



ANNO DECIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1969

No. 7 of 1969

An Act to amend the Packages Act, 1967.

[Assented to 27th February, 1969.]

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

1. (1) This Act may be cited as the "Packages Act Amendment Act, 1969". Short titles.

(2) The Packages Act, 1967, as amended by this Act, may be cited as the "Packages Act, 1967-1969".

(3) The Packages Act, 1967, is hereinafter referred to as "the principal Act".

2. Section 4 of the principal Act is amended by inserting in the definition of "pack" in subsection (1) after the passage "to any pack" the passage "and the expression 'to pack' and its derivatives have a corresponding meaning". Amendment of principal Act, s. 4—
Definitions.

3. Section 5 of the principal Act is amended—

(a) by inserting in subsection (1) after the passage "an article from" the passage "all or some of"; Amendment of principal Act, s. 5—
Exemptions.

(b) by inserting in subsection (2) after the passage "in this Act" the passage "or, as the case may be, in those provisions";

and

(c) by striking out from subsection (2) the passage "from the provisions of this Act by notice".

Repeal and re-enactment of s. 9 of principal Act—

Approval of brand.

4. Section 9 of the principal Act is repealed and re-enacted as follows :—

9. The Warden of Standards may, on receiving an application under and in accordance with this division, by notice in writing approve of a brand, comprised of letters or numerals or letters and numerals allocated by him, specified in the notice.

Amendment of principal Act, s. 11—
Conditions.

5. Section 11 of the principal Act is amended by striking out from paragraph (b) the word "Minister" and inserting in lieu thereof the passage "Warden of Standards".

Repeal of s. 15 of principal Act and enactment of new section—

Marking of name or approved brand on pack.

6. Section 15 of the principal Act is repealed and the following section is enacted and inserted therein in its place :—

15. (1) A packer shall not pack an article for sale unless the pack in which the article is contained is marked—

(a) in any case where the article is being packed by the packer on his own account with—

(i) his name and address ;

or

(ii) an approved brand ;

or

(b) in any case where that article is being packed for or on behalf of another person—

(i) if that other person has an address within the State with the name and address of that other person or the name and address of the packer or an approved brand ;

or

(ii) if that other person has not an address within the State, with the name and address of the packer or an approved brand.

Penalty : For a first offence two hundred dollars and for a second or subsequent offence four hundred dollars.

(2) Where the regulations prescribe a manner or form of the marking, on a pack containing an article, of a name and address or approved brand, a packer shall not pack an article in a pack marked otherwise than in the prescribed manner or form.

Penalty : For a first offence two hundred dollars and for a second or subsequent offence four hundred dollars.

(3) In proceedings for an offence that is a contravention of subsection (1) or subsection (2) of this section it is a defence if the person charged proves that the article to which proceedings relate was packed on premises for sale from those premises to some other person for the purposes of consumption and not for sale by that other person.

(4) A person shall not suffer or permit an approved brand of which he is the owner or his name and address to be marked on any pack pursuant to subsection (1) of this section unless he has the means of ascertaining, at the time of the marking and thereafter, the place where the article was packed.

Penalty : For a first offence two hundred dollars and for a second or subsequent offence four hundred dollars.

(5) For the purposes of any proceedings for an offence that is a contravention of subsection (4) of this section evidence of the failure of the person referred to in that subsection, at the request of an Inspector, to truthfully inform that Inspector of the location of the place referred to in that subsection is evidence that at the time of the marking and thereafter he did not have the means of ascertaining that place.

(6) A person—

(a) who is the owner of an approved brand which has been marked on a pack ;

or

(b) whose name and address has been marked on a pack,

pursuant to subsection (1) of this section, shall not refuse or fail, at the request of an Inspector, to truthfully inform that Inspector of the location of premises at which the article contained in the pack was packed.

Penalty : One hundred dollars.

7. Section 22 of the principal Act is amended by striking out from subsection (1) the passage “an article” and inserting in lieu thereof the passage “a prescribed article”.

Amendment of principal Act, s. 22—
Deficient weight of certain articles on day they were packed.

8. Section 23 of the principal Act is amended by striking out from subsection (1) the passage “an article” and inserting in lieu thereof the passage “a prescribed article”.

Amendment of principal Act, s. 23—
Deficient weight of certain articles after day on which they were packed.

Enactment of
new ss. 23a
and 23b of
principal Act—

9. The following sections are enacted and inserted in the principal Act immediately after section 23 :—

Marking "net
weight at
standard
conditions".

23a. (1) A packer shall not pack an article, other than a prescribed article, in a pack marked with the words "net weight at standard conditions" or any other words capable of bearing a like meaning.

Penalty : For a first offence two hundred dollars and for a second or subsequent offence four hundred dollars.

(2) For the purposes of this section a "prescribed article" means an article to which, by regulation this section is applied.

Articles not
of proper
weight at
standard
conditions.

23b. (1) If a prescribed article referred to in subsection (1) of section 23a of this Act when weighed, under the standard conditions prescribed in relation to that article, is not of the weight marked on the pack containing the article, the packer who packed the article shall be guilty of an offence and shall be liable to a penalty not exceeding two hundred dollars for a first offence and a penalty not exceeding four hundred dollars for a second or subsequent offence.

(2) For the purposes of this section an article will be deemed to be of the weight marked on the pack containing the article if, when weighed under the standard conditions prescribed in relation to the article—

(a) any deficiency of weight of the article does not exceed the percentage, prescribed in relation to that article, of the weight marked on the pack which contained that article ;

and

(b) there is no average deficiency in the weight of twelve such articles selected by an Inspector from amongst the articles on the premises of the packer or, where there are less than twelve but not less than six such articles from amongst all the articles on those premises.

Enactment of
new s. 33a of
principal Act—

10. The following section is enacted and inserted in the principal Act immediately after section 33 :—

Selling
articles marked
"net weight
under
standard
conditions".

33a. A person shall not sell an article, other than a prescribed article within the meaning of section 23a of this Act, in a pack marked with the words "net weight at

standard conditions” or any other words capable of bearing a like meaning.

Penalty : For a first offence two hundred dollars and for a second or subsequent offence four hundred dollars.

11. Section 41 of the principal Act is amended—

Amendment of
principal Act,
s. 41—
Evidentiary
provisions.

(a) by striking out paragraph (c) and inserting in lieu thereof the following paragraph :—

(c) the marking on a pack containing an article indicating directly or indirectly the name and address of the packer is evidence that the article was packed in the State or Territory of the Commonwealth indicated by that address ; ;

(b) by inserting immediately after paragraph (f) the following paragraph :—

(fa) the fact that an article in a pack is found exposed for sale is evidence that the article was packed for sale ; ;

(c) by inserting in paragraph (g) after the passage “Warden of Standards” the passage “and purporting” ;

and

(d) by striking out from paragraph (g) the passage “by the Minister”.

12. Section 47 of the principal Act is amended by inserting in subsection (1) after paragraph (c) the following paragraph :—

Amendment
principal Act,
s. 47—
Regulations.

(ca) prescribing standard conditions in relation to any prescribed article within the meaning of section 23a of this Act ; .

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

J. M. NAPIER, Governor’s Deputy.