



Queensland

Trade Measurement Act 1990

Trade Measurement (Prepacked Articles) Regulation 1991

Reprinted as in force on 12 December 2008

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Reprint No. 0C

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The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

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Trade Measurement (Prepacked Articles) Regulation 1991

[as amended by all amendments that commenced on or before 12 December 2008]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Trade Measurement (Prepacked Articles) Regulation 1991*.

3 Definitions—general

In this regulation—

approved printing device means a printing device that conforms to a pattern in relation to which there is in force under the *National Measurement Regulations 1999* (Cwlth) a certificate that approves the use of the device for trade;

characters includes letters, figures and symbols;

main display part, in relation to a package, means—

- (a) if the name or brand appears on the package once only—the part of the package on which it appears;
- (b) if the name or brand appears on more than one part of the package with equal prominence in each case—anyone of those parts;
- (c) if the name or brand appears on more than one part of the package but not always with equal prominence—the part of the package on which it is more prominent or any part of the package on which it is most prominent;

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- (d) if the name or brand of the article in the package does not appear on the package—that part of the package which will be most prominent when the package is exposed for sale in the manner in which it is likely to be exposed for sale;

measurement marking means the marking of measurement required by this regulation to be made on the package containing a pre-packed article.

standard wine package means a package containing—

- (a) 50mL, 100mL, 187mL, 200mL, 250mL, 375mL, 500mL, 750mL, 1L or 1.5L of wine; or
- (b) 2 or more whole litres of wine.

wine means a beverage—

- (a) produced by the complete or partial alcoholic fermentation of fresh grapes, grape must or other products derived from fresh grapes; and
- (b) containing not less than 7% and not more than 24% of alcohol by volume.

4 Definitions—packaged articles

In this regulation—

cheese and *cheese products* do not include articles for sale as processed cheese or cheese spreads;

compressed or liquefied gas does not include liquefied petroleum gas;

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

dried or dehydrated fruit includes glaze and crystallised fruit and fruit peel;

dried or dehydrated mixed fruit includes any such fruit mixed with nuts;

garden landscape material means soil, pebbles, crushed tile, crushed white quartz, Grawin gravel, crushed western red,

crushed snowflake, New Zealand lava scoria, Pacific coral, river stones, crushed material mix and any like substance for use in gardens;

ice cream includes any form of frozen confection containing ice cream, flavoured ice, fruit-ice, water-ice or a substitute for ice cream;

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

paint includes enamel but does not include a two-pack paint, artists' paint or 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 leg, wing, breast or other part detached from a poultry carcase and any division of a poultry carcase;

resins includes natural resins, synthetic resins and polymeric materials other than paint;

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

tobacco includes plug tobacco.

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

- (1) A package containing an article specified in Schedule 1 is exempt from the operation of parts 2 and 3 in the circumstances specified in that Schedule in relation to the article or, if no circumstances are specified, in all circumstances.
- (2) A package is not exempt from the operation of Parts 2 and 3 merely because it contains 2 or more packages each of which would be exempt under subsection (1) as separate packages.
- (2A) However, if an exempt package has a name and address or measurement marked on it, the way the name and address or measurement is marked on the package must comply with this regulation.

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- (3) It is not to be assumed that an article described in item 1 under the heading “Textile goods” or “Hardware goods” in Schedule 1 has been packed for sale by measurement merely because it has been packed for sale—
 - (a) as a single item; or
 - (b) as a set (except in the case of identical automotive parts); or
 - (c) as a pair, or as one of a pair, if it is an article ordinarily described by pairs, or as one of a pair.
- (4) An article is not excluded from the description “General goods” in Schedule 1 merely because it could be included in some other description of goods in that Schedule.

6 Exemptions for packages containing paper

- (1) A package containing paper that is a package to which this section applies—
 - (a) is exempt from sections 9 and 11; and
 - (b) is permitted to be marked with the expression “gross mass” or any other expression that has a similar meaning to that expression.
- (2) This section applies to a package containing paper if—
 - (a) it was packed at the factory at which the paper was produced; or
 - (b) it is packed in a quantity of more than 5kg; or
 - (c) it contains at least 500 sheets and is marked with the number of sheets and the dimensions of each sheet.

