

1984

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

WEIGHTS AND MEASURES (NATIONAL STANDARDS) AMENDMENT BILL 1984

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for
Science and Technology the Hon Barry O Jones MP)

OUTLINE

The purpose of this Bill is to create a hierarchy of standards of physical quantities consistent with both modern and international practice, 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 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 1960.

The National Standards Commission is responsible for establishing and coordinating the use in Australia of a uniform system of units and standards of measurement of physical quantities, 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 use of units of measurement in the packaging of 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.

The Metric Conversion Board was established under the Metric Conversion Act 1970, as a transitional body to promote, help and guide conversion from the imperial to metric system of measurement. Conversion was substantially completed by 1980 and appointments to the Board expired on 30 June 1981. Remaining ongoing conversion activities relate essentially to industries reliant on long life equipment, such as heavy engineering; and those industries influenced by international agreement, such as aviation. The Bill provides for the transfer to the National Standards Commission of responsibility for these residual metric conversion activities; and for the consequential repeal of the Metric Conversion Act 1970.

NOTES ON CLAUSES

Clause 1 - Short Title

When enacted the Bill will be cited as the Weights and Measures (National Standards) Amendment Act 1984

Clause 2 - Commencement

The Bill will come into operation on a date to be fixed by Proclamation.

Clause 4 - Short Title

This Clause amends the short title of the Weights and Measures (National Standards) Act 1960 to the National Measurement Act 1960 to reflect current terminology.

Clause 5 - Interpretation

This Clause amends the terminology of the hierarchy of standards of measurement to accord with current weights and measures practice, and transfers the existing definition of "metric system of measurement" from the Metric Conversion Act 1970. It also clarifies the definition of "instrument" and "pattern" in relation to an instrument for use in trade and provides a definition of "unit of measurement" which will facilitate the prescription of certain terms, such as the decibel, which are employed as units of measurement.

Clause 6 - Objects and Application of Act

This Clause defines the objects of the Act including the continuation of the object of the Metric Conversion Act 1970, as that Act is repealed by this Bill. The Clause also 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 8, 9 and 10 - Units and Standards of Measurement

These amendments are consequential upon the revised terminology for the hierarchy of standards of measurement. Sub-Clause 8(1)(c) will permit units which are prescribed as being additional to Australian legal units to be used in specified classes of transactions and so modifies the requirement that contracts be made only in terms of Australian legal units.

Clause 11 - 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 12 - 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 13 - 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 14 - Validity of Trade Contracts

Clause 14 puts beyond doubt the validity of existing contracts made in terms of either Australian legal units which subsequently cease to be Australian legal units, or of additional units of measurement which have been prescribed for the purposes of the proposed sub-section 7(3).

Clause 17 - Repeal of Section 15

This Clause repeals section 15 of the Principal Act.

Clause 18 - 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 19 - 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 21 - Disclosure of Interests by Members

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

Clause 22 - Meetings

This Clause provides for an increase from 3 to 4 in the number required to constitute a quorum at a meeting of the Commission.

Clause 23 - 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 25 - 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.

Clause 26 - Offences

This Clause provides for an increase from \$2 000 to \$4 000 for a natural person and \$20 000 for a body corporate for offences involving the making of false representations in relation to the approval of patterns of instruments.

Clauses 28, 29 and 30 - Repeal of the Metric Conversion Act

These Clauses provide for the repeal of the Metric Conversion Act 1970.

REPORT

The first of the two main parts of the report is a description of the work done during the year. This is followed by a summary of the results of the work.

The second part of the report is a discussion of the results of the work.

The third part of the report is a conclusion.

