



Queensland

Trade Measurement Act 1990

Trade Measurement (Measuring Instruments) Regulation 1991

Reprinted as in force on 1 February 2007

Reprint No. 1

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2010 Act No. 50 s 6

Information about this reprint

This regulation is reprinted as at 1 February 2007. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

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.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- correct spelling and use different spelling consistent with current drafting practice (s 26(1) and (2))
- use standard punctuation consistent with current drafting practice (s 27)
- use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprint 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 reprint.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

Trade Measurement (Measuring Instruments) Regulation 1991

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
3	Definitions	3
Part 2	Verification, re-verification and certification	
4	Marking of measuring instrument	4
5	Certain measuring instruments not to be verified/certified	4
6	Measuring instrument to be clean	4
7	Testing of measuring instrument	4
8	Testing and marking of measure of length	5
9	Exemption from re-verification and from marking	5
10	Restrictions on use for trade of certain small masses	5
11	Dismantling of measuring instrument for testing	6
12	Owner to provide and pay for labour etc.	6
Part 3	Batch testing and marking	
13	Definitions	7
14	Approval for batch testing of glass measures	8
15	Approval authorises making of marks	8
16	Restrictions on removal of marked glass measure	8
17	Batch testing requirements	9
18	Records to be kept and made available	9
Part 4	Licences and licensees	
19	Condition of licence	10
20	Licensee to keep certain records or give certain notices	10
21	Notification by licensee of changed particulars	10
22	Register of servicing licences	11

*Trade Measurement (Measuring Instruments)
Regulation 1991*

Part 5	Miscellaneous	
23	Restrictions on use of measuring instrument for trade	11
24	Subdivision of scale spacing	13
25	Measurement of liquid	13
26	Measurement of precious stones	14
27	Measurement of precious metals	14
28	Offence of using instrument for trade when prohibited	15
Endnotes		
1	Index to endnotes	16
2	Date to which amendments incorporated	16
3	Key	16
4	Table of reprints	17
5	List of legislation	17
6	List of annotations	17

*Trade Measurement (Measuring Instruments)
Regulation 1991*

Trade Measurement (Measuring Instruments) Regulation 1991

[as amended by all amendments that commenced on or before 1 February 2007]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Trade Measurement (Measuring Instruments) Regulation 1991*.

2 Commencement

This regulation commences on the day appointed by proclamation under section 2(2) of the Act.

3 Definitions

In this regulation, unless the contrary intention appears—

approved means approved by the administering authority.

licence means a servicing licence.

owner, in relation to a measuring instrument, means the person who uses, or proposes to use, the measuring instrument for trade or who proposes to make it available for use for trade.

*Trade Measurement (Measuring Instruments)
Regulation 1991*

- (a) if the measuring instrument is fixed—be carried out with the measuring instrument in its fixed position; or
- (b) if the measuring instrument is movable and has a base—be carried out with the measuring instrument on a level plane or, if this is not practicable, on a plane that is as nearly level as possible; or
- (c) if the measuring instrument is transportable and the results obtained by its use are affected by gravity—be carried out so as to compensate for the conditions applicable in the region in which it is used or to be used.

8 Testing and marking of measure of length

If a measure of length is to be verified or certified, it must be examined, tested and marked—

- (a) on both sides if it is calibrated on both sides and is not permanently fixed so that only one side is visible; or
- (b) on the visible side if it is permanently fixed so that only one side is visible.

9 Exemption from re-verification and from marking

- (1) If a glass measure referred to in part 3 has been marked in accordance with section 15, re-verification of it is not required.
- (2) If a measure of length has been verified, re-verification of it is not required.

10 Restrictions on use for trade of certain small masses

- (1) A mass of 0.2 metric carat or less, or of 50mg or less, is exempt from section 7 of the Act (measuring instrument not to be used for trade unless marked).
- (2) A person who uses such a mass for trade commits an offence unless the person is the holder of a certificate issued by the administering authority or the holder of a licence to the effect

*Trade Measurement (Measuring Instruments)
Regulation 1991*

that the mass concerned complies with the requirements for verification specified in section 13 of the Act.

Penalty—\$2000.

