



# **National Trade Measurement Amendment (2014 Measures No. 1) Regulation 2014**

## **Select Legislative Instrument No. 101, 2014**

---

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),  
Governor-General of the Commonwealth of Australia, acting with the  
advice of the Federal Executive Council, make the following regulation.

Dated 26 June 2014

Peter Cosgrove  
Governor-General

By His Excellency's Command

Ian Macfarlane  
Minister for Industry

---

*OPC60370 - A*



---

## Contents

1	Name of regulation .....	1
2	Commencement .....	1
3	Authority .....	1
4	Schedule(s) .....	1
<b>Schedule 1—Amendments commencing 1 July 2014</b>		<b>2</b>
	<i>National Trade Measurement Regulations 2009</i>	2
<b>Schedule 2—Amendments commencing 1 January 2015</b>		<b>13</b>
	<i>National Trade Measurement Regulations 2009</i>	13

---

No. 101, 2014	<i>National Trade Measurement Amendment (2014 Measures No. 1)</i>	<i>i</i>
	<i>Regulation 2014</i>	
OPC60370 - A		



---

## 1 Name of regulation

This regulation is the *National Trade Measurement Amendment (2014 Measures No. 1) Regulation 2014*.

## 2 Commencement

Each provision of this regulation specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information	
Column 1	Column 2
Provision(s)	Commencement
1. Sections 1 to 4 and anything in this regulation not elsewhere covered by this table	1 July 2014
2. Schedule 1	1 July 2014
3. Schedule 2	1 January 2015

## 3 Authority

This regulation is made under the *National Measurement Act 1960*.

## 4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

---

No. 101, 2014      *National Trade Measurement Amendment (2014 Measures No. 1) Regulation 2014*      1  
OPC60370 - A

---

## Schedule 1—Amendments commencing 1 July 2014

### *National Trade Measurement Regulations 2009*

#### **1 Regulation 1.3**

Repeal the regulation.

#### **2 Paragraph 2.38(3)(b)**

Omit “2.27.”, substitute “2.27; or”

#### **3 Regulation 2.47**

Repeal the regulation, substitute:

##### **2.47 Prescribed fee—verifying measuring equipment**

- (1) For subsection 18MK(2) of the Act, this regulation prescribes the fee for verifying or re-verifying a measuring instrument.
- (2) Subject to regulation 2.47A, the prescribed fee (not including any applicable GST) is the sum of an hourly rate of \$140 and any costs incurred in verifying or re-verifying the measuring instrument.

Note: GST may or may not be payable depending on the circumstances of the verification.

##### **2.47A Indexation of prescribed fee**

- (1) At the start of each financial year (an *indexation year*) after the financial year beginning on 1 July 2014, the hourly rate mentioned in regulation 2.47 is replaced by the amount worked out using the following formula:

$$\text{Indexation factor for the indexation year} \times \text{Hourly rate in the previous year}$$

- (2) The *indexation factor* for an indexation year is the number worked out using the following formula:

$$\frac{\text{Index number for the reference quarter}}{\text{Index number for the base quarter}}$$

---

where:

**base quarter** means the last March quarter before the reference quarter.

**index number**, for a quarter, means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician for that quarter.

**reference quarter** means the March quarter in the last year before the indexation year.

- (3) An indexation factor is to be calculated to 3 decimal places (rounding up if the fourth decimal place is 5 or more).
- (4) An indexation factor that is less than 1 is to be increased to 1.
- (5) Amounts worked out under subregulation (1) are to be rounded to the nearest whole dollar (rounding up in the case of 50 cents).
- (6) Calculations under subregulation (2):
  - (a) are to be made using only the index numbers published in terms of the most recently published index reference period; and
  - (b) are to be made disregarding index numbers that are published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

#### **4 Paragraph 3.4(1)(b)**

Before “have”, insert “for a weighbridge used to determine end-and-end measurements or axle weights—”.

