

[CONFIDENTIAL.] 323

(Rough Draft for Consideration Only.)

No. , 1919.

A BILL

To amend the law relating to Weights and Measures; to amend the Weights and Measures Act, 1915, and the Weights and Measures (Amendment) Act, 1916; to regulate the making and sale of bread, and to repeal the Bread Act, 1901; and for purposes consequent thereon and incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

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327—(5)

1.

Short title
and com-
mencement.

1. This Act may be cited as the "Weights and Measures (Amendment) Act, 1919," and shall commence and take effect on and from the _____ day of _____ one thousand nine hundred and nineteen.

Amendment
of Principal
Act.

2. The Weights and Measures Act, 1915, as amended **5**
by the Weights and Measures (Amendment) Act, 1916,
is amended as follows:—

Sec. 16.

(1) Section sixteen: The last paragraph of that section is repealed and the following inserted in lieu thereof:— **10**

New denomi-
nations and
systems.

Such new denominations of standards may, notwithstanding anything contained in Schedule C hereto, be of the metric or any other system, and shall, when proclaimed by the Governor in the Gazette, be standard **15**
weights and measures of New South Wales: Provided that the Governor may by regulation prescribe or limit the purposes for which weights or measures of any of such new denominations may or shall be used. **20**

Sec. 23.

(2) Section twenty-three: The following subsection is added:—

(3) Provided that nothing in this Act shall prevent the use of weights or measures of the metric or any other system when standards **25**
therefor have been provided and proclaimed in accordance with section sixteen, and such use is prescribed or permitted by regulations.

Sec. 25.

(3) Section twenty-five is hereby repealed, and the following section inserted in lieu thereof:— **30**

Sale by net
weight or
measure.

25. (1) A person shall not sell by retail any article by weight or measure unless by net weight or measure.

Invoices and
delivery
notes.

(2) Every person delivering to a purchaser at any place other than the premises of **35**
the seller any article sold by retail by weight, measure, or number, shall deliver an invoice or delivery note showing the correct net weight, measure, or number, as the case may require, of such article: **40**

Provided

Provided this subsection shall not apply Exemptions.
to—

- (a) bread ;
- 5 (b) any article weighed, measured, or counted on delivery at the premises of the purchaser;
- (c) any article in a package on which the net weight, measure, or number is marked as prescribed ;
- 10 (d) any article in respect of which an invoice showing the net weight, measure, or number, as the case may require, is supplied to the purchaser before or at the time of sale.

15 (3) A person shall not sell, offer, or expose for sale by retail any article in a package, whether such article is ordinarily sold by weight, measure, number, or not, unless the correct net weight, measure, or number of such article is legibly stated in the manner prescribed on the outside of such package, or on a label firmly attached thereto :

Statements on package or label.

20 Provided this subsection shall not apply to any article weighed, measured, or counted in the presence of the purchaser. Exemptions.

25 (4) Any article may by regulation be exempted from the requirements of this section, either wholly or in part.

30 (4) Section twenty-six is hereby repealed, and the following sections inserted in lieu thereof :— Sec. 26.

35 26. (1) When the weight, measure, or number of any article in a package is stated on such package, and is not correctly so stated, the seller or the person offering or exposing such article for sale, or having such article in his possession for sale, either wholesale or retail, shall be guilty of an offence against this Act, and any such article found in the possession of any person manufacturing or trading in such articles,

Weight or measure incorrectly stated on package.

articles, shall be deemed to be in possession of such person for sale, until the contrary is proved :

Exemptions.

Provided that a person shall not be liable for a contravention of this subsection if— 5

(a) he purchased such article in a package with the weight, measure, or number in question stated thereon, and such package is in the same state as when purchased by him ; and 10

Guarantee

(b) such package bears a statement in the following form :—“ Number , guaranteed under the Weights and Measures Act by,” followed by the name and address of a person who shall have 15 deposited in the office of the superintendent a guarantee in the prescribed form guaranteeing the correctness of the statement of weight, measure, or number, on articles bearing the inscription 20 herein prescribed, and who has been allocated the serial number appearing on such package.

(2) The person giving such guarantee must be a resident in New South Wales, or if 25 a company must have a registered office in New South Wales, and the guarantee must state the name and place of business of the guarantor and the name under which he trades.

(3) A person depositing a guarantee 30 under this section may be required before the acceptance of such guarantee to satisfy the superintendent by bank guarantee or otherwise of his bona fides and financial stability.

