

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Thursday, the 9th Day of December 1976

WEIGHTS AND MEASURES AMENDMENT BILL

Proposed Amendments

Hon. Mr GORDON, in Committee, to move the following amendments:

Clause 3: To add to subclause (3) the following paragraph:

(c) The sale of any secondhand goods.

Clause 4: (a) To insert in line 36 on page 3, after the word "who", the words "in the course of, or for the purposes of, any retail trade or business,".

(b) To omit from line 5 on page 4 the words "section 2", and substitute the words "section 3".

(c) To add to subclause (2) the following paragraphs:

(c) That the goods to which the charge relates were secondhand goods; or

(d) That, in the case of a charge relating to the publication of an advertisement,—

(i) He is a person whose business it is to publish advertisements; and

(ii) He received the advertisement for publication in the ordinary course of business; and

(iii) He did not know and had no reason to suspect that its publication would constitute an offence against subsection (1) of this section.

EXPLANATORY NOTE

The proposed amendment to *clause 3* provides expressly that the proposed regulations will not render unlawful or prevent the sale of secondhand goods.

The first of the proposed amendments to *clause 4* makes it clear that it is persons who use the prohibited denominations in the course of, or for the purposes of, any retail trade or business who will be primarily liable for the offence prescribed by *subclause (1)* of that clause.

The second of the proposed amendments to *clause 4* corrects an error in a cross-reference.

The third of the proposed amendments to *clause 4* makes it a defence to a charge of an offence against *subclause (1)* of that clause if the defendant proves—

(a) That the goods to which the charge relates were secondhand goods; or

(b) That, in the case of a charge against a person in the business of publishing advertisements and relating to an advertisement received by him in the ordinary course of business, he did not know and had no reason to suspect that its publication would constitute an offence against that subclause.