

WEIGHTS AND MEASURES (AMENDMENT) BILL, 1980

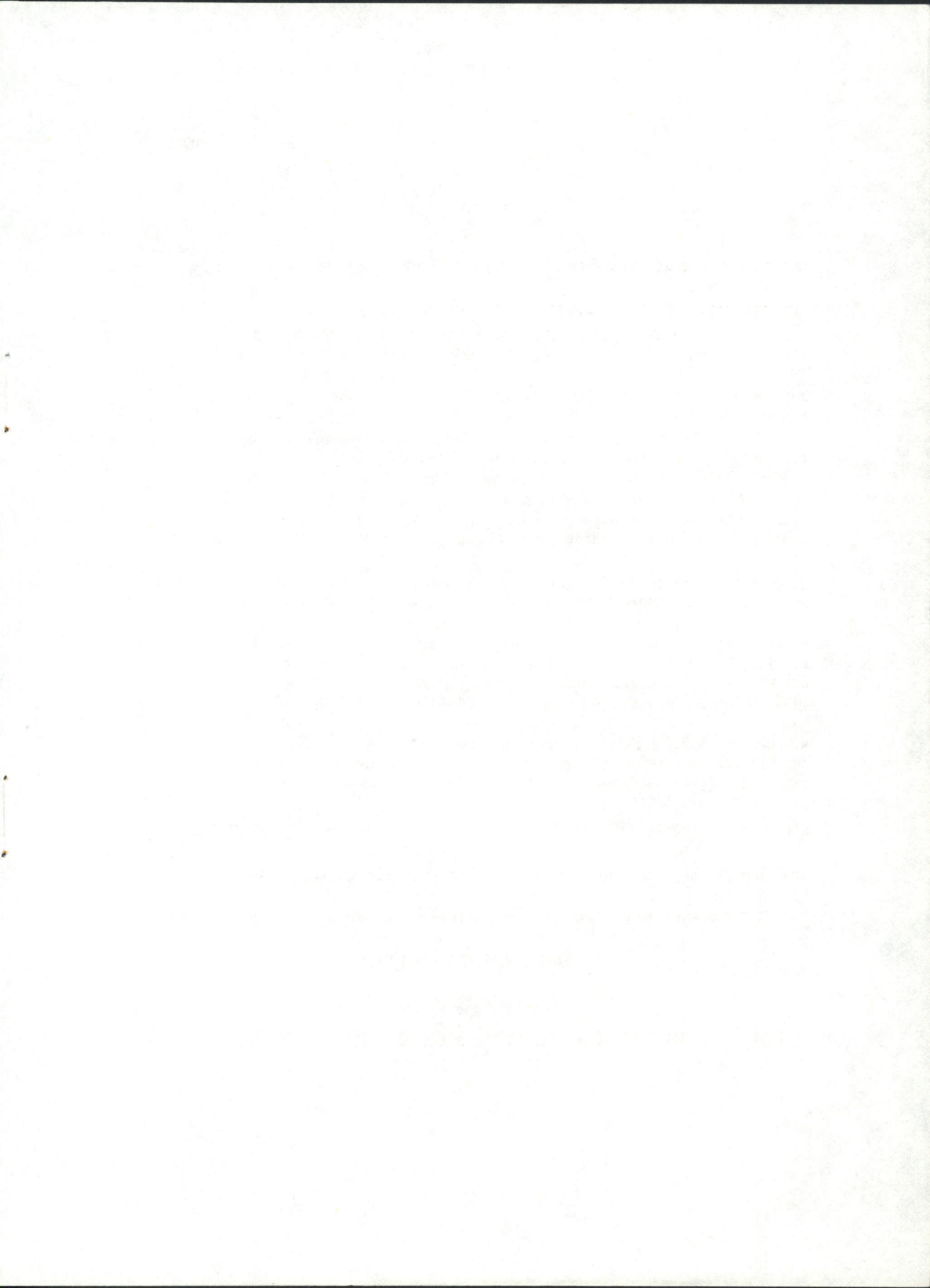
EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

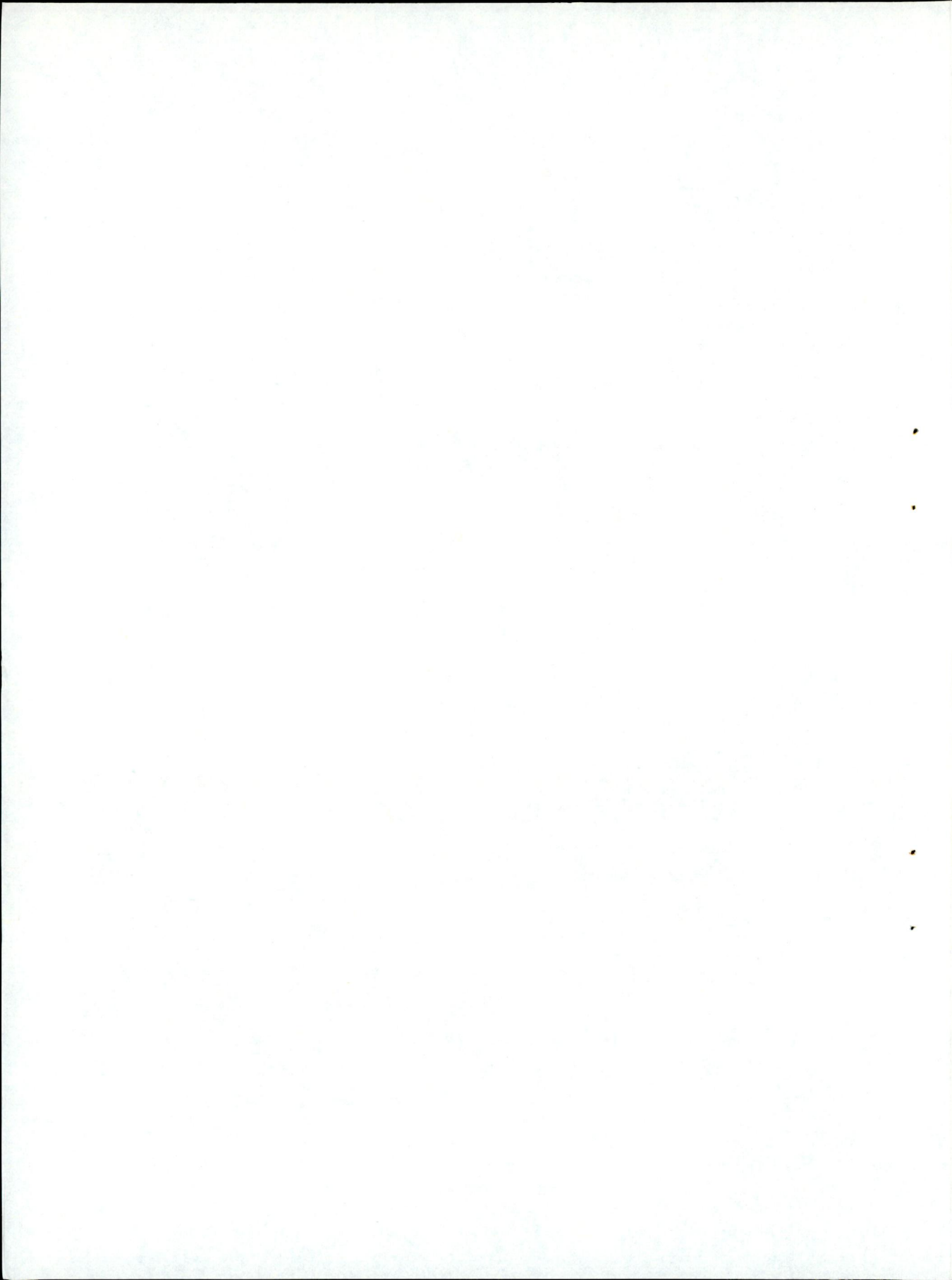
The Liquor (Weights and Measures) Amendment Bill, 1980, is cognate with this Bill.

