



ANNO TRICESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1987

No. 9 of 1987

An Act to amend the Trade Measurements Act, 1971.

[Assented to 9 April 1987]

The Parliament of South Australia enacts as follows:

- Short title.** 1. (1) This Act may be cited as the "Trade Measurements Act Amendment Act, 1987".
- (2) The Trade Measurements Act, 1971, is in this Act referred to as "the principal Act".
- Commencement.** 2. This Act shall come into operation on a day to be fixed by proclamation.
- Repeal of s. 3.** 3. Section 3 of the principal Act is repealed.
- Amendment of s. 5—
Interpretation.** 4. Section 5 of the principal Act is amended—
- (a) by inserting after the definition of "article" the following definitions:
- "Australian legal unit of measurement" means a unit of measurement prescribed by the Commonwealth Regulations;
- "Australian primary standard of measurement" and "Australian secondary standard of measurement" have the same meanings, respectively, as in the Commonwealth Act;
- (b) by striking out the definition of "Commonwealth Act" and substituting the following definition:
- "Commonwealth Act" means the *National Measurement Act 1960* of the Commonwealth;
- (c) by striking out the definition of "Commonwealth legal unit of measurement";
- (d) by striking out the definition of "Commonwealth Standard of Measurement";

(e) by striking out from the definition of "inspection" "inspector" and substituting "Inspector";

(f) by inserting after the definition of "purchaser" the following definition:

"reference standard of measurement" has the same meaning as in the Commonwealth Act;

(g) by striking out the definition of "subsidiary standard of measurement" and substituting the following definition:

"State primary standard of measurement" has the same meaning as in the Commonwealth Act;

and

(h) by striking out the definition of "working standard of measurement".

5. Sections 7, 8, 9 and 10 of the principal Act are repealed and the following section is substituted:

7. The Commissioner for Standards shall arrange for the provision, custody and maintenance of such State primary standards of measurement and such classes of reference standards of measurement as are necessary to provide means by which, for the purposes of this Act, measurements may be made in terms of Australian legal units of measurement.

Repeal of ss. 7, 8, 9 and 10 and substitution of new section.

Provision and maintenance of standards of measurement.

6. Section 11 of the principal Act is amended by striking out subsection (4).

Amendment of s. 11—
Verification of standards.

7. Section 12 of the principal Act is amended by striking out "against this Act and liable to a penalty not exceeding two hundred dollars".

Amendment of s. 12—
Damaging or destroying standards.

8. Section 20 of the principal Act is amended by inserting after subsection (2) the following subsections:

Amendment of s. 20—
Commissioner for Standards.

(3) The Commissioner for Standards may delegate any of the Commissioner's powers under this Act or any other Act.

(4) A delegation under this section—

(a) must be in writing;

(b) may be made subject to such conditions as the Commissioner for Standards considers appropriate;

(c) if made to the holder of a specified office or position, empowers any person for the time being holding or acting in that office or position to exercise the delegated powers;

(d) is revocable at will;

and

(e) does not prevent the Commissioner for Standards from acting personally in any matter.

9. Section 21 of the principal Act is amended by striking out "Penalty: Two hundred dollars".

Amendment of s. 21—
Secrecy, etc.

Amendment of
s. 25—
A, provol of
measuring
instruments.

10. Section 25 of the principal Act is amended by striking out from subsection (3) “and liable to a penalty not exceeding two hundred dollars”.

Amendment of
s. 27—
Only stamped
measuring
instrument, etc.,
to be used.

11. Section 27 of the principal Act is amended by striking out “Penalty: Five hundred dollars” and substituting “Penalty: \$2 000”.

Amendment of
s. 28—
Defective
measuring
instruments, etc.,
not to be used.

12. Section 28 of the principal Act is amended—

(a) by inserting at the foot of subsection (1):

Penalty: \$2 000.;

and

(b) by inserting at the foot of subsection (2):

Penalty: \$2 000.

Amendment of
s. 29—
Offences in
connection with
masses, etc.

13. Section 29 of the principal Act is amended by inserting at the foot of subsection (1):

Penalty: \$5 000.

Repeal of s. 30.

14. Section 30 of the principal Act is repealed.

Amendment of
s. 31—
Trade, etc., to be
in terms of
standard masses
and measures.

15. Section 31 of the principal Act is amended—

(a) by striking out from subsections (1) and (2) “Commonwealth legal units of measurement” twice occurring and substituting, in each case, “Australian legal units of measurement”;

and

(b) by striking out from subsection (2) “and liable to a penalty not exceeding two hundred dollars”.