7 Requirements applicable to both inner and outer packages

A requirement of this regulation as to the marking of a package containing a pre-packed article applies to both the immediate package containing the article and any other package containing that package (whether or not with other

packages) unless the provision that imposes the requirement otherwise provides.

8 Exemptions for certain inner and outer packages

A requirement of this regulation as to the marking of a package 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.

Part 2 Marking of name and address

9 Marking of name and address on packages

- (1) When a pre-packed article is packed or sold, the package containing the article must be marked with the name and address of the person who packed the article or on whose behalf it was packed.
- (2) That marking must be—
 - (a) readily visible and legible; and
 - (b) such as to enable the person named 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.

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10 Exemption for packaged seed

- (1) Section 9 does not apply to—
 - (a) public-bred agricultural seed that is of a prescribed variety and is packed in a quantity of 10kg or more; or
 - (b) public-bred agricultural seed that is not of a prescribed variety and is packed in a quantity of 25kg or more; or
 - (c) non-proprietary varieties of horticultural seed packed in a quantity of 25kg or more.
- (2) In this section—

prescribed variety means agricultural seed for Rhodes grass, Molasses grass, Buffel grass, Veldt grass, Brachiaria species, Guinea grass, Hamil grass, Gamba grass, Mitchell grass, Creeping Blue grass and Indian Blue grass.

Part 3 Marking of measurement

Division 1 General requirements for measurement marking

11 Requirement to mark measurement

- (1) When a pre-packed article is packed or sold, the package containing the article must be marked with a statement of the measurement of the article.
- (2) The statement must be such as will be clear, conspicuous, readily seen and easily read when the article is exposed for sale in the manner in which it is likely to be exposed for sale.

12 General position of measurement marking

- (1) The measurement marking on a package must be made—
 - (a) on the main display part of the package; and

- (b) if another part of the package is, or other parts of the package are, likely to be displayed instead of the main display part when the article is exposed for sale—on that other part or one of those other parts.
- (2) Subsection (1) does not apply in the case of—
- (a) automotive parts; or
 - (b) a standard wine package if the measurement marking on the package complies with section 12A; or
 - (c) any other package if the administering authority, by notice published in the Gazette, exempts the package from the operation of this section and any conditions or restrictions specified in the notice are complied with.

12A Position of measurement marking on standard wine package

- (1) For section 12(2)(b), the measurement marking on a standard wine package must be made on the surface of the package, other than the base or the top, in a way that enables all of the following information about the wine to be seen in a single field of vision—
- (a) the statement of the measurement;
 - (b) the country of origin;
 - (c) the product name or product description;
 - (d) the actual alcohol content by volume in percentage terms.
- (2) For subsection (1), information on a standard wine package can be seen in a single field of vision if a person can see the information without having to turn the package.

13 Set-out and form of measurement marking

- (1) The required measurement marking must—

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- (a) be close to, and marked to be read in the same direction as, any name or brand of the article to which it relates; and
 - (b) be at least 2mm from the limits of the package and separated by at least 2mm in all directions from other graphic matter or copy; and
 - (c) be in a form in which units of measurement under the metric system are ordinarily written in the English language; and
 - (d) in the case of a decimal sub-multiple, be preceded by a zero or other numeral.
- (2) If a package is entirely or substantially cylindrical, spheroidal, conical or of oval cross-section, the measurement marking must, in addition to complying with subsection (1), 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 that part of the package on which the marking is required to be made.
- (3) For the purposes of subsection (2), the circumference of a package is the circumference where the measurement marking is made.

14 Size etc. of characters in measurement marking

- (1) The characters used in a measurement marking must be clear and—
- (a) 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 subsection (2); or
 - (b) stamped or embossed and be of at least 3 times the minimum height required by subsection (2); or
 - (c) marked by an approved printing device in characters at least 3mm high; or
 - (d) legibly handwritten if permitted by subsection (3).