The object of this Bill is to amend the Weights and Measures Act, 1915 ("the Principal Act")—

- (a) to clarify the scope of operation of the Principal Act in relation to weights, measures and weighing and measuring instruments by introducing a comprehensive definition of "use for trade" in relation to those instruments (Schedule 1 (1) (a));
- (b) to provide that a reference in the Principal Act to a weighing or measuring instrument shall include a reference to any price-computing mechanism associated with the instrument, thereby making such a mechanism liable to the same supervision under the Principal Act as the instrument itself (Schedule 1 (1) (b));
- (c) to make the sale of certain pre-packed articles, which fall short of the weight or measure ordered by the purchaser, an offence (Schedule 1 (2));
- (d) to limit the defences to a charge of selling pre-packed articles of short weight or measure, in cases where the vendor has been warned previously about a sampled article of a similar type (Schedule 1 (3) (d));
- (e) to impose further conditions on the use of restricted expressions (within the meaning of the Principal Act) on the packages of articles offered for sale (Schedule 1 (4));
- (f) to provide for the making of regulations to exercise further control over the manner in which goods are marked, sold and advertised for sale (Schedule 1 (6));
- (g) to alter the time limits within which prosecutions may be brought for offences against the Principal Act (Schedule 1 (10));
- (h) to revise the Principal Act by way of statute law revision (Schedule 2); and
- (i) to make other provisions of a minor, consequential or ancillary nature.







**WEIGHTS AND MEASURES (AMENDMENT)
BILL, 1980**

No. , 1980.

A BILL FOR

An Act to amend the Weights and Measures Act, 1915, to expand and clarify the scope of that Act in its application to weights, measures and weighing and measuring instruments used for trade; to provide for certain offences in relation to the sale of goods; to enable regulations to be made in relation to the manner in which goods are sold or advertised for sale; and for other purposes.

[MR EINFELD—19 *March*, 1980.]

See also Liquor (Weights and Measures) Amendment Bill, 1980.

Weights and Measures (Amendment).

BE it enacted by the Queen'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 :—

5 **1.** This Act may be cited as the "Weights and Measures **Short**
(Amendment) Act, 1980". **title.**

2. (1) Except as provided in subsections (2)–(5), this Act **Commence-**
shall commence on the date of assent to this Act. **ment.**

(2) Section 5 shall, in its application to a provision of
10 Schedule 1, commence on the day on which the provision commences.

(3) The several provisions of Schedule 1 shall commence
on such day or days as may be appointed by the Governor in
respect thereof and as may be notified by proclamation published
15 in the Gazette.

(4) Section 6 (1) shall commence on the day on which
Schedule 1 (10) commences.

(5) Section 6 (2) shall commence on the day on which
Schedule 1 (3) (d) commences.

20 **3.** The Weights and Measures Act, 1915, is referred to in this **Principal**
Act as the Principal Act. **Act.**

4. This Act contains the following Schedules :— **Schedules.**

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT
BY WAY OF STATUTE LAW REVISION.

Weights and Measures (Amendment).

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2. Amendment
of Act No.
10, 1915.

6. (1) Notwithstanding section 43A of the Principal Act, no prosecution may be instituted for an offence against that Act if the offence arose otherwise than under Part III of that Act and was committed earlier than 6 months before the commencement of this subsection. Saving
of limita-
tions and
defences.

(2) Section 29G (6A) of the Principal Act does not apply to or in respect of an offence referred to in that subsection if the offence is alleged to have been committed at some time before the commencement of this subsection.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 6 (1), definition of "Use for trade"—

15 Omit the definition of "Trade", insert instead :—

"Use for trade", in relation to a weight, measure or weighing or measuring instrument, means use in connection with or with a view to a transaction for—

20 (a) the transferring or rendering of money or money's worth in consideration of money's worth or money; or

(b) the making of a payment in respect of any tax, rate, toll, duty or impost,

25 where—

(c) the transaction is by reference to a physical quantity or a number, or is a transaction for the purpose of which

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 there is made or implied a statement of the physical quantity or the number, of goods to which the transaction relates and the use is for the purpose of determination or statement of that quantity or number.

(b) Section 6 (3), (4)—

10 After section 6 (2), insert :—

15 (3) A weight, measure or weighing or measuring instrument that is made available for use by or on behalf of the public, whether on payment or otherwise, for making measurements of a physical quantity or a number or for the grading of articles by reference to a physical quantity or a number, shall for the purposes of this Act be deemed to be used for trade.

20 (4) Where a weighing or measuring instrument is so constructed as to include, or have associated with it, a mechanism or device which, when an article is weighed or measured by the instrument, computes the price of the article by reference to its weight or measure, a reference in this Act to a weighing or measuring instrument shall be deemed to include a
25 reference to that mechanism or device.

(2) Section 29 (1) (b)—

After “pre-packed article”, insert “the purported weight or measure of which is marked on the package containing the article”.

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) (a) Section 29G (5) (a), (b)—

Omit the paragraphs, insert instead :—

5 (a) the stated price per unit of weight or measure
of a pre-packed article—

(i) is marked on the package containing
the article;

10 (ii) is exhibited on or near a receptacle in
which the article is contained; or

(iii) is otherwise so displayed as to relate
to the article;

15 (b) a statement of the price of the article is
marked, exhibited or displayed as referred to
in paragraph (a); and

(b) Section 29G (5) (c)—

Omit “indicated”, insert instead “stated”.

(c) Section 29G (6)—

After “shall”, insert “, subject to subsection (6A),”.

