

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1922.

A B I L L

To amend the law relating to weights and measures; to amend the Weights and Measures Act, 1915, the Weights and Measures (Amendment) Act, 1916, and certain other Acts; and for purposes connected therewith.

[MR. OAKES;— , 1922.]

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:—

Short title

1. This Act may be cited as the "Weights and Measures (Amendment) Act, 1922," and shall be construed with the Weights and Measures Act, 1915, which said Act, as amended by the Weights and Measures (Amendment) Act, 1916, is hereinafter called the **5** Principal Act.

Commencement of Act.

2. This Act shall come into operation on a date to be proclaimed by the Governor in the Gazette.

Amendment of s. 16 of Principal Act.

3. Section sixteen of the Principal Act is amended by omitting all words after the word "Treasury" and **10** substituting therefor the following:—

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 **15** Gazette, be standard 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**

Amendment of s. 23 of Principal Act.

4. Section twenty-three of the Principal Act is amended by adding thereto the following new sub-section:—

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

Repeal of s. 25 of Principal Act.

5. Section twenty-five of the Principal Act is repealed, **30** and the following section is substituted therefor:—

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 **35** at any place other than the premises of 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 to— Exemptions.

- (a) bread;
- (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.

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A person shall not sell, offer, or expose for sale by retail in a package any article ordinarily sold by weight, measure, or number, or any article prescribed, whether ordinarily sold by weight, measure, or number, or not, unless the net weight, measure, or number of the article is legibly written or printed on the outside of such package: Statements on package or label.

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

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

6. Section twenty-six of the Principal Act is repealed, and the following sections are substituted therefor:— Repeal of s. 26 of Principal Act.

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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, shall be deemed to be in possession of such person for sale, until the contrary is proved: Weight or measure incorrectly stated on package.

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

- (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
- (b)

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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 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 herein prescribed, and who has been allocated the serial number appearing on such package.

(2) The person giving such guarantee must be resident in New South Wales, or if 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 or it trades:

Provided that such guarantee shall become void if the guarantor ceases to be resident in New South Wales, or, if a company, ceases to have a registered office in New South Wales, or is wound up, either voluntarily or compulsorily, but the guarantor shall not thereby be relieved from any liability under subsection four of this section.

(3) A person depositing a guarantee 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 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 and Measures Act, together with the name of the person guaranteeing such statement, such person shall be guilty of an offence against this Act.

(5) Any person who—

(a) places or causes to be placed on any package the statement “guaranteed under the Weights

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

5 (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,

10 shall, unless he proves that a guarantee in the prescribed form by the person whose name appears on such package as guarantor covering such package is deposited in the office of the superintendent, be guilty of an offence against this Act.

15 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

20 marked in accordance with the provisions of this Act :

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

25 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.

30 (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.

Approximate weights, measures, and numbers.

7. Section twenty-eight of the Principal Act is amended by adding at the end of the section the words following : " or purported to be sold or delivered."

Amendment of s. 28 of Principal Act.

35 8. The Principal Act is further amended by inserting after section twenty-eight the following new section :—

New section added after s. 28 of Principal Act.

40 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 to the seller or his agent either directly

Purchaser making false representation as to weights, measures, &c.

directly or indirectly of the weight, measure, or number of such article shall be guilty of an offence against this Act.

Amendment of s. 29 of Principal Act.

9. Section twenty-nine of the Principal Act is amended by omitting "shall be seized" and substituting therefor "may be seized." 5

Amendment of s. 30 of Principal Act.

10. Section thirty of the Principal Act is amended by the addition of the following new subsection:—

(3) For the purposes of this and the three next succeeding sections every weighing or 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. 10

Amendment of s. 31 of Principal Act.

11. Section thirty-one of the Principal Act is amended as follows:— 15

Subsection one: Omit "not being a measure made of glass."

