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AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

TRADE MEASUREMENT ACT 1991

TRADE MEASUREMENT (PRE-PACKED ARTICLES) REGULATIONS

EXPLANATORY MEMORANDUM

Circulated by authority of

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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 Australian Capital Territory became a signatory in 1990.

The regulations prescribe requirements for the marking of appropriate information on pre-packaged goods and prescribe other incidental matters.

NOTES ON REGULATIONS

Regulations 1 to 3 provide for the title of the regulations and for the definition of terms used in the regulations.

Regulations 4 to 5 provide for certain exemptions from the requirements to mark information on goods. Essentially these are

- . bulk goods or produce not going directly to consumers;
- . small single goods such as ice-creams and lollies;
- . goods covered by other laws; and
- . goods otherwise not suitable or desirable to be subject to the requirements of the regulations, such as therapeutic goods, goods not sold by measurement and specific goods such as honey in the comb and hay.

Regulations 6 and 7 deal with inner and outer packages, exempting outer packages used only for transportation purposes and inner packages when the item is usually sold in an outer package not exempt.

Regulation 8 sets out requirements for the name and address of the packer (or person on whose behalf it was packed) of an article to be clearly marked on the package.

Regulation 9 exempts certain bulk agricultural and horticultural seed from the requirements of regulation 8.

Regulations 10 to 13 require pre-packed articles to be marked with a clear, visible statement of measurement of the article and set out specific requirements for -

- . the position of the statement on the package so that it is exposed visibly to the consumer;
- . the position of the statement so that it is near the brand but not near the edge of the package (with special provision for cylindrical, conical and spheroidal packages);
- . metric units of measurement with decimals to be preceded by a numeral or zero;
- . statements in contrasting colour; and
- . type size compared with size of package dimension.

Regulation 14 requires units of measurement to be by reference to number or volume etc depending on how the article is ordinarily sold, or as prescribed in Schedule 2. Schedule 2 lists materials such as cream, wire, aerosols and liquefied gases about which there can be doubt as to the correct unit of measurement and specifies the appropriate measurement by mass, volume or length etc.

Regulations 15 and 16 require sub-multiples of measurement to be expressed as a decimal up to 3 decimal places unless the measurement marking is made by an approved printing device.

Regulation 17 prohibits statements by reference to a minimum measurement (excepting for eggs) unless the statement -

- . meets the requirements of ordinary statements (see regulations 10 to 16);
- . is marked on pre-packed dressed poultry and specifies a minimum multiple of 100 grams in a type size of at least 10mm; or
- . is marked on pre-packed sausage in units of mass.

Regulation 18 requires pre-packed eggs to be marked by reference to the number of eggs in the package and the minimum mass of each egg.

Regulation 19 permits items packed as sheets (eg foil, tissues) to be marked by the number of sheets in each package.

Regulation 20 permits articles to be marked by referring to the number of articles to the tonne if 45 or fewer of

the articles weigh 1 tonne in total and they are ordinarily sold by weight.

Regulations 21 and 22 deal with bedsheets, tarpaulins, curtains and the like, and specify appropriate statements of measurement to be marked on these articles.

Regulation 23 requires width or thickness to be marked on articles measured by length where they are relevant to the price.

Regulations 24 to 26 deal with pre-packed goods where there is an outer package and articles inside in their own packages.

- . Where there are two or more inner packages of the same type and measurement, the number of inner articles and individual or total measurement may be stated on the outer package.
- . If there is only a single inner package the outer package in which it is ordinarily sold need not be marked if it is transparent.
- . If there are a number of articles in an outer package ordinarily sold in this way and the outer package shows the required measurement statement, the articles inside do not have to be marked.

Regulation 27 sets out requirements for measurement statements on specific goods including fruit, cheese, dressed poultry not within regulation 17, fish (including crustaceans), meat, vegetables and smallgoods. These goods must be marked with a price per kilogram in addition to their specific measurements and prices unless they are packed in the standard sizes set out in the Table.

Regulations 28 to 31 restrict the use a range of expressions including "mass when packed" and "gross mass" so that the expressions are not misleading. Statements which qualify measurements or which refer to ingredients or components incapable of testing are prohibited for the purposes of section 30 of the Act.

Regulations 32 to 36 deal with the extent of shortness of measurement permitted under section 33 of the Act before the deficiency becomes illegal -

- . For articles in general (excepting frozen scallops or articles to which an exemption permit applies) the permissible actual deficiency is 5% and the permissible average deficiency is nil.

For articles marked "mass when packed" and specified in the Table in regulation 33 the actual and average deficiencies may be as specified in the Table.

For articles marked "mass at standard condition" (such as cotton, wool and other fibres) the deficiencies must be as specified in the Table, or as specified in the formula for mixtures of fibres.

Average measurements are to be calculated by measuring at least 12 articles. If 12 are not available then the most that are available and at least 6 are to be used.

Regulation 37 requires frozen scallops to be thawed for measurement.

Regulation 38 sets out requirements for applications for permits under sections 38 and 39 of the Act to sell pre-packed articles which it would otherwise be an offence to sell.