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(d) Section 29G (6A)—

After section 29G (6), insert :—

- 5 (6A) In proceedings in respect of an offence against this Act arising under subsection (2) (a), the defence referred to in subsection (6) is not available to the person charged if, on any occasion before the offence arose—
- 10 (a) the true weight or measure of a pre-packed article sold by that person, being an article whose package—
- 15 (i) contained an article of the same kind as the article in respect of which the offence arose;
- 20 (ii) was marked with the name and address or the approved brand of the person whose name and address or approved brand were or was marked on the package containing the article in respect of which the offence arose; and
- 25 (iii) was marked with a statement of the same weight or measure as was marked on the package containing the article in respect of which the offence arose,
- 30 was found by an inspector to be less than the weight or measure of the article marked on the package containing the article; and

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) the person charged was advised by the inspector of the inspector's finding,
- 5 unless the person charged proves that the article in respect of which the offence arose was not in his possession for sale at the time he was advised by an inspector as referred to in paragraph (b).
- (e) Section 29G (9) (c)—
- 10 Omit "where the deficient article was obtained by the inspector or, if the deficient article was packed in New South Wales at the place where it was packed", insert instead "in New South Wales where the deficient article was obtained by the inspector or was
- 15 packed".
- (f) Section 29G (9) (d)—
- Omit "where the deficient article was obtained or, if the deficient article was packed in New South Wales, the place where it was packed", insert instead "in New
- 20 South Wales where the deficient article was obtained or packed".
- (g) Section 29G (9) (d) (i)—
- Omit "eleven or more similar packages available, eleven similar packages", insert instead "11 or more
- 25 similar packages available, 11 or more similar packages".
- (4) (a) Section 29J (3) (c) (ii)—
- Omit "one-third of".

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 29J (3) (c) (iii)—

Omit the subparagraph, insert instead :—

- 5 (iii) is in the same style of print and of the same colour contrast to its background as the letters comprising the restricted expression.

(5) Section 29N (3)—

Omit the subsection.

10 (6) (a) Section 29R (1) (b)—

Omit “or sold”, insert instead “, sold or advertised for sale”.

(b) Section 29R (1) (b1)—

After section 29R (1) (b), insert :—

- 15 (b1) prohibiting the sale or advertising for sale of prescribed goods by weight or by such measure as may be prescribed in respect of any such goods;

(c) Section 29R (1) (h1), (h2)—

20 After section 29R (1) (h), insert :—

- 25 (h1) requiring packages containing articles of any prescribed description which consist (or would, if not frozen or refrigerated, ordinarily consist) of a mixture of solid and liquid substances to be marked, in the prescribed manner, with the weight of their solid constituents;

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 (h2) specifying the manner in which the weight of the solid constituents of any article referred to in paragraph (h1) shall be determined for the purpose of complying with any requirement referred to in that paragraph;

(7) (a) Section 31 (1)—

10 Omit “Every”, insert instead “Subject to this section, every”.

(b) Section 31 (1)—

Omit “used for trade”, insert instead “used for trade or in the possession of a person for use for trade”.

(c) Section 31 (2)–(4)—

15 Omit the subsections, insert instead :—

(2) The Governor may make regulations—

20 (a) exempting any prescribed class or description of weight, measure or weighing or measuring instrument from the requirements of subsection (1);

25 (b) requiring the reverification and stamping of any prescribed class or description of weight, measure or weighing or measuring instrument used for trade or in the possession of a person for use for trade at more frequent or at less frequent intervals than those required by subsection (1); or

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 (c) requiring the owners of any weighing instruments of any prescribed class or description for which a charge is made for use by the public, or of weighing instruments used at collieries, to provide such stamped weights and such labour as an inspector considers necessary for the proper conduct of the verification or reverification of any such instruments.

10 (3) It shall be sufficient compliance with this section if, instead of producing at the office of an inspector any weight, measure or weighing or measuring instrument used for trade, the weight, measure or weighing or measuring instrument is within the period required in respect thereof by or under this section reverified and stamped, in accordance with arrangements approved by an inspector, at some place other than that office.

15 (8) Section 34—

After “verifying,” insert “reverifying”.

20 (9) (a) Section 41 (1)—

Omit “and weigh or measure or cause to be weighed or measured any such article”, insert instead “any such article or any package containing it, and weigh or measure or cause to be weighed or measured any such article.”

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 41 (1A)—

5 Omit “weighing or measuring it”, insert instead
“ascertaining whether or not the provisions of this Act
or the regulations are being complied with”.

(c) Section 41 (2)—

10 Omit “has been committed may be seized by an
inspector”, insert instead “is reasonably believed by an
inspector to have been committed may be seized and
detained by the inspector”.

(d) Section 41 (3), (4)—

After section 41 (2), insert :—

15 (3) Where an inspector becomes satisfied that no
contravention of or offence against this Act has been
committed in respect of an article seized and detained
by him pursuant to subsection (2), he shall forthwith
cause the article to be delivered to the person from
whom it was seized or to such other person as appears
20 to him to be entitled to it.

(4) Notwithstanding subsection (3), where an
inspector who has seized and detained an article
pursuant to subsection (2) is satisfied on reasonable
grounds that it consists wholly or partly of a filthy,
decomposed or putrid animal or vegetable substance,
25 he may cause the article to be destroyed.

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(10) Section 43A—

After section 43, insert :—

5 *Proceedings for Offences.*

43A. (1) A prosecution for an offence against this Act Limitations.
(other than an offence arising under Part III) may be
instituted at any time within a period of 12 months after
the commission of the offence.

10 (2) A prosecution for an offence against this Act
arising under Part III may be instituted at any time—

(a) within a period of 12 months after the
commission of the offence; or

15 (b) within a period of 6 months after the commission
of the offence comes to the knowledge of an
inspector,

whichever period later expires.

(11) Section 44—

Omit "\$500", insert instead "\$2,000".

20 (12) Section 54 (2)—

After "superintendent", insert " , or by any person
authorised by him for the purposes of this subsection,".

(13) (a) Section 57 (1) (b)—

25 Omit "and the verifying", insert instead "or
reverification and the verifying or reverifying".

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 57 (1) (f)—

After “verification”, insert “or reverification”.

5 (c) Section 57 (1) (h)—

After “verifying”, insert “, reverifying”.

(d) Section 57 (1) (i)—

Omit “and verifying”, insert instead “, verifying and reverifying”.

10 (e) Section 57 (1) (i1)—

After section 51 (1) (i), insert :—

15 (i1) Providing that any prescribed description of glass or other container in or by reference to which liquor is sold shall be deemed, for the purposes of this Act, to be a measuring instrument.

(f) Section 57 (1) (j1)—

After “verifying,”, insert “reverifying”.

