

WEIGHTS AND MEASURES.

No. 64 of 1965.

AN ACT to amend the Weights and Measures Act, 1915-1964.

[Assented to 19th November, 1965.]

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:—

Short title and citation.

1. (1) This Act may be cited as the *Weights and Measures Act Amendment Act, 1965*.

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

(2) In this Act the Weights and Measures Act, 1915-1964, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Weights and Measures Act, 1915-1965.

Commencement.

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on a date to be fixed by proclamation.

(2) It shall not be necessary to proclaim that the whole Act shall come into operation on one day, but the several sections and paragraphs of this Act may be proclaimed to come into operation on such days as are respectively fixed by proclamation.

3. Section two of the principal Act is amended by substituting for the figures, "17." in line three, the passage, "17A." S. 2
amended.

4. Section four of the principal Act is amended— S. 4
amended.

(a) by adding after the interpretation, "Commonwealth legal unit of measurement", the following interpretation—

"Commonwealth regulations" means the regulations made from time to time and in force under the Commonwealth Act. ;

(b) by deleting the interpretations, "Minister", "Prescribed" and "Regulation";

(c) by adding after the interpretation, "Schedule", the following interpretation—

"Secretary for Labour" means the person for the time being holding the position of Secretary for Labour in the Government Department known as the Department of Labour. ;

(d) by adding immediately before the interpretation, "The court", the following interpretation—

"Subsidiary standard of measurement" means a standard of measurement that is a subsidiary standard of measurement within the meaning of the Commonwealth Act. ; and

(e) by adding after the interpretation, "Weighman", the following interpretation—

"Working standard of measurement" means a standard of measurement that is a working standard of measurement within the meaning of the Commonwealth Act. .

Ss. 5, 7 and 8
amended.

5. The principal Act is amended by substituting the words "Secretary for Labour" for the words, "Commissioner of Police" in—

- (a) line two of section five;
- (b) line one of section seven; and
- (c) line one of section eight,

in each case.

Part II
repealed and
Part sub-
stituted.

6. Part II of the principal Act is repealed and the following Part substituted—

PART II.—STANDARDS AND UNITS.

Standards.

Standards of
measurement
to be
provided.

9. The Minister may arrange for the provision and maintenance of such working standards of measurement and subsidiary standards of measurement as are necessary to provide means by which, for the purposes of this Act, measurements may be made in terms of Commonwealth legal units of measurement.

Primary
State
Standards.

10. (1) Every working standard of measurement that is provided and maintained pursuant to section nine of this Act is a standard weight or, as the case may be, a standard measure of the State, and shall for the purposes of this Act be known as a Primary State Standard.

(2) The Minister shall cause to be published in the *Government Gazette* notice of any working standards of measurement that are provided pursuant to section nine of this Act.

Subsidiary Standards.

Secondary
State
Standards.

11. A subsidiary standard of measurement that is provided and maintained pursuant to section nine of this Act and having a denomination referred to in the first column of Part I of Schedule A to this Act, the true value of which is calculated not to be greater or less than its value as ascertained on verification or

reverification by an amount exceeding the amount of variation specified opposite to that denomination in the second column of that Part, shall for the purposes of this Act be known as a Secondary State Standard.

12. A subsidiary standard of measurement that is provided and maintained pursuant to section nine of this Act and having a denomination referred to in the first column of Part I of Schedule A to this Act, the true value of which is calculated not to be greater or less than its value as ascertained on verification or reverification by an amount exceeding the amount of variation specified opposite to that denomination in the third column of that Part, shall for the purposes of this Act be known as a Tertiary State Standard.

Tertiary
State
Standards.

13. A subsidiary standard of measurement, not being a Secondary State Standard or a Tertiary State Standard, that is provided and maintained pursuant to section nine of this Act and having a denomination referred to in the first column of Part II of Schedule A to this Act that on verification or reverification is found not to be greater or less than its denomination by an amount exceeding the amount of permissible variation specified opposite to that denomination in the second column of that Part and deemed by the Commonwealth regulations to be of a value equal to its denomination, shall for the purposes of this Act be known as an Inspector's Standard.

Inspector's
Standards.

14. (1) Unless its size or nature renders stamping impracticable, or it is exempted by the regulations, every Inspector's Standard shall be stamped as prescribed.