- (2) The minimum height for the characters in a measurement marking is the height specified in Column 2 of the Table to this section opposite the maximum dimension of the package specified in Column 1 of that Table.
- (3) A measurement marking may be legibly handwritten in the following cases—
 - (a) when the article is packed to be sold on the premises on which it is packed;
 - (b) when the package contains cake or is one to which section 28 applies;
 - (c) when the package contains a roll of ribbon, lace or elastic or other article of haberdashery;
 - (d) when the article is, by notice published in the Gazette by the administering authority, declared to be an article to which this subsection applies and any conditions applicable to the packaging of the article and specified in the notice are complied with.

Table

Column 1 (Maximum dimension of package)	Column 2 (Minimum character height)
120mm or under	2.0mm
Over 120mm but not over 230mm . .	2.5mm
Over 230mm but not over 360mm . .	3.3mm
Over 360mm	4.8mm

For the purposes of this Table, the maximum dimension of a package is—

- (a) if the package is rectangular—the measurement of the breadth, height or length of the package, whichever is the greatest; or
- (b) if the package is cylindrical, spheroidal, conical or of oval cross-section—the height, length or maximum diameter of the package, whichever is the greatest.

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15 Unit etc. of measurement to be used

- (1) Except for an article specifically provided for by subsection (2), the measurement marking of an article must be expressed as follows:—
 - (a) if the article is ordinarily sold by number—by reference to number;
 - (b) if the article is ordinarily sold by linear or superficial measurement—by reference to that kind of measurement;
 - (c) if the article is a liquid—by reference to volume;
 - (d) if the article is solid (including in the form of powder or flakes), semi-solid or partly solid and partly liquid, and is not included in paragraph (a)—by reference to mass.
- (2) The measurement marking of an article of a kind described in Column 1 of Schedule 2 must be expressed by reference to the kind of measurement specified in Column 2 of that Schedule opposite the description of the article.
- (3) A measurement marking (other than in terms of number) must be expressed in terms of a unit of measurement permissible as specified in Schedule 3.
- (4) In this section—

ordinarily sold, of an article sold by number or linear or superficial measurement, means the majority of the merchants selling the article in Australia ordinarily sell it by number or linear or superficial measurement.

16 Fractions, 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) Whether a measurement marking is a whole multiple or a sub-multiple, or a combination of both, it must express a degree of accuracy to not more than 3 significant figures.

17 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.

18 Marking by reference to minimum measurement

- (1) A marking on the package containing a pre-packed article of the measurement of the article (whether or not for the purposes of these regulations) must not be made by reference to minimum measurement unless—
 - (a) permitted by this section or required or permitted by section 19 in relation to eggs; and
 - (b) the reference to minimum measurement is marked in the same way as the required measurement marking.
- (2) Pre-packed dressed poultry (other than poultry pieces) may be marked with a measurement in terms of minimum mass if—
 - (a) the mass stated is a whole number multiple of 100g; and
 - (b) (except in the case of cooked poultry) the package is also marked, in characters not less than 10mm in height, with a size number calculated by dividing the stated minimum mass by 100.
- (3) Pre-packed preserved sausage may be marked with a measurement in terms of minimum mass.

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Division 2 Special provision for measurement marking of certain articles

19 Eggs

- (1) The measurement marking of a pre-packed article 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 prepacked article 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.

20 Articles packed in sheets

Pre-packed aluminium foil, facial tissues, toilet paper and waxed paper are articles that do 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.

21 Number of pre-packed articles comprising 1 tonne

If 45 or fewer packages of an article that is ordinarily sold by mass have a total mass of 1 tonne, the measurement marking of the mass of the article may be made on each package by referring to the number of packages to the tonne in such a manner as to imply that the mass of each package is 1 tonne divided by that number.

22 Bedsheets, tarpaulins etc.

- (1) The measurement marking relating to—

-
- (a) bedsheets (not designed as fitted or semi-fitted bedsheets) or other sheets of hemmed fabric material; or
 - (b) tarpaulins;
- must be expressed in terms of the finished size of the article.
- (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 x width x depth.

23 Pairs of window curtains

The measurement marking relating to window curtains designed to cross over when hung in pairs must be expressed in terms of the finished size of the maximum width, and the maximum drop, of each curtain.

24 Marking of width or thickness if it directly affects price

If a measurement marking may be made in terms of the length of an article, the marking shall include any measurement of the thickness or width of the article, or both, that bears a direct relationship to the price of the article.