#### **5 Subparagraph 3.7(1)(c)(iii) (first occurring)**

Repeal the subparagraph.

#### **6 Subparagraph 3.41(2)(a)(ii)**

Omit “consecutively.”, substitute “consecutively; and”.

#### **7 Subparagraph 3.62(b)(iv)**

Omit “ticket.”, substitute “ticket;”.

**8 Subparagraph 3.62(e)(v)**

Omit “approaches.”, substitute “approaches;”.

**9 Regulation 4.1**

Repeal the regulation.

**10 Regulation 4.2 (heading)**

Repeal the heading, substitute:

**4.1 Definitions for Part 4**

**11 Regulation 4.2**

Insert:

*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.

**12 Regulation 4.2 (definition of average error)**

Repeal the definition.

**13 Regulation 4.2**

Insert:

*characters* includes letters, figures and symbols.

**14 Regulation 4.2**

Repeal the following definitions:

- (a) definition of *compressed or liquefied gas*;
- (b) definition of *content*;
- (c) definition of *cream*.

**15 Regulation 4.2 (definition of dried or dehydrated fruit)**

Omit “fruit includes”, substitute “*fruit* includes”.

**16 Regulation 4.2**

Repeal the following definitions:

- (a) definition of *garden landscape material*;
- (b) definition of *ice cream*.



**17 Regulation 4.2**

Insert:

*inadequate prepackage* means a prepackage with a deficiency greater than the tolerable deficiency for the prepackage.

**18 Regulation 4.2 (definition of *individual prepackage error*)**

Repeal the definition.

**19 Regulation 4.2 (definition of *inspection lot*)**

Repeal the definition, substitute:

*inspection lot* means a collection of prepackages that:

- (a) are available for inspection at the same time and place; and
- (b) are of the same kind; and
- (c) have the same predetermined quantity; and
- (d) either:

- (i) are produced or imported at the same time; or

- (ii) if it is not possible for an inspector to determine a single production time—are selected by the inspector;

from which a sample of prepackages is drawn for testing in accordance with AQS test procedures.

Note: An inspection lot is also known as a batch.

**20 Regulation 4.2 (definition of *liquid chemicals*)**

Repeal the definition.

**21 Regulation 4.2**

Insert:

*measurement marking* means the marking of measurement required by these Regulations to be made on a prepackaged product.

**22 Regulation 4.2 (definition of *paint*)**

Repeal the definition.

**23 Regulation 4.2**

Insert:

*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.

#### **24 Regulation 4.2 (definition of *prepackage*)**

Repeal the definition, substitute:

*prepackage* means a combination of an article and the package in which it is packed in advance ready for sale, or 2 or more articles and the package in which they are packed in advance ready for sale as a single item.

#### **25 Regulation 4.2 (paragraph (c) of the definition of *prepackaged product*)**

Repeal the paragraph, substitute:

- (c) in relation to which the quantity has been determined before being offered for sale.

#### **26 Regulation 4.2**

Insert:

*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.

#### **27 Regulation 4.2**

Repeal the following definitions:

- (a) definition of *random sampling*;
- (b) definition of *resins*;
- (c) definition of *therapeutic goods*;
- (d) definition of *tobacco*.

#### **28 Regulation 4.2 (definition of *tolerable deficiency*)**

Repeal the definition (including the notes), substitute:

*tolerable deficiency* or *T* means the deficiency in a quantity of product permitted in a prepackage, as worked out under regulation 4.36.

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

## **29 Regulation 4.2**

Insert:

*weighted average quantity*: see regulation 4.37.

## **30 Regulation 4.6**

Omit “other than”, substitute “containing”.

## **31 Subregulation 4.7(1) (note)**

Repeal the note, substitute:

Note: See regulation 4.6 for exceptions to this requirement.

## **32 Subregulation 4.9(1) (note)**

Repeal the note, substitute:

Note: See regulation 4.6 for exceptions to this requirement.

