



ANNO VICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1976

No. 102 of 1976

An Act to amend the Trade Measurements Act, 1971-1975.

[Assented to 16th December, 1976]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Trade Measurements Act Amendment Act, 1976".

(2) The Trade Measurements Act, 1971-1975, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Trade Measurements Act, 1971-1976".

Commence-
ment.

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

Amendment of
principal Act,
s. 5—
Interpretation.

3. Section 5 of the principal Act is amended—

(a) by inserting after the definition of "Commission" the following definition:—

"Commissioner for Standards" means the person appointed or deemed to have been appointed Commissioner for Standards pursuant to section 19 of this Act and includes any person for the time being acting in the office of the Commissioner for Standards;

(b) by striking out the definition of "Deputy Warden of Trade Measurements" and inserting in lieu thereof the following definition:—

"Deputy Commissioner for Standards" means the person appointed or deemed to have been appointed the Deputy Commissioner for Standards pursuant to section 19 of this Act and includes any person for the time being acting in the office of the Deputy Commissioner for Standards;

(c) by striking out from the definition of "Inspector" the passage "trade measurements" and inserting in lieu thereof the word "standards";

(d) by striking out the definition of “the Commissioner”;

and

(e) by striking out the definition of “Warden of Trade Measurements”.

4. Section 9 of the principal Act is amended by striking out the passage “Warden of Trade Measurements” and inserting in lieu thereof the passage “Commissioner for Standards”.

Amendment of principal Act, s. 9—
Custody of standards.

5. Section 11 of the principal Act is amended by striking out the passage “Warden of Trade Measurements”, twice occurring, and inserting in lieu thereof, in each case, the passage “Commissioner for Standards”.

Amendment of principal Act, s. 11—
Verification of standards.

6. Section 13 of the principal Act is amended—

(a) by striking out from subsection (4) the passage “Warden of Trade Measurements”, twice occurring, and inserting in lieu thereof, in each case, the passage “Commissioner for Standards”;

(b) by striking out from subsection (4) the passage “Deputy Warden of Trade Measurements” and inserting in lieu thereof the passage “Deputy Commissioner for Standards”;

and

(c) by striking out from subsection (4) the passage “the Commissioner” and inserting in lieu thereof the passage “the Commissioner for Consumer Affairs”.

Amendment of principal Act, s. 13—
Establishment and institution of Advisory Council.

7. Section 19 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “Warden of Trade Measurements” and inserting in lieu thereof the passage “Commissioner for Standards”;

(b) by striking out from subsection (1) the passage “Deputy Warden of Trade Measurements” and inserting in lieu thereof the passage “Deputy Commissioner for Standards”;

(c) by striking out from subsection (2) the passage “Deputy Warden of Trade Measurements” and inserting in lieu thereof the passage “Deputy Commissioner for Standards”;

(d) by striking out from subsection (2) the passage “Warden of Trade Measurements”, twice occurring, and inserting in lieu thereof, in each case, the passage “Commissioner for Standards”;

(e) by striking out subsection (3) and inserting in lieu thereof the following subsection:—

(3) The Warden of Trade Measurements and the Deputy Warden of Trade Measurements in office immediately before the commencement of the Trade Measurements Act Amendment Act, 1976, shall be deemed to be respectively a Commissioner for Standards and a Deputy Commissioner for Standards appointed under subsection (1) of this section.;

Amendment of principal Act, s. 19—
Officers, etc.

(f) by striking out from subsection (5) the passage "Warden of Trade Measurements" and inserting in lieu thereof the passage "Commissioner for Standards";

and

(g) by striking out from subsection (5) the passage "Deputy Warden of Trade Measurements" and inserting in lieu thereof the passage "Deputy Commissioner for Standards".

Amendment of
principal Act,
s. 20—
Commissioner
for Standards.

8. Section 20 of the principal Act is amended by striking out the passage "Warden of Trade Measurements", twice occurring, and inserting in lieu thereof, in each case, the passage "Commissioner for Standards".

Amendment of
principal Act,
s. 25—
Approval of
measuring
instruments.