Subsection two: After "impose" insert "Specified weights, measures, or weighing or measuring instruments, or weights, measures, or weighing or measuring instruments at." 20

Subsection three: Omit "spring balances, computing scales, and weighbridges, and of weighing or measuring instruments for which a charge is made for use by the public, and of weighing instruments used at collieries" and substitute therefor "prescribed weights or measures or weighing or measuring instruments." 25

Amendment of s. 34 of Principal Act.

12. Section thirty-four of the Principal Act is repealed. 30

Repeal of ss. 35, 36, and 37 of Principal Act.

13. Sections thirty-five, thirty-six, and thirty-seven of the Principal Act are repealed and the following sections are substituted therefor:—

Coal and firewood to be sold by weight or by the prescribed methods.

35. All coal and firewood shall be sold by weight, and not otherwise, except when, and as, sale by other method is prescribed or permitted by regulation: Provided this section so far as it relates to firewood 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. 35 36.

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.

5 **14.** Section forty-one of the Principal Act is repealed and the following section is substituted therefor:—

Repeal of s. 41 of Principal Act.

41. An inspector may at all reasonable times—
(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;
(b) stop any person hawking any article in a package, or delivering any article sold by weight, measure, or number,

Powers of inspectors to enter and inspect.

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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.

15 **15.** Section forty-four of the Principal Act is amended by omitting “twenty pounds” and substituting therefor “fifty pounds.”

Amendment of s. 44 of Principal Act.

20 **16.** Section fifty-seven of the Principal Act is amended as follows:—

Amendment of s. 57 of Principal Act.

(1) By inserting after paragraph (i) the following new paragraphs:—

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(i1) Prescribing or limiting the method of use in trade of specified weights or measures or weighing or measuring instruments.

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(i2) The examination and licensing of scale repairers and generally for their supervision and control, including the prohibition of the use of the designation “scale adjuster” or any like designation by persons other than those licensed under the regulations.

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(2) By omitting paragraph (j1) (inserted by the Weights and Measures (Amendment) Act, 1916) and substituting the following new paragraphs:—

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(j1) Prescribing the denominations of weights and measures permissible for trade use and the fees for testing, verifying,

- verifying, and stamping weights and measures of such denominations, and weighing and measuring instruments.
- (j2) Prescribing the terms and conditions governing the verification of weights and measures and of weighing and measuring instruments at places other than an inspector's office and the fees to be taken therefor. **5**
- (3) By adding to paragraph (o) the words "and prescribing the method by which certain specified goods shall be sold." **10**
- (4) By omitting the second proviso in paragraph (o1). **10**
- (5) By inserting after paragraph (o1) the following new paragraphs:— **15**
- (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. **20**
- (o3) Prescribing the weights, measures, or sizes in which specified articles shall be manufactured or packed for sale, or sold, and the marking of weight, measure, or number thereon. **25**
- (o4) Prescribing that certain specified articles when sold wholesale by weight or measure, shall be sold by net weight or net measure. **25**
- (o5) Prescribing the weight per bushel of certain specified articles not mentioned in Schedule E. **30**
- (6) By omitting from paragraph (q) the words "or measure" and by adding at the end of the same paragraph the words "measure or number, and specifying articles which shall respectively be marked with weight, measure, or number." **35**
- (7) By inserting at the end of the section the following new subsection:— **35**
- (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. **17.**

17. Schedule D of the Principal Act is repealed.

Repeal of
Schedule D of
Principal Act.

18. Schedule E of the Principal Act, as amended by the Weights and Measures (Amendment) Act, 1916, is further amended—

Amendment
of Schedule
E.

5 (a) by omitting the words, numerals, and symbols—

Clover, red or white ... 20 ,,
Lucerne 20 ,,

10 (b) by omitting the words "couch," "paspalum," "rib" in the line commencing with the word "grasses," and by inserting in the same line the word "prairie" after the word "cocksfoot";

(c) by omitting the word and brackets "(seed)" after the word "wheat."