

## **WEIGHTS AND MEASURES (AMENDMENT) ACT.**

### **Act No. 31, 1965.**

An Act to provide for standards of weights and measures and for the approval of patterns of weighing and measuring instruments; for these and other purposes to amend the Weights and Measures Act, 1915-1964; and for purposes connected therewith. [Assented to, 17th December, 1965.]

BE

**Weights and Measures (Amendment) Act.**

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title,  
citation and  
commence-  
ment.

1. (1) This Act may be cited as the "Weights and Measures (Amendment) Act, 1965".

(2) The Weights and Measures Act, 1915, as amended by subsequent Acts and by this Act, may be cited as the Weights and Measures Act, 1915-1965.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment  
of Act No.  
10, 1915.

Sec. 1.

(Short title.)

2. The Weights and Measures Act, 1915-1964, is amended—

(a) by omitting from subsection two of section one the matter relating to Part II and by inserting in lieu thereof the following matter :—

PART II.—STANDARDS—ss. 12-16.

Sec. 4.

(Transfer of  
copies of  
standards.)

(b) by omitting section four ;

Sec. 6.

(Defini-  
tions.)

(c) (i) by inserting in section six next after the definition of "Coal" the following new definitions :—

"Commission" means the National Standards Commission continued in existence by the Commonwealth Act.

"Commonwealth Act" means the Weights and Measures (National Standards) Act 1960-1964 of the Parliament of the Commonwealth of Australia and any Act amending that Act.

"Commonwealth

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“Commonwealth legal unit of measurement” has the meaning ascribed to that expression in the Commonwealth Act. **No. 31, 1965**

“Commonwealth regulations” means the regulations made under the Commonwealth Act.

“Commonwealth standard of measurement” has the meaning ascribed to that expression in the Commonwealth Act.

(ii) by inserting in the same section next after the definition of “Schedule” the following new definition : —

“Subsidiary standard of measurement” has the meaning ascribed to that expression in the Commonwealth Act.

(iii) by inserting in the same section next after the definition of “To stamp” the following new definition : —

“Trade” means a contract, dealing or other transaction referred to in section twelve of the Commonwealth Act other than any contract, dealing or transaction referred to in section thirteen of that Act.

(iv) by inserting in the same section next after the definition of “Weighman” the following new definition : —

“Working standard of measurement” has the meaning ascribed to that expression in the Commonwealth Act.

(d) by omitting from section eleven the words “departmental or local standard” and by inserting in lieu thereof the words “secondary or tertiary State standard”;

Sec. 11.  
(Superintendent or inspector not to derive profit from making, adjusting, or selling weights or measures.)

(e)

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New sec.  
11A.Powers of  
super-  
intendent  
under  
Common-  
wealth  
regulations.Subst.  
Part II.  
(Standards  
and Units.)

Standards.

(e) by inserting next after section eleven the following new section :—

11A. The superintendent may, with the approval of the Minister, hold any appointment made under the Commonwealth regulations and may have and exercise any powers, authorities, duties and functions conferred or imposed upon him by virtue of that appointment or under those regulations.

(f) by omitting Part II and by inserting in lieu thereof the following Part :—

## PART II.

## STANDARDS.

12. (1) The Minister shall arrange for the provision and maintenance of such working standards of measurement and subsidiary standards of measurement as are necessary to provide means by which—

(a) for the purposes of this Act and the regulations, measurements may be made in terms of Commonwealth legal units of measurement; and

(b) standards may be verified or reverified pursuant to the Commonwealth Act and the Commonwealth regulations.

(2) A working standard of measurement provided and maintained pursuant to subsection one of this section shall, for the purposes of this Act and the regulations, be a primary State standard.