Division 3 Special provision concerning measurement marking of outer packages

25 Package containing packages of articles of the same kind and measurement

- (1) This section applies to 2 or more pre-packed articles of the same kind and apparently with the same measurement—

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- (a) each of which is separately packed in its own package (an *inner package*); and
 - (b) all of which 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 articles in the outer package; or
 - (b) state (as if it were a measurement marking) the number of packages in the outer package and the measurement of each of them.
- (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 in the outer package; and
 - (c) the whole or part of the outer package is transparent and the measurement marking on each of the inner packages is clearly visible through the packaging of the outer package.

26 Inner and outer packages of single article

- (1) This section applies to a pre-packed article consisting of an article 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 in the outer package; and
 - (b) the whole or part of the outer package is transparent and the measurement marking on the inner package is clearly visible through the packaging of the outer package.

27 Package containing articles of different kinds or different measurements

- (1) This section applies to a pre-packed article consisting of a package (the *outer package*) containing at least 2 articles of which at least 1 is a pre-packed article, but does not apply in a case to which section 25 applies.
- (2) None of the articles in the outer package is required to be marked with a measurement marking if—
 - (a) all the articles 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 article in the outer package and a statement of its measurement.
- (3) The provisions of section 12 as to the position of a measurement marking do not apply to a marking referred to in subsection (2)(b) if the packaging of the outer package is transparent and all the articles it contains are clearly visible through it.

Division 4 Other markings concerning measurement

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

- (1) This section applies to prepacked—
 - (a) fruit, other than whole fruit, priced according to mass; and
 - (b) dried or dehydrated fruit; and
 - (c) dried or dehydrated mixed fruit; and
 - (d) vegetables, other than whole vegetables, priced according to mass; and
 - (e) mushrooms; and
 - (f) cheese or cheese products; and

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- (g) dressed poultry not marked in terms of minimum mass in accordance with section 18; and
 - (h) fish, including crustaceans; and
 - (i) meat; and
 - (j) smallgoods, including bacon, corned beef and ham.
- (2) When a prepacked article to which this regulation applies is sold, the package containing the article must, in addition to being marked with the measurement of the article, be marked with its total price and price per kilogram unless, for the sale, the package is exposed—
- (a) in or on a receptacle on or immediately adjacent to which the total price and price per kilogram of the article is displayed—
 - (i) in characters at least 10mm high; and
 - (ii) where that price can be readily seen and easily read; or
 - (b) in a display of packages each marked—
 - (i) as containing the same article; and
 - (ii) with the same measurement of the article.
- 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 250g
- (3) The marking on a package required by this section must be made as if it were a measurement marking.
- (4) This section does not apply to a prepacked article if—
- (a) it is sold for resale; or
 - (b) the package containing the article is a rigid container.

Part 4 **Prohibited and restricted expressions**

29 **Marking of “mass when packed”**

- (1) This section applies to bar soaps, cotton wool, flax, glauber salts, jute, manila, fresh mushrooms, oven-baked animal biscuits, personal deodorant tablets, personal soap tablets (medicinal or toilet), sisal, soap flakes, soap powder (excluding detergent powders), tobacco, washing soda and whole hams.
- (2) Pre-packed articles of the kind to which this section applies that are not packed in a hermetically sealed package may be marked “mass when packed”, or with other words that have a similar meaning to those words, if they are marked in the same way as the appropriate measurement marking.

30 **Marking of “mass at standard condition”**

A package containing pre-packed yarn or cotton wool that is not an hermetically sealed package may be marked with the words “mass at standard condition” or with other words that have a similar meaning to those words if—

- (a) the words are marked in the same way as the appropriate measurement marking; and
- (b) when the yarn or cotton wool is composed of a mixture of fibres—the package is also marked in the same way as the appropriate measurement marking with a correct statement of the proportion by mass of each of the kinds of fibre of which the yarn or cotton wool is composed.

31 **Restrictions on use of “gross mass”**

- (1) For the purposes of section 30 of the Act, the expression “gross mass” and any other expression that has a similar meaning to that expression are restricted expressions.

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- (2) A package may be marked with such an expression only if permitted by section 6 or if—
- (a) the package is used only for the purpose of transporting an article; and
 - (b) the expression is immediately followed by the words “for transport purposes only” and a statement of the appropriate quantity; and
 - (c) 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.