(g) Section 57 (1) (j2) (i)—

20 After “verification”, insert “or reverification”.

(h) Section 57 (1) (k)—

After “verifying”, insert “, reverifying”.

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(i) Section 57 (1) (t), (u)—

After section 57 (1) (s), insert :—

- 5 (t) The registration, in the prescribed manner, of any weight, measure or weighing or measuring instrument of a prescribed description and the fees payable in respect of any such registration.
- 10 (u) The manner in which any article may be pictorially represented in advertisements and the words, symbols and units which may be used in advertisements for any article.

(j) Section 57 (2)—

15 After section 57 (1), insert :—

- (2) A provision of a regulation may—
- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- 20 (b) apply differently according to different factors of a specified kind;
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified or
- 25 described in the regulation,

or may do any combination of those things.

Weights and Measures (Amendment).

SCHEDULE 2.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION.

- (1) Section 1 (2), matter relating to Part I—
5 Omit “11”, insert instead “11A”.
- (2) Section 5—
Omit “Chief Commissioner for Railways and Tramways”,
insert instead “Public Transport Commission of New
South Wales”.
- 10 (3) Section 5A—
Omit the section.
- (4) (a) Section 6 (1), definition of “Commonwealth Act”—
Omit the definition, insert instead :—
15 “Commonwealth Act” means the Weights and
Measures (National Standards) Act 1960 of
the Parliament of the Commonwealth, as
amended by subsequent Acts of that
Parliament.
- (b) Section 6 (1), definition of “Prescribed”—
20 Omit the definition.
- (c) Section 6 (1), definition of “Schedule”—
Omit the definition.

*Weights and Measures (Amendment).*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(d) Section 6 (1), definition of "Sell"—

5 Omit :—

things,
and "sale" and "sold" have corresponding
interpretations.

Insert instead "things."

10 (5) Section 10—

Omit "such absence such deputy", insert instead "the
superintendent's absence the deputy".

(6) Section 11—

Omit the section, insert instead :—

15 11. (1) Subject to this section, neither the superintendent nor an inspector shall derive any profit from, or be employed in, making, adjusting or selling weights, measures or weighing instruments.

Superintendent or inspector not to derive profit from making weights, etc.

20 (2) With the approval of the Minister, an inspector may adjust a weight submitted to him for verification or reverification where, but for the adjustment, the weight would not be verified or reverified in accordance with this Act.

25 (3) An inspector may adjust a weight or measure submitted to him for standardisation so that it corresponds with the appropriate secondary or tertiary State standard.

30 (4) An inspector who makes an adjustment referred to in subsection (2) or (3) may charge a fee not exceeding such fee as may be prescribed for the purpose of those, or either of those, subsections.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (7) Section 13 (2)—
5 Omit “such”, insert instead “that”.
- (8) Section 14—
Omit “subsection (1) of section 12”, insert instead “section 12 (1)”.
- (9) Section 15 (1)—
10 Omit “and the Schedule, as so amended, shall be Schedule B to this Act”.
- (10) Section 16—
Omit “subsection (1) of section 12”, insert instead “section 12 (1)”.
- 15 (11) Section 22 (1) (b)—
Omit “of this Act”.
- (12) Section 25—
Omit the section.
- (13) (a) Section 27 (2) (a)—
20 Omit “from provisions”, insert instead “from the provisions”.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- 5 (b) Section 27 (2) (e)—
Omit “, as subsequently amended”.
- (14) (a) Section 29E (1)—
Omit “subsections (1) and (2) of section 29C”, insert
instead “section 29C (1) and (2)”.
- 10 (b) Section 29E (3)—
Omit “subsections (1) and (2) of section 29B, and
in subsections (1) and (3) of section 29D”, insert
instead “section 29B (1) and (2) and in section
29D (1) and (3)”.
- 15 (15) (a) Section 29G (3)—
Omit “Subsection (1) and paragraph (a) of subsec-
tion (2)”, insert instead “Subsections (1) and (2)
(a)”.
- (b) Section 29G (4)—
Omit “two or more”, insert instead “2 or more”.
- 20 (c) Section 29G (4)—
Omit “for the purposes of subsection (1), and
paragraph (a) of subsection (2)”, insert instead “, for
the purposes of subsections (1) and (2) (a)”.
- 25 (d) Section 29G (6)—
Omit “paragraph (a) of subsection (2)”, insert
instead “subsection (2) (a)”.

*Weights and Measures (Amendment).*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (e) Section 29G (7)—
5 Omit “paragraph (a) of subsection (6)”, insert instead “subsection (6) (a)”.
- (f) Section 29G (9) (a)—
Omit “paragraph (b) of subsection (2)”, insert instead “subsection (2) (b)”.
- 10 (g) Section 29G (9) (b) (i)—
Omit “five parts per centum”, insert instead “5 per cent”.
- (h) Section 29G (9) (b) (i)—
15 Omit “seven and one-half parts per centum”, insert instead “7½ per cent”.
- (i) Section 29G (9) (b) (ii) (a)—
Omit “five parts per centum”, insert instead “5 per cent”.
- (j) Section 29G (9) (b) (ii) (b), (iii)—
20 Omit “prescribed number, being not less than five, of parts per centum”, insert instead “prescribed percentage, being not less than 5 per cent.”.
- (k) Section 29G (9) (c)—
25 Omit “five or more packages”, insert instead “5 or more packages”.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(l) Section 29G (9) (d) (ii)—

5 Omit “five or more but less than eleven similar packages”, insert instead “5 or more but fewer than 11 similar packages”.

(m) Section 29G (10)—

10 Omit “paragraph (e) of subsection (9)”, insert instead “subsection (9) (e)”.

(n) Section 29G (10)—

Omit “that subsection” where firstly occurring, insert instead “subsection (9)”.

(o) Section 29G (10)—

15 Omit “any such subsection”, insert instead “any of those subsections”.

(p) Section 29G (11)—

Omit “two days”, insert instead “2 days”.

(q) Section 29G (11)—

20 Omit “of this section”.

(16) (a) Section 29I (1) (c)—

Omit “paragraph (b) of subsection (2A)”, insert instead “subsection (2A) (b)”.