(3) A subsidiary standard of measurement of a denomination or description specified in the first column of Schedule B to this Act that has been provided and maintained pursuant to subsection one of this section shall, for the purposes of this Act and the regulations, be a secondary State standard if—

(a) it is stamped or otherwise identified in the manner prescribed for a secondary State standard; and

(b)

- (b) the degree of accuracy with which it was last verified or reverified, as stated in the certificate issued on the authorisation of the Commission on such verification or reverification, is not outside the degree of accuracy ascertained in accordance with the Commonwealth regulations and specified in the second column of that Schedule opposite that denomination or description.

(4) A subsidiary standard of measurement of a denomination or description specified in the first column of Schedule B to this Act that has been provided and maintained pursuant to subsection one of this section shall, for the purposes of this Act and the regulations, be a tertiary State standard if—

- (a) it is stamped or otherwise identified in the manner prescribed for a tertiary State standard; and
- (b) the degree of accuracy with which it was last verified or reverified, as stated in the certificate issued on the authorisation of the Commission on such verification or reverification, is not outside the degree of accuracy ascertained in accordance with the Commonwealth regulations and specified in the third column of that Schedule opposite that denomination or description.

(5) Where a subsidiary standard of measurement provided and maintained pursuant to subsection one of this section is, by virtue of the Commonwealth regulations, deemed to be of a value equal to its denomination, that standard shall, for the purposes of this Act and the regulations, be an inspector's standard.

13. (1) Unless its size or nature renders stamping impracticable or it is exempted by the regulations, every inspector's standard shall be stamped as prescribed.

(2)

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(2) The impression of the stamp prescribed under subsection one of this section on a weight or measure shall be evidence that such weight or measure is an inspector's standard.

Unverified and damaged standards not to be used.

14. A standard of measurement provided and maintained pursuant to subsection one of section twelve of this Act shall not be used for the purposes of this Act and the regulations—

- (a) unless it has been verified or reverified in accordance with the Commonwealth Act and the Commonwealth regulations; or
- (b) if it has become defective through use or accident or if it has been broken or repaired, until it has been reverified in accordance with the Commonwealth Act and the Commonwealth regulations.

Amendment of Schedule B.

15. (1) The Governor may, by proclamation published in the Gazette, amend Schedule B to this Act by inserting any matter therein or by omitting any matter therefrom and the Schedule, as so amended, shall be Schedule B to this Act.

(2) The Governor may in like manner revoke or amend any proclamation made under subsection one of this section.

Falsification, etc., of standards.

16. Any person who falsifies or wilfully or maliciously damages or destroys any standard provided and maintained under subsection one of section twelve of this Act shall be guilty of an offence against this Act and liable to a penalty of one hundred pounds.

Sec. 22.

(Contracts and sales to be according to standard weights and measures.)

(g) by omitting section twenty-two;

(h)

- (h) by omitting section twenty-three and by inserting **No. 31, 1965** in lieu thereof the following section :—

Subst.  
sec. 23.

23. An article sold by weight or measure shall be sold only by reference to a Commonwealth legal unit of measurement the use of which in respect of that article is permitted by the regulations. Sales to be by Commonwealth legal units.

- (i) by omitting subsection two of section thirty and by inserting in lieu thereof the following subsections :— Sec. 30. (Verification and stamping.)

(2) Subject to subsection three of this section a weight or measure or a weighing or measuring instrument used for trade shall not be verified or reverified and stamped in pursuance of this Act unless—

- (a) it is of a pattern approved by or on behalf of the Commission under the Commonwealth regulations; or
- (b) it is of a type and design in respect of which there is in force an approval given by the superintendent—
  - (i) before the commencement of the Commonwealth regulations; or
  - (ii) after that commencement as a result of an application for approval that was pending at the date of that commencement.

(3) An instrument that has been verified and stamped pursuant to this section may be reverified and stamped notwithstanding that approval to its pattern pursuant to paragraph (a) of subsection two of this section has been withdrawn or cancelled.

- (j) (i) by omitting paragraph (c) of subsection one of section fifty-seven and by inserting in lieu thereof the following paragraphs :— Sec. 57. (Regulations.)

