

1983-84

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 28 March 1984

(Minister for Science and Technology)

A BILL

FOR

An Act to amend the *Weights and Measures (National Standards) Act 1960* and to repeal the *Metric Conversion Act 1970*, and for related purposes

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

PART I—PRELIMINARY

Short title

5 **1.** This Act may be cited as the *Weights and Measures (National Standards) Amendment Act 1984*.

Commencement

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

**PART II—AMENDMENTS OF THE WEIGHTS AND MEASURES
(NATIONAL STANDARDS) ACT 1960**

Principal Act

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

Short title

4. Section 1 of the Principal Act is amended by omitting “*Weights and Measures (National Standards)*” and substituting “*National Measurement*”.

Interpretation

5. Section 3 of the Principal Act is amended— 10

(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 for the purposes of sub-section 7 (1); 15

“‘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); 20

“‘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; 25

“‘instrument’ means a thing by means of which a measurement of a physical quantity may be made or a component of such a thing, and includes a thing or a component of a thing by means of which grading may be effected by reference to the measurement of a physical quantity; 30

“‘metric system of measurement’ means measurement in terms of—

(a) the units comprised in the International System of Units for the time being approved by the General Conference on Weights and Measures; 35

(b) units decimally related to those units and for the time being so approved; and

(c) such other units as the Minister declares, from time to time, by notice published in the *Gazette*, to be within the metric system; 40

“‘pattern’, in relation to an instrument, includes a sample of the instrument;

“‘recognized-value standard of measurement’ means a standard of measurement that the Commission has, under section A, determined shall be a recognized-value standard of measurement;

“‘reference standard of measurement’ means a standard of measurement (other than an Australian primary standard of measurement, an Australian secondary standard of measurement, a recognized-value standard of measurement or a State primary standard of measurement) that has been verified in accordance with the regulations;

“‘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 or an Australian secondary standard of measurement;”;

(b) by omitting from sub-section (1) the definition of “working standard of measurement” and substituting the following definition:

“‘unit of measurement’ includes any word or expression that is used in conjunction with numerical values in order to describe the magnitudes of physical quantities.”; and

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

“(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 measurement.

“(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

6. Section 4 of the Principal Act is amended—

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

“(1) The objects of this Act are—

(a) to establish a national system of units and standards of measurement of physical quantities;

(b) to provide for the uniform use of those uniform units and standards of measurement throughout Australia;

(c) to co-ordinate the operation of the national system of measurement; and

- (d) to bring about the use of the metric system of measurement in Australia as the sole system of measurement of physical quantities,
and this Act shall be construed accordingly.”;
- (b) by omitting paragraphs (3) (b) and (c) and substituting the following paragraph:
- “(b) providing for the verification of means of measurement, other than Australian primary standards of measurement, Australian secondary standards of measurement, recognized-value standards of measurement, reference standards of measurement or State primary standards of measurement;”;
- (c) by omitting from paragraph (3) (d) “or” (last occurring); and
- (d) 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

7. 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”.

Units of measurement

8. (1) Section 7 of the Principal Act is amended—
- (a) by inserting in sub-section (1) “the Australian legal” after “may prescribe”;
- (b) by omitting from sub-section (2) “The prescribed units of measurement” and substituting “Subject to sub-section (3), the Australian legal units of measurement”; and
- (c) by adding at the end thereof the following sub-section:
- “(3) The Regulations may prescribe units of measurement of any physical quantity to be additional legal units of measurement for use for a particular purpose or for the purpose of a particular contract, dealing or other transaction or class of contracts, dealings or other transactions.”.
- (2) Regulations prescribing Commonwealth legal units of measurement of physical quantities for the purposes of sub-section 7 (1) of the Principal Act, being regulations that were in force immediately before the commencement of this Act, continue in force after that commencement as if those regulations prescribed Australian legal units of measurement for the purposes of sub-section 7 (1) of the Principal Act as amended by this Act.

Australian standards of measurement

9. 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-section:

“(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 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.”.

Recognized-value standards of measurement

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

(a) by omitting from sub-section (1) all the words after “shall be” and substituting “recognized-value standards of measurement.”; and

(b) by omitting from sub-section (4) “special subsidiary” and substituting “recognized-value”.

Verification of State primary standards of measurement

11. (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—

(a) an appropriate Australian primary standard of measurement;

(b) an appropriate Australian secondary standard of measurement; or

(c) 2 or more standards of measurement each of which is an appropriate Australian primary standard of measurement or an appropriate Australian secondary standard of measurement.”;

(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

12. Section 10 of the Principal Act is amended—

- (a) by omitting “Commonwealth” (first occurring) and substituting “Australian”; and
- (b) by omitting paragraphs (a), (b), (c) and (d) and substituting the following paragraphs:
 - “(a) an appropriate Australian primary standard of measurement;
 - (b) an appropriate Australian secondary standard of measurement;
 - (c) an appropriate State primary standard of measurement;
 - (d) an appropriate recognized-value standard of measurement;
 - (e) an appropriate reference standard of measurement; or
 - (f) 2 or more standards of measurement, each of which is a standard of measurement referred to in paragraph (a), (b), (c), (d) or (e).”