(b) Section 29I (2) (a) (ii)—

25 Omit “paragraph (b) of subsection (2) of section 29G”, insert instead “section 29G (2) (b)”.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (c) Section 29I (2) (a) (iii)—
5 Omit “that section”, insert instead “section 29G”.
- (d) Section 29I (2) (b)—
Omit “five or more”, insert instead “5 or more”.
- (e) Section 29I (2) (b)—
10 Omit “subsection (9) of that section”, insert instead
“section 29G (9)”.
- (f) Section 29I (2)—
Omit “that section” where thirdly occurring, insert
instead “section 29G”.
- (g) Section 29I (2)—
15 Omit “number of parts per centum”, insert instead
“percentage”.
- (h) Section 29I (2A) (a)—
Omit “two or more”, insert instead “2 or more”.
- (i) Section 29I (2A) (a)—
20 Omit “, in paragraph (b) of subsection (9) of section
29G or in subsection (10) of that section”, insert
instead “or in section 29G (9) (b) or (10)”.
- (17) (a) Section 29J—
25 Omit “subsection (1) of section 29D” wherever
occurring, insert instead “section 29D (1)”.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- 5 (b) Section 29J (3) (a)—
Omit “that section”, insert instead “section 29G”.
- (c) Section 29J (5)—
Omit “one year”, insert instead “1 year”.
- (18) Section 29L (1)—
Omit “rule of law”, insert instead “rule of law”.
- 10 (19) Section 29N (2)—
Omit the subsection, insert instead :—
(2) A sum payable pursuant to an order made under
subsection (1) shall be deemed to be a judgment debt
within the meaning of the Courts of Petty Sessions (Civil
15 Claims) Act, 1970.
- (20) (a) Section 29o (2)—
Omit “subsection (2) of section 29c, or subsection
(3) of section 29D”, insert instead “section 29C (2)
or 29D (3)”.
- 20 (b) Section 29o (3)—
Omit “subsection (2) of section 29c, subsection (3)
of section 29D”, insert instead “section 29C (2),
section 29D (3)”.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (c) Section 29o (3)—
5 Omit “subsection (2) or subsection (5) of section 29G or subsection (2) of section 29J”, insert instead “section 29G (2) or (5) or section 29J (2)”.
- (d) Section 29o (3A)—
10 Omit “paragraph (a) of subsection (4) of section 29B”, insert instead “section 29B (4) (a)”.
- (e) Section 29o (3A)—
Omit “subsection (3) of that section”, insert instead “section 29B (3)”.
- (f) Section 29o (4)—
15 Omit “subsection (1) of section 29G”, insert instead “section 29G (1)”.
- (g) Section 29o (6)—
Omit “two days”, insert instead “2 days”.
- (21) (a) Section 29P (1)—
20 Omit “subsection (1) of section 29B” where firstly occurring, insert instead “section 29B (1)”.
- (b) Section 29P (1)—
Omit “Superintendent”, insert instead “superintendent”.
- (c) Section 29P (1) (a) (i)—
25 Omit “paragraph (a) of subsection (1) of section 29B”, insert instead “section 29B (1) (a)”.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(d) Section 29P (1) (a) (ii)—

5 Omit “paragraph (b) of that subsection”, insert
instead “section 29B (1) (b)”.

(e) Section 29P (4)—

10 Omit “subparagraph (i) or (ii) of paragraph (a) of
that subsection”, insert instead “subsection (1) (a)
(i) or (ii)”.

(22) (a) Section 29Q (d2)—

Omit “subsection (3) of section 29B”, insert instead
“section 29B (3)”.

(b) Section 29Q (f) (ii)—

15 Omit “subsection (5) of section 29F”, insert instead
“section 29F (5)”.

(c) Section 29Q (g)—

Omit “subsection (1) of section 29P”, insert instead
“section 29P (1)”.

20 (d) Section 29Q (g) (i)—

Omit “subparagraph (i) of paragraph (a) of that
subsection”, insert instead “section 29P (1) (a) (i)”.

(e) Section 29Q (g) (ii)—

25 Omit “subparagraph (ii) of paragraph (a) of that
subsection”, insert instead “section 29P (1) (a) (ii)”.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (f) Section 29Q (g) (iii)—
5 Omit “paragraph (b) of that subsection”, insert
instead “section 29P (1) (b)”.
- (g) Section 29Q (h)—
Omit “subsection (1) of section 29P”, insert instead
“section 29P (1)”.
- 10 (23) (a) Section 30—
Omit “paragraph (b) of subsection (1A)” wherever
occurring, insert instead “subsection (1A) (b)”.
- (b) Section 30 (1B) (a)—
15 Omit “paragraph (c) of subsection (1A)”, insert
instead “subsection (1A) (c)”.
- (c) Section 30 (3)—
Omit “paragraph (a) of subsection (2)”, insert
instead “subsection (2) (a)”.
- (24) Section 31 (1)—
20 Omit “two years”, insert instead “2 years”.
- (25) Section 33—
Omit “twenty-one days”, insert instead “21 days”.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(26) (a) Section 42 (e)—

5 Omit “subsection (1B) of section 41”, insert instead
“section 41 (1B)”.

(b) Section 42 (g)—

Omit “this Act;”, insert instead “this Act; or”.

(27) Section 43 (1) (c)—

10 Omit “unjust;”, insert instead “unjust; or”.

(28) Section 46—

Omit “three months”, insert instead “3 months”.

(29) Section 54 (2) (a) (i)—

15 Omit “subsection (1) of section 12”, insert instead
“section 12 (1)”.

(30) Section 57 (1) (q2)—

Omit “paragraph (c) of subsection (1A) of section 30”,
insert instead “section 30 (1A) (c)”.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(31) Section 58—

5 Omit the section, insert instead :—

58. Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969. Publication of regulations.

10 (32) Schedule E—

Omit the Schedule.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980
(65e)

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**WEIGHTS AND MEASURES (AMENDMENT) ACT,
1980, No. 63**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 63, 1980.

An Act to amend the Weights and Measures Act, 1915, to expand and clarify the scope of that Act in its application to weights, measures and weighing and measuring instruments used for trade; to provide for certain offences in relation to the sale of goods; to enable regulations to be made in relation to the manner in which goods are sold or advertised for sale; and for other purposes. [Assented to, 28th April, 1980.]

See also Liquor (Weights and Measures) Amendment Act, 1980.

Weights and Measures (Amendment).

BE it enacted by the Queen'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, 1980".

Commence-
ment.

2. (1) Except as provided in subsections (2)–(5), this Act shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedule 1, commence on the day on which the provision commences.

(3) The several provisions of Schedule 1 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Section 6 (1) shall commence on the day on which Schedule 1 (10) commences.

(5) Section 6 (2) shall commence on the day on which Schedule 1 (3) (d) commences.

Principal
Act.

3. The Weights and Measures Act, 1915, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT
BY WAY OF STATUTE LAW REVISION.

Weights and Measures (Amendment).

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2. Amendment
of Act No.
10, 1915.

6. (1) Notwithstanding section 43A of the Principal Act, no prosecution may be instituted for an offence against that Act if the offence arose otherwise than under Part III of that Act and was committed earlier than 6 months before the commencement of this subsection. Saving
of limita-
tions and
defences.

