

# Weights and Measures (Amendment) Bill, 1924.

## EXPLANATORY NOTE.

THE present Bill seeks to remedy certain defects in the Weights and Measures Act, 1915, and the amending Act of 1916, and also to make various technical amendments which will tend to the smoother working of those Acts.

Clauses 1 and 2 deal with the short title and the date from which the amendments are to operate, it being impracticable to bring into effect some of the alterations proposed until arrangements have been made for altering the Regulations and the procedure hitherto followed by traders and manufacturers.

Clauses 3 to 16 amend various sections of the Principal Act, such amendments being of a technical nature.

Clause 17 repeals the Bread Act, 1901, and introduces new sections. With the exception of that Part dealing with weight of bread, the present law is to all intents inoperative, being virtually the original Act of 1836, and now out-of-date. Its provisions are not now suitable, and one section is so worded as to allow the Court no discretion in the matter of penalty for short-weight bread. The severity of the fine (5s. per ounce) has resulted in almost every case in a punishment altogether out of proportion to the offence. With the repeal of the Bread Act an obsolete law will disappear, and the matter of weight of bread will be dealt with under the Weights and Measures Act, while the purity of the article will be controlled under the Pure Food Act.

Clause 18 repeals Schedule D of the Principal Act, the provisions in Clause 16 taking its place; and clause 19 amends Schedule E.

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1924.

---

---

# 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 manufacture and sale of bread; to repeal the Bread Act, 1901; and for purposes connected therewith.

---

---

**B**E 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  
5 the same, as follows:—

80—A

1.

Short title.

**1.** This Act may be cited as the "Weights and Measures (Amendment) Act, 1924," 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 appointed by the Governor and notified 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, upon the publication in the Gazette of a 15 proclamation in that behalf by the Governor, 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 denomin- 20 ations may or shall be used.

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 25 prevent the use of weights or measures of the 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. 30

Repeal of s. 25 of Principal Act.

**5.** Section twenty-five of the Principal Act is repealed, 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 35 measure.

Invoices and delivery notes.

(2) Every person delivering to a purchaser 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, 40 as the case may require, of such article:

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.

5

10 (3) 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.

15

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

20 (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.

25 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.

30

35

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)
- 40

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. 5

(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: 10

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. 20

(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. 25

(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. 30

(5) Any person who—

(a) places or causes to be placed on any package the statement “guaranteed under the Weights 40

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.
- 9.** Section twenty-nine of the Principal Act is amended by omitting "shall be seized" and substituting therefor "may be seized." 5
- 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
- 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
- 12.** Section thirty-four of the Principal Act is repealed. 30
- 13.** Sections thirty-five, thirty-six, and thirty-seven of the Principal Act are repealed and the following sections are substituted therefor:—
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 published in the Gazette may notify. 35 36.

Amendment  
of s. 29 of  
Principal  
Act.

Amendment  
of s. 30 of  
Principal  
Act.

Amendment  
of s. 31 of  
Principal  
Act.

Repeal of s. 34 of  
Principal Act.

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

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

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.

10

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:—

25

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

(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.

30

- (2) By omitting paragraph (j1) and substituting the following new paragraphs:—

35

(j1) Prescribing the denominations of weights and measures permissible for trade use and the fees for testing, verifying, and stamping weights and measures of such denominations, and weighing and measuring instruments.

40

(j2)



- (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."
- (4) By omitting the second proviso in paragraph (o1). 10
- (5) By inserting after paragraph (o1) the following new paragraphs:—
- (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. 15
- (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. 20
- (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.
- (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." 30
- (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. 40

17. After Part V of the Principal Act the following new Part is inserted:—

New Part VA inserted in Principal Act.

PART VA.

MANUFACTURE AND SALE OF BREAD.

5        39A. The Bread Act, 1901, is repealed.

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

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

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

Repeal of Act No. 35 of 1901. Definition.

15        39C. All bread made for sale shall be made into loaves weighing either one, two, or four pounds. Such loaves shall be denominated the one, two, or four pound loaf respectively :

Bread to be made into loaves of a certain weight.

20        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 :

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

30        39D. (1) Every person who makes for sale, sells, 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 :

Persons selling, &c., bread not made in accordance with this Part, guilty of an offence.

35        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 :

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. 5

(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 been kept for more than twenty-four hours after the same was baked, such accused person shall not be liable to any penalty. 15

Powers of inspectors.

39E. (1) An inspector may—

- (a) at any reasonable time enter any bakehouse or any place whatsoever where bread is being made, kept, or exposed for sale, and there examine and weigh any bread found therein ; 20
- (b) stop any vehicle used for the conveyance or delivery of bread, and search for, examine, and weigh any bread therein or thereon ; 25
- (c) seize any of such bread which, upon being weighed, is found not to be of the prescribed 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. 30

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

*Miscellaneous.*

35

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 Part shall be guilty of an offence against this Act.

39G.

39g. (1) The Governor may make regulations Regulations.  
for any of the subjects following :—

5 (a) Requiring the registration of persons carry-  
ing on the business of bakers or sellers of  
bread and the prescribing of fees for such  
registration.

(b) Generally for other matters for carrying out  
the provisions of this Part.

10 (2) Any such regulation may impose any  
penalty not exceeding twenty pounds for each  
breach of the same. Any such penalty may be  
recovered in a summary manner before a stipendiary  
or police magistrate or any two justices.

18. Schedule D of the Principal Act is repealed.

Repeal of  
Schedule D of  
Principal Act.  
Amendment  
of Schedule  
E.

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

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

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

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

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