(c) The provision, maintenance, custody and care of standards of measurement and

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and the stamping or other identification of secondary and tertiary State standards and inspector's standards or classes of secondary and tertiary State standards and inspector's standards.

- (ci) The exemption from stamping under section thirteen of this Act of inspector's standards or classes of inspector's standards.
- (ii) by omitting from subsection two of the same section the words “, or for the purposes of paragraph (d) of subsection one, or subsection (1A), of section twenty-three of this Act,”;
- (iii) by inserting next after the same subsection the following new subsection :—
  - (3) The regulations may prohibit or restrict the use of a Commonwealth legal unit of measurement in respect of any transaction and may apply—
    - (a) to all units;
    - (b) to any specified unit;
    - (c) to any specified class of units;
    - (d) to all units other than a specified unit or a specified class of units;
    - (e) to all transactions;
    - (f) to any specified transaction;
    - (g) to any specified class of transactions;
    - (h) to all transactions other than a specified transaction or a specified class of transactions.

(k)



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(k) by omitting Schedule B and by inserting in lieu thereof the following Schedule :—

Subst.  
Sch. B.

**SCHEDULE B.**

**SECONDARY AND TERTIARY STATE STANDARDS.**

Denomination of Standard.		Degree of Accuracy.	
First Column.		Second Column.	Third Column.
Standards in the form of rigid bars (scales).		Secondary State Standard.	Tertiary State Standard.
Denominations not exceeding 1 yd but exceeding 1 ft ..		± 0·0005 in	± 0·0005 in
Denominations not exceeding 1 ft but exceeding 1 in ..		± 0·0003 in	± 0·0003 in
Denominations not exceeding 1 in .. .. .		± 0·0002 in	± 0·0002 in
Denominations not exceeding 1 m but exceeding 30 cm		± 0·012 mm	± 0·012 mm
Denominations not exceeding 30 cm but exceeding 25 mm		± 0·0075 mm	± 0·0075 mm
Denominations not exceeding 25 mm .. .. .		± 0·005 mm	± 0·005 mm
Standards in the form of flexible tapes.		Parts per hundred thousand of the nominal value.	
Denominations exceeding 33 ft.	Denominations exceeding 10 m.	± 2	± 2
Denominations not exceeding 33 ft but exceeding 10 ft.	Denominations not exceeding 10 m but exceeding 3 m.	± 5	± 5
Denominations not exceeding 10 ft.	Denominations not exceeding 3 m.	± 2	± 2

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**SCHEDULE B—continued.**

**SECONDARY AND TERTIARY STATE STANDARDS.**

Denomination of Standard.			Degree of Accuracy.	
First Column.			Second Column.	Third Column.
Systems in terms of which denominations are expressed.			Secondary State Standard.	Tertiary State Standard.
Avoirdupois.	Troy.	Grain.	Parts per million of the nominal value.	
Exceeding 14 lb ..	Exceeding 100 oz tr ..	....	± 3	± 3
Not exceeding 14 lb but not less than 2 lb.	Not exceeding 100 oz tr but not less than 20 oz tr.	....	± 3	± 6
Less than 2 lb but not less than 2 oz.	Less than 20 oz tr but not less than 2 oz tr.	Not exceeding 10,000 gr but not less than 1,000 gr.	± 3	± 10
Less than 2 oz but not less than 4 dr.	Less than 2 oz tr but not less than 0·2 oz tr.	Less than 1,000 gr but not less than 100 gr.	± 5	± 20
			Grains	
Less than 4 dr ..	Less than 0·2 oz tr but not less than 0·02 oz tr.	Less than 100 gr but not less than 10 gr.	± 0·0005	± 0·002
....	Less than 0·02 oz tr but not less than 0·002 oz tr.	Less than 10 gr but not less than 1 gr.	± 0·0003	± 0·001
....	....	Less than 1 gr but not less than 0·1 gr.	± 0·0002	± 0·0004
....	Less than 0·002 oz tr	Less than 0·1 gr	± 0·0002	± 0·0002