## **33 Subregulation 4.10(3)**

Repeal the subregulation, substitute:

- (3) Subregulations (1) and (2) do not apply to:
- (a) the packaging for automotive parts; and
  - (b) wine bottles where the net contents is 50 mL, 100 mL, 187 mL, 200 mL, 250 mL, 375 mL, 500 mL, 750 mL, 1 litre, 1.5 litres, 2 litres, 3 litres, or a larger quantity of whole litres.

## **34 Regulation 4.13**

Repeal the regulation, substitute:

### **4.13 Type and units of measurement to be used**

- (1) 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.

- (2) The measurement marking of a product that is liquid and not of a kind described in Schedule 5 must be expressed by reference to volume.
- (3) The measurement marking of a product that is solid (including in the form of powder or flakes), semi-solid or partly solid and partly liquid, and not of a kind described in Schedule 5, must be expressed by reference to mass.
- (4) However, a product to which subregulation (3) applies may be sold by reference to one of the following methods:
  - (a) number;
  - (b) linear measurement;
  - (c) area measurement;if the Secretary is satisfied that a significant proportion of merchants selling the product in Australia sell it by reference to that method.
- (5) The Secretary must publish and maintain on the National Measurement Institute's website, for each method mentioned in subregulation (4), a list of products for which the Secretary is satisfied that a significant proportion of merchants selling the product in Australia sell it by reference to that method.
- (6) 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.

**35 Subregulation 4.23(1)**

Omit "prepackages", substitute "products".

**36 Paragraph 4.28(1)(a)**

Omit "and.", substitute "and".

**37 Regulations 4.30 and 4.33**

Repeal the regulations.

**38 Subregulation 5.2(1)**

Omit "(3)", substitute "(4)".

**39 Paragraphs 5.2(1)(d) and (6)(d)**

Omit “superficial”, substitute “area”.

**40 Subregulation 5.4(5) (subparagraph (b)(ii) of the definition of *retail sale*)**

Omit “fuel.”, substitute “fuel;”.

**41 Regulation 5.6**

Omit all the words before paragraph (a), substitute “For section 4A of the Act, the following classes of utility meters are exempt utility meters:”.

**42 Paragraph 5.6(d)**

Omit “on or after 1 July 2004”, substitute “between 1 July 2004 and 30 June 2014”.

**43 After paragraph 5.6(d)**

Insert:

- ; (e) water meters installed on or after 1 July 2014, other than cold water meters with a maximum continuous flow rate capacity of not more than 16 000 litres per hour.

**44 Regulation 6.1**

Repeal the regulation, substitute:

**6.1 Prescribed qualifications**

For subsection 18MA(2) of the Act, the qualifications, knowledge or experience required for a person to be eligible for appointment as a trade measurement inspector are:

- (a) a Certificate IV in Government (Investigation) and a Certificate IV in Government (Trade Measurement); or
- (b) a Certificate IV in Government (Investigation) and a Diploma of Government (Trade Measurement); or
- (c) a qualification that the Secretary is satisfied demonstrates that the person has appropriate knowledge or experience to be appointed as a trade measurement inspector.

**45 Clause 2.6 of Schedule 4**

Repeal the clause, substitute:

2.6 Any form of frozen confection packed in a quantity less than 200 mL that contains:

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

**46 Clause 3.1 of Schedule 4**

Omit “Therapeutic goods, being goods the sale or supply of which”, substitute “Goods for therapeutic use, within the meaning of the *Therapeutic Goods Act 1989*, for which sale or supply”.

**47 Clause 4.2 of Schedule 4**

After “paint”, insert “(including enamel, but not including a two-pack paint, artists’ paint or powder coatings)”.

**48 Clause 4.3 of Schedule 4**

Omit “volume of paint,”, substitute “volume of paint (including enamel, but not including a two-pack paint, artists’ paint or powder coatings)”.

