

1991 - No. 318

**TRADE MEASUREMENT ADMINISTRATION ACT 1989 -
REGULATION**

(Trade Measurement Administration Regulation 1991)

NEW SOUTH WALES



[Published in Gazette No. 98 of 28 June 1991]

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.

PETER COLLINS
Minister Consumer Affairs.

Citation

1. This Regulation may be cited as the Trade Measurement Administration Regulation 1991.

Commencement

2. This Regulation commences on 1st July, 1991.

Definition

3. In this Regulation:

"the Act" mean the Trade Measurement Administration Act 1989.

Returns for certification of measuring instruments

4. (1) A licensee must prepare a return for each 14 day period as to the number and nature of measuring instruments certified by the licensee in that period.

(2) Every such return is to be in a form approved by the administering authority and is to be forwarded to the administering authority within 7 days of the expiration of the period to which the return relates.

(3) A licensee is not required to prepare and forward a return under this clause for a period in which the licensee did not certify any measuring instrument.

Maximum penalty: 20 penalty units.

Payment of charges in connection with certification of measuring instruments

5. (1) The charge payable by a licensee under section 11 (1) of the Act in connection with the certification of a measuring instrument is to be paid by the licensee within 90 days after service on the licensee of a notice issued by the administering authority requiring payment of the charge.

(2) Service of a notice referred to in subclause (1) may be effected in the manner provided by section 24 of the Act.

Fees and charges

6. (1) The fees specified in Column 2 of Part 1 of Schedule 1 are payable to the Commissioner in relation to the matters specified in Column 1 of that Part.

(2) The charges specified in Column 2 of Part 2 of Schedule 1 are payable to the Superintendent in relation to the matters specified in Column 1 of that Part and are payable by the owner (within the meaning of section 10 of the Act) of the measuring instrument concerned.

SCHEDULE 1

(Cl. 6)

PART 1

Column 1	Column 2
1. Fee to accompany application for:	
• servicing licence	\$50
• public weighbridge licence	\$50
2. Periodic licence fee for:	
• servicing licence.....	\$200 Per annum for each place at which the licensee carries on business
• public weighbridge licence.....	\$150 Per annum for each place at which the licensee carries on business
3. Fee for issue of certificate of suitability	\$50
4. Fee for amended licence or certificate of suitability	\$45
5. Fee for duplicate licence or certificate of suitability.....	\$20

PART 2

Column 1	Column 2
6. Charge for the keeping of an appointment by an inspector to examine or test a measuring instrument where examination or testing is unable to be carried out because the measuring instrument is unavailable or inaccessible or access to it is unreasonably refused:	
(a) if examination or testing is to be carried out otherwise than by a Weighbridge Testing Unit made available by the Superintendent.....	\$29
(b) if examination or testing is to be carried out by a Weighbridge Testing Unit made available by the Superintendent.....	\$75
7. Charge payable on keeping of appointment by an inspector to examine or test a measuring instrument, for time spent waiting before measuring instrument is made available or access to it is allowed:	
(a) if examination or testing is to be carried out otherwise than by a Weighbridge Testing Unit made available by the Superintendent.....	\$29 per half hour or part thereof
(b) if examination or testing is to be carried out by a Weighbridge Testing Unit made available by the Superintendent...	\$75 per half hour or part thereof
8. Charge payable to reimburse costs in connection with examination or testing of a measuring instrument:	

1991 - No. 318

- (a) in the case of a standard of measurement for which a certificate is issued under regulation 80 of the National Measurement Regulations of the Commonwealth..... \$29 per half hour or part thereof that an inspector necessarily spends in examining and testing the instrument
- (b) in the case of examination and testing of an instrument under section 15 (4) of the Trade Measurement Act 1989:
- inspection of a measuring instrument which is part of a measuring system, at the request of the person in possession of the measuring instrument \$29 per half hour or part thereof that an inspector necessarily spends inspecting the instrument
 - each measure being a pipette, milk or cream flask used in connection with dairy products \$5

1991 - No. 318

- each wheel load weighing instrument \$29 per half hour or part thereof that an inspector necessarily spends examining and testing the instrument, subject to a minimum fee of \$58
- each chondrometer \$25
- thermometers \$29 per half hour or part thereof that an inspector necessarily spends examining and testing the instrument or instruments
- dip sticks \$29 per half hour or part thereof that an inspector necessarily spends examining and testing the instrument or instruments

1991 - No. 318

• other	\$29 per half hour or part thereof that an inspect or necessarily spends examining and testing the instrument
9. Charges payable for the use of labour necessary for the exercise of an inspector's functions and not provided for by any of the preceding items	\$29 per half hour or part thereof
10. Charges payable for the use of equipment provided by the Superintendent:	
(a) masses or measures used for periods not exceeding 7 days	\$15 per tonne or part thereof per day and \$15 per measure per day
(b) each measuring instrument (other than a mass or measure) used for periods not exceeding 7 days	\$50 instrument per day
(c) masses or measures used for periods exceeding 7 days	\$20 per tonne or part thereof per day and \$20 per measure per day
(d) each measuring instrument (other than a mass or measure) used for periods exceeding 7 days	\$100 instrument per day

NOTES

TABLE OF PROVISIONS

1. Citation
2. Commencement
3. Definition
4. Returns for certification of measuring instruments
5. Payment of charges in connection with certification of measuring instruments
6. Fees and charges

SCHEDULE 1

EXPLANATORY NOTE

The object of this Regulation is:

- (a) to require returns to be prepared by a licensee under the Trade Measurement Act 1989 as to the number and nature of measuring instruments certified by the licensee; and
- (b) to specify the time for payment of charges by a licensee in connection with the certification of measuring instruments; and
- (c) to prescribe fees and charges payable under the Trade Measurement Act 1989 and the Trade Measurement Administration Act 1989 (other than those provided for by Schedule 1 to the Trade Measurement Administration Act 1989 for verification, re-verification and certification of measuring instruments).

The Regulation is part of the scheme for uniform trade measurement legislation throughout Australia.