**SCHEDULE**

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**SCHEDULE B—continued.  
SECONDARY AND TERTIARY STATE STANDARDS.**

Denomination of Standard.	Degree of Accuracy.	
	Second Column.	Third Column.
First Column.		
Metric Denominations.	Secondary State Standard.	Tertiary State Standard.
	Parts per million of the nominal value.	
Denominations exceeding 5 kg .. .. .	± 3	± 3
Denominations not exceeding 5 kg but not less than 1 kg ..	± 3	± 6
Denominations less than 1 kg but not less than 100 g ..	± 3	±10
Denominations less than 100 g but not less than 10 g ..	± 5	±20
	Milligrammes.	
Denominations less than 10 g but not less than 1 g ..	± 0·05	± 0·2
Denominations less than 1 g but not less than 100 mg ..	± 0·03	± 0·1
Denominations less than 100 mg but not less than 10 mg ..	± 0·02	± 0·04
Denominations less than 10 mg .. .. .	± 0·02	± 0·02

**SCHEDULE**

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SCHEDULE B—continued.  
SECONDARY AND TERTIARY STATE STANDARDS.

Denomination of Standard.	Degree of Accuracy.	
	Second Column.	Third Column.
First Column.	Second Column.	Third Column.
<i>Denominations expressed in metric units.</i>	Secondary State Standard.	Tertiary State Standard.
Denominations exceeding 1,000 cc. . . . .	$\pm 1$ ten-thousandth of the nominal value.	$\pm 2.5$ ten-thousandths of the nominal value.
Denominations not exceeding 1,000 cc but exceeding 50 cc.	$\pm 1$ ten-thousandth of the nominal value.	$\pm 5$ ten-thousandths of the nominal value.
Denominations not exceeding 50 cc but exceeding 20 cc.	$\pm 0.005$ cc.	$\pm 5$ ten-thousandths of the nominal value.
Denominations not exceeding 20 cc . . . . .	$\pm 0.005$ cc.	$\pm 0.01$ cc.
<i>Denominations expressed in gallons, quarts, pints or gills.</i>		
Denominations exceeding 1 qt . . . . .	$\pm 1$ ten-thousandth of the nominal value.	$\pm 2.5$ ten-thousandths of the nominal value.
Denominations not exceeding 1 qt but exceeding 2 fl oz.	$\pm 1$ ten-thousandth of the nominal value.	$\pm 5$ ten-thousandths of the nominal value.
Denominations not exceeding 2 fl oz but exceeding 2 fl dr.	$\pm 0.1$ min.	$\pm 1$ thousandth of the nominal value.
Denominations not exceeding 2 fl dr . . . . .	$\pm 0.1$ min.	$\pm 0.15$ min.

SCHEDULE

SCHEDULE B—continued.  
SECONDARY AND TERTIARY STATE STANDARDS.

Denomination of Standard.	Degree of Accuracy.	
	Second Column.	Third Column.
First Column.	Secondary State Standard.	Tertiary State Standard.
Metric Carat Denominations.		
	Parts per million of the nominal value.	
Denominations less than 5,000 CM but not less than 500 CM .. .. .	± 3	..
Denominations less than 500 CM but not less than 50 CM .. .. .	± 5	..
	Milligrammes.	
Denominations less than 50 CM but not less than 5 CM .. .. .	± 0.05 (± 0.00025 CM)	..
Denominations less than 5 CM but not less than 0.5 CM .. .. .	± 0.02 (± 0.0001 CM)	..
Denominations less than 0.5 CM but not less than 0.05 CM .. .. .	± 0.01 (± 0.00005 CM)	..

(I) by omitting Schedule C.

Sch. C.

LAW