11 Dismantling of measuring instrument for testing

- (1) If an inspector considers it to be necessary to examine or test a component part of a measuring instrument for the purpose of verifying or re-verifying the instrument and that cannot be done without dismantling the instrument, the inspector may require the owner of the measuring instrument to comply with subsection (2).
- (2) The owner of a measuring instrument complies with this subsection if the owner—
 - (a) dismantles the measuring instrument or causes it to be dismantled; or
 - (b) consents to the measuring instrument being dismantled by the inspector and absolves the inspector from liability for any damage caused in the course of its dismantling or re-assembly.
- (3) If the owner fails to comply with subsection (2) when required to do so by an inspector, the measuring instrument must not be used for trade while the failure continues.

12 Owner to provide and pay for labour etc.

- (1) An inspector may direct the owner of a measuring instrument to provide and pay for—
 - (a) any labour, materials, electricity, equipment, liquid or gas; or
 - (b) the expeditious transportation to and from the site of the measuring instrument, or any test masses, measures or equipment;

required by the inspector for the purpose of verifying or re-verifying the measuring instrument.

*Trade Measurement (Measuring Instruments)
Regulation 1991*

- (2) If the owner fails to comply with such a direction, the measuring instrument concerned must not be used for trade while the failure continues.
- (3) The owner of a measuring instrument while in possession of any test masses, measures or equipment referred to in subsection (1) is liable for any loss of, or damage to, them and any costs and expenses incurred by the administering authority because of any such loss or damage is recoverable by the administering authority as a debt due by the owner of the measuring instrument.

Part 3 **Batch testing and marking**

13 **Definitions**

In this part—

approval means an approval given under section 14.

glass, in relation to a container or drinking vessel, includes any other material permitted by the approval for its pattern issued under the National Measurement Regulations of the Commonwealth.

glass measure means—

- (a) a container made wholly or principally of glass in which it is intended that lubricating oil will be sold by volume of the quantity (otherwise than as a prepacked article);
or
- (b) a measure made of glass or another rigid or semi-rigid substance intended for use for the sale of beer, ale, stout or spirits by quantity other than as a prepacked article.

testing facilities means labour and equipment necessary for testing glass measures in accordance with section 17.

14 Approval for batch testing of glass measures

- (1) The administering authority may give a manufacturer or importer of glass measures written approval for the glass measures to be tested and marked under this part.
- (2) An approval ceases to have effect if it is revoked by the administering authority or if the manufacturer or importer fails—
 - (a) to comply with any requirements of the administering authority notified in the approval; or
 - (b) to take reasonable precautions to prevent the commission of an offence referred to in section 16; or
 - (c) to provide and pay for testing facilities as required by the administering authority; or
 - (d) to make the testing facilities available, without charge, for use by an inspector or licensee in order to carry out tests in accordance with section 17; or
 - (e) to comply with section 18 relating to the keeping and examination of records.

15 Approval authorises making of marks

While an approval is in force, the manufacturer or importer is authorised to mark a glass measure with a mark consisting of—

- (a) the inspector's mark specified in the approval or the licensee's mark of the manufacturer or importer; and
- (b) the characters specified in the approval as those that are to form part of the approved mark, marked in the size and manner, and in the position on the measure, required by the approval.

16 Restrictions on removal of marked glass measure

If a glass measure is removed from the custody of the manufacturer or importer after being marked in accordance with an approval, the manufacturer or importer commits an offence unless—

*Trade Measurement (Measuring Instruments)
Regulation 1991*

- (a) the measure is one of a batch that complies with section 17; and
- (b) an inspector or a licensee has given written approval for the removal of the batch from the custody of the manufacturer or importer.

Penalty—\$2000.

17 Batch testing requirements

- (1) A batch of glass measures complies with this regulation only if—
 - (a) at least the appropriate test proportion of the batch is tested by an inspector or licensee; and
 - (b) in each such test less than 2% of the measures tested fail to comply with the requirements of section 13 of the Act for verification or certification.
- (2) The appropriate test proportion of a batch of glass measures is the proportion determined by the administering authority from time to time.
- (3) A batch of glass measures fails to comply with this regulation if the batch is not accompanied by a histogram detailing the results of tests made on the batch by or on behalf of the manufacturer or importer concerned.

18 Records to be kept and made available

A manufacturer or importer given an approval must—

- (a) keep such records relating to glass measures as are specified in the approval; and
- (b) make the records available for examination if required to do so by an inspector.