(4) Where any article in a package is 35 sold, offered, exposed, or kept for sale and the weight, measure, or number of such article is stated on such package, and is not correctly so stated, and such package bears a statement that such article is guaranteed under the Weights 40 and Measures Act, together with the name of the

5 the person guaranteeing such statement, such person shall be guilty of an offence against this Act unless he proves that such statement was placed thereon without his knowledge, author-
 10 ity, or consent, by some person who was neither his agent, representative, or employee.

(5) Any person who—

10 (a) places or causes to be placed on any package the statement "guaranteed under the Weights and Measures Act," or any like statement which might be taken to indicate that the weight, measure, or number of the contents is guaranteed; or

15 (b) being a wholesaler or manufacturer or an agent for a wholesaler or manufacturer, sells, offers, or has in his possession for sale any package bearing such a statement,

20 shall, unless a guarantee in the prescribed form covering such package has been deposited in the office of the superintendent by the person (if any) whose name appears on such package as guarantor, be guilty of an offence against
 25 this Act.

30 26A. (1) When any package containing an article which is subject to diminution in weight by reason of climatic influences bears a conspicuous label or inscription showing the words "net weight when packed," followed by a correct statement of such weight, such package shall be deemed to have been marked in accordance with the provisions of this Act :

Articles liable to diminution in weight by reason of climatic influences.

35 Provided that in the case of specified articles a permissible percentage of diminution from the stated weight may be prescribed by regulation, and when such diminution is exceeded the net weight of the article shall be considered to be incorrectly stated.

(2)

- Approximate weights, measures, and numbers. (2) Weights, measures, and numbers closely approximating those stated on an invoice or delivery note or on a package will be allowed when and as prescribed by Regulation either generally or with respect to particular articles. 5
- Sec. 28. (5) Section twenty-eight: Add the following words to the section, "or purported to be sold or delivered."
- New section. (6) After section twenty-eight the following new section is inserted:— 10
 28A. Where any article is purchased by weight, measure, or number, and the weight, measure, or number thereof is determined by the purchaser, any such purchaser or person on his behalf making a false representation 15 to the seller or his agent either directly or indirectly of the weight, measure, or number of such article shall be guilty of an offence against this Act.
- Sec. 29. (7) Section twenty-nine: Omit "shall be seized" 20 and in lieu thereof insert "may be seized"
- Sec. 30. (8) Section thirty: Add the following new subsection:—
 (3) For the purposes of this and the three next succeeding sections every weighing or 25 measuring instrument open for use by the public or for the use of which a charge is made shall be deemed to be in use for trade.
- Sec. 31. (9) Section thirty-one, subsection one: Omit "not being a measure made of glass" 30
 Subsection two: After "impose" insert "Specified weights, measures, or weighing or measuring instruments, or weights, measures, or weighing or measuring instruments at"
 Subsection three: After "scales" insert 35 "chondrometers"
- Secs. 35, 36, and 37 repeal. Substituted sections. Coal and firewood to be sold by weight or by the prescribed methods. (10) Sections thirty-five, thirty-six, and thirty-seven are hereby repealed and the following sections inserted in lieu thereof:—
 35. All coal and firewood shall be sold by 40 weight, and not otherwise, except when, and as,

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5 as, sale by other method is prescribed or permitted by regulation: Provided this section shall apply only to the Metropolitan Weights and Measures District as set out in the regulations until extended to such other places as the Governor by proclamation in the Gazette may notify.

10 36. Proof that coal or firewood is conveyed on any vehicle shall be prima facie evidence that such coal or firewood is for sale or delivery to a purchaser.

Coal or firewood conveyed or in vehicle prima facie evidence that it is for sale.

(11) Section forty-one is hereby repealed and the following section inserted in lieu thereof:—

Sec. 41 repeal. Substitute 1 section.

15 41. An inspector may at all reasonable times—

Powers of inspectors to enter and inspect.

(a) enter any premises, building, or place where any article is manufactured or packed for sale, or is sold, kept, offered, or exposed for sale in a package:

20 (b) stop any person hawking any article in a package, or delivering any article sold by weight, measure, or number, and may weigh, measure, or count any such article, and may seize any such article in respect of which a contravention of this Act has been committed.

25 (12) Section forty-four: Omit "twenty" and in lieu thereof insert "fifty"

Sec. 44.

30 (13) Section fifty-seven is amended as follows:—

Sec. 57.

(a) by adding to paragraph (o) the words "and prescribing the method by which certain specified goods shall be sold."

Regulations.