Amendment of
s. 32—
Sales to be by net
mass or measure.

16. Section 32 of the principal Act is amended—

(a) by striking out subsections (2) and (3) and substituting the following subsections:

(2) Where any person offers or exposes for sale by mass or measure any article in a shop or other place or in any vehicle, pack, basket, or other receptacle, that person shall have suitable measuring instruments for weighing or measuring the article located in a convenient place so as to be easily seen by a purchaser.

Penalty: \$500.

(3) Any person to whom subsection (2) applies shall, at the request of a purchaser of any article sold by mass or measure, weigh or measure the article in the presence of the purchaser.;

(b) by striking out from subsection (4) “and liable to a penalty not exceeding two hundred dollars or in the case of a second or subsequent offence four hundred dollars”;

and

(c) by inserting at the foot of subsection (4):

- Penalty: (a) for a first offence, \$1 000;
 (b) for a second or subsequent offence, \$2 000.

17. Section 33 of the principal Act is amended—

- (a) by striking out “and liable to a penalty not exceeding five hundred dollars or in the case of a second or subsequent offence, one thousand dollars”;

and

- (b) by inserting at the foot of the section:

- Penalty: (a) for a first offence, \$5 000;
 (b) for a second or subsequent offence, \$10 000.

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

18. Section 34 of the principal Act is amended—

- (a) by inserting at the foot of subsection (1):

- Penalty: (a) for a first offence, \$2 000;
 (b) for a second or subsequent offence, \$5 000.;

- (b) by inserting at the foot of subsection (1a):

- Penalty: (a) for a first offence, \$2 000;
 (b) for a second or subsequent offence, \$5 000.;

and

- (c) by striking out subsection (2).

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

19. Section 36 of the principal Act is amended by striking out subsection (1) and substituting the following subsections:

- (1) A person shall not sell coal or firewood otherwise than by net mass.

Penalty: \$500.

- (1a) In any proceedings for an offence against subsection (1), it is a defence for the defendant to prove that the sale was not made in the course of carrying on the business of selling coal or firewood.

Amendment of
 s. 36—
 Sales of coal and
 firewood.

20. Section 37 of the principal Act is repealed.

Repeal of s. 37.

21. Section 38 of the principal Act is amended—

- (a) by striking out from subsection (3) “a penalty not exceeding two hundred dollars” and substituting “a penalty not exceeding \$1 000”;

and

- (b) by striking out subsection (4).

Amendment of
 s. 38—
 General penalty
 for offences.

22. Section 40 of the principal Act is amended by inserting after subsection (2) the following subsection:

- (3) In any proceedings an apparently genuine document purporting to be signed by the Commissioner for Standards containing

Amendment of
 s. 40—
 Evidentiary
 provision.

particulars of a delegation under this Act shall, in the absence of proof to the contrary, be accepted as proof of the particulars.

Repeal of s. 43
and substitution
of new section.

23. Section 43 of the principal Act is repealed and the following section is substituted:

Commencement
of prosecutions.

43. (1) Proceedings for an offence against this Act—

- (a) must be disposed of summarily;
- (b) must be commenced within three years of the day on which the offence is alleged to have been committed or within one year of the day on which the alleged offence came to the knowledge of the complainant or any Inspector, whichever period first expires;

and

- (c) must not be commenced by a person other than the Commissioner for Standards or an Inspector except with the consent of the Minister.

(2) In any proceedings an apparently genuine document purporting to be signed by the Minister certifying the Minister's consent to the commencement of proceedings for an offence against this Act shall, in the absence of proof to the contrary, be accepted as proof of the matter so certified.

Amendment of
s. 49—
Offences.

24. Section 49 of the principal Act is amended by inserting at the foot of the section:

Penalty: \$2 000.

Amendment of
s. 50—
Regulations.

25. Section 50 of the principal Act is amended—

- (a) by striking out from paragraph (a) of subsection (1) "the supply, custody, care and verification of Primary, Secondary and Tertiary Standards and Inspector's Standards" and substituting "the supply, custody, care and verification of State primary standards of measurement and reference standards of measurement";

and

- (b) by striking out from paragraph (y) of subsection (1) "one hundred dollars" and substituting "\$500".

Repeal of second
schedule.

26. The second schedule to the principal Act is repealed.

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

D. B. DUNSTAN, Governor