

# WEIGHTS AND MEASURES (NATIONAL STANDARDS).

No. 64 of 1960.

An Act relating to Weights and Measures.

[Assented to 30th November, 1960.]

[Date of commencement, 28th December, 1960.]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

- Short title.** 1. This Act may be cited as the *Weights and Measures (National Standards) Act 1960*.
- Repeal.** 2. The *Weights and Measures (National Standards) Act 1948* is repealed.
- Interpretation.** 3.—(1.) In this Act, unless the contrary intention appears—  
“Australia” includes the Territories of the Commonwealth;  
“Commonwealth legal unit of measurement” means a unit of measurement prescribed under this Act;  
“Commonwealth standard of measurement” means a standard of measurement maintained, or caused to be maintained, by the Organization for the purposes of sub-section (1.) of section eight of this Act;  
“subsidiary standard of measurement” means a standard of measurement that has been verified and, where appropriate, reverified in accordance with the regulations by means of, by reference to, by comparison with

or by derivation from—

- (a) a standard of measurement referred to in paragraph (a) or (b) of section ten of this Act; or
- (b) two or more standards of measurement, each of which is a standard of measurement referred to in either of those paragraphs;

“Territory” means a Territory of the Commonwealth;

“the Commission” means the National Standards Commission continued in existence by this Act;

“the Organization” means the Commonwealth Scientific and Industrial Research Organization established under the *Science and Industry Research Act 1949–1959*;

“working standard of measurement” means a standard of measurement—

- (a) that is maintained as a working standard of measurement for the purposes of sub-section (2.) of section eight of this Act; or
- (b) that is deemed by virtue of section nine of this Act to be a working standard of measurement maintained for the purposes of sub-section (2.) of section eight of this Act.

(2.) For the purposes of this Act, time interval not related to the calendar is a physical quantity and time interval so related is not a physical quantity.

4.—(1.) The objects of this Act are to provide for the establishment and use throughout Australia of uniform units of measurement, and uniform standards of measurement, of physical quantities; this Act shall be construed accordingly.

Objects and  
application  
of Act.

(2.) This Act and the regulations do not apply to the exclusion of any law of a State or Territory except in so far as that law is inconsistent with an express provision of this Act or of the regulations.

(3.) Without limiting the generality of the last preceding sub-section, this Act and the regulations shall not be taken to apply to the exclusion of any law of a State or Territory—

- (a) relating to improper practices in connexion with weights and measures;
- (b) providing for the verification or reverification of means of measurement not being Commonwealth standards of measurement, working standards of measurement or subsidiary standards of measurement;
- (c) providing for the amount of error that may be tolerated in weights, measures, weighing instruments or measuring instruments used in trade or commerce;

(d) prohibiting or restricting the use of a unit of measurement of a physical quantity either generally or in respect of particular transactions or in respect of the transactions included in a particular class of transactions; or

(e) providing that particular transactions, or the transactions included in a particular class of transactions, shall be made or entered into in terms of a particular unit of measurement of a physical quantity.

Act to bind  
the Crown.

5. This Act binds the Crown in right of the Commonwealth or of a State and any authority constituted by or under a law of the Commonwealth or of a State or Territory.

Extension  
of Act to  
Territories.

6. This Act extends to all the Territories.

Units of  
measurement.

7.—(1.) The regulations may prescribe units of measurement of any physical quantity.

(2.) The prescribed units of measurement of a physical quantity are the sole legal units of measurement of that physical quantity.

Commonwealth  
standards of  
measurement  
and working  
standards of  
measurement.

8.—(1.) The Organization shall maintain, or cause to be maintained, such standards of measurement as are necessary to provide means by which measurements of physical quantities for which there are Commonwealth legal units of measurement may be made in terms of those units.

(2.) The Organization may maintain, or cause to be maintained, such working standards of measurement as it considers desirable to provide additional means by which measurements of physical quantities for which there are Commonwealth legal units of measurement may be made in terms of those units.

(3.) A measurement of a physical quantity made 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 either of the last two preceding sub-sections and expressed in terms of a Commonwealth legal unit of measurement or Commonwealth legal units of measurement shall, for all legal purposes, be deemed to be a measurement in terms of that Commonwealth legal unit of measurement or those Commonwealth legal units of measurement.

Verification  
of State and  
Territory  
standards of  
measurement.

9.—(1.) A standard of measurement referred to in the law of a State or Territory in respect of a physical quantity for which there is a Commonwealth standard of measurement may, at the request of the appropriate authority of the State or Territory and with the approval of the Commission, be verified, and from time

to time reverified, by or on behalf of the Organization by means of, by reference to, by comparison with or by derivation from an appropriate Commonwealth standard of measurement or appropriate Commonwealth standards of measurement.

(2.) Such a standard of measurement shall, subject to verification and reverification in accordance with this section, be deemed to be a working standard of measurement maintained for the purposes of sub-section (2.) of the last preceding section.

(3.) Verification and reverification of such a standard of measurement shall be carried out in such manner as the Commission directs.

(4.) The period between the verification of such a standard of measurement and the first reverification of that standard, or between any two successive reverifications of that standard, shall not exceed such period as the Commission directs.

(5.) A direction by the Commission under either of the last two preceding sub-sections may relate to a particular standard of measurement or to all the standards of measurement included in a particular class of standards of measurement.