Inspector's
Standards
to be
stamped.

(2) The impression of the stamp referred to in this section on a weight or measure is evidence that the weight or measure is an Inspector's Standard.

Verification of Standards.

Use of standards prohibited unless verified.

15. A standard of measurement provided and maintained pursuant to section nine of this Act that has not been verified, or has not been reverified, as provided by the Commonwealth Act or, as the case may be, the Commonwealth regulations, shall not be used for the purposes of this Act.

Falsifying Standards.

Falsifying standards an offence.

16. Any person who falsifies or wilfully or maliciously damages or destroys any standard provided and maintained under this Act commits an offence against this Act.

Penalty: One hundred pounds.

Units.

Units of weight and measure.

17. The units of weight and measure are the units of measurement prescribed by and under the Commonwealth Act from time to time.

Amending of Schedule A.

Governor may amend Schedule A by Order in Council.

17A. (1) The Governor may from time to time by Order in Council amend Schedule A to this Act by adding to or deleting from any column of that Schedule any denomination, value or other item, or by altering any denomination, value or other item in any such column.

(2) Notice of every amendment made pursuant to subsection (1) of this section shall be published in the *Government Gazette* and thereupon Schedule A to this Act, as so amended, shall have force and take effect as if the amendment effected by the Order in Council had been enacted in this Act. .

S. 19 amended.

7. Section nineteen of the principal Act is amended—

(a) by inserting after the word, "weight" in line two of subsection (1), the words, "or by metric weight";

(b) by substituting for paragraph (c) of subsection (1), the following paragraph—

(c) drugs shall be sold only by metric weight or metric measure of capacity. ;

(c) by substituting for the word, “customary” in line two of the proviso to subsection (2), the word, “short”; and

(d) by substituting for the word, “hundred-weight” in line three of the proviso to subsection (2), the word, “cental”.

8. Section twenty-one of the principal Act is amended by repealing subsection (6). s. 21
amended.

9. Section twenty-two of the principal Act is repealed and the following section substituted— s. 22
repealed and
section
substituted.

22. (1) Subject to this section, any person who sells, whether by wholesale or retail, any article in a package on which or on a label attached to which the weight, measure or number of the article in the package is incorrectly stated, commits an offence against this Act. Penalty
in case of
packages
where
weight, etc.,
incorrectly
stated.

(2) A person is not liable for a contravention of subsection (1) of this section if—

(a) he purchased such article in a package on which or on a label attached to which is written a statement of the weight, measure or number of the article in the package together with the name and address of the packer of the article, and such package and label (if any) are in the same state as when purchased by him; and

(b) the packer of such article or the agent of the packer or of the manufacturer of the article from which agent that person bought the article is resident in Western Australia,

but such statement shall constitute a warranty by the packer and, where the case so requires, by the agent referred to, that the weight, measure or number of the article in the package is as set out in the statement.

(3) Where any article in a package on which or on a label attached to which is written a statement of the weight, measure or number of the article in the package, together with the name and address of the packer of the article, is sold, any person who appears from that statement to have packed the article, or if that person is not resident in Western Australia, the agent of that person or of the manufacturer of the article, shall—

- (a) be deemed to have sold the article to an inspector as on a day and at a place where that inspector purchased, examined, weighed, measured or counted the number of the article; and
- (b) be liable to the same penalty as if he had actually sold the article to the inspector on that day and at that place.

(4) It is a defence to any prosecution under subsection (3) of this section if the person charged shows that—

- (a) not being the agent referred to in that subsection, he did not pack the article or cause it to be packed, or being such agent, he did not sell or otherwise deal with the article; or
- (b) the discrepancy between the actual weight, measure or number of the article and the statement thereof on the package or label is due to the act or default of some other person after the article has passed from the control of the person charged.

(5) Where a firm appears from the written statement on the package or label to have packed the article, or where the agent referred to is a firm—

- (a) subsection (4) of this section has effect as if the name or names of the member or members of the firm had appeared on the package or label as the packer of the article; and
- (b) proceedings may be taken and penalties recovered accordingly against any member or members of the firm. .