32 Prohibited expressions

For the purposes of section 30 of the Act, the following are prohibited expressions:—

- (a) any expression (other than a marking required or permitted by the Act) that directly or indirectly relates to or qualifies a measurement marked on the package;
- (b) a statement that directly or indirectly relates or refers to the measurement of the article or any ingredient or component of the article, or of any source from which the article is derived, if the statement cannot be tested for truth by testing the article.

Part 5 Short measure

33 Extent of deficiency necessary to constitute short measure

- (1) This Part makes provision for the deficiency in actual measurement and average measurement of pre-packed articles permitted under section 33 of the Act before the actual

measurement of a pre-packed article is to be regarded as being less than the measurement marked on the package.

(2) In this Part—

permissible actual deficiency means the deficiency in actual measurement permitted for the purposes of section 33(1)(a) of the Act;

permissible average deficiency means the deficiency in the average of the actual measurements of a number of like articles permitted for the purposes of section 33(1)(b) of the Act.

34 Articles marked “mass when packed” etc.

If the package containing a pre-packed article is, in accordance with section 29, marked “mass when packed” or with other words that have a similar meaning to those words—

- (a) the permissible actual deficiency, if measured on the day the article is packed, is a deficiency of 5%; and
- (b) the permissible average deficiency, if measured on the day the article is packed, is nil; and
- (c) the permissible actual deficiency, if measured after the day the article is packed, is the deficiency specified in Column 2 of the Table to this section opposite the description of the article in Column 1 of that Table; and
- (d) the permissible average deficiency, if measured after the day the article is packed, is the deficiency specified in Column 3 of the Table to this section opposite the description of the article in Column 1 of that Table.

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Table—Permissible deficiencies after day of packing

Column 1 (Description of article)	Column 2 (Permissible actual deficiency)	Column 3 (Permissible average deficiency)
Bar soaps	21%	16%
Cotton wool	7%	2%
Flax	8%	3%
Glauber salts	7%	2%
Jute	9%	4%
Manila	8%	3%
Mushrooms (fresh)	18%	13%
Oven-baked animal biscuits.	9%	4%
Personal deodorant tablets . .	12%	7%
Personal soap tablets (medicinal or toilet)	11%	6%
Sisal	8%	3%
Soap flakes	10%	5%
Soap powder (excluding detergent powders)	15%	10%
Tobacco	10%	5%
Washing soda	7%	2%
Whole hams	7%	2%

35 Articles marked “mass at standard condition”

- (1) If the package containing a pre-packed article is, in accordance with this regulation, marked “mass at standard condition” or with other words that have a similar meaning—
 - (a) the permissible actual deficiency is the deficiency specified in Column 2 of the Table to this section opposite the description of the class of article in Column 1 of that Table; and
 - (b) the permissible average deficiency is the deficiency specified in Column 2 of the Table to this section

opposite the description of the class of article in Column 1 of that Table.

- (2) If the article consists of a mixture of any 2 or more of class A, B or C fibres (as described in Column 1 of the Table to this section)—
- (a) the permissible actual deficiency is the deficiency, expressed as a percentage, calculated in accordance with the formula $6x + 2y + 5$; and
 - (b) the permissible average deficiency is the deficiency, expressed as a percentage, calculated in accordance with the formula $6x + 2y$,

where—

x is the proportion that the mass of all class A fibre (if any) in the article bears to the total mass of the article; and

y is the proportion that the mass of all class B fibre (if any) in the article bears to the total mass of the article.

Table

Column 1 (Class of article)	Column 2 (Permissible actual deficiency)	Column 3 (Permissible average deficiency)
Class A fibre (wool or other animal fibre, viscose or cuprammonium rayon or a mixture of any 2 or more of them)	11%	6%
Class B fibre (silk, cotton or cellulose acetate or a mixture of any 2 or more of them)	7%	2%
Class C fibre (a fibre, or a mixture of fibres, that is not a Class A or Class B fibre)	5%	0%

[s 36]

36 Other pre-packed articles

If the package containing a pre-packed article is not one to which section 34 or 35 applies—

- (a) the permissible actual deficiency is 5%; and
- (b) the permissible average deficiency is nil.