(2) Section 29G (6A) of the Principal Act does not apply to or in respect of an offence referred to in that subsection if the offence is alleged to have been committed at some time before the commencement of this subsection.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 6 (1), definition of "Use for trade"—

Omit the definition of "Trade", insert instead :—

"Use for trade", in relation to a weight, measure or weighing or measuring instrument, means use in connection with or with a view to a transaction for—

- (a) the transferring or rendering of money or money's worth in consideration of money's worth or money; or
- (b) the making of a payment in respect of any tax, rate, toll, duty or impost,

where—

- (c) the transaction is by reference to a physical quantity or a number, or is a transaction for the purpose of which

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

there is made or implied a statement of the physical quantity or the number, of goods to which the transaction relates and the use is for the purpose of determination or statement of that quantity or number.

(b) Section 6 (3), (4)—

After section 6 (2), insert :—

(3) A weight, measure or weighing or measuring instrument that is made available for use by or on behalf of the public, whether on payment or otherwise, for making measurements of a physical quantity or a number or for the grading of articles by reference to a physical quantity or a number, shall for the purposes of this Act be deemed to be used for trade.

(4) Where a weighing or measuring instrument is so constructed as to include, or have associated with it, a mechanism or device which, when an article is weighed or measured by the instrument, computes the price of the article by reference to its weight or measure, a reference in this Act to a weighing or measuring instrument shall be deemed to include a reference to that mechanism or device.

(2) Section 29 (1) (b)—

After “pre-packed article”, insert “the purported weight or measure of which is marked on the package containing the article”.

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) (a) Section 29G (5) (a), (b)—

Omit the paragraphs, insert instead :—

(a) the stated price per unit of weight or measure of a pre-packed article—

(i) is marked on the package containing the article;

(ii) is exhibited on or near a receptacle in which the article is contained; or

(iii) is otherwise so displayed as to relate to the article;

(b) a statement of the price of the article is marked, exhibited or displayed as referred to in paragraph (a); and

(b) Section 29G (5) (c)—

Omit “indicated”, insert instead “stated”.

(c) Section 29G (6)—

After “shall”, insert “, subject to subsection (6A),”.

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(d) Section 29G (6A)—

After section 29G (6), insert :—

(6A) In proceedings in respect of an offence against this Act arising under subsection (2) (a), the defence referred to in subsection (6) is not available to the person charged if, on any occasion before the offence arose—

- (a) the true weight or measure of a pre-packed article sold by that person, being an article whose package—
 - (i) contained an article of the same kind as the article in respect of which the offence arose;
 - (ii) was marked with the name and address or the approved brand of the person whose name and address or approved brand were or was marked on the package containing the article in respect of which the offence arose; and
 - (iii) was marked with a statement of the same weight or measure as was marked on the package containing the article in respect of which the offence arose,

was found by an inspector to be less than the weight or measure of the article marked on the package containing the article; and

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) the person charged was advised by the inspector of the inspector's finding,

unless the person charged proves that the article in respect of which the offence arose was not in his possession for sale at the time he was advised by an inspector as referred to in paragraph (b).

(e) Section 29G (9) (c)—

Omit "where the deficient article was obtained by the inspector or, if the deficient article was packed in New South Wales at the place where it was packed", insert instead "in New South Wales where the deficient article was obtained by the inspector or was packed".

(f) Section 29G (9) (d)—

Omit "where the deficient article was obtained or, if the deficient article was packed in New South Wales, the place where it was packed", insert instead "in New South Wales where the deficient article was obtained or packed".

(g) Section 29G (9) (d) (i)—

Omit "eleven or more similar packages available, eleven similar packages", insert instead "11 or more similar packages available, 11 or more similar packages".

(4) (a) Section 29J (3) (c) (ii)—

Omit "one-third of".

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 29J (3) (c) (iii)—

Omit the subparagraph, insert instead :—

- (iii) is in the same style of print and of the same colour contrast to its background as the letters comprising the restricted expression.

(5) Section 29N (3)—

Omit the subsection.

(6) (a) Section 29R (1) (b)—

Omit “or sold”, insert instead “, sold or advertised for sale”.

(b) Section 29R (1) (b1)—

After section 29R (1) (b), insert :—

- (b1) prohibiting the sale or advertising for sale of prescribed goods by weight or by such measure as may be prescribed in respect of any such goods;

(c) Section 29R (1) (h1), (h2)—

After section 29R (1) (h), insert :—

- (h1) requiring packages containing articles of any prescribed description which consist (or would, if not frozen or refrigerated, ordinarily consist) of a mixture of solid and liquid substances to be marked, in the prescribed manner, with the weight of their solid constituents;

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(h2) specifying the manner in which the weight of the solid constituents of any article referred to in paragraph (h1) shall be determined for the purpose of complying with any requirement referred to in that paragraph;

(7) (a) Section 31 (1)—

Omit “Every”, insert instead “Subject to this section, every”.

(b) Section 31 (1)—

Omit “used for trade”, insert instead “used for trade or in the possession of a person for use for trade”.

(c) Section 31 (2)–(4)—

Omit the subsections, insert instead :—

(2) The Governor may make regulations—

(a) exempting any prescribed class or description of weight, measure or weighing or measuring instrument from the requirements of subsection (1);

(b) requiring the reverification and stamping of any prescribed class or description of weight, measure or weighing or measuring instrument used for trade or in the possession of a person for use for trade at more frequent or at less frequent intervals than those required by subsection (1); or

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (c) requiring the owners of any weighing instruments of any prescribed class or description for which a charge is made for use by the public, or of weighing instruments used at collieries, to provide such stamped weights and such labour as an inspector considers necessary for the proper conduct of the verification or reverification of any such instruments.

(3) It shall be sufficient compliance with this section if, instead of producing at the office of an inspector any weight, measure or weighing or measuring instrument used for trade, the weight, measure or weighing or measuring instrument is within the period required in respect thereof by or under this section reverified and stamped, in accordance with arrangements approved by an inspector, at some place other than that office.

- (8) Section 34—

After “verifying,” insert “reverifying”.

- (9) (a) Section 41 (1)—

Omit “and weigh or measure or cause to be weighed or measured any such article”, insert instead “any such article or any package containing it, and weigh or measure or cause to be weighed or measured any such article,”.

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 41 (1A)—

Omit “weighing or measuring it”, insert instead “ascertaining whether or not the provisions of this Act or the regulations are being complied with”.

(c) Section 41 (2)—

Omit “has been committed may be seized by an inspector”, insert instead “is reasonably believed by an inspector to have been committed may be seized and detained by the inspector”.

(d) Section 41 (3), (4)—

After section 41 (2), insert :—

(3) Where an inspector becomes satisfied that no contravention of or offence against this Act has been committed in respect of an article seized and detained by him pursuant to subsection (2), he shall forthwith cause the article to be delivered to the person from whom it was seized or to such other person as appears to him to be entitled to it.