10. When, for any legal purpose, it is necessary to ascertain whether a measurement of a physical quantity for which there are Commonwealth legal units of measurement has been made or is being made in terms of those units, that fact shall be ascertained by means of, by reference to, by comparison with or by derivation from—

Measurements to be ascertained in accordance with appropriate standards of measurement.

- (a) an appropriate Commonwealth standard of measurement;
- (b) an appropriate working standard of measurement;
- (c) an appropriate subsidiary standard of measurement; or
- (d) two or more standards of measurement, each of which is a standard of measurement referred to in any of the preceding paragraphs of this section,

and not in any other manner.

11. When, for any legal purpose, it is necessary to convert a measurement of a physical quantity expressed in terms of one of the Commonwealth legal units of measurement of that physical quantity to a measurement expressed in terms of another Commonwealth legal unit of measurement, the prescribed conversion factors shall, where applicable, be used.

Conversion factors.

12.—(1.) On and after the date from which the Commonwealth legal units of measurement of a physical quantity are the sole legal units of measurement of that physical quantity, every contract, dealing or other transaction made or entered into for any work, goods or other thing that is to be done, sold, carried

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

or agreed for by measurement of that physical quantity shall be made or entered into by reference to Commonwealth legal units of measurement of that physical quantity, and if not so made or entered into is void.

(2.) Where, in a contract, dealing or other transaction to which the last preceding sub-section applies—

(a) reference is made to a unit of measurement of a physical quantity; and

(b) there is a Commonwealth legal unit of measurement of that physical quantity of the same name,

the reference shall, unless the contrary intention appears, be deemed to be a reference to that Commonwealth legal unit of measurement.

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

13. The provisions of the last preceding section and of sub-section (2.) of section seven of this Act do not apply to or in relation to a contract, dealing or transaction made or entered into in connexion with the exportation of goods from, or the importation of goods into, Australia.

References in laws to units of measurement.

14. On and after the date from which the Commonwealth legal units of measurement of a physical quantity are the sole legal units of measurement of that physical quantity, a reference in a law of the Commonwealth or of a Territory (whether the law was made before or after the commencement of this Act) to a unit of measurement of that physical quantity shall, if there is a Commonwealth legal unit of measurement of that physical quantity of the same name and unless the contrary intention appears, be read as a reference to that Commonwealth legal unit of measurement.

Verification of means of measurement.

15. A means of measurement of a physical quantity for which there are Commonwealth legal units of measurement, being a means of measurement that is required by a law of the Commonwealth or of a State or Territory to be verified or reverified for any purpose, shall be verified or reverified in terms of one or more of those units.

National Standards Commission.

16.—(1.) The National Standards Commission constituted, immediately before the commencement of this Act, under the *Weights and Measures (National Standards) Act 1948* is, by force of this section and subject to this Act, continued in existence for the purposes of this Act.

(2.) The Commission shall have a seal.

(3.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Commission affixed to a document and shall presume that it was duly affixed.

(4.) The exercise or performance of the powers or functions of the Commission is not affected by reason only of there being a vacancy in the membership of the Commission.

17.—(1.) The Commission shall consist of five members, who shall be appointed by the Minister and shall hold office, during the pleasure of the Minister, on such terms and conditions as the Minister determines.

Membership  
of the  
Commission.

(2.) Of the members of the Commission—

(a) three shall be nominated by the Organization; and

(b) one shall be nominated, on account of his scientific knowledge, by the other four members of the Commission.

(3.) A member of the Commission appointed under the *Weights and Measures (National Standards) Act 1948* and holding office immediately before the commencement of this Act continues to hold office as if he had been appointed under this section.

(4.) The Minister may appoint one of the members of the Commission to be Chairman of the Commission.

(5.) In the event of the absence of the Chairman from a meeting of the Commission, the members present shall appoint one of their number to preside at that meeting.

(6.) At a meeting of the Commission, three members constitute a quorum.

(7.) The Chairman or person presiding at a meeting of the Commission has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

18.—(1.) Subject to this section, the functions of the Commission are to advise the Minister with respect to weights and measures.

Functions  
of the  
Commission.

(2.) The Commission may exercise and perform such other powers and functions as are conferred on it by or under this Act.

19. Where regulations that prescribe units of measurement of physical quantities are made under this Act, but the regulations are not, or part of the regulations is not, to take effect immediately upon the date of notification of the regulations in the *Gazette*—

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

(a) standards of measurement and working standards of measurement of those physical quantities may be maintained under section eight of this Act; and

No. 64. *Weights and Measures (National Standards)*. 1960.

(b) standards of measurement to which section nine of this Act applies, and subsidiary standards of measurement, of those physical quantities may be verified, and certificates issued in respect of the verification, at any time after the date of notification of the regulations in the *Gazette*, as if the whole of the regulations had taken effect on that date.

**Regulations.**

20. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular—

- (a) providing for or in relation to the issuing of certificates in respect of the verification and reverification of standards of measurement, for the reception in evidence of a document purporting to be such a certificate and for such a certificate to be evidence of the matters stated in it; and
  - (b) providing that a subsidiary standard of measurement of a particular denomination that was found, upon verification or reverification, 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 or reverification of the subsidiary standard, to be deemed to be of a value equal to its denomination.
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