

## WEIGHTS AND MEASURES.

### No. 22 of 1970.

#### AN ACT to amend the *Weights and Measures Act 1934.* [1 July 1970.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—(1) This Act may be cited as the *Weights and Measures Act 1970.* Short title and citation.

(2) The *Weights and Measures Act 1934*, as subsequently amended, is in this Act referred to as the Principal Act.

**2** Section four of the Principal Act is amended— Interpretation.

(a) by adding at the end of the definition of “approved brand” in subsection (1) of that section the words “(being a brand comprising letters or numerals or a combination of letters and numerals)”;

(b) by omitting from that subsection the definition of “brand”.

**3** Section twenty-five F of the Principal Act is amended by renumbering the last subsection thereof as subsection (9). Certificate of analysis.

**4** Section twenty-five J of the Principal Act is repealed and the following section is substituted therefor:—

“25J—(1) No person shall pack an article for sale, or cause, permit, or suffer an article to be packed for sale, unless the package in which the article is contained is marked— Name, &c., of packer to be marked on packages.

(a) in the case of an article that is packed for or on behalf of another person who has an address within the State by a person who is not an employee of that other person, with—

(i) the name and address—

(A) of that other person; or

(B) of the person by whom the article is packed; or

(ii) an approved brand, being a brand approved for use by—

(A) that other person; or

(B) the person by whom the article is packed; or

(b) in any other case, with—

(i) the name and address of the person by whom the article is packed; or

- (ii) an approved brand, being a brand approved for use by the person by whom the article is packed.

Penalty: Two hundred dollars.

“(2) Where an article is packed by a person as an employee of another person, a reference in subsection (1) of this section to—

- (a) the name and address of the person by whom the article is packed; or
- (b) a brand approved for use by the person by whom the article is packed,

shall be read as a reference to the name and address, or, as the case may be, the approved brand of that other person.

“(3) Where an article is packed by or for or on behalf of a corporation or by or for or on behalf of a person or of persons trading under a business name—

- (a) the name required by subsection (1) of this section to be marked on a package is—

- (i) in the case of a corporation, the name under which the corporation is incorporated; or

- (ii) in the case of a person or of persons trading under a business name, that business name as registered under the *Business Names Act* 1962; and

- (b) the address required by that subsection to be marked on a package is—

- (i) in the case of a corporation, the address of its registered office in the State; or

- (ii) in the case of a person or of persons trading under a business name, the address of the sole or principal place of business of that person or those persons in the State.

“(4) For the purposes of subsection (5) of this section, a package containing a pre-packed article shall not be regarded as being marked in accordance with subsection (1) of this section unless—

- (a) the name and address of the person by whom or for or on behalf of whom the article was packed, as marked on the package, contains a reference to the State; and

- (b) where the regulations make provision with respect to the form and manner in which a name and address, or an approved brand, shall be marked on packages for the purposes of this section, the package is marked in the form and manner prescribed in the regulations.

“(5) No person shall sell a pre-packed article unless the package containing the article is marked in accordance with the provisions of—

- (a) subsection (1) of this section; or

- (b) a corresponding law, if the article was packed outside the State but within the Commonwealth.

Penalty: Two hundred dollars.

“(6) Subsection (5) of this section does not prohibit the sale, pursuant to a permit under section twenty-five M, of an article to which the permit relates.

“(7) No person shall mark his name and address or his approved brand, or cause, permit, or suffer his name and address or his approved brand to be marked on a package containing a pre-packed article unless he has means of identifying, at the time of marking and thereafter, the place where the article is packed.

Penalty: Two hundred dollars.

“(8) In proceedings in respect of an offence against subsection (7) of this section, evidence of the failure of the person referred to in that subsection to inform an inspector, at the request of the inspector, of the place referred to in that subsection is evidence that, at the time of the marking of the package and thereafter, that person did not have the means of identifying that place.

“(9) Where the name and address of a person are, or the approved brand of a person is, marked on a package containing a pre-packed article, that person shall, if so required by an inspector, furnish to the inspector within such time as the inspector allows a statement in writing specifying the name and address of the person who packed the article and the place at which it was packed.

“(10) If a person who is required by an inspector to furnish to the inspector such a statement as is mentioned in subsection (9) of this section—

- (a) fails to furnish the statement to the inspector within the time allowed by the inspector; or
- (b) furnishes such a statement that is false or misleading in a material particular,

that person is guilty of an offence against this Act.

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

“(11) In paragraph (b) of subsection (5) of this section, ‘corresponding law’ means a law, or a specified provision of a law, of a State other than this State or of a Territory of the Commonwealth that is declared by the Minister, by order, to be a corresponding law for the purposes of that paragraph.”.

**5** Section twenty-five s of the Principal Act is amended by omitting from paragraphs (a) and (b) of subsection (1) of that section the word “the” (wherever occurring) and substituting therefor, in each case, the word “a”. Approval  
of brands.

**6** Section forty of the Principal Act is amended—

- (a) by inserting in paragraph (b), after the word “name”, the words “and address”;
- (b) by adding at the end of paragraph (b) the words “and that the article was so packed in the State or Territory of the Commonwealth that is indicated by that address”; and

Evidentiary  
provisions.

(c) by inserting after paragraph (d) the following paragraph:—

“(da) the fact that an article contained in a package is found exposed for sale is evidence that the person who packed the article in that package packed it for sale;”.

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## JUDGES' PENSIONS.

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### No. 23 of 1970.

AN ACT to make better provision for the payment of pensions to retired judges of the Supreme Court and to the widows of such judges.

[1 July 1970

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title, citation, and commencement.

**1**—(1) This Act may be cited as the *Judges' Pensions Act 1970*.

(2) The *Judges' Pensions Act 1951*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall be deemed to have commenced on the first day of March 1970.

Inclusion of widows.

**2** Where a judge who died before retirement as a judge before the commencement of the Principal Act left a widow who lived until the commencement of this Act, the widow is entitled to a pension under the Principal Act as if the judge had retired and been in receipt of a pension thereunder and died after the commencement thereof at the rate, as from the first day of July 1969 to the last day of December in that year, of \$1058.00 a year and, on and after the first day of January 1970, of \$1082.00 a year.

Increase of pension rates.

**3** Where a person was entitled on the first day of January 1970 to a pension under the Principal Act at a rate set forth in the first column of the schedule, that person is entitled to have been and to be paid a pension thereunder at the corresponding rate in the second or third column of that schedule, as the case may be, in respect of the relevant period specified in the headings of those columns.