Part 4 Licences and licensees

19 Condition of licence

It is a condition of a licence that the licensee—

- (a) must do everything that this regulation requires be done by the licensee; and
- (b) must not do anything that this regulation requires the licensee to refrain from doing.

20 Licensee to keep certain records or give certain notices

- (1) The administering authority may direct a licensee to do any of the following—
 - (a) make specified records relating to the certification of measuring instruments;
 - (b) retain those records for at least 2 years after making them;
 - (c) produce the retained records on demand by an inspector;
 - (d) give the administering authority not later than 14 days after certifying a measuring instrument a written notice in an approved form;
 - (e) retain a copy of such a notice for at least 2 years after service of the notice;
 - (f) produce the retained copies on demand made by an inspector.
- (2) The licensee must comply with a direction given under subregulation (1).

21 Notification by licensee of changed particulars

A licensee must notify the licensing authority in writing of—

- (a) any change in the address for the service of notices on the licensee; and

*Trade Measurement (Measuring Instruments)
Regulation 1991*

- (b) the full name and residential address of each person who commences or ceases to be employed by the licensee to certify measuring instruments;

and must do so not later than 14 days after the event.

22 Register of servicing licences

For the purposes of section 47 of the Act, the prescribed particulars to be kept in a register by the licensing authority in respect of each servicing licence are as follows—

- (a) the number of the licence and the date of its issue;
- (b) the name of the licensee and the address at which notices may be served personally on the licensee;
- (c) particulars of any conditions to which the licence is subject imposed under section 48 of the Act;
- (d) such other particulars as the licensing authority thinks desirable.

Part 5 Miscellaneous

23 Restrictions on use of measuring instrument for trade

- (1) A person commits an offence if—
 - (a) in using for trade a measuring instrument of an approved pattern designed for measuring a liquid, the person purports to measure anything other than a liquid to which the approved pattern relates; or
 - (b) in using for trade a measuring instrument held in, or suspended from, the hand, the person purports to measure mass; or
 - (c) in using for trade a measuring instrument marked for a specific use, the person does so otherwise than in accordance with the marking; or

*Trade Measurement (Measuring Instruments)
Regulation 1991*

- (d) in using for trade a measuring instrument marked for use with specified proportional masses, the person uses other proportional masses; or
- (e) except for factory use or non-retail counter use, the person uses for trade a measuring instrument with a tare bar; or
- (f) the person uses a measuring instrument for trade in order to determine mass greater than the mass permitted by the approved pattern for the instrument; or
- (g) in using a measuring instrument for trade in order to determine the mass of any goods for therapeutic use within the meaning of the *Therapeutic Goods Act 1966* of the Commonwealth,¹ or the mass of precious metals, the person uses masses other than masses marked “A” (in accordance with a certificate of approval of pattern under the National Measurement Act); or
- (h) in using a measuring instrument for trade in order to determine the mass of anything other than precious stones, the person uses metric carat masses.

Penalty—\$2000.

- (2) A person who, on the same premises, is in possession of more than one measuring instrument that is used for trade and is marked for use with proportional masses commits an offence unless the proportional masses are readily identifiable with the measuring instrument on which they were tested.

Penalty—\$2000.

- (3) A person who uses for trade a measuring instrument fitted with a load receptor commits an offence if—
 - (a) it is one of 2 or more such measuring instruments on the premises and its load receptor is not clearly marked to identify it with the measuring instrument on which it is used; or
 - (b) the load receptor is removable and measures incorrectly in any position on its supports; or

¹ This Act has been repealed, see 1990 Act No. 21 s 65 (Cwlth).

*Trade Measurement (Measuring Instruments)
Regulation 1991*

- (c) any latitude of movement of the load receptor on its supports causes it to foul any part of the measuring instrument; or
- (d) the load receptor is in the form of a scoop mounted so that a purchaser cannot readily see whether there is any foreign matter in the load receptor.

Penalty—\$2000.

24 Subdivision of scale spacing

If the scale spacing on a measuring instrument that bears an inspector's mark or a licensee's mark is altered by being subdivided after the inspector's mark or licensee's mark was marked on the instrument—

- (a) the person who subdivided the scale spacing commits an offence; and
- (b) a person who uses the measuring instrument for trade commits an offence.

Penalty—\$2000.