10. Section twenty-four of the principal Act is amended by substituting for the passage, “, capable of being easily seen by the purchaser, a suitable weighing instrument or measure” in lines four, five and six, the words, “a suitable weighing instrument or measure of which the weight or measure indications can be easily read by the purchaser”.

S. 24
amended.

11. Section twenty-eight of the principal Act is amended by repealing subsection (2) and substituting the following subsection—

S. 28
amended.

(2) After the date of the commencement of regulations made under the Commonwealth Act relating to the approval of patterns of instruments as patterns of instruments suitable for use for trade, a weight or measure or a weighing or measuring instrument shall not be verified or stamped pursuant to this Act unless—

- (a) it is of a pattern approved by or on behalf of the Commission under those regulations; or
- (b) it is of a type and design in respect of which there is in force an approval given before that date, or in the case of an application for approval that at that date was pending, given after that date, by the Secretary for Labour under the regulations made under this Act. .

S. 29
amended.

12. Section twenty-nine of the principal Act is amended by repealing subsection (1) and re-enacting it with amendments as follows—

(1) Every weight, measure, and weighing or measuring instrument used for trade shall be verified and stamped every two years, and if required shall be produced at the office of an inspector for that purpose. .

S. 31
amended.

13. Section thirty-one of the principal Act is amended—

(a) by inserting after the word, “repaired” in line four, the passage, “, or being a fixed weighing or measuring instrument has been removed for installation at another site”; and

(b) by inserting after the word, “instrument” in the last line, the passage, “, or removing or causing to be removed a fixed weighing or measuring instrument for installation at another site,”.

S. 32
amended.

14. Section thirty-two of the principal Act is amended by deleting the passage commencing with the word, “in” in line three down to and including the word, “thereto”, being the last word in the section.

S. 35
amended.

15. Section thirty-five of the principal Act is amended by substituting for the word, “twenty” in line one of paragraph (f), the words, “one hundred”.

S. 39A
added.

16. The principal Act is amended by adding after section thirty-nine, the following section—

Standards
damaged and
repaired to
be reverified.

39A. A standard of measurement provided and maintained under this Act that has become defective through use or accident, or that has been broken or repaired, shall not be used for the purposes of this Act unless and until it has been reverified in manner referred to in section fifteen of this Act. .

S. 40
amended.

17. Section forty of the principal Act is amended by substituting for the word, “twenty” in the last line, the words, “one hundred”.

18. Section fifty-two of the principal Act is amended— S. 52
amended.

- (a) by substituting for paragraph (d), the following paragraph—
 - (d) The supply, custody and care of standards of measurement under this Act, the giving of certificates of verification or reverification of any of those standards, and the fees chargeable for verification and for reverification. ;
- (b) by adding after paragraph (d), the following paragraph—
 - (da) Exempting inspector's standards or classes of inspector's standards from stamping under section fourteen of this Act. ;
- (c) by adding after paragraph (m), the following paragraphs—
 - (ma) Prohibiting or restricting the use of a unit of measurement of a physical quantity prescribed by the Commonwealth regulations either generally or in respect of a transaction or a class of transactions.
 - (mb) Requiring a transaction or a class of transactions to be made or entered into in terms of a unit of measurement of a physical quantity prescribed by the Commonwealth regulations. ;
- (d) by inserting after the word, "repairers" in line two of paragraph (v), the passage, ", and petroleum product measuring instrument repairers";
- (e) by inserting after the word, "repairer" in line four of paragraph (v), the words, "or a licensed petroleum product measuring instrument repairer"; and
- (f) by substituting for the word, "twenty" in line one of paragraph (x), the words, "one hundred".

Schedule A
substituted.

19. The principal Act is amended by deleting Schedule A and substituting the following Schedule—

SCHEDULE A.

PART I.

