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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Weights and Measures (National Standards) Amendment Bill 1982

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for  
Science and Technology the Hon. David Thomson M.P.)



## OUTLINE

The purpose of this Bill is to update the nomenclature of reference standards of physical quantities and to clarify the functions and powers of the National Standards Commission in the light of modern technology.

Under Section 51(xv) of the Constitution, the Commonwealth has power to make laws for the good government of Australia in respect of weights and measures and as a result it established the National Standards Commission in 1948. The Principal Act under which the Commission operates is the Weights and Measures (National Standards) Act which was extensively revised in 1960 and has been subject to only minor administrative amendments since then.

The National Standards Commission is responsible for establishing and maintaining legal units and standards of measurements for uniform application throughout Australia, and for approving the pattern of measuring instruments for use in trade to ensure accuracy and reliability in service.

In this era of rapid technological change, the States have looked to the Commission to play an increasing role in matters such as the promotion of uniform principles in State legislation relating to trade measurements and packaged goods. Trade measuring devices presented for pattern approval have increased in complexity and are often integrated with other devices such as computers. The Bill proposes to give legal effect to the increasingly important role undertaken by the Commission in the new technology age.

## NOTES ON CLAUSES

### Clause 3 - Interpretation

This clause amends the terminology of the hierarchy of standards of measurement to accord with current weights and measures practice. It also clarifies the definition of "instrument" and "pattern" in relation to an instrument for use in trade.

### Clause 4 - Objects and Application of Act

The Clause provides that State laws relating to the packaging of articles for sale are unaffected by this legislation. In recent years, State laws have become uniform in intention with respect to packaging.

### Clauses 6, 7 and 8 - Units and Standards of Measurement

These amendments are consequential upon the revised terminology for the hierarchy of standards of measurement.

### Clause 9 - Verification of State Primary Standards of Measurement

This Clause clarifies the relationship between a State primary standard and the Australian standards of measurement, and the procedure for the verification of a State primary standard of measurement by reference to or by comparison with an appropriate Australian standard of measurement.

#### Clause IO - Verification of Measurements

The amendments introduce the new terminology of Australian standards of measurement to the Commission's verification procedures. Verification is the act of establishing the validity and accuracy of a measurement of a physical quantity by means of, by reference to, by comparison with or by derivation from a specified standard of measurement.

#### Clause II - Conversion Factors

The Principal Act provides that prescribed conversion factors shall, where applicable, be used to convert from a measurement expressed in terms of one Australian legal unit of measurement to a measurement expressed in terms of another Australian legal unit of measurement. This amendment also provides for the use of prescribed conversion factors to similarly convert from a measurement that is not in terms of an Australian legal unit. This allows for accurate and valid conversion from quantities expressed in units other than Australian legal units to quantities expressed in Australian legal units.

#### Clause I2 - Validity of Trade Contracts

Clause I2 (d) puts beyond doubt the validity of existing contracts made in terms of Australian legal units which subsequently cease to be Australian legal units, and has been inserted at the request of the States.

### Clause 13 - Certain Contracts not to be Void

This amendment modifies the requirement that contracts be made only in terms of Australian legal units by permitting additional units to be used in specified classes of transactions. For example, the kilowatt hour might be prescribed as an additional unit to be used only in transactions relating to the supply of electricity.

### Clause 17 - Membership of the Commission

This Clause provides for an increase in the membership of the Commission from Chairman and four members to Chairman and six members. This increase will allow consumer and industry representation on the Commission. Such representation is necessary because of the increasing commercial impact of weights and measures decisions upon the community.

### Clause 18 - Functions and Powers of the Commission

The Principal Act does not clearly enunciate the functions and powers of the Commission and these had to be derived from various sections distributed throughout the Act. This amendment consolidates and sets out clearly the functions and powers of the Commission.

### Clause 20 Disclosure of Interests by Members

This amendment accords with modern drafting practice relating to disclosure of interests by members of the Commission.

## Clause 22 - Officers and Employees

This Clause updates the provisions of the Principal Act relating to the Commission's staff in accordance with modern drafting practice. Obsolete and redundant sub-sections of the Principal Act have been deleted.

## Clause 24 - Patterns of Instruments

The Principal Act provides for Regulations to be made in respect of the examination and approval of the "pattern" or design of an instrument for use in trade. Such examination and approval of the "pattern" of an instrument gives an assurance of the accuracy and reliability of such instruments in service.

In this era of rapid technological change, weighing and measuring devices are becoming increasingly complex and may be electronically integrated to other devices such as computers. It may therefore at times be necessary for pattern approval of an instrument to be given subject to the retention of a sample of the instrument or part of the instrument to provide some assurance that the instrument so approved is representative of like instruments in the market place.

In addition, the States and the Commission have agreed upon the amount of error that may be reasonably tolerated in instruments for which pattern approval is given. This Clause therefore provides that error tolerance of instruments may be specified on certificates of pattern approval.

