

## Weights and Measures Amendment Regulations 2002

Pursuant to section 41 of the Weights and Measures Act 1987, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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#### 1 Title

- (1) These regulations are the Weights and Measures Amendment Regulations 2002.
- (2) In these regulations, the Weights and Measures Regulations 1999<sup>1</sup> are called “the principal regulations”.

#### 2 Commencement

These regulations come into force on 20 December 2002.

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<sup>1</sup> SR 1999/373

**3 New regulations 79A to 79C inserted**

The principal regulations are amended by inserting, after regulation 79, the following regulations:

**“79A General requirement to mark quantity on packages of food**

- “(1) Every package of food must be marked with a statement of quantity in the form of a statement of the net weight or volume or number of contents in the package, whichever is the most appropriate for the sale of the item concerned.
- “(2) Subclause (1) applies unless—
- “(a) the package of food is exempted under regulation 79C; or
  - “(b) the package is a bottle to which regulation 37 applies.
- “(3) Subclause (1) applies regardless of whether the statement of quantity is marked on the package in which the food is packed or on a label fixed or attached to that package.
- “(4) If the statement of quantity of a package of food states the net weight or volume, then it must be marked in accordance with regulation 79.
- “(5) If the statement of quantity of a package of food states the number of contents in the package, then the statement must—
- “(a) be in a prominent position, and, if the package of food is marked with the food’s name or description, in close proximity to that marking; and
  - “(b) be clearly written or printed in letters and figures at least 2 mm in height and in a colour that contrasts distinctly with the background.
- “(6) If, because of the size of any food, or of the package in which the food is packed, the number of contents in the package cannot be marked in letters and figures of the size required by subclause (5)(b), that marking may be in letters and figures of a smaller size, but sufficiently large to be clear and legible.

**“79B Additional requirement for marking on outer packaging**

- “(1) This regulation applies to 2 or more packages of food if—
- “(a) each package of food is separately packed in its own package; and

- “(b) all of the packages of food are packaged together in an outer package that is not of a kind intended to be removed before the food is offered for retail sale and that is customarily taken away by the purchaser of the food.
- “(2) In addition to the general requirement set out in regulation 79A, the statement of quantity marked on the outer package must also state—
  - “(a) the total quantity of all the packages in the outer package; or
  - “(b) the number of the packages contained in the outer package and the quantity of each of those packages.

**“79C Exemptions from regulations 79A and 79B**

- “(1) Nothing in regulations 79A and 79B applies to—
  - “(a) packages of food not intended for retail sale:
  - “(b) items of confectionery or chocolate of a quantity less than 15 g or 15 ml or single novelty items or single Easter eggs:
  - “(c) packages of food ordinarily sold by number of contents in the package that contain not more than 8 single items contained in transparent wrapping if the contents are able to be clearly seen and counted by a prospective purchaser:
  - “(d) raw fruit or raw vegetables that, immediately after they have been picked, is packed directly in a package intended for retail sale in units of not more than 500 g:
  - “(e) packaged sandwiches, filled rolls, hamburgers, take-aways, and similar packaged foods that are intended for immediate consumption:
  - “(f) any package of food if the food is of a nature, quality, quantity, origin, or brand requested by the purchaser and the purchaser is present when the seller packages the food and weighs, counts, or measures the package:
  - “(g) any package of food if the purchaser packages the food and is present when the seller weighs, counts, or measures the package:
  - “(h) food sold at a fund-raising event.
- “(2) Nothing in regulation 79B applies to an outer package that is—

- “(a) for the purposes of transportation and distribution only; and
- “(b) of a kind intended to be removed before the food is offered for retail sale and that is customarily not taken away by the purchaser of the food.”

#### **4 New regulation 80 substituted**

The principal regulations are amended by revoking regulation 80, and substituting the following regulation:

##### **“80 Offences**

A person commits an offence and is liable on summary conviction to a fine not exceeding \$2,000 who sells or offers for sale or exposes for sale—

- “(a) any goods marked with their net weight or measure if those goods are not marked in accordance with the requirements set out in regulation 79:
- “(b) any package of food that is required to be marked in accordance with regulation 79A or regulation 79B and that is not so marked.”

Marie Shroff,  
Clerk of the Executive Council.

### **Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 20 December 2002, amend the Weights and Measures Regulations 1999. The amendment is required as a result of the commencement of the Australia New Zealand Food Standards Code on 20 December 2002. On that date, the Food Regulations 1984 will be revoked by a separate Order in Council. However, the requirement for mandatory statements of quantity marking for packages of food, currently provided for in those regulations, will be retained with some minor changes in the Weights and Measures Regulations 1999.

2002/369

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