37 Method of determining average measurement (s.33)

- (1) For the purposes of this Part, the average of the actual measurements of a number of like articles shall be determined by calculating the average of the measurements of the contents of at least 12 packages or, if less than 12 are available, of such number (not less than 6) as are available.
- (2) If more than 12 packages are available, the actual number to be tested shall be as determined by an inspector.
- (3) Each of the packages measured must be of the same kind and have the same measurement marking and must be selected by an inspector without having been measured by an inspector.

Part 6 Miscellaneous

38 Measuring mass of frozen fish

- (1) This section 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 subsection (3); or
 - (ii) if the fish exceeds the capacity of the sieve—complete the steps mentioned in subsection (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.
 - (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 subsection; and
 - (b) for fish in a lot that has surface ice on it—complete the steps mentioned in subsection (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

[s 38]

- (d) add together the mass of fish recorded under paragraphs (b) and (c) to find the mass of the fish.
- (5) The mass of the fish is—
 - (a) if the fish does not exceed the capacity of the sieve—the mass of the fish as worked out under subsection (3)(g); or
 - (b) if the fish exceeds the capacity of the sieve—the mass of the fish as worked out under subsection (4)(d).
- (6) In this section—

fish means all or part of, or any number of, or any combination of, any cold-blooded aquatic vertebrate or invertebrate, including shellfish but not an amphibian or a reptile.

frozen means kept in storage at a maximum temperature of 0°C.

International Standard means a standard made or published by the International Organisation for Standardisation, Geneva.

sieve, for measuring fish from a package, means a circular wirecloth sieve—

- (a) with a diameter of—
 - (i) if the measurement marking on the package is not more than 500g—200mm; or
 - (ii) if the measurement marking on the package is more than 500g—300mm; and
- (b) with a mesh aperture size of 2.36mm; and
- (c) that complies with the requirements for wirecloth sieves in—
 - (i) Australian Standard AS 1152-1993: Specification for test sieves; or
 - (ii) International Standard ISO 3310-1:2000 (E): Test sieves—Technical requirements and testing.

39 Application for permit to sell certain articles

An application for a permit under section 38 of the Act for the sale of an article must—

- (a) be made to the administering authority in writing signed by or on behalf of the applicant; and
- (b) specify the grounds in section 39 of the Act that are relied on by the applicant; and
- (c) give particulars of the facts justifying reliance on those grounds.

Schedule 1 Exemptions from marking

section 5

Textile goods

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

Food goods

- 1 Any agricultural produce grown and packed on the same property by the grower and sold by mass in sacks of more than 25kg gross mass.
- 2 Confectionery, nuts, popcorn, potato crisps and savouries that are—
 - (a) packed on premises for sale on those premises if 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 10mm high of the mass and of the price of the contents of the package and if the mass of the contents does not exceed 200g; or
 - (b) packed in or with another article if the value of the combined articles is substantially represented by that other article.
- 3 Confectionery packed singly in a novelty shape and an Easter egg packed singly.
- 4 Honey in the comb in original frames.

- 5 Hay.
- 6 Ice cream packed in a quantity less than 200mL.
- 7 Kippers.
- 8 Pies or pasties made for use as an individual serve of which the mass is less than 250g.
- 9 Cakes, puddings and sponges packed singly in a quantity less than 125g.
- 10 Alcoholic liquors packed in a quantity more than 10L.

Medicinal and toilet goods

- 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 recognized by law as competent to prescribe them.
- 2 A toilet preparation in a compact and a refill of such a preparation.
- 3 Single application hair dyes or hair bleaches or single application home permanent hair waving kits.
- 4 Vaccine packed in a quantity less than 25mL or a single dose of any substance packed in a vial or ampoule for sale for use as an injection.

Hardware goods

- 1 Articles of hardware that are not packed for sale by measurement and are not ordinarily so sold.
- 2 Tinters or colouring agents for use in paint that are packed in a quantity less than 100g or 100mL.
- 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.

