

6 Section seventy-seven of the Principal Act is amended by inserting after subsection (3) the following subsections:— Compulsory conferences.

“(3A) In addition to or in lieu of convening a conference as provided by the foregoing provisions of this section, the Minister may, if he thinks it desirable for the purpose of preventing or settling an industrial dispute, convene a meeting of the board.

(3B) Where the Minister convenes a meeting of a board pursuant to subsection (3A) of this section, the meeting may, notwithstanding anything contained in section twenty-two, be held at such time and place as the Minister may direct and it shall not be necessary to give the members of the board more than forty-eight hours' notice of the meeting.

(3C) Any notice of a meeting of a board convened pursuant to this section may be given by telephone or telegram or otherwise, as the Minister may consider expedient in the circumstances.”

WEIGHTS AND MEASURES.

No. 61 of 1951.

AN ACT to amend the *Weights and Measures Act* 1934. [20 November, 1951.]

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* 1951. Short title and citation.

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

2 Section nine of the Principal Act is amended by inserting therein, after the word “Kingdom,” the words “or of the Commonwealth,”. Certain weights, &c., in Treasury to be standard.

* 25 Geo. V. No. 63. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI, p. 1275. Subsequently amended by 6 Geo. VI. No. 43 and 7 & 8 Geo. VI. No. 102.

Standard weights and measures.

3 Section nineteen of the Principal Act is amended by inserting in subsections (1) and (2), after the words "multiple or", wherever occurring in those subsections, the word "aliquot".

Sales by retail to be by nett weight or measure.

4 Section twenty-three of the Principal Act is amended by omitting subsection (5) and substituting therefor the following subsection:—

"(5) Subsections (2) and (3) of this section shall not apply to—

I. Bread: or

II. Any article weighed or measured before or at the time of sale and in the presence of the purchaser."

Sale of coal and firewood.

5 Section twenty-five of the Principal Act is amended—

(a) by omitting subsection (2) and substituting therefor the following subsections:—

"(2) In any case where the quantity of coal or firewood sold exceeds five hundredweight, that coal or firewood may be sold—

I. By nett weight or by measurement: or

II. If the purchaser consents in writing to the transaction, in such other manner as may be agreed upon between the seller and the purchaser.

(2A) In any case where any coal or firewood is sold by nett weight or by measurement, the seller shall cause the true nett weight, or, as the case may be, the true measurement, of the coal or firewood to be clearly stated on an invoice or delivery note and shall cause that invoice or delivery note to be carried by the person in charge of the vehicle used for the conveyance of the coal or firewood and to be handed to the purchaser at the time of the delivery to him of the coal or firewood."; and

(b) by inserting in subsection (3), after the words "nett weight", the words "or by measurement,".

Powers of inspectors.

6 Section twenty-six of the Principal Act is amended—

(a) by omitting the word "and", occurring after paragraph III. of subsection (1);

(b) by omitting from paragraph IV. of that subsection the words "in a package." and substituting therefor the words "or in course of delivery:";

(c) by adding at the end of that subsection the following paragraphs:—

"v. Demand and select, and take or procure, any article kept or exposed for sale or in course of delivery, upon pay-

ment or tender to the person in charge of that article of the current market value thereof or of the rate prescribed:

VI. Require the person in charge, or having the possession, of any article kept or exposed for sale or in course of delivery, or any person having in his possession or charge any weight or measure, or weighing or measuring instrument, to answer such questions, and to furnish the inspector with such information, as may reasonably be necessary for the purposes of the administration of this Act: and

VII. Require the production of any document, book, invoice, delivery note, or any other record relating to any contravention of this Act alleged by the inspector to have been committed by any person.”;

(d) by omitting from subsection (2) thereof the words “in a package,” and substituting therefor the words “or in course of delivery,”; and

(e) by adding at the end thereof the following subsections:—

“(3) The procuring by an inspector of any article pursuant to this section and the payment or tender of the current market value thereof or of the rate prescribed, as the case may be, shall, for all the purposes of this Act, be deemed to be a sale of that article to the inspector by the person in charge thereof.

