



ANNO DECIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1968

No. 58 of 1968

An Act to amend the Weights and Measures Act,
1967.

[Assented to 19th December, 1968.]

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, 1968".

(2) The Weights and Measures Act, 1967, as amended by this Act, may be cited as the "Weights and Measures Act, 1967-1968".

(3) The Weights and Measures Act, 1967, is hereinafter referred to as "the principal Act".

Commencement.

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

**Amendment of
principal Act,
s. 4—
Arrangement.**

3. Section 4 of the principal Act is amended by striking out the passage "CENTRAL ADMINISTRATION, ss. 13-14" and inserting in lieu thereof the passage "GENERAL, ss. 13-14a".

**Amendment of
principal Act,
s. 5—
Interpretation.**

4. Section 5 of the principal Act is amended by inserting after the definition of "driver" the following definition :—
"financial year" means any period of twelve months ending on the thirtieth day of June : .

5. The heading to Division 1 of Part III of the principal Act is amended by striking out the passage "CENTRAL ADMINISTRATION" and inserting in lieu thereof the word "GENERAL".

Amendment of heading to Part III of principal Act.

6. Section 13 of the principal Act is repealed and re-enacted as follows :—

Repeal and re-enactment of s. 13 of principal Act—

13. (1) The Governor may appoint—

Appointment of officers.

(a) a Warden of Standards ;

(b) a Deputy Warden of Standards ;

and

(c) such Government Inspectors and Assistant Government Inspectors as are necessary for the purposes of this Act.

(2) The Deputy Warden of Standards shall have and may exercise all of the powers and functions of the Warden of Standards during the absence from duty for any reason of the Warden of Standards.

(3) Notwithstanding anything in this section, the persons appointed by the Governor to the office of Warden of Standards, Deputy Warden of Standards, Government Inspectors and Assistant Government Inspectors and in office or purporting to hold office immediately before the commencement of the Weights and Measures Act Amendment Act, 1968, shall remain in office as if they had been appointed under this section as Warden of Standards, Deputy Warden of Standards, Government Inspectors and Assistant Government Inspectors respectively and as if this section as it was enacted by that Act had been in force at the time of their appointment.

7. The following section is enacted and inserted in Division I of Part III of the principal Act after section 14 :—

Enactment of new s. 14a of principal Act—

14a. A Government Inspector or an inspector shall not—

Offences by Government Inspectors or inspectors.

(a) except in the course of the proper performance of his duties under this Act disclose or cause directly or indirectly to be disclosed any matter relating to the business of any person which comes to his knowledge in the course of those duties ;

(b) stamp any weight, measure, weighing instrument or measuring instrument except in compliance with a provision of this Act ;

or

(c) refuse or fail to perform any duty imposed on him by this Act.

Penalty : One hundred dollars.

Amendment of principal Act, s. 15—
Councils to be responsible for local administration.

8. Section 15 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection :—

(1) Each council is, subject to this Act, charged and for all purposes is deemed always to have been charged with the local administration of this Act within its area except where pursuant to a proclamation under section 31 of this Act that administration has been vested in the central administration.

Repeal and enactment of new s. 18 of principal Act—
Procedure, etc. on appointment of inspectors.

9. Section 18 of the principal Act is repealed and the following section is enacted and inserted therein in its place :—

18. (1) A council shall not appoint a person as an inspector—

(a) unless that person possesses the prescribed qualifications for that appointment ;

and

(b) the appointment of that person is approved by the Warden of Standards.

(2) Each council shall advise the Warden of Standards of every vacation of office of an inspector appointed by it.

(3) Nothing in this section, shall affect the validity of or render invalid any appointment of an inspector made before the commencement of the Weights and Measures Act Amendment Act, 1968.

Repeal of s. 20 of principal Act.

10. Section 20 of the principal Act is repealed.

Repeal of s. 21 of principal Act.

11. Section 21 of the principal Act is repealed.

Amendment of principal Act, s. 27—
Annual statement of administration.

12. Section 27 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “or district clerk” and inserting in lieu thereof the passage “, district clerk or proper officer” ;

(b) by striking out from subsection (1) the word “November” and inserting in lieu thereof the word “August” ;

(c) by striking out from subsection (2) the passage "or district clerk" and inserting in lieu thereof the passage ", district clerk or proper officer";
and

(d) by inserting after subsection (2) the following subsection:—

(3) In this section "proper officer", in relation to the Garden Suburb Commissioner or the City of Whyalla Commission means the person carrying out the functions and duties of the chief executive officer of the Commissioner or Commission or the person employed by that Commissioner or Commission whose functions and duties substantially correspond with those of a town clerk of a municipality.

