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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1926.

A BILL

To amend the law relating to weights and measures; to amend the Weights and Measures Act, 1915, and certain other Acts; to regulate in certain respects the manufacture and sale of bread; to repeal the Bread Act, 1901, and the Bread (Amendment) Act, 1923; and for purposes connected therewith.

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:—

1. (1) This Act may be cited as the "Weights and Measures (Amendment) Act, 1926," 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 in this Act referred to as the Principal Act.

(2) This Act shall come into operation on a date to be appointed by the Governor and notified in the Gazette. Commencement of Act.

2. (1) Section sixteen of the Principal Act is amended by omitting all words after the word "Treasury" and by inserting in lieu thereof the following words:— Amendment of Act No. 10, 1915. Sec. 16. (Metric system.)

"Such new denominations of standards may, notwithstanding anything contained in Schedule C to this Act, be of the metric or any other system, and shall, upon the publication in the Gazette of a 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 denominations may or shall be used."

(2) Section twenty-three of the Principal Act is amended by adding at the end thereof the following new subsection:— Sec. 23.

(3) Provided that nothing in this Act shall 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 for a purpose prescribed or permitted by a regulation.

3. Section twenty-five of the Principal Act is repealed, and the following section is inserted in lieu thereof:— Further Amendment of Act No. 10, 1915. Sec. 25.

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

(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, as the case may require, of such article: Invoices and delivery notes.

Provided

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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.

(3) A person shall not sell, offer, expose, or have in his possession 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.

(4) A person shall not sell, offer, expose, or have in his possession for sale by wholesale, in a package of a size or description commonly sold by retail, any article ordinarily sold by retail 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 is legibly written or printed on the outside of such package.

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

4. Section twenty-six of the Principal Act is repealed, and the following sections are inserted in lieu thereof:— Further amendment of Act No. 10, 1915. New sections 26, 26A.

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 Weight or measure incorrectly stated on package.

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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 :

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

- (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) such package bears a statement in the following form :—“ Number , ^{Guarantee.} 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 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
- (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,

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.

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.

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) 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.

5. (1) 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." Further amendment of Act No. 10, 1915. Sec. 28.

(2) The Principal Act is further amended by inserting after section twenty-eight the following new section:— New section added after s. 28.

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 or indirectly of the weight, measure, or number of such article shall be guilty of an offence against this Act. Purchaser making false representation as to weights, measures, &c.

(3) Section twenty-nine of the Principal Act is amended by omitting "shall be seized" and substituting therefor "may be seized." Sec. 29.

6. (1) Section thirty of the Principal Act is amended by the addition of the following new sub-section:— Further amendment of Act No. 10, 1915. Sec. 30.

(3) For the purposes of this Part of this Act 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.

(2) Section thirty-one of the Principal Act is amended as follows:— Sec. 31.

(a) Subsection one: Omit the words "not being a measure made of glass."

(b) Subsection two: After the word "impose" insert the words "Specified weights, measures, or weighing or measuring instruments, or weights, measures, or weighing or measuring instruments at."

(c) Subsection three: Omit the words "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 insert in lieu thereof the words "prescribed weights or measures or weighing or measuring instruments."

(3) Section thirty-four of the Principal Act is repealed. Sec. 34.

7. Sections thirty-five, thirty-six, and thirty-seven of the Principal Act are repealed and the following sections are inserted after the short heading at the commencement of Part V :—

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.

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.

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

8. (1) Section forty-one of the Principal Act is repealed and the following section is inserted in lieu thereof :—

41. An inspector may at all reasonable times—

(a) enter any premises, building, or place where any article is manufactured, packed or stored for sale, or is sold, offered or exposed for sale ;

- (b) stop any person hawking any article ;
- (c) stop any person delivering any article ordinarily sold by weight, measure, or number,

and may in any such case 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.

(2) Section forty-four of the Principal Act is amended by omitting the words “twenty pounds” and by inserting in lieu thereof the words “fifty pounds.”

(3) Section fifty-seven of the Principal Act is amended as follows :—

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

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

(i2)

Further amendment of Act No. 10, 1915. Secs. 35, 36, 37.

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

Coal or firewood conveyed on vehicle prima facie evidence that it was for sale.

Further amendment of Act No. 10, 1915. Sec. 41.

Powers of inspectors to enter and inspect.

Sec. 44.

Sec. 57.

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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.
- (b) By omitting paragraph (j1) and substituting the following new paragraphs:—
 - (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.
 - (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.
- (c) By adding to paragraph (o) the words "and prescribing the method by which certain specified goods shall be sold."
- (d) By omitting paragraph (o1), and by inserting in lieu thereof the following new paragraph:—
 - (o1) Prohibiting the sale, offer, or exposure or possession for sale by retail of packages of any goods therein specified otherwise than of the prescribed net weight or measures:—

Provided that any regulation made under this paragraph shall not come into force until the expiration of six months after the regulations have been published in the Gazette or any longer period specified in the regulation.
- (e) By inserting after paragraph (o1) the following new paragraphs:—
 - (o2) The form, production, and delivery of invoices or delivery notes in respect of articles

- articles sold, ordered, or purported to be supplied by weight, measure, or number.
- (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.
- (o4) Prescribing that certain specified articles when sold wholesale by weight or measure, shall be sold by net weight or net measure.
- (o5) Prescribing the weight per bushel of certain specified articles not mentioned in Schedule E.
- (f) 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."
- (g) By inserting at the end of the section the following new subsection:—
- (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.

9. (1) 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.

39A. 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.

"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.

39B.

39B. 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.

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 :

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

39C. (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.

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.

(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.

39D. (1) An inspector may—

Powers of inspectors.

- (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 ;
- (b) stop any vehicle used for the conveyance 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 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.

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

Miscellaneous.

39E. 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.

Obstruction to inspectors.

(2) The Principal Act is amended by inserting in section fifty-seven after paragraph (q) the following new paragraph :—

Further amendment of Act No. 10, 1915: Sec. 57.

(q1) Requiring the registration of persons carrying on the business of bakers or sellers of bread and the prescribing of fees for such registration.

(3) The Acts mentioned in the Schedule are to the extent therein expressed repealed.

Repeal of Acts.

10. (1) Schedule D of the Principal Act is repealed.

Further amendment of Act No. 10, 1915: Schedule D. Schedule E.

(2) Schedule E of the Principal Act is amended—

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

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

(b)

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- (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 " (secd) " after the word " wheat."

SCHEDULE.

Sec. 9 (3).

| No. of Act. | Title of Act. | Extent or repeal. |
|-----------------|--------------------------------|-------------------|
| 1901 No. 35 ... | Bread Act, 1901 ... | The whole Act. |
| 1923 No. 19 ... | Bread (Amendment) Act, 1923... | The whole Act. |
| 1926 No. 13 ... | Day Baking Act, 1926 ... | Section nine. |