“(4) Nothing contained in paragraph VI. of subsection (1) of this section shall be construed as requiring any person to furnish any information or to answer any question if the furnishing of that information or the answering of that question would criminate or tend to criminate that person, and no person shall be guilty of an offence or be liable to any penalty by reason only of his failure or refusal to furnish any such information or to answer any such question.”.

7 Section twenty-seven of the Principal Act is repealed and the following section is substituted therefor:—

“27. Any person who—

- I. Fails, when lawfully required by an inspector so to do, to produce all weights and measures and weighing and measuring instruments in his possession for examination or testing:

Offences in
relation to
inspectors.

II. Retakes any weight or measure or any weighing or measuring instrument, or any article, seized or procured by an inspector in accordance with the provisions of this Act: or

III. Fails to answer any question, or to furnish any information, or to produce any document, book, invoice, delivery note, or other record which he is lawfully required by an inspector to answer, furnish, or produce,

shall be guilty of an offence.”.

Fraud in
using weight
or measure.

8 Section thirty of the Principal Act is amended by adding at the end thereof the following subsections:—

“(3) An inspector, in lieu of seizing any weight or measure or weighing or measuring instrument which, by this section, he is authorised to seize, may, if he thinks fit, give to the person having possession thereof notice in writing requiring that person to have the weight or measure or weighing or measuring instrument corrected and made true and just within such period, not exceeding fourteen days, as may be specified in the notice, and prohibiting the use thereof until the requirements of the notice have been complied with to the inspector’s satisfaction.

(4) Where a notice under subsection (3) of this section is complied with by the person to whom it is given to the satisfaction of the inspector by whom it is given, the inspector shall not take any further action against that person in respect of the use by that person, prior to the giving of the notice, of that weight or measure or weighing or measuring instrument; but if the notice is not so complied with the inspector shall seize the weight or measure or weighing or measuring instrument and shall take such proceedings against that person as he might have taken if no notice had been given to that person under subsection (3) of this section.”.

Penalty and
forfeiture.

9 Section thirty-six of the Principal Act is amended by adding at the end thereof the following subsection:—

“(4) Where a person (in this subsection referred to as ‘the defendant’) is convicted of any offence against this Act and the court by which he is convicted is of opinion that any person was defrauded or suffered pecuniary loss by reason of the commission of the offence, the court may, in addition to imposing any penalty, order the defendant to pay to the last-mentioned person, by way of recoupment of his loss, such sum as the court thinks fit.”.

Costs on
failure of pro-
secution.

10 Section thirty-six A of the Principal Act is amended by adding at the end thereof the following subsection:—

“(2) Where any person is convicted of an offence against this Act, the court by which that person is convicted may, if

it thinks fit, order that person to pay to the complainant such compensation for costs or loss of time, or both, as the court thinks reasonable."

11 Section thirty-seven of the Principal Act is amended by adding at the end thereof the following subsection:— Evidence as to possession.

"(2) Where articles of any kind, class, or description are found in the possession of any person engaged in the business of manufacturing or trading in articles of that kind, class, or description, they shall, for the purposes of this Act, be deemed, until the contrary is proved, to be in the possession of that person for sale."

ELECTROLYTIC ZINC COMPANY'S FURTHER ENABLING.

No. 62 of 1951.

AN ACT to enable the Commissioner of Crown Lands to extend the leases of certain Crown Lands held by Electrolytic Zinc Company of Australasia Limited or to grant new leases to that Company for more than fourteen Years, and for other Purposes.
[20 November, 1951.]

WHEREAS the Commissioner of Crown Lands under and PREAMBLE.
by virtue of the powers conferred upon him by "*The DeBavay's Lease Enabling Act, 1917*",* "*Electrolytic Zinc Company's Enabling Act, 1918*",† "*The Electrolytic Zinc Company's Amending Act 1919*",‡ "*Electrolytic Zinc Company's Further Amending Act 1920*"§ and "*Electrolytic Zinc Company's Further Enabling Act 1923*",|| and with such consents as therein mentioned, has granted the following leases of Crown lands at Risdon in Tasmania to Electrolytic

* 7 Geo. V. No. 45.
† 9 Geo. V. No. 17.

‡ 10 Geo. V. No. 7.
§ 11 Geo. V. No. 39.

|| 14 Geo. V. No. 4.