

1993—No. 71

**TRADE MEASUREMENT ADMINISTRATION ACT 1989—
REGULATION**

(Relating to offences dealt with by penalty notices)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Trade Measurement Administration Act 1989, has been pleased to make the Regulation set forth hereunder.

KERRY CHIKAROVSKI,
Minister for Consumer Affairs.

Commencement

1. This Regulation commences on 12th March, 1993.

Amendments

2. The Trade Measurement Administration Regulation 1992 is amended:

- (a) by inserting after clause 8 the following clause:

Prescribed offences and penalties

9. For the purposes of section 23 of the Act:
 - (a) an offence specified in Schedule 3 is a prescribed offence; and
 - (b) the amount specified in Schedule 3 in respect of such an offence is the prescribed amount of penalty for the offence.

(b) by inserting after Schedule 2 the following Schedule:

SCHEDULE 3—PENALTY NOTICES

(Cl. 9)

OFFENCE	PENALTY
Offences under the Trade Measurement Act 1989	
Section 7 (1)—use for trade an unmarked weighbridge or other unmarked measuring instrument	\$500.00
Section 7 (2)—use for trade a weighbridge not complying with the requirements of the relevant regulations	\$500.00
Section 8 (1)—use for trade an incorrect or unjust measuring instrument	\$200.00
Section 28 (1)—pack a pre-packed article:	
(a) without the package being marked with the name and address of the packer; or	
(b) without the package being marked with a statement of the measurement of the article,	
in contravention of Regulation 8 (1) or 10 (1) of the Trade Measurement (Re-packed Articles) Regulations 1991	\$250.00
Section 28 (2)—sell a pre-packed article:	
(a) without the package being marked with the name and address of the packer; or	
(b) without the package being marked with a statement of the measurement of the article,	
in contravention of Regulation 8 (1) or 10 (1) of the Trade Measurement (Re-packed Articles) Regulations 1991	\$250.00

**Offences under the Trade Measurement
(Weighbridges) Regulations 1991**

Regulation 19—being a licensee, fail to return a cancelled certificate of suitability to the licensing authority within 7 days after the cancellation	\$50.00
Regulation 25 (a)—being the operator of a public weighbridge, fail to comply with the duties of an operator	\$100.00
Regulation 25 (c)—being the operator of a public weighbridge, fail to issue a correct copy of a measurement ticket	\$100.00
Regulation 25 (d)—being the operator of a public weighbridge, remove from a book, or issue, an original measurement ticket	\$100.00
Regulation 25 (e)—being the operator of a public weighbridge, remove from a book, or permit the removal of, an unused measurement ticket	\$100.00
Regulation 29—being a licensee or operator of a public weighbridge, use the weighbridge for public weighing to determine an end-to-end measurement	\$250.00
Regulation 30 (1)—use for trade a weighbridge to determine an end-to-end measurement otherwise than in prescribed circumstances.....	\$250.00

**Offences under the Trade Measurement
(Miscellaneous) Regulations 1991**

Regulation 2 (2)—advertise, offer or expose an article for sale at a price determined by a measurement that is not a prescribed measurement	\$100.00
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**Offences under the Trade Measurement
(Measuring Instruments) Regulations 1991**

Regulation 22 (1) (e)—use for trade (otherwise than for factory use or non-retail counter use) a measuring instrument with a tare bar	\$100.00
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1993—No. 71

Regulation 22 (1) (f)—use for trade a measuring instrument to determine a mass greater than the mass permitted by the approved pattern for the instrument	\$100.00
Regulation 22 (3)—use for trade a measuring instrument fitted with a load receptor:	
(a) there being more than one such instrument on the premises, if the receptor is not marked to identify it with the instrument on which it is used	\$100.00
(b) if the receptor is removable and measures incorrectly in any position on its supports	\$100.00
(c) if any latitude of movement of the receptor causes it to foul any part of the instrument.....	\$100.00
(d) if the receptor is in the form of a scoop so mounted that a purchaser cannot readily see whether there is any foreign matter in it	\$100.00
Regulation 23 (a)—subdivide the scale spacing on a measuring instrument after an inspector's or licensee's mark has been marked on the instrument.....	\$100.00
Regulation 23 (b)—use for trade a measuring instrument whose scale spacing has been subdivided after an inspector's or a licensee's mark has been marked on the instrument.....	\$100.00

EXPLANATORY NOTE

The purpose of this Regulation is to amend the Trade Measurement Administration Regulation 1992 so as to prescribe certain offences under the Trade Measurement Act 1989 as offences for which penalty notices may be issued under the Trade Measurement Administration Act 1989 and to prescribe the amount of the penalty payable under a penalty notice.

This Regulation is made under section 23 of the Trade Measurement Administration Act 1989.