(4) Notwithstanding subsection (3), where an inspector who has seized and detained an article pursuant to subsection (2) is satisfied on reasonable grounds that it consists wholly or partly of a filthy, decomposed or putrid animal or vegetable substance, he may cause the article to be destroyed.

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(10) Section 43A—

After section 43, insert :—

Proceedings for Offences.

Limitations.

43A. (1) A prosecution for an offence against this Act (other than an offence arising under Part III) may be instituted at any time within a period of 12 months after the commission of the offence.

(2) A prosecution for an offence against this Act arising under Part III may be instituted at any time—

(a) within a period of 12 months after the commission of the offence; or

(b) within a period of 6 months after the commission of the offence comes to the knowledge of an inspector,

whichever period later expires.

(11) Section 44—

Omit "\$500", insert instead "\$2,000".

(12) Section 54 (2)—

After "superintendent", insert ", or by any person authorised by him for the purposes of this subsection,".

(13) (a) Section 57 (1) (b)—

Omit "and the verifying", insert instead "or reverification and the verifying or reverifying".

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 57 (1) (f)—

After “verification”, insert “or reverification”.

(c) Section 57 (1) (h)—

After “verifying”, insert “, reverifying”.

(d) Section 57 (1) (i)—

Omit “and verifying”, insert instead “, verifying and reverifying”.

(e) Section 57 (1) (i1)—

After section 51 (1) (i), insert :—

(i1) Providing that any prescribed description of glass or other container in or by reference to which liquor is sold shall be deemed, for the purposes of this Act, to be a measuring instrument.

(f) Section 57 (1) (j1)—

After “verifying,”, insert “reverifying”.

(g) Section 57 (1) (j2) (i)—

After “verification”, insert “or reverification”.

(h) Section 57 (1) (k)—

After “verifying”, insert “, reverifying”.

Weights and Measures (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(i) Section 57 (1) (t), (u)—

After section 57 (1) (s), insert :—

- (t) The registration, in the prescribed manner, of any weight, measure or weighing or measuring instrument of a prescribed description and the fees payable in respect of any such registration.
- (u) The manner in which any article may be pictorially represented in advertisements and the words, symbols and units which may be used in advertisements for any article.

(j) Section 57 (2)—

After section 57 (1), insert :—

- (2) A provision of a regulation may—
 - (a) apply generally or be limited in its application by reference to specified exceptions or factors;
 - (b) apply differently according to different factors of a specified kind;
 - (c) authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified or described in the regulation,or may do any combination of those things.
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Weights and Measures (Amendment).

SCHEDULE 2.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION.

- (1) Section 1 (2), matter relating to Part I—
Omit “11”, insert instead “11A”.

- (2) Section 5—
Omit “Chief Commissioner for Railways and Tramways”,
insert instead “Public Transport Commission of New
South Wales”.

- (3) Section 5A—
Omit the section.

- (4) (a) Section 6 (1), definition of “Commonwealth Act”—
Omit the definition, insert instead :—
“Commonwealth Act” means the Weights and
Measures (National Standards) Act 1960 of
the Parliament of the Commonwealth, as
amended by subsequent Acts of that
Parliament.

- (b) Section 6 (1), definition of “Prescribed”—
Omit the definition.

- (c) Section 6 (1), definition of “Schedule”—
Omit the definition.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(d) Section 6 (1), definition of "Sell"—

Omit :—

things,
and "sale" and "sold" have corresponding
interpretations.

Insert instead "things."

(5) Section 10—

Omit "such absence such deputy", insert instead "the superintendent's absence the deputy".

(6) Section 11—

Omit the section, insert instead :—

11. (1) Subject to this section, neither the superintendent nor an inspector shall derive any profit from, or be employed in, making, adjusting or selling weights, measures or weighing instruments.

(2) With the approval of the Minister, an inspector may adjust a weight submitted to him for verification or reverification where, but for the adjustment, the weight would not be verified or reverified in accordance with this Act.

(3) An inspector may adjust a weight or measure submitted to him for standardisation so that it corresponds with the appropriate secondary or tertiary State standard.

(4) An inspector who makes an adjustment referred to in subsection (2) or (3) may charge a fee not exceeding such fee as may be prescribed for the purpose of those, or either of those, subsections.

Superintendent or inspector not to derive profit from making weights, etc.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(7) Section 13 (2)—

Omit “such”, insert instead “that”.

(8) Section 14—

Omit “subsection (1) of section 12”, insert instead “section 12 (1)”.

(9) Section 15 (1)—

Omit “and the Schedule, as so amended, shall be Schedule B to this Act”.

(10) Section 16—

Omit “subsection (1) of section 12”, insert instead “section 12 (1)”.

(11) Section 22 (1) (b)—

Omit “of this Act”.

(12) Section 25—

Omit the section.

