

HOUSE OF REPRESENTATIVES

(As read a first time)

**WEIGHTS AND MEASURES (NATIONAL STANDARDS)
AMENDMENT BILL 1982**

TABLE OF PROVISIONS

Clause	
1.	Short title, & c.
2.	Commencement
3.	Interpretation
4.	Objects and application of Act
5.	Act to bind the Crown
6.	Australian legal units of measurement
7.	Australian standards of measurement
8.	Special standards of measurement
9.	Verification of State primary standards of measurement
10.	Measurements to be ascertained in accordance with appropriate standards of measurement
11.	Repeal of section 11 and substitution of new section— 11. Conversion factors
12.	Trade contracts, & c., to be expressed in Australian legal units of measurement
13.	Insertion of new section— 12A. Certain contracts, & c., not to be void
14.	Contracts, & c., relating to exportation or importation of goods
15.	References in laws to units of measurement
16.	Verification of means of measurement
17.	Membership of the Commission
18.	Repeal of section 18 and substitution of new sections— 18. Functions of the Commission 18AAA. Powers of the Commission
19.	Termination of appointment of members
20.	Disclosure of interests by members
21.	Meetings
22.	Officers and employees
23.	Maintaining of standards of measurement, & c., before regulations prescribing units take effect

TABLE OF PROVISIONS—*continued*

Clause	
24.	Patterns of instruments
25.	Regulations
26.	Formal amendments

SCHEDULE
FORMAL AMENDMENTS

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Presented and read a first time, 21 October 1982

(Minister for Science and Technology)

A BILL

FOR

An Act to amend the *Weights and Measures (National Standards) Act 1960*

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

5 **1.** (1) This Act may be cited as the *Weights and Measures (National Standards) Amendment Act 1982*.

 (2) The *Weights and Measures (National Standards) Act 1960*¹ is in this Act referred to as the Principal Act.

Commencement

2. This Act shall come into operation on a date to be fixed by Proclamation.

10 **Interpretation**

3. Section 3 of the Principal Act is amended—

15 (a) by omitting from sub-section (1) the definitions of “Commonwealth legal unit of measurement”, “Commonwealth standard of measurement”, “instrument” and “subsidiary standard of measurement” and substituting the following definitions:

 “‘Australian legal unit of measurement’ means a unit of measurement prescribed under sub-section 7 (1);

*Weights and Measures (National Standards)
Amendment No. , 1982*

- “‘Australian primary standard of measurement’ means a standard of measurement that is maintained, or caused to be maintained, by the Organization as an Australian primary standard of measurement for the purposes of sub-section 8 (1);
- “‘Australian secondary standard of measurement’ means a standard of measurement that is maintained, or caused to be maintained, by the Organization as an Australian secondary standard of measurement for the purposes of sub-section 8 (2) and that has been verified, in accordance with the regulations, by means of, by reference to, by comparison with or by derivation from an Australian primary standard of measurement;
- “‘Australian subsidiary standard of measurement’ means a standard of measurement that is maintained, or caused to be maintained, by the Organization as an Australian subsidiary standard of measurement for the purposes of sub-section 8 (2) and that has been verified, in accordance with the regulations, by means of, by reference to, by comparison with or by derivation from an Australian primary standard of measurement or an Australian secondary standard of measurement;
- “‘instrument’ means—
- (a) a thing or a combination of things by means of which a measurement of a physical quantity may be made; or
- (b) a component of such a thing or combination of things, and includes a thing or a combination of things, or a component of such a thing or combination of things, by means of which grading may be effected by reference to the measurement of a physical quantity;
- “‘pattern’, in relation to an instrument, includes a sample of the instrument;
- “‘special secondary standard of measurement’ means a standard of measurement that the Commission has, under section 8A, determined shall be a special secondary standard of measurement;
- “‘special standard of measurement’ means a special secondary standard of measurement or a special subsidiary standard of measurement;
- “‘special subsidiary standard of measurement’ means a standard of measurement the Commission has, under section 8A, determined shall be a special subsidiary standard of measurement;
- “‘State primary standard of measurement’ means a standard of measurement that has been approved by the Commission and that is maintained, or caused to be maintained, by a State or Territory and that has been verified under section 9 by means of, by reference to, by comparison with or by derivation from

an Australian primary standard of measurement, an Australian secondary standard of measurement or an Australian subsidiary standard of measurement;

5 “‘subsidiary standard of measurement’ means a standard of measurement (not being an Australian primary standard of measurement, an Australian secondary standard of measurement, an Australian subsidiary standard of measurement, a special standard of measurement or a State primary standard of measurement) that has been verified in accordance with the regulations;”;

10 (b) by omitting from sub-section (1) the definition of “working standard of measurement”; and

(c) by adding at the end thereof the following sub-sections:

15 “(3) A reference in this Act to the verification of a standard of measurement shall be read as including a reference to the reverification of the standard of measurement.