Denomination of Standard	Maximum range within which values of the Standard as determined on verification or reverification may be expected to lie	
First Column	Second Column	Third Column
Standards in the form of rigid bars (scales)	Secondary State Standard	Tertiary State Standard
Denominations not exceeding 1 yd. but exceeding 1 ft.	± 0.0005 in.	....
Denominations not exceeding 1 ft. but exceeding 1 in.	± 0.0003 in.	....
Denominations not exceeding 1 in.	± 0.0002 in.	....
Denominations not exceeding 1 m. but exceeding 30 cm.	± 0.012 mm.	....
Denominations not exceeding 30 cm. but exceeding 25 mm.	± 0.0075 mm.	....
Denominations not exceeding 25 mm.	± 0.005 mm.	....
Standards in the form of flexible tapes	Parts per hundred thousand of the nominal value	
Denominations exceeding 33 ft.	± 2	....
Denominations not exceeding 33 ft. but exceeding 10 ft.	± 5	....
Denominations not exceeding 10 ft.	± 2	....
Denominations exceeding 10 m. ....	....	....
Denominations not exceeding 10 m. but exceeding 3 m. ....	....	....
Denominations not exceeding 3 m. ....	....	....
Metric Denominations	Secondary State Standard	Tertiary State Standard
	Parts per million of the nominal value	
Denominations exceeding 5 kg.	± 9	....
Denominations not exceeding 5 kg. but not less than 1 kg.	± 3	± 6
Denominations less than 1 kg. but not less than 100 g.	± 3	± 10
Denominations less than 100 g. but not less than 10 g.	± 5	± 20

Denomination of Standard			Maximum range within which values of the Standard as determined on verification or reverification may be expected to lie	
First Column			Second Column	Third Column
Milligrammes				
Denominations less than 10 g. but not less than 1 g.			± 0.05	± 0.2
Denominations less than 1 g. but not less than 100 mg.			± 0.03	± 0.1
Denominations less than 100 mg. but not less than 10 mg.			± 0.02	± 0.04
Denominations less than 10 mg.			± 0.02	....
Systems in terms of which denominations are expressed			Secondary State Standard	Tertiary State Standard
Avoirdupois	Troy	Grain	Parts per million of the nominal value	
Exceeding 14 lb.	Exceeding 100 oz. tr.	...	± 3	....
Not exceeding 14 lb. but not less than 2 lb.	Not exceeding 100 oz. tr. but not less than 20 oz. tr.	± 3	± 6
Less than 2 lb. but not less than 2 oz.	Less than 20 oz. tr. but not less than 2 oz. tr.	Not exceeding 10,000 gr. but not less than 1,000 gr.	± 3	± 10
Less than 2 oz. but not less than 4 dr.	Less than 2 oz. tr. but not less than 0.2 oz. tr.	Less than 1,000 gr. but not less than 100 gr.	± 5	± 20
			Grains	
Less than 4 dr.	Less than 0.2 oz. tr. but not less than 0.02 oz. tr.	Less than 100 gr. but not less than 10 gr.	± 0.0005	± 0.002
....	Less than 0.02 oz. tr. but not less than 0.002 oz. tr.	Less than 10 gr. but not less than 1 gr.	± 0.0003	± 0.001
....	....	Less than 1 gr. but not less than 0.1 gr.	± 0.0002	± 0.0004
....	Less than 0.002 oz. tr.	Less than 0.1 gr.	± 0.0002	....

Denomination of Standard	Maximum range within which values of the Standard as determined on verification or reverification may be expected to lie	
First Column	Second Column	Third Column
Denominations expressed in metric units	Secondary State Standard	Tertiary State Standard
Denominations exceeding 1,000 cc.	± 1 ten-thousandth of the nominal value	± 2.5 thousandths of the nominal value
Denominations not exceeding 1,000 cc. but exceeding 50 cc.	± 1 ten-thousandth of the nominal value	± 5 ten-thousandths of the nominal value
Denominations not exceeding 50 cc. but exceeding 20 cc.	± 0.005 cc.	± 5 ten-thousandths of the nominal value
Denominations not exceeding 20 cc.	± 0.005 cc.	± 0.01 cc.
Denominations expressed in gallons, quarts, pints or gills		
Denominations exceeding 1 qt.	± 1 ten-thousandth of the nominal value	± 2.5 thousandths of the nominal value
Denominations not exceeding 1 qt. but exceeding 2 fl. oz.	± 1 ten-thousandth of the nominal value	± 5 ten-thousandths of the nominal value
Denominations not exceeding 2 fl. oz. but exceeding 2 fluid drachms	± 0.1 min.	± 1 thousandth of the nominal value
Denominations not exceeding 2 fluid drachms	± 0.1 min.	± 0.15 min.
Metric Carat Denominations	Secondary State Standard	Tertiary State Standard
	Parts per million of the nominal value	
Denominations less than 5,000 CM. but not less than 500 CM.	± 3	....
Denominations less than 500 CM. but not less than 50 CM.	± 5	....
	Milligrammes	
Denominations less than 50 CM. but not less than 5 CM.	± 0.05 (± 0.25 CM.)	....
Denominations less than 5 CM. but not less than 0.5 CM.	± 0.02 (± 0.1 CM.)	....
Denominations less than 0.5 CM. but not less than 0.05 CM.	± 0.01 (± 0.05 CM.)	....