9. Section 25 of the principal Act is amended by striking out from subsection (1) the passage "Warden of Trade Measurements" and inserting in lieu thereof the passage "Commissioner for Standards".

Amendment of
principal Act,
s. 26—
Stamping and
verification of
measuring
instruments,
etc.

10. Section 26 of the principal Act is amended by striking out the passage "Warden of Trade Measurements" and inserting in lieu thereof the passage "Commissioner for Standards".

Amendment of
principal Act,
s. 33—
False
declaration as
to masses, etc.

11. Section 33 of the principal Act is amended—

(a) by striking out the passage "or mass" and inserting in lieu thereof the passage ", mass, nature, quality, purity, class, grade, size, octane rating or price";

(b) by striking out the passage "two hundred" and inserting in lieu thereof the passage "five hundred";

and

(c) by striking out the passage "four hundred" and inserting in lieu thereof the passage "one thousand".

Amendment of
principal Act,
s. 34—
Sales by short
mass or
measure or
different
quality.

12. Section 34 of the principal Act is amended—

(a) by inserting after subsection (1) thereof the following subsection:—

(1a) If any article offered or exposed for sale by reference to its nature, quality, purity, class, grade, gauge, size or octane rating is upon sale or for the purposes of sale delivered to the purchaser or to some person on behalf of the purchaser and on delivery or sale is of different nature, quality, purity, class, grade, gauge, size or octane rating to that offered or exposed for sale, the person selling the article or causing the same to be delivered shall be guilty of an offence against this section.;

(b) by striking out from subsection (2) the passage "two hundred dollars" and inserting in lieu thereof the passage "five hundred dollars";

and

(c) by striking out from subsection (2) the passage "four hundred dollars" and inserting in lieu thereof the passage "one thousand dollars".

13. Section 40 of the principal Act is amended by striking out from subsection (2) the passage "Warden of Trade Measurements", twice occurring, and inserting in lieu thereof, in each case, the passage "Commissioner for Standards".

Amendment of principal Act, s. 40—
Evidentiary provision.

14. Section 46 of the principal Act is amended by striking out the passage "Warden of Trade Measurements", wherever it occurs, and inserting in lieu thereof, in each case, the passage "Commissioner for Standards".

Amendment of principal Act, s. 46—
Forfeiture.

15. Section 50 of the principal Act is amended—

Amendment of principal Act, s. 50—
Regulations.

(a) by inserting after paragraph (e) the following paragraphs:—

(ea) regulating—

- (i) to declare any area described in the regulations to be a metric conversion zone either generally or in respect of a specified trade or trades;
- (ii) to specify additional trades in respect of which a declared area shall be a metric conversion zone;
- (iii) to specify the period or periods during which a declared area shall remain a metric conversion zone either generally or in respect of a specified trade or trades;

and

- (iv) to extend any such period or periods;

(eb) regulating—

- (i) to declare any area to be a sole metric zone either generally or in respect of a specified trade or trades as from a date specified in the regulation;
- (ii) to specify additional trades in respect of which a declared area shall be a sole metric zone as from a date specified in the regulation;

and

- (iii) to substitute a later date or dates for any date so specified;

(ec) regulating in or in relation to metric conversion zones and sole metric zones the display of or written statement of the price of goods in relation to—

- (i) the system or systems of mass or measure which is or are to be or may be used in such display or statements;

and

- (ii) the unit or units of mass or measure which is or are to be or may be used in such display or statement;

(*ed*) prohibiting in sole metric zones the use by any person carrying on a trade of masses, measures and instruments not denominated or graduated in terms of the metric system; ;

and

(*b*) by inserting after the present contents as amended by this section (which are hereby designated subsection (1) thereof) the following subsection:—

(2) Any regulation purporting to be made on or after the thirty-first day of July, 1975, under this section as in force before the commencement of the Trade Measurements Act Amendment Act, 1976, shall be and be deemed always to have been as valid and effectual as it would have been if that Act had been in operation at the time the regulation was purported to be made.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. NICHOLLS, Governor