



ANNO TERTIO

GEORGI VI REGIS.

A.D. 1939.

No. 9 of 1939.

An Act to amend the Weights and Measures Act, 1934-1938, and to make consequential amendments of the Local Government Act, 1934-1938.

[Assented to 5th October, 1939.]

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 "Weights and Measures Act Amendment Act, 1939". Short titles.

(2) The Weights and Measures Act, 1934-1938, as amended by this Act, may be cited as the "Weights and Measures Act, 1934-1939".

(3) The Weights and Measures Act, 1934-1938, is hereinafter referred to as "the principal Act".

2. Sections 6, 7 and 8 of the principal Act are repealed and the following sections are enacted in lieu thereof :— Amendment of principal Act—

6. (1) The weights and measures which at the commencement of the Weights and Measures Act Amendment Act, 1939, were deposited in the office of the Director of Lands in the custody of the Minister shall respectively until other standards of the same denominations are provided in pursuance of the following sections, be standard weights and measures for the State. Standard weights and measures.
Cf. N.S.W. 10, 1915, ss. 12, 13.

(2) Specimens of weights and measures of the standard of the United Kingdom as described in the third schedule, shall from time to time be provided by the Minister and

deposited in the office of the Director of Lands. All such weights and measures shall, subject to this Act, be standard weights and measures for the State.

Replacing standards lost, destroyed, etc.
Cf. N.S.W. 10, 1915, s. 14.

7. If any standard weight or measure is lost, destroyed, defaced, or injured, another weight or measure of the same standard shall be provided by the Minister in place of the one so lost, destroyed, defaced, or injured. Every such weight or measure shall be deposited in the office of the Director of Lands and shall, subject to this Act, be a standard weight or measure for the State.

New denominations of standards.

8. The Minister may from time to time cause new denominations of standards, in addition to those mentioned in the third schedule, to be made and duly verified. All such new denominations of standards shall be either equivalent to or multiples or aliquot parts of the standards of weight and measure for the State or shall be equivalent to or multiples of each coin of the realm for the time being and shall, when approved by the Governor by proclamation, be standards in like manner as if they were mentioned in the said schedule.

Abolition of standard.

8a. The Governor may by proclamation declare that a standard for the time being of any denomination, whether mentioned in the third schedule or approved by him, shall cease to be such a standard.

Standards for weighing coin.

8b. Such standards as are equivalent to or multiples of any coin of the realm for the time being shall be standard weights for determining the justness of the weight of and for weighing such coin.

Repeal of ss. 10, 13 and 37 of principal Act.
Consequential amendments of principal Act.

3. Sections 10, 13 and 37 of the principal Act are repealed.

4. (1) Section 18 of the principal Act is amended by striking out the words "ascertained by this Act" occurring in the sixth and seventh lines and the penultimate line of subsection (1) thereof and by inserting in lieu thereof in each case the words "for the State".

(2) Section 21 of the principal Act is amended by striking out the words "Government standard herein referred to" in the third and fourth lines thereof and by inserting in lieu thereof the words "standard weight or measure for the State".

(3) Section 38 of the principal Act is amended—

(a) by striking out the words "Government standards" in the second line thereof and by inserting in lieu thereof the words "standard weights and measures for the State"; and

(b) by striking out the word "standards" in the third and fourth lines thereof and by inserting in lieu thereof the words "standard weights and measures".

(4) Section 49 of the principal Act is amended by striking out the words "Government standard" in the ninth line thereof and by inserting in lieu thereof the words "standard for the State".

(5) Section 59 of the principal Act is amended by striking out the words "Government standards under this Act" in the fourth and fifth lines thereof, and by inserting in lieu thereof the words "standards of weight and measure for the State".

(6) Section 61 of the principal Act is amended by striking out the words "Government standards of weight and measure deposited with the Minister, as aforesaid," in the fifth and sixth lines thereof and by inserting in lieu thereof the words "standards of weight and measure for the State".

5. Section 26 of the principal Act is amended—

Amendment of principal Act, s. 26—

(a) by striking out the proviso to subsection (1) thereof ; and

Verification of weights.

(b) by striking out the proviso to subsection (2) thereof.

6. Section 32 of the principal Act is amended—

Amendment of principal Act s. 32—

(a) by striking out the words "of any kind prescribed by regulation" in the second and third lines of subsection (2) thereof ;

Sale by weight or measure.

(b) by adding at the end of subsection (2) thereof the words "or to any article exempted by regulation from the requirements of this subsection";

(c) by striking out subsection (3) thereof ; and

(d) by striking out paragraph (a) of subsection (4) thereof.

7. Subsection (2) of section 35 of the principal Act is amended so as to read as follows :—

Amendment of principal Act s. 35—

(2) The Governor may appoint any persons to be Government inspectors of weights and measures.

Appointment of Government inspectors.

8. Section 45 of the principal Act is amended—

Amendment of principal Act, s. 45—
Inspectors.

(a) by striking out the word "shall" in the third line of subsection (4) thereof ; and

Weights and Measures Act Amendment Act, 1939.

(b) by striking out the word "the" in the penultimate line thereof and by inserting in lieu thereof the word "a".

Amendment of
principal Act,
s. 48—

Validity of
weights.

9. Section 48 of the principal Act is amended—

(a) by striking out the words "Subject to subsection (2) hereof," in the first line thereof; and

(b) by striking out subsection (2) thereof.

