters with a maximum continuous flow rate capacity of not more than 4 000 litres per hour are normally, but not exclusively, used for metering water supplies to domestic premises.

**[12] Schedule 1, Part 3, Division 5, clause 5, definition of A**

*substitute*

A is the numerical value of the percentage specified in the column headed 'A' of table 5 for the accuracy class of the measuring system.

**[13] Schedule 2, item 16**

*omit*

**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>.