

1989-90-91

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

TRADE MEASUREMENT ACT 1991

TRADE MEASUREMENT (WEIGHBRIDGES) REGULATIONS

SL 1991-20

EXPLANATORY MEMORANDUM

Circulated by authority of

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Attorney General

TRADE MEASUREMENT (WEIGHBRIDGES) REGULATIONS

GENERAL OUTLINE

These regulations are made under section 81 of the *Trade Measurement Act 1991* (the Act). They are part of the package of uniform legislation introduced pursuant to the Commonwealth-State-Territory Agreement on Uniform Trade Measurement Legislation and Administration to which the ACT became signatory in 1990.

The regulations prescribe requirements for weighbridges used for trade, matters relating to certificates of suitability of weighbridges, matters relating to weighbridge licences and other related matters.

NOTES ON REGULATIONS

Regulations 1 to 2 make provision for the title and the commencement of the regulations when the relevant provisions of the Act commence.

Regulation 3 sets out the definition of various terms used in the regulations.

Regulation 4 ensures that other regulations generally applying to measuring instruments continue to apply.

Regulations 5 to 14 set out a range of requirements relating to physical or structural aspects of weighbridges. A weighbridge must -

- . be situated so that vehicles can freely move on and off without turning and be protected from the elements;
- . enable a clear view of vehicles and of the indicator of mass by operators;
- . have an approach of hard durable surface, level with the weighing platform for a specified distance and so arranged that the approach does not permit drainage into the pit;
- . have platforms of steel or other approved material and guard rails to prevent vehicles moving off sideways (unless exempted by the Superintendent of Trade Measurement);
- . if it has a pit, have a pit with specified clearances from the platform enabling free movement of and access to the platform and underwork and with proper drainage;

- . if it does not have a pit, have adequate clearances as specified and adequate drainage and protection from the elements;
- . if it is a multi-platform weighbridge, must have non-sensitive space between platforms less than 2 metres, must have a visual summing indicator and must not have platforms that interfere with each other's operation; and
- . if it is portable, have specified clearances, a stable base, have adequate protection for exposed controls and be protected from undergrowth and the elements.

Regulations 15 to 20 deal with certificates of suitability of public weighbridges. A person who has a weighbridge licence under the Act may apply for a certificate of suitability. An inspector then examines the weighbridge and if the inspector is satisfied that it is suitable the Superintendent of Trade Measurement issues a certificate subject to payment of the fee prescribed under the *Trade Measurement (Administration) Act* (the Administration Act).

The Superintendent of Trade Measurement is required to keep a register of the location and other particulars of weighbridges for which a certificate is current.

Certificates of suitability -

- . have 12 months duration unless they are surrendered, cancelled or suspended;
- . cease to have effect if the relevant weighbridge is re-located;
- . may be issued as a duplicate if the original is lost or damaged;
- . may be suspended if an inspector examines the relevant weighbridge and finds it unsuitable;
- . if suspended, may be re-activated subject to examination by an inspector and the payment of the fee prescribed under the Administration Act and may be re-activated on conditions; and
- . must be returned to the Superintendent of Trade Measurement within 7 days of cancellation - Penalty \$200.

Regulation 21 makes it a condition of weighbridge licences issued under the Act that licensees comply with the regulations.

Regulation 22 requires weighbridge licensees to display in public view at each weighbridge the weighbridge registration number and its certificate of suitability.

Regulation 23 requires licensees to make available at each weighbridge tare mass books and measurement tickets, both in the form specified in Schedules 2 and 3 respectively. The tickets must be bound and numbered in pads or booklets, each being marked "original" or "duplicate".

Licensees must ensure that duplicates are issued to customers and retain originals for at least 12 months. Originals and unissued duplicates must be produced to an inspector if required.

Regulations 24 imposes on licensees duties to -

- . properly maintain the weighbridge in true balance;
- . not refuse vehicles or livestock in normal trading hours unless they are beyond weighbridge capacity or the required payment is not made;
- . exercise due care in making measurements and in making entries in tare mass books and on measurement tickets;
- . make measurement ticket originals relating to measurements less than 12 months old available on demand to inspectors or interested persons;
- . inform the Superintendent of Trade Measurement and withdraw the weighbridge from use, if the licensee knows or has reason to believe measurements are incorrect.

Regulation 25 makes it an offence for an operator of a weighbridge to -

- . not take due care with measurements and not to make entries in the tare mass book and complete and issue measurement tickets in accordance with Schedule 1;
- . alter originals or issue incorrect duplicates;
- . remove originals or unissued duplicates from their book; or
- . operate the weighbridge if he or she knows or has reason to believe its measurements are incorrect.

Maximum penalty: \$2,000.