Amendment of
principal Act,
s. 55—

Yearly
statement.

10. Section 55 of the principal Act is amended so as to read as follows :—

55. (1) The town clerk or district clerk, as the case may be, of every council shall, before the first day of November in every year, supply to the Minister a statement in the prescribed form giving the prescribed particulars of the administration of this Act by the council within its area for the preceding financial year.

(2) Any town clerk or district clerk who omits to supply any statement as required by subsection (1) shall be guilty of an offence and liable to a penalty not exceeding five pounds.

Amendment of
principal Act,
s. 56—
Licensing of
weighbridges.

11. (1) Section 56 of the principal Act is amended—

(a) by striking out the words "unless it is licensed pursuant to by-laws made under the Local Government Act, 1934, or, if the weighbridge is situated in any part of the State to which any such by-laws do not apply," in subsection (1) thereof;

(b) by striking out the word "the" first occurring in the third line of subsection (3) thereof and by inserting in lieu thereof the word "a";

(c) by striking out the words "for which purpose the prescribed fees shall be payable" in the third and fourth lines of subsection (3) thereof;

(d) by striking out the words "prescribing fees for testing or certifying weighbridges under this section and" in the first and second lines of paragraph (a) of subsection (4) thereof;

(e) by striking out the words "councils or" in the third line of paragraph (a) of subsection (4) thereof; and

(f) by striking out subsection (6) thereof.

(2) The amendments made by this section shall come into force on the first day of July, nineteen hundred and forty.

12. (1) Section 57 of the principal Act is amended—Amendment of
principal Act,
s. 57—Licensing of
petrol pumps.

(a) by striking out the words “pursuant to this Act” in the fifth and sixth lines thereof and by inserting in lieu thereof the words “by the Warden of Standards”:

(b) by inserting after the word “such” in the third line of paragraph (d) of subsection (2) thereof the word “as”:

(c) by striking out all the words in subsection (2) thereof occurring after the words “petrol sold” at the end of paragraph (e) thereof and by inserting in lieu thereof the following paragraph:—

(f) prescribing fees for the licensing of such petrol pumps but the fees prescribed for the licensing of any petrol pump shall not exceed ten shillings and sixpence.

(d) by striking out the word “the” first occurring in the third line of subsection (5) thereof and by inserting in lieu thereof the word “a”:

(e) by striking out the words “for which purpose the prescribed fee shall be payable” in the third and fourth lines of subsection (5) thereof.

(2) The amendments made by this section shall come into force on the first day of July, nineteen hundred and forty.

13. Division III. of Part III. of the principal Act is amended by inserting therein after section 57 the following section:—Amendment of
principal Act,
Part III.—

57a. After the first day of July, nineteen hundred and forty, the administration of this Act, so far as it relates to the licensing, testing or verifying any weighbridge, petrol pump, or measuring instrument or measure used for the purposes of measuring petrol in connection with any petrol pump, shall cease to be vested in any council or any inspector thereof.

Administra-
tion of Act as
regards
weighbridges
and petrol
pumps.**14.** Section 68 of the principal Act is amended by inserting therein after paragraph XVI. the following paragraph:—Amendment of
principal Act,
s. 68—

XVIA. The form of and particulars to be included in statements to be given pursuant to section 55:

Regulations.

15. The second schedule to the principal Act is repealed.Consequential
repeal of
principal Act,
second
schedule.

Amendment of
principal Act,
third
schedule.

16. The third schedule to the principal Act is amended—

(a) by striking out the heading “*Government Standards*” and by inserting in lieu thereof the heading “*Standards of weight and measure for the State of South Australia*”.

(b) by inserting in the table headed “*Measures of length : Measures of capacity*” and below the word “*Gallon*” in the column headed “*Measure of capacity*” the following :—

2 gallons
3 gallons
4 gallons
5 gallons
8 gallons :

(c) by striking out in the table headed “*Weights*” and in the column headed “*Avoirdupois Weights*” all the words and figures from and including “*240 grains, commonly called 10 pennyweights*” to the bottom of the column and by inserting in lieu thereof the following :—

4,000 grains
2,000 grains
1,000 grains
500 grains
300 grains
240 grains
200 grains
120 grains
100 grains
72 grains
50 grains
48 grains
30 grains
24 grains, commonly called 1 pennyweight
20 grains
10 grains
5 grains
3 grains
2 grains
1 grain
.5 of a grain
.3 of a grain
.2 of a grain
.1 of a grain

- 05 of a grain
- 03 of a grain
- 02 of a grain
- 01 of a grain.

17. (1) Paragraph (49) of section 667 of the Local Government Act, 1934-1938, is amended—

Consequential amendment of Local Government Act, 1934-1938.

- (a) by striking out subdivisions I. and II. thereof ;
- (b) by striking out the words “ licensed weighbridge ” in the last line of subdivision III. thereof and by inserting in lieu thereof the words “ weighbridge licensed pursuant to the Weights and Measures Act, 1934-1939 ” ; and
- (c) by striking out the word “ licensed ” in subdivision IV. thereof and by adding at the end of subdivision IV. thereof the words “ which is licensed pursuant to the Weights and Measures Act, 1934-1939 ”.

(2) The amendments made by this section shall come into force on the first day of July, nineteen hundred and forty.

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

C. M. BARCLAY-HARVEY, Governor.