General goods

- 1 Articles ordinarily sold by number that are packed in a quantity of less than 9 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.
- 2 An article of which the mass exceeds 75kg or the volume exceeds 150L.
- 3 An article packed in a quantity less than 15g or 15mL other than adhesives, dried vegetables and freeze-dried vegetables, herbs, instant tea, pepper and other spices, therapeutic goods and tobacco.
- 4 Fire extinguisher refills.
- 5 Photographic film and photographic printing paper.
- 6 A bag of clay.
- 7 Fish bait.
- 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 other like substance.
- 9 Artists' paint packed in a quantity less than 100g.
- 10 Candles.
- 11 Legume seed inoculants.
- 12 A pre-packed article sold as authorised by part 5, division 2 of the Act.

Schedule 2 Expression of measurement marking

section 15(2)

Column 1 (Description of article)	Column 2 (Kind of measurement permissible)
Acids in liquid form	mass or volume
Aerosol products	mass
Compressed or liquefied gases	mass or equivalent volume (cubic metres or litres) at stated temperature and pressure
Cream and cream substitutes	volume
Fencing wire	length
Flavouring essences	mass or volume, if the quantity is not less than 500mg
Heavy residual fuel oil, industrial diesel fuel and furnace oil	mass or volume
Honey, malt extract, golden syrup and treacle	mass
Ice cream	volume
Linseed oil and other vegetable oils	volume if the quantity is not more than 5L; mass or volume if the quantity is more than 5L
Liquefied petroleum gas	mass
Liquid chemicals	mass or volume
Paint (other than paste paint), varnish and varnish stains	volume
Paste paint	mass
Perfume compounds	mass or volume, if the quantity is not less than 500g
Perlite	mass or volume
Pet litter and similar products	mass or volume

Schedule 2

Column 1 (Description of article)	Column 2 (Kind of measurement permissible)
Resins	mass or volume
Rope, cord and line—	
(a) of a diameter less than 1.5mm	length and mass per specified length
(b) of a diameter of 1.5mm or more	length and diameter
Skin cream in jars	mass or volume
Tomato sauce	volume
Toothpaste	mass
Twines, twists and lashings	length and mass per specified length
Yoghurt	mass

Schedule 3 Permissible units of measurement

section 15(3)

1 Mass

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 1000 grams;
- (c) milligram is also permissible if the mass does not exceed 1000 milligrams.

2 Volume

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 1000 millilitres;
- (d) cubic centimetre is also permissible in the case of a solid if the volume does not exceed 1000 cubic centimetres.

3 Linear measurement

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;

Schedule 3

- (b) centimetre is also permissible if the length does not exceed 100 centimetres;
- (c) millimetre is also permissible if the length does not exceed 1000 millimetres;
- (d) millimetre is also permissible in the case of paper lengths not exceeding 10000 millimetres, building material in sheet form and coated abrasive belts;
- (e) millimetre is also permissible in the case of an article if it was customary before this regulation 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.

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 12 December 2008. Future amendments of the Trade Measurement (Prepacked Articles) Regulation 1991 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
0A rv	1999 SL No. 144 2006 SL No. 176	10 July 2006	
0B	2008 SL No. 318	26 September 2008	
0C	2008 SL No. 436	12 December 2008	

5 List of legislation

Trade Measurement (Prepacked Articles) Regulation 1991 (prev Trade Measurement (Pre-packed Articles) Regulations 1991)

made by the Governor in Council on 23 May 1991

pubd gaz 25 May 1991 pp 304–32

commenced 1 July 1991 (see s 2 and proc pubd gaz 25 May 1991 p 299)

exp 31 August 2011 (see SIA s 56(2) and SIR s 5 sch 3)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Trade Measurement Amendment Regulation (No. 1) 1999 SL No. 144 pts 1, 3

notfd gaz 25 June 1999 pp 932–8

commenced on date of notification

Trade Measurement (Prepacked Articles) Amendment Regulation (No. 1) 2006 SL No. 176

notfd gaz 7 July 2006 pp 1167–9

ss 1–2 commenced on date of notification

remaining provisions commenced 10 July 2006 (see s 2)