20 “(4) A reference in this Act to an appropriate State authority shall be read as a reference to a Department of State or other authority in a State or Territory having responsibility for matters relating to weights and measures.”.

Objects and application of Act

4. Section 4 of the Principal Act is amended—

25 (a) by omitting paragraphs (3) (b) and (c) and substituting the following paragraph:

“(b) providing for the verification of means of measurement, not being Australian primary standards of measurement, Australian secondary standards of measurement, Australian subsidiary standards of measurement, special standards of measurement, State primary standards of measurement or subsidiary standards of measurement;”;

10 (b) by omitting from paragraph (3) (d) “or” (last occurring); and

(c) by adding at the end of sub-section (3) the following word and paragraph:

“; or (f) relating to the packaging of articles for sale.”.

Act to bind the Crown

5 5. Section 5 of the Principal Act is amended by omitting “or of a State” (first occurring) and substituting “, of each of the States, of the Northern Territory and of Norfolk Island”.

Australian legal units of measurement

0 6. Section 7 of the Principal Act is amended by omitting from sub-section (2) “The prescribed units of measurement” and substituting “The Australian legal units of measurement”.

Australian standards of measurement

7. Section 8 of the Principal Act is amended—

(a) by omitting from sub-section (1) “Commonwealth” and substituting “Australian”; and

(b) by omitting sub-sections (2), (2A), (2B), (2C) and (3) and substituting the following sub-sections: 5

“(2) The Organization shall maintain, or cause to be maintained, such standards of measurement (not being Australian Primary standards of measurement) as it considers desirable to maintain as Australian secondary standards of measurement, or as Australian subsidiary standards of measurement, in order to provide additional means by which measurements of physical quantities for which there are Australian legal units of measurement may be made in terms of those units. 10

“(3) A measurement of a physical quantity made, whether before or after the commencement of this sub-section, by or on behalf of the Organization by means of, by reference to, by comparison with or by derivation from one or more of the standards of measurement maintained for the purposes of this section and expressed in terms of an Australian legal unit of measurement or Australian legal units of measurement shall, for all legal purposes, be deemed to be a measurement in terms of that Australian legal unit of measurement or those Australian legal units of measurement.”. 15 20

Special standards of measurement

8. Section 8A of the Principal Act is amended— 25

(a) by omitting from sub-section (1) all the words after “special” and substituting “secondary standards of measurement or special subsidiary standards of measurement”; and

(b) by inserting in sub-section (4) “special secondary standard of measurement or a” after “A”. 30

Verification of State primary standards of measurement

9. (1) Section 9 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:

“(1) A State primary standard of measurement may, at the request of the appropriate State authority, be verified by or on behalf of the Organization by means of, by reference to, by comparison with or by derivation from— 35

(a) a standard of measurement referred to in paragraph 10 (a), (b) or (ba); or

(b) 2 or more standards of measurement each of which is a standard of measurement referred to in any of those paragraphs.”; 40

- (b) by omitting from sub-section (2) “or reverified”; and
- (c) by omitting sub-section (3) and substituting the following sub-section:

“**(3)** Where a State primary standard of measurement is verified by the Organization or by a person on behalf of the Organization, the Organization or the person, as the case may be, shall specify the period within which the standard is to be verified again, and the standard shall be verified again within that period.”.

(2) Where—

- (a) a standard of measurement was verified or reverified under sub-section 9 (3) of the Principal Act by the Organization or by a person on behalf of the Organization;
- (b) in accordance with the requirements of that sub-section, the Organization or that person specified a period within which the standard was to be reverified or again reverified, being a period that had not expired before the commencement of this section; and
- (c) the standard of measurement had not, before the commencement of this section, been reverified or again reverified within that period,

then, for the purposes of sub-section 9 (3) of the Principal Act as amended by this Act, the standard of measurement shall be verified again before the expiration of that period as if that period had been specified under sub-section 9 (3) of the Principal Act as amended by this Act.

Measurements to be ascertained in accordance with appropriate standards of measurement

10. Section 10 of the Principal Act is amended—

- (a) by omitting “Commonwealth” (first occurring) and substituting “Australian”; and
- (b) by omitting paragraphs (a) and (b) and substituting the following paragraphs:
 - “(a) an appropriate Australian primary standard of measurement;
 - (b) an appropriate Australian secondary standard of measurement;
 - (ba) an appropriate Australian subsidiary standard of measurement;
 - (bb) an appropriate State primary standard of measurement;
 - (bc) an appropriate special secondary standard of measurement;
 - (bd) an appropriate special subsidiary standard of measurement;”.