PART II.

Denomination of Standard	Maximum permissible variation of Inspector's Standard from denomination on verification or reverification
First Column	Second Column
Denominations expressed in metric units	Maximum variation in millimetres
Denominations exceeding 1 m.	One-tenth of the denomination in metres.
Denominations not exceeding 1 m. but exceeding 1 mm.	One-tenth of the cube root of the denomination in metres.
Denominations not exceeding 1 mm.	0·01.
Denominations expressed in chains, links, fathoms, yards, feet or inches	Maximum variation in inches.
Denominations exceeding 1 yd.	Four-thousandths of the denomination in yards.
Denominations not exceeding 1 yd. but exceeding 0·05 in.	One-thousandth of the cube root of the denomination in inches.
Denominations not exceeding 0·05 in.	0·0004.
Denominations expressed in metric units	Maximum variation in milligrammes
Denominations exceeding 10 kg.	Eight times the denomination in kilogrammes.
Denominations not exceeding 10 kg. but exceeding 1 mg.	Eight-tenths of the square root of the denomination in grammes.
Denominations not exceeding 1 mg.	0·025.
Denominations expressed in tons, short tons, hundredweights, centals, quarters, stones, pounds, ounces or drams	Maximum variation in grains
Denominations exceeding 50 lb.	Six-hundredths of the denomination in pounds.
Denominations not exceeding 50 lb. but exceeding 3 dr.	Four-tenths of the square root of the denominations in pounds.
Denominations not exceeding 3 dr.	0·05.
Denominations expressed in grains	Maximum variation in grains
Denominations exceeding 0·01 gr.	Three-thousandths of the square root of the denomination in grains.
Denominations not exceeding 0·01 gr.	0·0003.
Denominations expressed in troy ounces, pennyweights, Apothecaries ounces, drachms or scruples	Maximum variation in grains
Denominations exceeding 300 oz. tr.	Four-thousandths of the denomination in troy ounces.
Denominations not exceeding 300 oz. tr. but exceeding 0·01 gr.	Three-thousandths of the square root of the denomination in grains.
Denominations not exceeding 0·01 gr.	0·0003.
Denominations expressed in metric carats	Maximum variation in milligrammes

Denomination of Standard	Maximum permissible variation of Inspector's Standard from denomination on verification or reverification
First Column	Second Column
Denominations exceeding 0·02 metric carat	Eight-hundredths of the square root of the denomination of the standard in metric carats. 0·01.
Denominations not exceeding 0·02 metric carat	
Denominations expressed in metric units	Maximum variation in cubic centimetres
Denominations exceeding 0·05 cu. m.	Six hundred times the denomination in cubic metres. Two-hundredths of the cube root of the square of the denomination in cubic centimetres. 0·01.
Denominations not exceeding 0·05 cu. m. but exceeding 0·5 cc.	
Denominations not exceeding 0·5 cc.	
Denominations expressed in quarts, pints or gills	Maximum variation in minims
Denominations exceeding 10 gal.	Fifty times the denomination in gallons. One hundred times the cube root of the square of the denomination in gallons.
Denominations not exceeding 10 gal.	
Denominations expressed in fluid ounces, fluid drachms or minims	Maximum variation in minims
Denominations exceeding 20 min.	Twice the cube root of the square of the denomination in fluid ounces. 0·2.
Denominations not exceeding 20 min.	

Schedule B
deleted.

20. The principal Act is amended by deleting Schedule B.

Schedule C
deleted.

21. (1) The principal Act is amended by deleting Schedule C.

(2) The provisions of this section shall operate and take effect, and shall be deemed to have operated and to have had effect from and including the fourth day of March, nineteen hundred and forty-nine.