13. Section 30 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "(which may be greater or less than the period provided in section 36)";

and

(b) by striking out from subsection (3) the word "Inspector" lastly occurring and inserting in lieu thereof the word "inspector".

Amendment of principal Act, s. 30—
Verification of certain weights and measures.

14. Section 35 of the principal Act is amended—

(a) by striking out the word "verification" and inserting in lieu thereof the word "re-verification";

and

(b) by striking out from paragraph (c) of the proviso thereto the word "verification" and inserting in lieu thereof the word "re-verification".

Amendment of principal Act, s. 35—
Stamping and re-verification of weights, etc.

15. Section 42 of the principal Act is amended—

(a) by inserting after the passage "against this Act, and" the passage ", except as provided in subsection (2) of this section,";

(b) by striking out the passage "the same" and inserting in lieu thereof the passage "reference to any such weight, measure, weighing instrument, or measuring instrument";

and

(c) by inserting at the end thereof the following subsection (the previous portion of that section being designated as subsection (1) thereof):—

Amendment of principal Act, s. 42—
Prohibition on the use or possession of unjust weights or measures.

(2) Where, in any proceedings taken before a court, the validity of any contract, bargain, sale, purchase or dealing is, by reason of the provision of subsection (1) of this section called in question that contract, bargain, sale, purchase or dealing shall not be void if the court holds that the use or possession for use by the person referred to in that subsection was occasioned by a mistake or accident or by any other cause beyond his control or that, in spite of all reasonable precautions being taken and all due diligence being exercised by him such use or possession for use was due to an action of a person over whom he had no control.

Repeal of
s. 45 of
principal Act.

16. Section 45 of the principal Act is repealed.

Repeal of
s. 46 of
principal Act.

17. Section 46 of the principal Act is repealed.

Amendment of
principal Act,
s. 47—
Sales to be by
net weight or
measure.

18. Section 47 of the principal Act is amended by striking out from subsection (3) the passage “subsection (1)” and inserting in lieu thereof the passage “subsection (2)”.

Amendment of
principal Act,
s. 49—
Sales by short
weight or
measure.

19. Section 49 of the principal Act is amended by striking out subsection (2) and subsection (3).

Repeal of
s. 50 of
principal Act.

20. Section 50 of the principal Act is repealed.

Amendment of
principal Act,
s. 52—
Sales of coal
or firewood.

21. Section 52 of the principal Act is amended—

(a) by striking out from subsection (1) the word “Inspector” and inserting in lieu thereof the passage “inspector or Government Inspector” ;

and

(b) by inserting after the passage “any inspector” in subsection (3) the passage “or Government Inspector”.

Amendment of
principal Act,
s. 55—
Onus of proof.

22. Section 55 of the principal Act is amended by striking out the word “verified” and inserting in lieu thereof the passage “, verified, re-verified”.

23. Section 60 of the principal Act is amended by striking out the passage "or other person appointed under this Act" and inserting in lieu thereof the passage "a Government Inspector or person authorized in writing by the Minister to lay such complaints".

Amendment of principal Act, s. 60—
Power to award costs in certain cases.

24. Section 67 of the principal Act is amended—

Amendment of principal Act, s. 67—
Offences.

- (a) by inserting after the word "inspector" in paragraph (a) the passage "or a Government Inspector";
 - (b) by inserting after the word "inspector" in paragraph (b) the passage "or a Government Inspector";
 - (c) by inserting after the word "inspector" twice occurring in paragraph (c) in each case the passage "or a Government Inspector";
 - (d) by inserting after the word "inspector" in paragraph (d) the passage "or a Government Inspector";
 - (e) by inserting after the word "inspector" in paragraph (e) the passage "or a Government Inspector";
- and
- (f) by inserting after the word "inspector" in paragraph (f) the passage "or a Government Inspector".

25. Section 68 of the principal Act is amended—

Amendment of principal Act, s. 68—
Regulations.

- (a) by striking out from paragraph (4) the word "verifying" and inserting in lieu thereof the passage ", verifying, re-verifying";
- and
- (b) by striking out from paragraph (6) the word "verifying" and inserting in lieu thereof the passage ", verifying, re-verifying,".

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

J. W. HARRISON, Governor.