35 (b) by inserting the following paragraphs after paragraph (o1):—

(o2) The form, production, and delivery of invoices or delivery notes in respect of articles sold, ordered, or purported to be supplied by weight, measure, or number.

40 (o3) Prescribing the weights, measures, or sizes in which specified articles shall be

be

- be manufactured or packed for sale, or sold, and the marking of weight, measure, or number thereon.
- (04) Prescribing that certain specified articles when sold wholesale by weight or measure, shall be sold by net weight or net measure. 5
- (05) Prescribing the weight per bushel of certain specified articles not mentioned in Schedule E. 10
- (c) by adding to paragraph (q) the words "or number"
- (d) by inserting the following subsection at the end of the section :—
- (2) Regulations under this Act may be made to apply generally, or may be limited to any specified district or place or to any specified trade or circumstance. 15
- Schedule D. (14) Schedule D: Under short-heading "weights" insert :— 20
- Metric Carat Weights ... 3d. each weight.
- Under short-heading "weighing instruments" omit "weighbridges and crane weighing machines, one pound one shilling each," and in lieu thereof insert :— 25
- Weighbridges and crane weighing machines, capacity 15 tons and under ... £1 1s. each
- Over 15 tons, 10s. 6d. for each additional 15 tons of capacity or part thereof.
- New Part (15) After Part V the following new Part is inserted :— 30

PART VA.

MANUFACTURE AND SALE OF BREAD.

Repeal.

39A. The Bread Act, 1901, is hereby repealed.

39B. In this Part, unless the context or subject-matter otherwise requires,— 35

"Bakehouse" means any bakery, and includes any premises where bread is stored prior to delivery.

"Bread"

“Bread” includes white, brown, wholemeal, Definition
“bread.”
barley or rye bread, or any other class or
type of loaf hereafter declared by regula-
tion to be bread within the meaning of
the Act.

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39C. All bread made for sale shall be made into Bread to be
made into
loaves of a
certain
weight.
loaves weighing either one, two, or four pounds.
Such loaves shall be denominated the one, two, or
four pound loaf respectively :

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Provided that any loaf the weight of which, in
the case of a one-pound loaf, exceeds that weight by
not more than three ounces, and in the case of a
two or four pound loaf exceeds those weights by not
more than six ounces respectively; shall be deemed
to have been made in accordance with the provisions
of this section :

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Provided also that bread may be made up into
rolls weighing not more than six ounces.

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39D. (1) Every person who makes for sale, sells, Persons
selling, &c.,
bread not
made in
accordance
with this
Part, guilty
of an offence.
or has in his possession for sale, any loaf of bread
the weight of which is not in accordance with the
provisions of this Part, shall be guilty of an offence
against this Act :

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Provided that in the case of bread found in a
bakehouse such person shall be liable only if the
average weight of not less than one hundred loaves
of the same denomination is not as prescribed, and
in the case of bread found in a shop or in or on a
vehicle in use for delivery, if the average weight of
not less than ten loaves of the same denomination
is not as prescribed :

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Provided further that if there be not one hundred
or ten loaves respectively of the same denomination
such person shall be liable in respect of the average
weight of all the loaves of the same denomination
then and there found.

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(2) If in any proceedings for making, selling,
or having in his possession bread of less weight than
as provided in this Part, any accused person proves
to the satisfaction of the court that the deficiency
in weight of such bread is due to such bread having

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been kept for more than twenty-four hours after the same was baked, such accused person shall not be liable to any penalty.

Powers of inspectors.

39E. (1) An inspector may—

- (a) at any reasonable time enter any bakehouse 5
or any place whatsoever where bread is being made, kept, or exposed for sale, and there examine and weigh any bread found therein ;
- (b) stop any vehicle used for the conveyance 10
or delivery of bread, and search for, examine, and weigh any bread therein or thereon ;
- (c) seize any of such bread which, upon being weighed, is found not to be of the pre- 15
scribed weight.

(2) An inspector shall not be required to include in any weighing any loaf which is drawn from an oven after his entry into any premises.

(3) All bread seized in pursuance of this 20
section shall be disposed of as the court may direct.

Miscellaneous.

Obstruction to inspectors.

39F. Any person who obstructs, hinders, or refuses to comply with the requirements of any inspector in the execution of his duty under this 25
Part shall be guilty of an offence against this Act.

Regulations.

39G. The Governor may make regulations for any of the subjects following :—

- (a) The registration of persons carrying on the business of bakers or sellers of bread 30
and the prescribing of fees for such registration.
- (b) Generally for other matters for carrying out the provisions of this Part.