11. (1) Section 11 of the Principal Act is repealed and the following section is substituted:

Conversion factors

“11. Where, for any legal purpose—

- (a) it is necessary to convert a measurement of a physical quantity expressed in terms of one of the Australian legal units of measurement of that physical quantity to a measurement expressed in terms of another Australian legal unit of measurement; or 5
- (b) it is necessary to convert a measurement of a physical quantity expressed in terms of a unit of measurement of that physical quantity to a measurement expressed in terms of one of the Australian legal units of measurement, 10

the prescribed conversion factors shall, where applicable, be used.”.

(2) Regulations in force immediately before the commencement of this section that prescribed conversion factors for the purposes of section 11 of the Principal Act continue in force as if made for the purposes of section 11 of the Principal Act as amended by this Act. 15

Trade contracts, &c., to be expressed in Australian legal units of measurement

12. Section 12 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Commonwealth” (wherever occurring) and substituting “Australian”; 20
- (b) by omitting from paragraph (2) (b) “a Commonwealth” and substituting “an Australian”;
- (c) by omitting from sub-section (2) “that Commonwealth legal unit of measurement” and substituting “that Australian legal unit of measurement”; and 25
- (d) by adding at the end thereof the following sub-section:

“(3) Nothing in sub-section (1) shall be taken to affect the validity of a contract, dealing or other transaction referred to in that sub-section that was made or entered into by reference to units of measurement that, at the time when it was made or entered into, were Australian legal units of measurement.”. 30

13. After section 12 of the Principal Act the following section is inserted:

Certain contracts, &c., not to be void

“12A. (1) The regulations may, in relation to a specified class of contracts, dealings or other transactions, being a class of contracts, dealings or other transactions in which any work, goods or other thing is or are to be done, sold, carried or agreed for by measurement of a physical quantity, prescribe a unit of measurement of that physical quantity, other than an Australian legal unit of measurement of that physical quantity, as an additional unit of measurement of that physical quantity for the purposes of this section. 35
40”

5 “(2) Where a contract, dealing or other transaction that is included in a class of contracts, dealings or other transactions in relation to which an additional unit of measurement is prescribed by regulations made for the purposes of sub-section (1) is made or entered into by reference to that additional unit of measurement, then, notwithstanding sub-section 7 (2) and sub-section 12 (1), the contract, dealing or other transaction is not void by reason only that it is made or entered into by reference to that additional unit of measurement.”.

Contracts, &c., relating to exportation or importation of goods

10 **14.** Section 13 of the Principal Act is amended by omitting “the last preceding section and of sub-section (2) of section 7” and substituting “sub-section 12 (1) and of sub-section 7 (2)”.

References in laws to units of measurement

15 **15.** Section 14 of the Principal Act is amended—
(a) by omitting “Commonwealth” (first and last occurring) and substituting “Australian”; and
(b) by omitting “a Commonwealth” and substituting “an Australian”.

Verification of means of measurement

20 **16.** Section 15 of the Principal Act is amended—
(a) by omitting “Commonwealth” (first occurring) and substituting “Australian”; and
(b) by omitting “or reverified” (wherever occurring).

Membership of the Commission

25 **17.** Section 17 of the Principal Act is amended by omitting from sub-section (1) “4” and substituting “6”.

18. Section 18 of the Principal Act is repealed and the following sections are substituted:

Functions of the Commission

30 “18. (1) The functions of the Commission are—
(a) to furnish advice, and to make recommendations, to the Minister with respect to matters relating to weights and measures, including the following matters:
35 (i) the establishment and use throughout Australia of uniform units of measurement, and uniform standards of measurement, of physical quantities;
(ii) the dissemination of information relating to units of measurement and standards of measurement;
(b) to consult with appropriate State authorities with respect to matters referred to in paragraph (a);

- (c) to promote the adoption in the States and Territories of uniform legislation with respect to—
 - (i) measurements and instruments used in trade or commerce; and
 - (ii) the packaging of articles for sale; 5
- (d) to examine and approve patterns of instruments; and
- (e) to co-operate with the International Organisation of Legal Metrology.

