



ANNO VICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1975

No. 33 of 1975

An Act to amend the Weights and Measures Act, 1971-1973.

[Assented to 3rd April, 1975]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Weights and Measures Act Amendment Act, 1975".

(2) The Weights and Measures Act, 1971-1973, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Trade Measurements Act, 1971-1975".

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of
long title of
principal Act.

3. The long title to the principal Act is amended by striking out the passage "weights and measures" and inserting in lieu thereof the passage "trade measurements".

Amendment of
principal Act,
s. 3—
Interpretation.

4. Section 5 of the principal Act is amended—

(a) by striking out the definition of "Advisory Council" and inserting in lieu thereof the following definition:—

"Advisory Council" means the body corporate established under section 13 of this Act and continued in existence under the name of the "Trade Measurements Advisory Council";;

(b) by striking out the definition of "Deputy Warden of Standards" and inserting in lieu thereof the following definition:—

"Deputy Warden of Trade Measurements" means the person appointed or deemed to have been appointed the Deputy Warden of Trade Measurements pursuant to section 19 of this Act and includes any person for the time being acting in the office of the Deputy Warden of Trade Measurements;;

- (c) by striking out the definition of “elected member”;
- (d) by striking out from the definition of “Inspector” the passage “weights and measures” and inserting in lieu thereof the passage “trade measurements”;
- (e) by inserting immediately after the definition of “Inspector” the following definition:—
“mass” means—
(a) the quantity of matter contained in an object;
or
(b) an object of known quantity of matter used to determine the quantity of matter contained in another object;;
- (f) by striking out the definition of “public weighing instrument”;
- (g) by striking out from the definition of “use for trade” the passage “weight, measure, weighing instrument” and inserting in lieu thereof the passage “mass, measure”;
- (h) by striking out the definition of “Warden of Standards” and inserting in lieu thereof the following definition:—
“Warden of Trade Measurements” means the person appointed or deemed to have been appointed Warden of Trade Measurements pursuant to section 19 of this Act and includes any person for the time being acting in the office of Warden of Trade Measurements;;
- (i) by inserting immediately after the definition of “Warden of Trade Measurements” the following definition:—
“weigh” means to determine the mass of an object;;
and
- (j) by striking out the definition of “weighing instrument”.

5. Section 6 of the principal Act is amended by striking out the word “weights” and inserting in lieu thereof the word “masses”.

Amendment of principal Act, s. 6—
Uniformity of masses and measures.

6. Section 7 of the principal Act is amended—

- (a) by striking out from subsection (4) the passage “Tertiary State standard” and inserting in lieu thereof the passage “Tertiary State Standard”;

and

- (b) by striking out from subsection (5) the passage “Inspector’s standard” and inserting in lieu thereof the passage “Inspector’s Standard”.

Amendment of principal Act, s. 7—
Standards of measurement.

7. Section 9 of the principal Act is amended—

- (a) by striking out the word “standards” and inserting in lieu thereof the word “Standards”;

and

- (b) by striking out the passage “Warden of Standards” and inserting in lieu thereof the passage “Warden of Trade Measurements”.

Amendment of principal Act, s. 9—
Custody of Standards.

Amendment of
principal Act,
s. 10—
Inspectors' Standards to be stamped.

8. Section 10 of the principal Act is amended—

- (a) by striking out from subsection (1) the word "standard" and inserting in lieu thereof the word "Standard";
- (b) by striking out from subsection (2) the word "weight", twice occurring, and inserting in lieu thereof in each case the word "mass"; and
- (c) by striking out from subsection (2) the word "standard" and inserting in lieu thereof the word "Standard".

Amendment of
principal Act,
s. 11—
Verification of Standards.

9. Section 11 of the principal Act is amended—

- (a) by striking out from subsection (3) the passage "Warden of Standards" and inserting in lieu thereof the passage "Warden of Trade Measurements";
 - (b) by striking out from subsection (3) the word "weights" and inserting in lieu thereof the word "masses";
 - (c) by striking out from subsection (4) the passage "Warden of Standards" and inserting in lieu thereof the passage "Warden of Trade Measurements";
- and
- (d) by striking out from subsection (4) the word "standards" and inserting in lieu thereof the word "Standards".

Amendment of
principal Act,
s. 13—
Establishment and institution of Advisory Council.

10. Section 13 of the principal Act is amended—

- (a) by inserting in subsection (1) after the passage "is hereby established" the passage "and on and from the commencement of the Weights and Measures Act Amendment Act, 1975, shall continue in existence under the name 'Trade Measurements Advisory Council'";
 - (b) by striking out from subsection (4) the word "Standards", thrice occurring, and inserting in lieu thereof in each case the passage "Trade Measurements";
 - (c) by striking out paragraph (d) from subsection (4) and inserting in lieu thereof the following paragraphs:—
 - (d) of whom one shall be nominated by the governing body of The Local Government Association of South Australia Incorporated (in this section referred to as "The Association") as being a person capable of representing the interests of local government;
 - (da) of whom one shall be nominated by the Minister as being a person capable of representing the interests of local government;
 - (d) by striking out from paragraph (e) of subsection (4) the passage "South Australian Chamber of Manufactures Incorporated" and inserting in lieu thereof the passage "Chamber of Commerce and Industry South Australia Incorporated";
- and
- (e) by inserting immediately after subsection (5) the following subsection:—
 - (5a) For the purposes of paragraph (d) of subsection (4) of this section, the members appointed pursuant to that paragraph and in office immediately before the commencement of the Weights and Measures Act Amendment Act, 1975, shall

continue in office for the balance of the term for which they were so appointed and for all purposes shall be deemed to be appointed under that paragraph as in force after that commencement.

