

the *Primary Produce Export Organization Act 1935*, shall each be liable to pay to the appropriate Board, as defined by the next succeeding sub-section, all moneys paid to the organization as such a prescribed organization which have not been expended by the organization in pursuance of that Act before the commencement of this Act.

(2.) The appropriate Board shall, for the purposes of this section be—

(a) in relation to the Egg Producers' Council—the Australian Egg Board constituted under the *Egg Export Control Act 1947*; and

(b) in relation to the Australian Apple and Pear Export Council—the Australian Apple and Pear Board constituted under the *Apple and Pear Organization Act 1938–1947*.

(3.) A Board shall pay all moneys received by it in pursuance of this section into an account maintained by the Board with the Commonwealth Bank of Australia in pursuance of the Act constituting the Board, and all moneys so paid shall form part of the export fund established by that Act.

(4.) All liabilities of an organization referred to in this section incurred in the course of the performance of its functions as a prescribed organization, and outstanding at the date of commencement of this Act, shall, upon that date, become liabilities of the appropriate Board and may be discharged by payment out of the appropriate export fund.

Sec. 3.

## THE SCHEDULE.

### ACTS REPEALED.

*Primary Produce Export Organization Act 1935.*

*Primary Produce Export Charges Act 1935.*

*Primary Produce Export Charges Act 1937.*

*Primary Produce Export Charges Act 1938.*

## WEIGHTS AND MEASURES (NATIONAL STANDARDS).

### No. 29 of 1948.

### An Act relating to Weights and Measures.

[Assented to 24th June, 1948.]

[Date of commencement, 22nd July, 1948.]

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

Citation.

1. This Act may be cited as the *Weights and Measures (National Standards) Act 1948*.

2. In this Act, unless the contrary intention appears—

Definitions.

“Australia” includes the Territories of the Commonwealth ;

“Commonwealth legal unit of measurement” means a unit of measurement prescribed in pursuance of section five of this Act ;

“Commonwealth standard of measurement” means a standard of measurement maintained by the Council in pursuance of section six of this Act ;

“Territory” means a Territory under the authority of the Commonwealth ;

“the Commission” means the National Standards Commission constituted under this Act ;

“the Council” means the Commonwealth Council for Scientific and Industrial Research constituted under the *Science and Industry Research Act 1920-1945*.

3. Nothing in this Act shall affect the operation of any provisions of the law of a State or Territory relating to improper practices in connexion with weights and measures.

Certain laws not affected.

4. The application of this Act shall extend to all the Territories of the Commonwealth.

Application of Act to Territories.

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

Units of measurement

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

6.—(1.) To provide means by which measurements may be made in terms of the Commonwealth legal units of measurement of any physical quantity, the Council shall maintain one or more prescribed standards of measurement of that physical quantity.

Standards of measurement.

(2.) Any measurement of a physical quantity made by the Council by means of, by reference to, by comparison with or by derivation from any such standard of measurement and expressed in terms of a Commonwealth legal unit of measurement shall, for all legal purposes, be deemed to be a measurement in terms of that Commonwealth legal unit of measurement.

7.—(1.) The Council may maintain one or more prescribed working standards of measurement in respect of any physical quantity for which there is a Commonwealth standard of measurement.

Working standards of measurement.

(2.) Every such working standard shall be verified and reverified, as prescribed, and at the prescribed intervals of time, by means of, by reference to, by comparison with or by derivation from the appropriate Commonwealth standard of measurement.

(3.) Any standard of measurement referred to in the law of any 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 concerned, and with

the approval of the Commission, be verified and reverified, as prescribed, and at the prescribed intervals of time, by means of, by reference to, by comparison with or by derivation from the appropriate Commonwealth standard of measurement.

(4.) Every such standard of measurement shall, subject to verification and reverification as provided by the last preceding sub-section, be deemed to be a working standard of measurement maintained by the Council.

Measurements to be ascertained in accordance with standards

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

- (a) the appropriate Commonwealth standard of measurement of that physical quantity ;
- (b) a working standard of measurement of that physical quantity maintained, or deemed to be maintained, by the Council ; or
- (c) a standard of measurement of that physical quantity, which has been verified and reverified, as prescribed, and at the prescribed intervals of time, by means of, by reference to, by comparison with or by derivation from—
  - (i) the appropriate Commonwealth standard of measurement ; or
  - (ii) an appropriate working standard of measurement maintained, or deemed to be maintained, by the Council,

and not in any other manner.

Conversion factors.

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

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

10.—(1.) On or after the date from which the Commonwealth legal units of measurement of any physical quantity are the sole legal units of measurement of that physical quantity—

- (a) every contract, dealing or other transaction made or entered into for any work, goods or other thing which is to be done, sold, carried or agreed for by measurement of that physical quantity shall be made or entered into in terms of the corresponding Commonwealth legal unit of measurement of that physical quantity, or in terms of some multiple or part of that unit, and if not so entered into shall be void ; and

(b) all taxes, duties, charges and tolls charged or collected, under or in pursuance of any law of the Commonwealth or of a State or Territory, according to measurement of that physical quantity shall be charged or collected in terms of the corresponding Commonwealth legal unit of measurement of that physical quantity or in terms of some multiple or part of that unit.

(2.) This section shall not apply 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.

**11.**—(1.) The regulations may provide that a prescribed Commonwealth legal unit of measurement of a physical quantity shall be used only for the purpose of a prescribed transaction, or for the purpose of the transactions included in a prescribed class of transactions, and any other transaction for the purpose of which that Commonwealth legal unit of measurement is used shall be void.

Use of particular units of measurement for particular transactions.

(2.) The regulations may provide that a prescribed transaction, or the transactions included in a prescribed class of transactions, shall be made or entered into in terms of a prescribed Commonwealth legal unit of measurement and any such transaction made or entered into otherwise than in terms of that Commonwealth legal unit of measurement shall be void.

**12.** Every means of measurement which is required by any 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 the appropriate Commonwealth legal unit of measurement, or in terms of some multiple or part of that unit.

Verification of means of measurement.

**13.**—(1.) There shall be a National Standards Commission, the functions of which shall be to advise the Minister with respect to weights and measures.

National Standards Commission.

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

(3.) Of the members of the Commission—

- (a) three shall be nominated by the Council; and
- (b) one shall be nominated, on account of his scientific knowledge, by the other four members of the Commission.

**14.** 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.

Regulations