25 Measurement of liquid

If a measuring instrument is used for trade in order to measure a liquid, the person in possession of the measuring instrument or who makes it available for use for trade commits an offence unless—

- (a) the measuring instrument is, at least to the extent necessary for the purpose of permitting proper observation of its operation, artificially illuminated between sunset and sunrise and at any other time when illumination is necessary for that purpose;
- (b) in the case of a flowmeter fitted with a zero re-setting device—the flowmeter is re-set to zero before the commencement of a measurement to be made by its use;
- (c) in the case of a sale of liquid measured by a driveway flowmeter—the existing readings of volume, price per

*Trade Measurement (Measuring Instruments)
Regulation 1991*

litre and price are not erased until the sale has been completed.

Penalty—\$2000.

26 Measurement of precious stones

A person who, for the purpose of measuring diamonds or other precious stones, uses for trade a measuring instrument that—

- (a) has a verification scale interval greater than 10mg; or
- (b) has a capacity of less than 5000CM and a verification scale interval greater than 0.01CM; or
- (c) has a capacity of 5000CM or more and a verification scale interval greater than 0.05CM;

commits an offence.

Penalty—\$2000.

27 Measurement of precious metals

A person who, for the purpose of measuring gold, silver or other precious metals, uses for trade a measuring instrument that has a capacity specified in column 1 of the table to this clause and a verification scale interval greater than that specified in column 2 opposite the capacity commits an offence.

Penalty—\$2000.

Table

Column 1	Column 2
Less than 1kg	10mg
1kg or more but less than 10kg	100mg
10kg or more	1g

*Trade Measurement (Measuring Instruments)
Regulation 1991*

28 Offence of using instrument for trade when prohibited

A person who uses a measuring instrument for trade in contravention of a provision of this regulation where no other penalty is provided for commits an offence.

Penalty—\$2000.

Endnotes

1 Index to endnotes

		Page
2	Date to which amendments incorporated.	16
3	Key	16
4	Table of reprints	17
5	List of legislation	17
6	List of annotations	17

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 1 February 2007. Future amendments of the Trade Measurement (Measuring Instruments) 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
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

*Trade Measurement (Measuring Instruments)
Regulation 1991*

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	1999 SL No. 144	25 June 1999	
1	2006 SL No. 314	1 February 2007	

5 List of legislation

Trade Measurement (Measuring Instruments) Regulation 1991 (prev Trade Measurement (Measuring Instruments) Regulations 1991)

made by the Governor in Council on 23 May 1991

pubd gaz 25 May 1991 pp 380–91

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 1–2

notfd gaz 25 June 1999 pp 932–8

commenced on date of notification

Trade Measurement Legislation Amendment Regulation (No. 1) 2006 SL No. 314 pts 1, 3

notfd gaz 15 December 2006 pp 1861–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 February 2007 (see s 2)

6 List of annotations

Short title

s 1 sub 2006 SL No. 314 s 6

Commencement

s 2 amd 2006 SL No. 314 s 7

Definitions

prov hdg sub 2006 SL No. 314 s 8(1)

s 3 amd 2006 SL No. 314 s 8(2)

def “the Act” om 2006 SL No. 314 s 8(3)

*Trade Measurement (Measuring Instruments)
Regulation 1991*

Exemption from re-verification and from marking

s 9 amd 2006 SL No. 314 s 9

Dismantling of measuring instrument for testing

s 11 amd 2006 SL No. 314 s 10

Owner to provide and pay for labour etc.

s 12 amd 1999 SL No. 144 s 3; 2006 SL No. 314 s 11

Definitions

prov hdg sub 1999 SL No. 144 s 4(1)

s 13 def “**approval**” amd 2006 SL No. 314 s 12

 def “**glass measure**” amd 1999 SL No. 144 s 4(2)

 def “**testing facilities**” amd 2006 SL No. 314 s 12

Approval for batch testing of glass measures

s 14 amd 2006 SL No. 314 s 13

Restrictions on removal of marked glass measure

s 16 amd 2006 SL No. 314 s 14

Batch testing requirements

s 17 amd 2006 SL No. 314 s 15

Condition of licence

s 19 amd 2006 SL No. 314 s 16

Measurement of precious stones

s 26 amd 1999 SL No. 144 s 5

Offence of using instrument for trade when prohibited

s 28 amd 2006 SL No. 314 s 17