

Queensland



TRADE MEASUREMENT AMENDMENT BILL 1999



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1999

A BILL

FOR

An Act to amend the Trade Measurement Act 1990

The Parliament of Queensland enacts—

1

Short title

2

Clause 1. This Act may be cited as the *Trade Measurement Amendment Act 1999*.

3

4

Commencement

5

Clause 2. This Act commences on a day to be fixed by proclamation.

6

Act amended

7

Clause 3. This Act amends the *Trade Measurement Act 1990*.

8

Amendment of s 3 (Definitions etc.)

9

Clause 4.(1) Section 3, heading ‘etc.’—

10

omit.

11

(2) Section 3(1), definition “**measurement**”—

12

omit.

13

(3) Section 3(1)—

14

insert—

15

‘ “**class 4 measuring instrument**” means a measuring instrument of an approved pattern that—

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17

(a) has not less than 100 but not more than 1 000 verification scale intervals, each of which is not less than 5 grams; and

18

19

(b) is marked with a symbol that is an oval of any shape, or 2 parallel horizontal lines that are joined at each end by a semi-circle, with 4 vertical lines in it.

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“**measurement**” means a determination of number or physical quantity, other than for descriptive purposes only.’.

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Trade Measurement Amendment

- (4) Section 3(2), from ‘the purposes’— 1
omit, insert— 2
‘this Act— 3
(a) time interval not related to the calendar is a physical quantity; and 4
(b) time interval related to the calendar is not a physical quantity; and 5
(c) any packaging or other thing that is not part of an article is to be 6
disregarded when determining a physical quantity.’. 7
(5) Section 3(2), as a heading— 8
insert— 9
‘Determining certain quantities’. 10
(6) Section 3(3), as a heading— 11
insert— 12
‘References to functions’. 13
(7) Section 3(2) and (3)— 14
renumber as sections 3A and 3B. 15

Amendment of s 7 (Measuring instruments used for trade must be marked) 16
17

- Clause 5.(1) Section 7(3) and (4)— 18
renumber as section 7(5) and (6). 19
(2) Section 7— 20
insert— 21
‘(3) If an inspector finds a measuring instrument that is being used in 22
contravention of subsection (1) or (2), the inspector may give to the owner 23
or user of the measuring instrument a written notice — 24
(a) stating the measuring instrument— 25
(i) does not have an inspector’s mark or a licensee’s mark on it; 26
or 27

Trade Measurement Amendment

	(ii) for a weighbridge—does not comply with stated requirements of the regulation relating to weighbridges; and	1 2
	(b) requiring the person to remedy the contravention within a stated period of not more than 28 days.	3 4
	‘(4) If the person complies with the notice, the person is taken not to have committed an offence against this section in relation to the circumstances to which the notice relates.’.	5 6 7
	Insertion of new section 7A–7B	8
Clause	6. After section 7—	9
	<i>insert—</i>	10
	‘Use of class 4 measuring instruments	11
	‘7A. A person must not use a class 4 measuring instrument for trade, other than—	12 13
	(a) as airport baggage scales; or	14
	(b) for freight scales with a capacity of up to 2 000 kg; or	15
	(c) for weighing garbage; or	16
	(d) for weighing earth, sand, gravel or other similar material; or	17
	(e) as a crane-weigher; or	18
	(f) for weighing timber in log form; or	19
	(g) for another purpose prescribed under a regulation.	20
	Maximum penalty—	21
	(a) if the class 4 measuring instrument is a weighbridge—\$10 000; or	22 23
	(b) in any other case—\$5 000.	24
	‘Use of measuring instruments for pre-packed articles	25
	‘7B. A person must not use a measuring instrument for measuring pre-packed articles on premises in which articles are pre-packed unless at least 1 measuring instrument on the premises is approved for trade use	26 27 28

Trade Measurement Amendment

under the National Measurement Act, complies with this Act, and is suitable for measuring the articles to be pre-packed.

Maximum penalty—\$5 000.’.

Amendment of s 8 (Unjust measurement)

Clause **7.(1)** Section 8(1), ‘or unjust’—

omit.

(2) Section 8(4)—

renumber as section 8(6).