(13) (a) Section 27 (2) (a)—

Omit “from provisions”, insert instead “from the provisions”.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (b) Section 27 (2) (e)—
Omit “, as subsequently amended”.
- (14) (a) Section 29E (1)—
Omit “subsections (1) and (2) of section 29C”, insert
instead “section 29C (1) and (2)”.
- (b) Section 29E (3)—
Omit “subsections (1) and (2) of section 29B, and
in subsections (1) and (3) of section 29D”, insert
instead “section 29B (1) and (2) and in section
29D (1) and (3)”.
- (15) (a) Section 29G (3)—
Omit “Subsection (1) and paragraph (a) of subsec-
tion (2)”, insert instead “Subsections (1) and (2)
(a)”.
- (b) Section 29G (4)—
Omit “two or more”, insert instead “2 or more”.
- (c) Section 29G (4)—
Omit “for the purposes of subsection (1), and
paragraph (a) of subsection (2)”, insert instead “, for
the purposes of subsections (1) and (2) (a)”.
- (d) Section 29G (6)—
Omit “paragraph (a) of subsection (2)”, insert
instead “subsection (2) (a)”.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (e) Section 29G (7)—
Omit “paragraph (a) of subsection (6)”, insert instead “subsection (6) (a)”.
- (f) Section 29G (9) (a)—
Omit “paragraph (b) of subsection (2)”, insert instead “subsection (2) (b)”.
- (g) Section 29G (9) (b) (i)—
Omit “five parts per centum”, insert instead “5 per cent”.
- (h) Section 29G (9) (b) (i)—
Omit “seven and one-half parts per centum”, insert instead “7½ per cent”.
- (i) Section 29G (9) (b) (ii) (a)—
Omit “five parts per centum”, insert instead “5 per cent”.
- (j) Section 29G (9) (b) (ii) (b), (iii)—
Omit “prescribed number, being not less than five, of parts per centum”, insert instead “prescribed percentage, being not less than 5 per cent”.
- (k) Section 29G (9) (c)—
Omit “five or more packages”, insert instead “5 or more packages”.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (l) Section 29G (9) (d) (ii)—
Omit “five or more but less than eleven similar packages”, insert instead “5 or more but fewer than 11 similar packages”.
- (m) Section 29G (10)—
Omit “paragraph (e) of subsection (9)”, insert instead “subsection (9) (e)”.
- (n) Section 29G (10)—
Omit “that subsection” where firstly occurring, insert instead “subsection (9)”.
- (o) Section 29G (10)—
Omit “any such subsection”, insert instead “any of those subsections”.
- (p) Section 29G (11)—
Omit “two days”, insert instead “2 days”.
- (q) Section 29G (11)—
Omit “of this section”.
- (16) (a) Section 29I (1) (c)—
Omit “paragraph (b) of subsection (2A)”, insert instead “subsection (2A) (b)”.
- (b) Section 29I (2) (a) (ii)—
Omit “paragraph (b) of subsection (2) of section 29G”, insert instead “section 29G (2) (b)”.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (c) Section 29I (2) (a) (iii)—
Omit “that section”, insert instead “section 29G”.
 - (d) Section 29I (2) (b)—
Omit “five or more”, insert instead “5 or more”.
 - (e) Section 29I (2) (b)—
Omit “subsection (9) of that section”, insert instead
“section 29G (9)”.
 - (f) Section 29I (2)—
Omit “that section” where thirdly occurring, insert
instead “section 29G”.
 - (g) Section 29I (2)—
Omit “number of parts per centum”, insert instead
“percentage”.
 - (h) Section 29I (2A) (a)—
Omit “two or more”, insert instead “2 or more”.
 - (i) Section 29I (2A) (a)—
Omit “, in paragraph (b) of subsection (9) of section
29G or in subsection (10) of that section”, insert
instead “or in section 29G (9) (b) or (10)”.
- (17) (a) Section 29J—
Omit “subsection (1) of section 29D” wherever
occurring, insert instead “section 29D (1)”.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(b) Section 29J (3) (a)—

Omit “that section”, insert instead “section 29G”.

(c) Section 29J (5)—

Omit “one year”, insert instead “1 year”.

(18) Section 29L (1)—

Omit “rule of law”, insert instead “rule of law,”.

(19) Section 29N (2)—

Omit the subsection, insert instead :—

(2) A sum payable pursuant to an order made under subsection (1) shall be deemed to be a judgment debt within the meaning of the Courts of Petty Sessions (Civil Claims) Act, 1970.

(20) (a) Section 29o (2)—

Omit “subsection (2) of section 29c, or subsection (3) of section 29D”, insert instead “section 29c (2) or 29D (3)”.

(b) Section 29o (3)—

Omit “subsection (2) of section 29c, subsection (3) of section 29D”, insert instead “section 29c (2), section 29D (3)”.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (c) Section 29o (3)—
Omit “subsection (2) or subsection (5) of section 29G or subsection (2) of section 29J”, insert instead “section 29G (2) or (5) or section 29J (2)”.
- (d) Section 29o (3A)—
Omit “paragraph (a) of subsection (4) of section 29B”, insert instead “section 29B (4) (a)”.
- (e) Section 29o (3A)—
Omit “subsection (3) of that section”, insert instead “section 29B (3)”.
- (f) Section 29o (4)—
Omit “subsection (1) of section 29G”, insert instead “section 29G (1)”.
- (g) Section 29o (6)—
Omit “two days”, insert instead “2 days”.

- (21) (a) Section 29P (1)—
Omit “subsection (1) of section 29B” where firstly occurring, insert instead “section 29B (1)”.
- (b) Section 29P (1)—
Omit “Superintendent”, insert instead “superintendent”.
- (c) Section 29P (1) (a) (i)—
Omit “paragraph (a) of subsection (1) of section 29B”, insert instead “section 29B (1) (a)”.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (d) Section 29P (1) (a) (ii)—
Omit “paragraph (b) of that subsection”, insert instead “section 29B (1) (b)”.
- (e) Section 29P (4)—
Omit “subparagraph (i) or (ii) of paragraph (a) of that subsection”, insert instead “subsection (1) (a) (i) or (ii)”.
- (22) (a) Section 29Q (d2)—
Omit “subsection (3) of section 29B”, insert instead “section 29B (3)”.
- (b) Section 29Q (f) (ii)—
Omit “subsection (5) of section 29F”, insert instead “section 29F (5)”.
- (c) Section 29Q (g)—
Omit “subsection (1) of section 29P”, insert instead “section 29P (1)”.
- (d) Section 29Q (g) (i)—
Omit “subparagraph (i) of paragraph (a) of that subsection”, insert instead “section 29P (1) (a) (i)”.
- (e) Section 29Q (g) (ii)—
Omit “subparagraph (ii) of paragraph (a) of that subsection”, insert instead “section 29P (1) (a) (ii)”.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(f) Section 29Q (g) (iii)—

Omit “paragraph (b) of that subsection”, insert instead “section 29P (1) (b)”.

(g) Section 29Q (h)—

Omit “subsection (1) of section 29P”, insert instead “section 29P (1)”.

(23) (a) Section 30—

Omit “paragraph (b) of subsection (1A)” wherever occurring, insert instead “subsection (1A) (b)”.

(b) Section 30 (1B) (a)—

Omit “paragraph (c) of subsection (1A)”, insert instead “subsection (1A) (c)”.

(c) Section 30 (3)—

Omit “paragraph (a) of subsection (2)”, insert instead “subsection (2) (a)”.

(24) Section 31 (1)—

Omit “two years”, insert instead “2 years”.

(25) Section 33—

Omit “twenty-one days”, insert instead “21 days”.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(26) (a) Section 42 (e)—

Omit “subsection (1B) of section 41”, insert instead
“section 41 (1B)”.

(b) Section 42 (g)—

Omit “this Act;”, insert instead “this Act; or”.

(27) Section 43 (1) (c)—

Omit “unjust;”, insert instead “unjust; or”.

(28) Section 46—

Omit “three months”, insert instead “3 months”.

(29) Section 54 (2) (a) (i)—

Omit “subsection (1) of section 12”, insert instead
“section 12 (1)”.

(30) Section 57 (1) (q2)—

Omit “paragraph (c) of subsection (1A) of section 30”,
insert instead “section 30 (1A) (c)”.

Weights and Measures (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(31) Section 58—

Omit the section, insert instead :—

58. Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969. ^{Publication of regulations.}

(32) Schedule E—

Omit the Schedule.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 28th April, 1980.*