13. (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
- (b) it is necessary to convert a measurement of a physical quantity expressed in terms of a unit of measurement (not being an Australian

legal unit of measurement) of that physical quantity to a measurement expressed in terms of one of the Australian legal units of measurement, the prescribed conversion factors shall, where applicable, be used.”.

(2) Regulations in force immediately before the commencement of this Act prescribing conversion factors for the purposes of section 11 of the Principal Act shall, after the commencement of this Act, continue in force as if made for the purposes of section 11 of the Principal Act as amended by this Act.

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

14. Section 12 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Commonwealth” (wherever occurring) and substituting “Australian”;
- (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
- (d) by adding at the end thereof the following sub-sections:

“(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 of a physical quantity that, at the time when it was made or entered into, were Australian legal units of measurement of that physical quantity.

“(4) Where a contract, dealing or other transaction in relation to which an additional unit of measurement is applicable under regulations made for the purposes of sub-section 7 (3) is made or entered into by reference to that additional unit of measurement, then, notwithstanding sub-section 7 (2) and sub-section (1) of this section, 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

15. 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

16. 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”.

Repeal of section 15

17. Section 15 of the Principal Act is repealed.

Membership of Commission

18. Section 17 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “4” and substituting “6”;
- (b) by adding at the end of sub-section (3) “that is relevant to the performance of the Commission’s functions; and
- (c) by omitting sub-section (4).

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

Functions of the Commission

“18. (1) The functions of the Commission are—

- (a) to furnish advice to the Minister on matters relating to the administration of this Act;
- (b) to promote and co-ordinate the use in Australia of a uniform system of units and standards of measurement of physical quantities;
- (c) to consult and co-operate with appropriate State and Territory authorities on matters relating to legal metrology and the use of units of measurement in the packaging of articles for sale;
- (d) to consult and co-operate with the International Organization of Legal Metrology and other appropriate international organizations on matters relating to legal metrology;
- (e) to examine and approve patterns of instruments;
- (f) to promote the adoption in the States and Territories of uniform legislation relating to—
 - (i) patterns of instruments for use in trade; and
 - (ii) the use of units of measurement in the packaging of articles for sale;
- (g) to provide information relating to units of measurement and standards of measurement; and
- (h) to bring about progressively the use of the metric system of measurement in Australia as the sole system of measurement of physical quantities.

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

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—

- 5 (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 determines, to advise the Commission upon any matter related to the performance of the functions of the Commission;
- 10 (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;
- (e) purchase or take on lease land or buildings, and erect buildings, necessary for the purposes of the Commission; and
- 15 (f) dispose of or grant leases of land or buildings vested in the Commission.”.

Termination of appointment of members

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

Disclosure of interests by members

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

- 25 (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
- (b) by omitting sub-section (2) and substituting the following sub-section:
 - 30 “(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.”.

Meetings

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

Officers and employees

23. 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

24. Section 19 of the Principal Act is amended—

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

Patterns of instruments

25. Section 19A of the Principal Act is amended by adding at the end thereof the following sub-sections: 15

“(4) Without limiting the matters that may be provided for in regulations made for the purposes of sub-section (1), the regulations may provide that the granting of approval of a pattern of an instrument as a pattern suitable for use for trade may be made subject to the retention of the instrument or a part of the instrument by the Commission. 20

“(5) The regulations made for the purposes of sub-section (1) may provide for the specification in a certificate referred to in paragraph (1) (c) 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.

“(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, for the purposes of sub-section (1). 25

“(7) Before making regulations for the purposes of 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).”.

Offences

26. Section 19B of the Principal Act is amended by omitting the penalty and substituting the following penalty: 35

“Penalty—

- (a) if the offender is a natural person—\$4,000; or
- (b) if the offender is a body corporate—\$20,000.”.

Regulations

27. Section 20 of the Principal Act is amended—

(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 a reference 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.”.

Formal amendments

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

PART III—REPEAL OF THE METRIC CONVERSION ACT 1970

Repeal

29. The *Metric Conversion Act 1970* is repealed.

Transitional

30. A declaration made by the Minister under paragraph (c) of the definition of “the metric system of measurement” in section 3 of the Act repealed by section 29, being a declaration that was in force immediately before the commencement of this Act, continues to have effect after the commencement of this Act as if it had been made by the Minister under paragraph (c) of the definition of “metric system of measurement” in sub-section 3 (1) of the *National Measurement Act 1960*.

SCHEDULE

Section 28

FORMAL AMENDMENTS

Provision	Amendment
Sub-section 3 (1) (definition of “the Organization”)	Omit “1949-1959”, substitute “1949”.
Sub-section 4 (3)	Omit “the last preceding sub-section”, substitute “sub-section (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)”.

Weights and Measures (National Standards)
Amendment No. , 1984

NOTE

1. 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.