**49 Paragraph 5.3(b) of Schedule 4**

Repeal the paragraph, substitute:

- (b) not one of the following:
  - (i) an adhesive;
  - (ii) dried vegetables;
  - (iii) freeze-dried vegetables;
  - (iv) herbs;
  - (v) instant tea;
  - (vi) pepper and other spices;
  - (vii) goods for therapeutic use within the meaning of the *Therapeutic Goods Act 1989*;
  - (viii) tobacco (including plug tobacco).

**50 Clause 5.8 of Schedule 4**

Repeal the clause, substitute:

- 5.8 Soil, pebbles, crushed tile, crushed rock, tree bark, wood chips, mulch, Pacific coral, river stones, pre-planted mushroom spawn, compost or any article that contains compost, farmyard manure, garden peat, leaf mould, peat moss, sphagnum moss, crushed material mix or any like substance for use as garden landscape material.

**51 Schedule 5 (heading)**

Repeal the heading, substitute:

**Schedule 5—Expression of measurement marking**

Note: See subregulation 4.13(1)

**52 Schedule 5 (at the end of the cell at table item 3, column headed “Description of article”)**

Add “, not including liquefied petroleum gas”.

**53 Schedule 5 (at the end of the cell at table item 4, column headed “Description of article”)**

Add “(not including clotted cream, sour (or cultured) cream or substitutes for clotted or sour cream)”.

**54 Schedule 5 (table item 9)**

Repeal the item, substitute:

- |   |   |        |
|---|---|--------|
| 9 | Any form of frozen confection containing:<br>(a) ice cream; or<br>(b) flavoured ice; or<br>(c) fruit-ice; or<br>(d) water-ice; or<br>(e) a substitute for ice cream | Volume |
|---|---|--------|

**55 Schedule 5 (at the end of the cell at table item 12, column headed “Description of article”)**

Add “, including solvents packed for sale for pharmaceutical, laboratory or industrial use”.

**56 Schedule 5 (cell at table item 13, column headed “Description of article”)**

Omit “(other than paste paint)”, substitute “(including enamel but not including paste paint, two-pack paint, artists’ paint or powder coatings)”.

**57 Schedule 5 (table item 18)**

Repeal the item, substitute:

- 18    Natural and synthetic resins, and    Mass or volume  
polymeric materials other than  
paint described in item 13 or 14

**58 Schedule 6 (heading)**

Repeal the heading, substitute:

**Schedule 6—Permissible units of measurement**

Note:    See subregulation 4.13(6)

**59 Paragraph 3.1(b) of Schedule 6**

Repeal the paragraph, substitute:

- (b) centimetre is also permissible if:
- (i) the length does not exceed 100 centimetres; or
  - (ii) the product is a bedsheet, tarpaulin or other product to which regulation 4.20 applies;

**60 Clause 4 of Schedule 6**

Repeal the clause, substitute:

**4 Area measurement**

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



## **Schedule 2—Amendments commencing 1 January 2015**

### ***National Trade Measurement Regulations 2009***

#### **1 Regulation 1.4**

Insert:

*registered training organisation* has the same meaning as in the  
*National Vocational Education and Training Regulator Act 2011*.

#### **2 After subregulation 2.43(9)**

Insert:

- (9A) A servicing licensee or an employee of a servicing licensee must not verify a measuring instrument unless the licensee or employee has a statement of attainment issued by a registered training organisation for that class of measuring instrument.

#### **3 After paragraph 3.62(f)**

Insert:

- ; (g) at least one of the following must have a statement of attainment issued by a registered training organisation that demonstrates the person is competent to operate a public weighbridge:
- (i) the public weighbridge licensee;
  - (ii) an employee of the public weighbridge licensee;
  - (iii) a person who has contracted with the public weighbridge licensee to operate the weighbridge;
  - (iv) an employee of a person mentioned in subparagraph (iii).