

TASMANIA.



1944.

ANNO SEPTIMO ET OCTAVO
GEORGII VI. REGIS.

No. 102.

ANALYSIS.

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AN ACT to amend the *Weights and Measures Act* 1934.
[14 July, 1944.]

A.D.
1944

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Weights and Measures Act* 1944.

(2) The *Weights and Measures Act* 1934,* as subsequently amended, is in this Act referred to as the Principal Act.

Short title,
citation, and
commence-
ment.

* 25 Geo. V. No. 63, as amended by 6 Geo. VI. No. 43 and by Statute Law Revision. (See Reprint of Statutes, Vol. VI., page 1274.)

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A.D. 1944. (3) This Act shall commence on a date to be fixed by proclamation.

Application of Act to railways and tramways. **2** Section three of the Principal Act is amended by deleting the words "Commissioner for Railways" and substituting therefor the word "Commission".

Interpretation. **3** Section four of the Principal Act is amended—

(a) by inserting before the definition of "Coal" the following definition—

" 'Chief Inspector' means the Chief Inspector of Factories appointed under the *Factories Act 1910**:";

(b) by inserting before the definition of "Inspector" the following definition—

" 'Commission' means the Transport Commission constituted under the *Transport Act 1938†*:";

(c) by deleting the words "lawfully acting as an inspector" in the definition of "Inspector" and substituting therefor the words "employed as an inspector in the Department of Labour and Industry:"; and

(d) by omitting the definition of "Superintendent of Standards".

4 Sections five, six, seven, and eight of the Principal Act are repealed and the following sections substituted therefor—

Administration:
Appointment of inspectors.

"**5**—(1) This Act shall, subject to the directions of the Minister, be administered by the Chief Inspector.

(2) The Governor may, under and in accordance with the provisions of the *Public Service Act 1923‡*, appoint such inspectors and other officers as he considers necessary for the purposes of this Act.

(3) Every inspector shall, in the performance of the duties imposed, and the exercise of the powers and functions conferred, on him by this Act, be subject to the control and direction of the Chief Inspector.

(4) Any inspector may exercise all the powers and functions of an inspector under section ten of the *Sale of Bread Act 1896*.

Provisions as to State railways.

"**6** The Chief Inspector shall, by arrangement with the Commission, take such steps as may be necessary for the examination, testing, and adjustment, in accordance with the provisions of this Act, of all weighing instruments used on railways under the control of the Commissioner."

* 1 Geo. V. No. 57, as amended by 2 Geo. V. No. 43, 8 Geo. V. No. 17, 16 Geo. V. No. 29, 25 Geo. V. No. 12, and by Statute Law Revision. (See Reprint of Statutes, Vol. IV., page 34.)

† & 3 Geo. VI. No. 70, as amended by 3 Geo. VI. No. 17, and 7 Geo. VI. No. 27.

‡ 13 Geo. V. No. 25, as amended by 18 Geo. V. No. 18, 26 Geo. V. No. 61, 2 Geo. VI. No. 29, 4 Geo. VI. No. 18, 5 Geo. VI. No. 6, 5 Geo. VI. No. 64, 6 Geo. VI. No. 9, 6 Geo. VI. No. 54, 7 Geo. VI. No. 18, and by Statute Law Revision. (See Reprint of Statutes, Vol. VI., page 261.)

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5 Subsection (2) of section twelve of the Principal Act is amended by deleting the words "Superintendent of Standards" and substituting therefor the words "Chief Inspector".

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Departmental standards.

6—(1) Section thirteen of the Principal Act is repealed.

Local standards.

(2) All local standards provided by, or in the possession of, any council at the commencement of this Act shall be delivered to the Chief Inspector.

7 Subsection (1) of section fifteen of the Principal Act is amended by deleting the words "two years" and substituting therefor the words "twelve months".

Weights and measures to be verified and stamped

8 Section eighteen of the Principal Act is repealed.

Fees.

9 Section twenty-three of the Principal Act is amended—

- (a) by deleting the words "by retail", wherever occurring, in subsections (1), (2), and (3); and
(b) by omitting subsection (4).

Sales by retail to be by nett weight or measure.

10 Subsection (1) of section twenty-four of the Principal Act is amended—

Provision for weighing or measuring.

- (a) by deleting the words "by retail"; and
(b) by inserting after the words "conspicuous place" the words "capable of being easily seen and examined by the purchaser".

11 Section twenty-six of the Principal Act is amended by inserting after the word "whatsoever" in paragraph I. of subsection (1) the words "(including any buildings, premises, or place owned or occupied by or on behalf of His Majesty)".

Power of inspector to enter shops, &c., and examine weights.

12 Section twenty-eight of the Principal Act is amended by omitting the words "or local", and by deleting the words "One hundred pounds" at the end thereof and substituting therefor the words "Minimum: Two Pounds; Maximum: One hundred Pounds".

Falsifying standards, &c.

13 Section thirty-one of the Principal Act is amended by deleting the words "Twenty Pounds" at the end of subsection (2) and substituting therefor the words "Minimum: Two Pounds; Maximum: Twenty Pounds".

Use of unauthorised weights and measures.

14 Section thirty-three of the Principal Act is amended by deleting the words "by retail," in subsection (1).

Incorrect statement of nett weight or measure.

15 Section thirty-four of the Principal Act is amended by deleting the words "Fifty Pounds" and substituting therefor the words "Minimum: Two Pounds; Maximum: Fifty Pounds".

Offences as to forged weights, &c.

16 Subsection (1) of section thirty-six of the Principal Act is amended by inserting before the words "twenty pounds" the words "not less than two pounds or more than".

Penalty and forfeiture.

Weights and Measures.

A.D. 1944. **17** After section thirty-six of the Principal Act the following section is inserted—

Costs on failure of prosecution. Cf. N.S.W. Act, No. 10 of 1915, s. 52. W.A. Act, No. 50 of 1915, s. 48.

“**36A** If any proceedings in respect of an offence against this Act are instituted by any person other than an inspector, and the proceedings are withdrawn or dismissed, the court may, if it thinks fit, order that person to pay to the defendant such compensation for costs and loss of time as the court thinks reasonable.”

Presumptions. **18** Section thirty-nine of the Principal Act is amended by deleting the words “or local”.

Fees. **19** Section forty of the Principal Act is repealed.

Regulations. **20** Section forty-one of the Principal Act is amended—

- (a) by inserting after the word “inspectors” in paragraph I. the words “, and the guidance of inspectors in the performance of their duties”;
- (b) by deleting the words “and local” in paragraph II.;
- (c) by deleting the word “and” after paragraph X.; and
- (d) by adding after paragraph XI. the following paragraphs—

“XII. Prescribing the fees to be paid for the examination, testing, verifying, adjusting, and stamping of weights and measures and weighing and measuring instruments, and providing for and regulating the times, places, and manner of payment of any fees so prescribed:

XIII. Defining and specifying what weights and measures and weighing and measuring instruments shall or shall not be admitted to verification, and the tests to be applied to ascertain their accuracy and efficiency: and

XIV. The marking on weights and measures of their several denominations and on weighing and measuring instruments of their capacities and other markings; and providing for the obliteration of stamps on weights and measures and weighing and measuring instruments which are found to be incorrect or not in accordance with the regulations.”

Fourth schedule.

21 The Principal Act is amended by omitting the fourth schedule.