Trade Measurement (Prepacked Articles) Amendment Regulation (No. 1) 2008 SL No. 318

notfd gaz 26 September 2008 pp 539–40

commenced on date of notification

Trade Measurement (Prepacked Articles—Frozen Fish) Amendment Regulation (No. 1) 2008 SL No. 436

notfd gaz 12 December 2008 pp 2044–53

commenced on date of notification

6 List of annotations

Short title

s 1 sub 2006 SL No. 176 s 3 sch

Commencement

s 2 om 2006 SL No. 176 s 3 sch

Definitions—general

s 3 amd 2006 SL No. 176 s 3 sch

def “**approved printing device**” amd 2006 SL No. 176 s 3 sch

def “**measurement marking**” amd 2006 SL No. 176 s 3 sch

def “**standard wine package**” ins 2008 SL No. 318 s 3

def “**the Act**” om 2006 SL No. 176 s 3 sch

def “**wine**” ins 2008 SL No. 318 s 3

Endnotes

Definitions—packaged articles

s 4 amd 2006 SL No. 176 s 3 sch
 def “**therapeutic goods**” amd 2006 SL No. 176 s 3 sch

Exemptions from marking requirements (name, address, measurement)

s 5 amd 1999 SL No. 144 s 7; 2006 SL No. 176 s 3 sch

Exemptions for packages containing paper

s 6 amd 2006 SL No. 176 s 3 sch

Requirements applicable to both inner and outer packages

s 7 amd 2006 SL No. 176 s 3 sch

Exemptions for certain inner and outer packages

s 8 amd 2006 SL No. 176 s 3 sch

Marking of name and address on packages

s 9 amd 2006 SL No. 176 s 4

Exemption for packaged seed

s 10 amd 2006 SL No. 176 s 3 sch

General position of measurement marking

s 12 amd 2006 SL No. 176 s 3 sch; 2008 SL No. 318 s 4

Position of measurement marking on standard wine package

s 12A ins 2008 SL No. 318 s 5

Set-out and form of measurement marking

s 13 amd 2006 SL No. 176 s 3 sch

Size etc. of characters in measurement marking

s 14 amd 2006 SL No. 176 s 3 sch

Unit etc. of measurement to be used

s 15 amd 1999 SL No. 144 s 8; 2006 SL No. 176 s 3 sch

Marking by reference to minimum measurement

s 18 amd 2006 SL No. 176 s 5

Eggs

s 19 amd 2006 SL No. 176 s 6

Package containing packages of articles of the same kind and measurement

s 25 amd 2006 SL No. 176 s 3 sch

Inner and outer packages of single article

s 26 amd 2006 SL No. 176 s 3 sch

Package containing articles of different kinds or different measurements

s 27 amd 2006 SL No. 176 s 3 sch

Unit price marking—retail sales of particular foods by mass

s 28 sub 2006 SL No. 176 s 7

Marking of “mass when packed”

s 29 amd 2006 SL No. 176 s 3 sch

Restrictions on use of “gross mass”

s 31 amd 2006 SL No. 176 s 3 sch

Prohibited expressions

s 32 amd 2006 SL No. 176 s 3 sch

Articles marked “mass when packed” etc.

s 34 amd 2006 SL No. 176 s 3 sch

Articles marked “mass at standard condition”

s 35 amd 2006 SL No. 176 s 3 sch

Other pre-packed articles

s 36 amd 2006 SL No. 176 s 3 sch

Measuring mass of frozen fish

s 38 amd 2006 SL No. 176 s 3 sch

 sub 2008 SL No. 436 s 3

Application for permit to sell certain articles

s 39 amd 2006 SL No. 176 s 3 sch

SCHEDULE 1—EXEMPTIONS FROM MARKING

sch hdg sub 2006 SL No. 176 s 3 sch

sch 1 amd 1999 SL No. 144 s 9; 2006 SL No. 176 s 3 sch

SCHEDULE 2—EXPRESSION OF MEASUREMENT MARKING

sch hdg sub 2006 SL No. 176 s 3 sch

sch 2 amd 2006 SL No. 176 s 8

SCHEDULE 3—PERMISSIBLE UNITS OF MEASUREMENT

sch hdg sub 2006 SL No. 176 s 3 sch

Volume

s 2 amd 1999 SL No. 144 s 10

Linear measurement

s 3 amd 2006 SL No. 176 s 3 sch

Mass per specified length

s 5 amd 2006 SL No. 176 s 9