

No. 20 of 1973

AN ORDINANCE

To amend the *Weights and Measures (Packaged Goods) Ordinance 1970*.

I THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1972*.

Dated this thirty-first day of May, 1973.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

KEP ENDERBY
Minister of State for the Capital Territory.

WEIGHTS AND MEASURES (PACKAGED GOODS) ORDINANCE 1973

1.—(1.) This Ordinance may be cited as the *Weights and Measures (Packaged Goods) Ordinance 1973*.*

Short title
and citation.

(2.) The *Weights and Measures (Packaged Goods) Ordinance 1970*† is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Weights and Measures (Packaged Goods) Ordinance 1970-1973*.

2. Section 3 of the Principal Ordinance is amended by inserting in sub-section (1.), after the definition of "sell", the following definition:—

Interpretation.

"the metric system of measurement" has the same meaning as in the *Metric Conversion Act 1970* ;".

3. Section 6 of the Principal Ordinance is amended by omitting sub-section (4.) and inserting in its stead the following sub-section:—

Name, &c.,
of packer to
be marked on
packages.

"(4.) It is a defence for the person charged with an offence against the last preceding sub-section to prove—

(a) that the article was packed in a country other than Australia;

* Notified in the *Commonwealth Gazette* on 7 June 1973.

† Ordinance No. 16, 1970.

- (b) that the article was packed in a State or another Territory of the Commonwealth and that the article was marked in accordance with the law in force in that State or other Territory relating to the marking on packages of the name and address of the person by or on whose behalf it is packed; or
- (c) in the case of articles other than bottled wine, where the article was packed in more than one package and the inner package or packages complies or comply with the provisions of sub-sections (1.) and (2.) of this section—that the article was packed in an outer container for the purposes of transport only.”.

Incorrect weight or measure of pre-packed articles.

4. Section 10 of the Principal Ordinance is amended—

- (a) by inserting in paragraph (a) of sub-section (5.), after the words “eight ounces”, the words “or two hundred and fifty grammes”; and
- (b) by inserting in that paragraph, after the words “eight fluid ounces”, the words “or two hundred and fifty millilitres”.

Articles that may be marked with the words “net weight at standard condition”.

5. Section 12 of the Principal Ordinance is amended by omitting from sub-section (6.) the word “sub-regulation” and inserting in its stead the word “sub-section”.

6. Section 13 of the Principal Ordinance is repealed and the following section inserted in its stead:—

Provisions applicable where weight or measure marked in different units of measurement.

“ 13.—(1.) Where—

- (a) the weight or measure marked on a package as the weight or measure of the article contained in the package is expressed—
 - (i) in units of measurement related to the yard, the pound or the gallon, or in units of measurement related to the metre, the gramme or the litre; and
 - (ii) in terms of another system of units of measurement; and
- (b) the weight or measure referred to in sub-paragraph (i) of the last preceding paragraph is not the equivalent of the weight or measure referred to in sub-paragraph (ii) of that paragraph,

whichever of the weights or measures marked on the package is the greater shall, for the purposes of sections 10, 11 and 12 of this Ordinance, be deemed to be the weight or measure of the article marked on the package.

“(2.) Where a weight or measure specified in this Ordinance or the Regulations in relation to an article is expressed both in terms of a metric unit of measurement and in terms of a unit of measurement related to the yard, the pound or the gallon, the weight or measure applicable to such an article is—

- (a) where the weight or measure of the article marked on the package containing the article is expressed both in terms of

a metric unit of measurement and in terms of a unit of measurement related to the yard, the pound or the gallon—the weight or measure expressed in terms of either unit of weight or measurement; or

- (b) where the weight or measure of the article marked on the package containing the article is expressed in terms of a metric unit of measurement or in terms of a unit of measurement related to the yard, the pound or the gallon—the weight or measure expressed in the same terms of measurement as the terms of measurement in which the weight or measure of the article, marked on the package containing the article, are expressed.”.

7. Section 15 of the Principal Ordinance is amended—

- (a) by inserting in paragraph (a) of the definition of “restricted expression”, after the word “article” (second occurring), the words “or to the weight or measure of the contents of the package”; and
- (b) by inserting after sub-section (4.) the following sub-section:—

“(4A.) Sub-sections (2.) and (3.) of this section do not apply in relation to an article contained in a package on which a restricted expression appears if—

- (a) the package contains more than one article; and
- (b) the restricted expression relates to the size of each article contained in the package.”.

8. Section 18 of the Principal Ordinance is amended by omitting paragraph (a) of sub-section (5.) and inserting in its stead the following paragraph:—

“(a) sub-section (2.) or (3.) of section 10;”.

9. Section 19 of the Principal Ordinance is amended by omitting paragraphs (a) and (b) of sub-section (1.) and inserting in their stead the following paragraphs:—

- “(a) a person is charged with an offence against sub-section (2.) or (3.) of section 10, sub-section (5.) or (7.) of section 11 or sub-section (3.) of section 12 of this Ordinance;
- (b) the person establishes the defence referred to in paragraph (d) of sub-section (5.) of the last preceding section; and”.

10. Section 20 of the Principal Ordinance is amended by omitting from paragraphs (h) and (j) of sub-section (1.) the figures “14” (wherever occurring) and inserting in their stead the figures “16”.

Restriction
of use of
certain
expressions
on packages.

Defences.

Penalty for
furnishing
false statement
of weight or
measure to
purchaser.

Evidentiary
provisions.