

1991
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

**Weights and Measures (Amendment) Bill
1991**

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**Weights and Measures (Amendment) Bill
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A BILL

FOR

An Act to amend the *Weights and Measures Act 1929*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

- 5 1. This Act may be cited as the *Weights and Measures (Amendment) Act 1991*.

Commencement

2. This Act commences on the day on which the provisions of the *Trade Measurement Act 1991* (other than sections 1, 2 and 3) commence.
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Principal Act

3. In this Act, "Principal Act" means the *Weights and Measures Act 1929*.¹

Long title

5 4. The title of the Principal Act is amended by omitting "Weights and Measures and for other purposes" and substituting "the sale of bread".

Short title of Principal Act

5. Section 1 of the Principal Act is amended by inserting "(*Sale of Bread*)" after "*Measures*".

10 Repeal

6. Section 3A of the Principal Act is repealed.

Substitution

7. Sections 5, 6 and 7 of the Principal Act are repealed and the following sections substituted:

15 Interpretation

"5. (1) In this Act, unless the contrary intention appears—

'inspector' means an inspector appointed under the *Trade Measurement (Administration) Act 1991*;

20 'measuring instrument' has the same meaning as in the *National Measurement Act 1960* of the Commonwealth.

"(2) In this Act, 'package', 'purchaser' and 'vehicle' have the same respective meanings as they have in the *Trade Measurement Act 1991*.

Application to the Crown

"6. (1) This Act binds the Crown.

25 "(2) Nothing in this Act renders the Crown liable to be prosecuted for an offence."

Repeal

8. Parts II and III of the Principal Act are repealed.

Omission

30 9. The heading to Part IV of the Principal Act is omitted and the following heading substituted:

"PART II—SALE OF BREAD".

Substitution

10. Sections 19, 20 and 21 of the Principal Act are repealed and the following section is substituted:

Sale by weight

5 "21. (1) A person shall not sell bread by weight unless by net weight.

"(2) A person shall not deliver to a purchaser bread sold by weight unless he or she delivers, at the same time, an invoice or delivery note showing the net weight of the bread.

"(3) Subsection (2) does not apply where—

- 10 (a) the delivery takes place at the premises of the seller; or
(b) the bread is weighed at the premises of the purchaser.

"(4) A person shall not offer or expose for sale bread enclosed in a package unless the net weight of the bread is written legibly on the outside of the package or on a label attached thereto.

15 "(5) A person who, without reasonable excuse, contravenes a provision of this section is guilty of an offence.

Penalty:

- (a) if the offender is a natural person—\$5,000;
(b) if the offender is a body corporate—\$25,000."

20 **Net weight not correctly stated**

11. Section 22 of the Principal Act is amended—

- (a) by omitting "or measure" (wherever occurring);
(b) by omitting "article" (wherever occurring) and substituting "bread";
25 (c) by adding at the end of subsection (1) the following penalty:

"Penalty:

- (a) if the offender is a natural person—\$5,000;
(b) if the offender is a body corporate—\$25,000.";

30 (d) by omitting from paragraph (2) (b) "him," and substituting "him or her,";

(e) by inserting in paragraph (2) (d) "or she" after "he"; and

(f) by adding at the end of subsection (4) the following penalty:

“Penalty:

- (a) if the offender is a natural person—\$5,000;
- (b) if the offender is a body corporate—\$25,000.”.

5 **Repeal**

12. Section 23 of the Principal Act is repealed.

Misleading conduct

13. Section 24 of the Principal Act is amended—

- (a) by omitting “, quality, measure, gauge”;
- 10 (b) by omitting “articles” and substituting “bread”;
- (c) by inserting “or her” after “him”;
- (d) by omitting “anything” (wherever occurring) and substituting “bread”;
- (e) by omitting “weight, measure” and substituting “weight”; and
- 15 (f) by adding at the foot of the section the following penalty:

“Penalty:

- (a) if the offender is a natural person—\$5,000;
- (b) if the offender is a body corporate—\$25,000.”.

Repeal

20 14. Section 25 and Parts V and VI of the Principal Act are repealed.

Omission

15. The heading to Part VIA of the Principal Act is omitted.

Powers of inspectors

16. Section 34B of the Principal Act is amended—

- 25 (a) by omitting “cart” (wherever occurring) and substituting “vehicle”;
and

- (b) by omitting the penalty at the foot of the section and substituting the following penalty:

“Penalty:

- (a) if the offender is a natural person—\$1,000;
(b) if the offender is a body corporate—\$5,000.”.

Sale of bread in shops

17. Section 34C of the Principal Act is amended by omitting the penalty at the foot of subsection (1) and substituting the following penalty:

“Penalty:

- (a) if the offender is a natural person—\$5,000;
(b) if the offender is a body corporate—\$25,000.”.

Substitution

18. Section 34D of the Principal Act is repealed and the following section substituted:

Scales to be provided in shops

“34D. (1) A baker of bread shall keep in the bakery a measuring instrument capable of weighing loaves of bread.

“(2) A person who purchases bread from a baker may require the baker to weigh the bread in the person’s presence.

“(3) A baker who contravenes subsection (1) or refuses to comply with a reasonable requirement under subsection (2) is guilty of an offence.

Penalty:

- (a) if the offender is a natural person—\$5,000;
(b) if the offender is a body corporate—\$25,000.”.

Repeal

19. Section 35 of the Principal Act is repealed.

Inspection—general

20. Section 36 of the Principal Act is amended—

- (a) by omitting “article” (wherever occurring) and substituting “bread”; and
(b) by omitting “or measured”.

Substitution

21. Sections 37 to 43 (inclusive) of the Principal Act are repealed and the following section is substituted:

Evidence—use of measuring instruments

5 “43. It is evidence that a measuring instrument is used in connection with the manufacture or sale of bread that the instrument—

(a) is in the possession of a baker of bread; or

(b) is found in—

(i) a bakery; or

10 (ii) premises or a vehicle in or from which bread is sold.”.

Repeal

22. Sections 46A and 47 of the Principal Act are repealed.

Regulations

23. Section 48 of the Principal Act is amended—

15 (a) by omitting paragraphs (1) (a) to (1) (o) (inclusive) and paragraphs (1) (q) to (1) (t) (inclusive);

(b) by omitting from paragraph (1) (p) “articles their weight or measure” and substituting “bread its weight”;

20 (c) by omitting from paragraph (1) (v) “Twenty dollars” and substituting “\$500”; and

(d) by omitting subsection (2).

Repeal

24. The Schedules to the Principal Act are repealed.

NOTE

1. Ordinance No. 9, 1929 as amended by No. 11, 1932; No. 16, 1933; No. 27, 1937; No. 18, 1959; No. 19, 1966; No. 12, 1967; No. 7, 1971; No. 19, 1973; No. 65, 1977; No. 36, 1978; No. 24, 1983; No. 67, 1985; Nos. 21 and 38, 1989.