(3) After section 8(3)—

insert—

‘**(4)** If an inspector finds a measuring instrument being used for trade that is incorrect or is being used in a way that is unjust, the inspector may give to the owner or user of the measuring instrument a written notice—

(a) stating—

(i) the measuring instrument is incorrect; or

(ii) the way the person is using it is unjust; and

(b) requiring the person to take stated steps to stop contravening the relevant subsection within a stated period, of not more than 28 days.

‘**(5)** If the person complies with the notice, the person is taken not to have committed an offence against this section in relation to the circumstances to which the notice relates.’.

Amendment of s 9 (Supplying incorrect etc. measuring instrument)

Clause **8.** Section 9(1), ‘or unjust’—

omit.

	Amendment of s 10 (Provision and maintenance of standards)	1
Clause	9.(1) Section 10(1), from ‘classes’—	2
	<i>omit, insert—</i>	3
	‘classes and denominations of reference standards of measurement as the administering authority decides are necessary for the purposes of this Act.’.	4
		5
	(2) Section 10(2), ‘classes’—	6
	<i>omit, insert—</i>	7
	‘classes and denominations, decided by the administering authority,’.	8
	Amendment of s 23 (Incorrect measurement or price calculation)	9
Clause	10.(1) Section 23, after ‘operates the measuring instrument’—	10
	<i>insert—</i>	11
	‘or decides the measurement’.	12
	(2) Section 23(a), ‘the other party to the sale’—	13
	<i>omit, insert—</i>	14
	‘any other person who is a party to a sale of the article’.	15
	Amendment of s 31 (Incorrect pricing of prepacked article)	16
Clause	11. Section 31(1), after ‘article’, fourth mention—	17
	<i>insert—</i>	18
	‘(without any packaging or other thing that is not part of the article)’.	19
	Amendment of s 42 (Requirement for servicing licence)	20
Clause	12.(1) Section 42(2)—	21
	<i>renumber</i> as section 42(3).	22
	(2) Section 42(1)—	23
	<i>omit, insert—</i>	24

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‘**42.(1)** A person must not test a batch of measuring instruments or certify or purport to certify a measuring instrument unless the person is the holder of a servicing licence or an employee of the holder of a servicing licence.

Maximum penalty—\$20 000.

‘**(2)** A person who is the holder of a servicing licence, or an employee of the holder of a servicing licence, must comply with the conditions of the licence.

Maximum penalty—\$20 000.’.

Amendment of s 44 (Application for licence)

Clause **13.(1)** Section 44(2) and (3)—

renumber as section 44(3) and (4).

(2) Section 44—

insert—

‘**(2)** However, if 2 or more persons who carry on business together as partners join in making an application, the licensing authority may only grant a single licence to the joint applicants.’.

Amendment of s 60 (Powers of entry etc.)

Clause **14.** Section 60(1)(b), from ‘enable’ to ‘search it’—

omit, insert—

‘enable the inspector—

(i) to enter and search it; or

(ii) to weigh or measure it and its load’.

Amendment of s 61 (Powers in relation to measuring instruments)

Clause **15.(1)** Section 61—

insert—

Trade Measurement Amendment

‘(2) Also, the inspector may record the details of any measuring instrument that is examined or tested under this section in the way the inspector considers appropriate, including by filming or photographing.’.

Amendment of s 62 (Powers in relation to articles)

Clause **16.(1)** Section 62(1)(a), after ‘examine’—
insert—
‘and measure’.

(2) Section 62—
insert—

‘(4) Also, the inspector may record the details of any article that is examined or measured under this section in the way the inspector considers appropriate, including by filming or photographing.’.

Amendment of s 76 (Evidence—prepacked articles)

Clause **17.(1)** Section 76, ‘prima facie’—
omit.

(2) Section 76(4)—
renumber as section 76(5).

(3) After section 76(3)—
insert—

‘(4) A batch number on a prepacked article is evidence of the matters indicated by the number, including for example, the date and place the article was packed and who packed it.’.

(4) Section 76—
insert—

‘(6) In this section—

“batch number” means a number marked on a prepacked article in accordance with a system of numbers, letters or symbols or any combination of numbers, letters and symbols, used by the person

packing the article to mark the article to indicate when and where it was 1
packed and who packed it.’. 2

Amendment of s 80 (Regulation-making power) 3

Clause 18. Section 80(2)(g), after ‘of a’ — 4
insert— 5
‘certified,’. 6

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