

WEIGHTS AND MEASURES.

No. 64 of 1969.

AN ACT to repeal section fourteen of the Weights and Measures Act Amendment Act, 1967 and to amend the Weights and Measures Act, 1915-1967.

[Assented to 14th October, 1969.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Weights and Measures Act Amendment Act, 1969.*

Short title and citation.

(2) In this Act the Weights and Measures Act, 1915-1967, is referred to as the principal Act.

Reprinted in Appendix to 1926 Sessional Volume of Statutes and amended by Acts Nos. 7 of 1941, 26 of 1958, 78 of 1964, 64 of 1965 and 34 of 1967.

(3) The principal Act as amended by this Act may be cited as the Weights and Measures Act, 1915-1969.

Commence-
ment.

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

Repeal.

3. Section fourteen of the Weights and Measures Act Amendment Act, 1967 is repealed.

S. 27C added.

4. The principal Act is amended by adding after section twenty-seven B the following section—

Names, etc.,
of packer
etc., to be
marked on
packages.

27C. (1) A person shall not pack an article for sale or cause, permit or suffer an article to be packed for sale unless the package in which the article is contained is marked—

(a) where the article is packed by the packer other than for or on behalf of another person who has an address within the State—with the name and address of the packer or with an approved brand approved for use by the packer; or

(b) where the article is packed by the packer for or on behalf of another person who has an address within the State—with either the name and address of that other person or the name and address of the packer, or, in either case, an approved brand approved for use by that other person or such a brand approved for use by that packer, as the case may be,

and, where the regulations make provision with respect to the marking of packages for the purposes of this section, in accordance with those regulations.

Penalty: Two hundred dollars.

(2) Where an article is packed by a person as an employee of another person, the name and address required by subsection (1) of this section to be marked as the name and address of the packer are those of the employer of that person.

(3) Where the name required to be marked on a package is—

- (a) that of a corporation—the name so required to be marked on the package is that under which the corporation is incorporated; or
- (b) that of a person or persons carrying on business under a business name registered under the Business Names Act, 1962—the name so required to be marked on the package is the business name so registered.

(4) A person shall not sell a pre-packed article unless the package containing the article is marked—

- (a) as required by subsection (1) of this section; or
- (b) where the article was packed outside the State but within the Commonwealth, as required by the corresponding law in force in that part of the Commonwealth in which the article was packed.

Penalty: Two hundred dollars.

(5) In this section, “corresponding law” means a law, or a specified provision of a law, of a State other than this State or of a Territory of the Commonwealth that is declared by the Minister, by order published in the *Gazette*, to be a corresponding law for the purposes of this section.

(6) A person shall not mark his name and address or his approved brand, or cause, permit or suffer his name and address or his approved brand to be marked, pursuant to subsection (1) of this section on a package containing a pre-packed article unless he has means of identifying at the time of marking and thereafter the place where the article is packed.

Penalty: Two hundred dollars.

(7) In any proceedings for an offence against subsection (6) of this section, evidence of the failure of the person referred to in that subsection, at the request of an inspector, to inform the inspector of the place referred to in that subsection is evidence that at the time of the marking and thereafter, that person did not have the means of identifying that place.

(8) A person whose name and address or approved brand is, pursuant to subsection (1) of this section, marked on a package containing a pre-packed article shall, when so requested by an inspector, inform the inspector of the place where the article was packed.

Penalty: For a first offence, two hundred dollars; for a second or subsequent offence, four hundred dollars.

(9) The address of a person or persons required to be marked on a package pursuant to subsection (1) of this section is—

- (a) where that person is a natural person—the address of his sole or principal place of business in the State;
- (b) where that person is or those persons are a person or persons carrying on business as a firm under a business name registered under the Business Names Act, 1962—the address of the sole or principal place of business of the firm in the State;
- (c) where that person is a corporation—the address of the registered office of the corporation in the State,

and shall in any case include a reference to the State.

5. The principal Act is amended by adding after section twenty-seven H a section as follows—

27HA. (1) A package (not being a hermetically-sealed package) containing an article of a description to which this section

s. 27HA
added.

Articles that
may be
marked
"Net weight
at standard
condition".

applies may be marked, in the prescribed form and manner, with the words "Net weight at standard condition" or words to the like effect.

(2) No person shall mark, or cause, permit, or suffer to be marked, the words "Net weight at standard condition" or words to the like effect on a package containing an article unless—

- (a) the article is an article of a description to which this section applies; and
- (b) where the regulations so provide, there is also marked on the package such a statement as is referred to in paragraph (b) of subsection (4) of this section.

Penalty: For a first offence, two hundred dollars; for a second or subsequent offence, four hundred dollars.

(3) Notwithstanding anything in subsection (5) of section twenty-five G of this Act, an article of a description to which this section applies that is contained in a package marked as provided in subsection (1) of this section shall be deemed to be of a true weight equal to the weight marked on the package if—

- (a) any deficiency of weight of the article does not exceed such number of parts per centum as is prescribed in relation to articles of that description; and
- (b) where the regulations prescribe a permissible average deficiency in relation to articles of that description, the average deficiency in the contents of twelve packages containing the article taken at random by an inspector or, where there are less than twelve such packages available, in the contents of all the available packages, being not less than six, does not exceed the permissible average deficiency so prescribed.

(4) The regulations may—

- (a) generally, or in relation to an article of any particular description, or in relation to articles that are composed of two or more different materials, prescribe and regulate the manner in which any deficiency referred to in paragraph (a) or paragraph (b) of subsection (3) of this section shall or may be determined; and
- (b) either generally or in relation to an article of any particular description, provide that where a package containing an article is marked as provided in subsection (1) of this section the package shall also be marked with a correct statement of the proportion by weight of the several types of material of which the article is composed.

(5) This section applies to articles of such descriptions as may be prescribed. .

S. 27P
amended.

6. Section twenty-seven P of the principal Act is amended—

- (a) by substituting for paragraph (b) the following paragraph—
- (b) the marking on the package in which the article is contained indicating the name and address of a person for or on behalf of whom the article was packed is evidence that the article was packed for or on behalf of that person and that the article was so packed in the State or Territory indicated by that address; ;

and

- (b) by adding after paragraph (d) the following paragraph—

- (da) the fact that an article contained in a package is found exposed for sale or in the possession of any person for sale is evidence that the person who packed the article in that package packed it for sale; .
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