

## WEIGHTS AND MEASURES.

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No. 31 of 1973.

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**AN ACT to amend the Weights and Measures Act,  
1915-1969.**

*[Assented to 27th August, 1973.]*

**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, 1973*.

Short title  
and citation.

(2) In this Act the Weights and Measures Act, 1915-1969 is referred to as the principal Act.

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approved for  
reprint 21st  
July, 1971.

(3) The principal Act as amended by this Act may be cited as the Weights and Measures Act, 1915-1973.

Commence-  
ment.

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

S. 4  
amended.

3. Section 4 of the principal Act is amended—

(a) by inserting in subsection (1) after the definition of “Inspector” the following definition—

“Instrument” means a thing (or a combination of things) by means of which a measurement of a physical quantity may be made and includes a thing (or a combination of things) by means of which grading may be effected by reference to the measurement of a physical quantity. ;

(b) by adding the following subsections—

(7) For the purposes of this Act the expression “use for trade” means use in connection with or with a view to a transaction for—

(a) the transferring or rendering of money or money’s worth in consideration of money’s worth or money; or

(b) the making of a payment in respect of any tax, rate, toll, duty or import where—

(i) the transaction is by reference to quantity in terms of measurement of a physical quantity, or is a transaction for the purposes of which there is made or implied a statement of the quantity in such terms of goods to which the transaction relates; and

- (ii) the use is for the purpose of the determination or statement of that quantity,

and the expression "have in possession for trade" has a corresponding meaning.

(8) A weight, measure, weighing instrument or measuring instrument that—

- (a) is used in relation to such a transaction referred to in subsection (7) of this section; or
- (b) is made available for use by or on behalf of the public, whether on payment or otherwise, for making measurements of a physical quantity or for the grading of articles by reference to the measurement of a physical quantity,

shall for the purposes of this Act be deemed to be used for trade.

4. Subsection (1) of section 18 of the principal Act is amended by deleting the second paragraph being the passage commencing with the word "Such" in line fourteen and ending with the passage " "trade"." in line seventeen.

S. 18  
amended.

5. Section 21 of the principal Act is amended by adding after subsection (1) the following subsection—

S. 21  
amended.

(1a) The provisions of paragraph (b) of subsection (1) of this section do not apply to a package containing an article when that package is used for the purpose of transporting the article and is marked as prescribed in the regulations.

S. 27B  
amended.

6. Subsection (4) of section 27B of the principal Act is amended by adding after the word "bread" in paragraph (a) the following passage " , other than pre-packed sliced bread".

S. 27C  
amended.

7. Section 27C of the principal Act is amended—

(a) by adding after subsection (1) the following subsection—

(1a) The provisions of subsection (1) of this section do not apply—

(a) in relation to the packing of an article that is packed outside the Commonwealth;

(b) to an outer package used for the purpose of transporting an article contained in a package if the second mentioned package is marked in accordance with this section. ;

(b) by adding after subsection (4) the following subsection—

(4a) The provisions of subsection (4) of this section do not apply in relation to a package that was packed outside the Commonwealth.

S. 27G  
amended.

8. Subsection (5) of section 27G of the principal Act is amended by deleting the words "eight ounces or eight fluid ounces" in line six of paragraph (a) and substituting the passage "eight ounces, two hundred and fifty grams, eight fluid ounces or two hundred and fifty millilitres, as the case may be".

9. The principal Act is amended by adding after section 27HA the following section—

S. 27HB  
added.

27HB. (1) Notwithstanding any other provision of this Act, the true weight for the purposes of this Act of an article to which this section applies shall be the weight that is ascertained in accordance with the regulations prescribing the manner in which the weight of such an article is to be ascertained.

Method of  
determining  
true weight  
of certain  
frozen  
articles, etc.

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

10. Section 27J of the principal Act is amended—

S. 27J  
amended.

(a) by adding after subsection (3) a subsection as follows—

(3a) A package consisting of panels on which a restricted expression appears more than once shall be deemed to be marked with a statement of weight or measure as described in paragraph (a) of subsection (3) of this section if a statement such as is referred to in subsection (1) of section 27E of this Act is marked once at least on each panel on which the restricted expression appears. ;

(b) as to subsection (4)—

- (i) by adding after the words “any expression” in line nine the words “that so relates and is”;
- (ii) by adding after the passage “of this Act)” in lines twenty-two and twenty-three the words “or to the weight or measure of the whole contents of the package”;
- (iii) by adding after the words “any expression that” in lines twenty-four and twenty-five the words “so relates and”;

(c) by adding after subsection (4) the following subsection—

(5) Where there is more than one article in a package an expression marked on the package relating to the size of each of the articles is not a restricted expression for the purposes of this section.

S. 28  
amended.

11. Subsection (3) of section 28 of the principal Act is repealed.

S. 46  
repealed and  
re-enacted.

12. Section 46 of the principal Act is repealed and re-enacted as follows—

46. Where—

- (a) any weight, measure, weighing, or measuring instrument is found in the possession of any person carrying on trade or on any premises which, whether a building or in the open air, are used by any person for carrying on trade; or
- (b) any weighing or measuring instrument of the kind mentioned in paragraph (b) of subsection (8) of section 4 of this Act is found in the possession of any person in circumstances which indicate that the instrument is open for the use of the public,

the person in whose possession the weight, measure, weighing, or measuring instrument is so found shall be deemed, for the purposes of this Act, to have such weight, measure, weighing, or measuring instrument in his possession for use for trade.