“(2) In addition to the functions of the Commission under sub-section (1), the Commission shall have such other functions as are conferred on it by or under this Act. 10”

Powers of the Commission

“18AAA. The Commission has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions and, in particular, may— 15”

- (a) in collaboration with the States and Territories, train, and assist in the training of, persons in matters relating to weights and measures;
- (b) engage persons, on such terms and conditions as the Commission with the approval of the Public Service Board determines, to advise the Commission upon any matter related to the functions of the Commission; 20
- (c) purchase or take on hire, or accept on loan, equipment or other goods needed for the purposes of the Commission;
- (d) dispose of, lend or hire out equipment or other goods the property of the Commission; 25
- (e) purchase or take on lease land or buildings, and erect buildings, necessary for the purposes of the Commission; and
- (f) dispose of or grant leases of land or buildings vested in the Commission.”

Termination of appointment of members 30

19. Section 18AC of the Principal Act is amended by inserting in paragraph (2) (c) “, without reasonable excuse,” after “fails”.

Disclosure of interests by members

20. Section 18AD of the Principal Act is amended—

- (a) by omitting from sub-section (1) “, otherwise than as a member of, and in common with the other members of, an incorporated company which consists of more than 25 persons and of which he is not a director,”; and 35
- (b) by omitting sub-section (2) and substituting the following sub-section: 40

“(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Commission and the member shall not—

- (a) be present during any deliberation of the Commission with respect to that matter; or
- (b) take part in any decision of the Commission with respect to that matter.”.

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Meetings

21. Section 18AE of the Principal Act is amended by omitting from sub-section (3) “3” and substituting “4”.

Officers and employees

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22. Section 18A of the Principal Act is amended by omitting sub-sections (2), (3), (4), (5), (8) and (10).

Maintaining of standards of measurement, &c., before regulations prescribing units take effect

23. Section 19 of the Principal Act is amended—

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- (a) by omitting “this Act” and substituting “sub-section 7 (1)”; and
- (b) by omitting paragraphs (a), (aa) and (b) and substituting the following paragraphs:

“(a) standards of measurement of those physical quantities may be maintained under section 8;

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- (b) the powers conferred by section 8A may be exercised; and
- (c) State primary standards of measurement, and subsidiary standards of measurement, of those physical quantities may be verified, and certificates issued in respect of the verification,”.

Patterns of instruments

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24. Section 19A of the Principal Act is amended by adding at the end thereof the following sub-sections:

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“(4) In addition to any conditions to which, in accordance with the regulations, approval of a pattern of an instrument as a pattern of an instrument suitable for use for trade is subject, approval of the pattern of an instrument as such a pattern may, if a sample of the instrument was required by the Commission to be made available to the Commission in connection with the application for approval of the pattern of the instrument, be given subject to the retention of the instrument or a part of the instrument by the Commission in any case where the Commission is satisfied that it is necessary to retain the instrument or that part of the instrument for use in determining, at any time during the period in which the approval is in force, whether a person has made, in relation to the pattern so approved, a false representation of the kind referred to in section 19B.

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“(5) The regulations made under sub-section (1) may provide for the specification in a certificate referred to in paragraph (c) of that sub-section of an amount of error that may be tolerated in instruments of the same kind as the instrument in respect of the pattern of which the certificate is issued.

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“(6) The Commission may, after consultation by it with appropriate State authorities, make recommendations to the Minister with respect to any regulations to be made, after the commencement of this sub-section, under sub-section (1).

“(7) Before making regulations under sub-section (1), being regulations that are made after the commencement of sub-section (6), the Governor-General shall take into consideration any relevant recommendation made by the Commission under sub-section (6).”.

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Regulations

25 Section 20 of the Principal Act is amended—

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(a) by inserting before paragraph (a) the following paragraph:

“(aa) providing for the verification of standards of measurement;”;

(b) by omitting from paragraph (a) “and reverification”; and

(c) by omitting paragraph (b) and substituting the following paragraph:

“(b) providing that an Australian subsidiary standard of measurement, or a subsidiary standard of measurement, of a particular denomination that was found, upon verification, not to be greater or less than that denomination by an amount exceeding an amount specified in the regulations is, unless otherwise stated in the certificate issued in respect of the verification of the standard, to be deemed to be of a value equal to its denomination.”.

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Formal amendments

26 The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 26

FORMAL AMENDMENTS

Provision	Amendment
Sub-section 4 (3)	Omit “the last preceding sub-section”, substitute “sub-section (2)”.
Paragraph 10 (d)	Omit “two”, substitute “2”.
Sub-section 12 (2)	Omit “the last preceding sub-section”, substitute “sub-section (1)”.
Sub-section 19A (2)	Omit “the last preceding sub-section”, substitute “sub-section (1)”.

NOTE

- No. 64, 1960, as amended. For previous amendments, see No. 6, 1964; No. 93, 1966; No. 216, 1973 (as amended by No. 20, 1974); and No. 158, 1978.