11. Section 15 of the principal Act is amended by striking out subsection (2).

Amendment of principal Act, s. 15—
Casual vacancies.

12. Section 18 of the principal Act is amended by striking out from subsection (1) the passage “weights and measures” and inserting in lieu thereof the passage “trade measurements”.

Amendment of principal Act, s. 18—
Powers, etc., of Advisory Council.

13. Section 19 of the principal Act is amended—

Amendment of principal Act, s. 19—
Officers, etc.

(a) by striking out from subsection (1) the word “Standards”, twice occurring, and inserting in lieu thereof in each case the passage “Trade Measurements”;

(b) by striking out from subsection (2) the word “Standards”, thrice occurring, and inserting in lieu thereof in each case the passage “Trade Measurements”;

(c) by striking out subsection (3) and inserting in lieu thereof the following subsection:—

(3) The Warden of Standards and the Deputy Warden of Standards in office immediately before the commencement of the Weights and Measures Act Amendment Act, 1975, shall be deemed to be respectively a Warden of Trade Measurements and a Deputy Warden of Trade Measurements appointed under subsection (1) of this section.;

and

(d) by striking out from subsection (5) the word “Standards”, twice occurring, and inserting in lieu thereof in each case the passage “Trade Measurements”.

14. Section 20 of the principal Act is amended by striking out the word “Standards”, twice occurring, and inserting in lieu thereof in each case the passage “Trade Measurements”.

Amendment of principal Act, s. 20—
Warden of Trade Measurements.

15. Section 23 of the principal Act is amended by striking out from subsection (1) the word “weight”, twice occurring, and inserting in lieu thereof in each case the word “mass”.

Amendment of principal Act, s. 23—
Additional powers of Inspectors.

16. Section 25 of the principal Act is amended by striking out from paragraph (b) of subsection (1) the word “Standards” and inserting in lieu thereof the passage “Trade Measurements”.

Amendment of principal Act, s. 25—
Approval of measuring instruments.

17. Section 26 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 26 of principal Act and enactment of section in its place—

26. (1) Subject to subsection (2) of this section, every measuring instrument used for trade shall be verified and stamped so often as may be required by the Warden of Trade Measurements.

Stamping and verification of measuring instruments, etc.

(2) The regulations may, subject to such conditions as may be prescribed, exempt wholly or in part from this Part measuring instruments of such classes of measuring instruments as are prescribed.

Amendment of principal Act, s. 29—
Offences in connection with masses, etc.

18. Section 29 of the principal Act is amended—

- (a) by striking out from paragraph (a) of subsection (1) the word “weight” and inserting in lieu thereof the word “mass”;
 - (b) by striking out from paragraph (a) of subsection (1) the word “weights” and inserting in lieu thereof the word “masses”;
- and
- (c) by striking out from paragraph (f) of subsection (1) the word “weight”, thrice occurring, and inserting in lieu thereof in each case the word “mass”.

Amendment of principal Act, s. 31—
Trade, etc., to be in terms of standard weights and measures.

19. Section 31 of the principal Act is amended—

- (a) by striking out from subsection (2) the word “weight” and inserting in lieu thereof the word “mass”;
- and
- (b) by striking out from subsection (3) the word “weights” and inserting in lieu thereof the word “masses”.

Amendment of principal Act, s. 32—
Sales to be by net mass or measure.

20. Section 32 of the principal Act is amended by striking out the word “weight”, wherever it occurs, and inserting in lieu thereof in each case the word “mass”.

Amendment of principal Act, s. 33—
False declaration as to masses, etc.

21. Section 33 of the principal Act is amended by striking out the word “weight” and inserting in lieu thereof the word “mass”.

Amendment of principal Act, s. 34—
Sales by short mass or measure.

22. Section 34 of the principal Act is amended by striking out the word “weight”, twice occurring, and inserting in lieu thereof in each case the word “mass”.

Amendment of principal Act, s. 36—
Sales of coal and firewood.

23. Section 36 of the principal Act is amended by striking out the word “weight”, wherever it occurs, and inserting in lieu thereof in each case the word “mass”.

Amendment of principal Act, s. 40—
Evidentiary provision.

24. Section 40 of the principal Act is amended—

- (a) by striking out from paragraph (a) of subsection (2) the passage “weights of” and inserting in lieu thereof the passage “masses or”;
 - (b) by striking out from paragraph (a) of subsection (2) the word “standards” and inserting in lieu thereof the word “Standards”;
 - (c) by striking out from paragraph (b) of subsection (2) the word “weights” and inserting in lieu thereof the word “masses”;
- and
- (d) by striking out from subsection (2) the passage “Warden of Standards”, twice occurring, and inserting in lieu thereof in each case the passage “Warden of Trade Measurements”.

25. Section 46 of the principal Act is amended by striking out the word "Standards", thrice occurring, and inserting in lieu thereof in each case the passage "Trade Measurements".

Amendment of
principal Act,
s. 46—
Forfeiture.

26. Section 50 of the principal Act is amended—

(a) by striking out the word "weight", wherever it occurs, and inserting in lieu thereof in each case the word "mass";

Amendment of
principal Act,
s. 50—
Regulations.

and

(b) by striking out the word "weights", wherever it occurs, and inserting in lieu thereof in each case the word "masses".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor