**WEIGHTS AND MEASURES (NATIONAL STANDARDS) AMENDMENT ACT 1978**

**No. 158 of 1978**

An Act to amend the *Weights and Measures (National Standards) Act* 1960.

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

**Short title, &c.**

**1.** (1) This Act may be cited as the *Weights and Measures (National Standards) Amendment Act* 1978.

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

**Commencement**

**2.** (1) Sections 1, 2, 10, 11 and 13 shall come into operation on the day on which this Act receives the Royal Assent.

(2) The remaining provisions of this Act shall come into operation on a date to be fixed by Proclamation.

**Insertion of heading—Part I**

**3.** Before section 1 of the Principal Act the following heading is inserted:

“PART I—PRELIMINARY”.

**Insertion of heading—Part II**

**4.** After section 6 of the Principal Act the following heading is inserted:

“PART II—UNITS AND STANDARDS OF MEASUREMENT”.

**Insertion of heading— Part III**

**5.** After section 15 of the Principal Act the following heading is inserted:

“PART III—NATIONAL STANDARDS COMMISSION”.

**National Standards Commission**

**6.** Section 16 of the Principal Act is amended by omitting sub-section (4).

**7.** Section 17 of the Principal Act is repealed and the following section substituted:

**Membership of the Commission**

“17. (1) The Commission shall consist of a Chairman and 4 other members.

“(2) The members shall be appointed by the Governor-General and shall be so appointed as part-time members.

“(3) At least 3 of the members shall be persons having scientific or technical knowledge.

“(4) For the purpose of making recommendations to the Governor-General for the appointment of persons as members in accordance with sub-section (3), the Minister shall have regard to any advice with respect to the scientific or technical knowledge of those persons given to him by the Organization.

“(5) Subject to this Act, a member holds office for such period, not exceeding 5 years, as is specified in the instrument of his appointment and on such terms and conditions as the Governor-General determines but is eligible for re-appointment.

“(6) The exercise or performance of a power or function by the Commission is not affected by reason only of there being a vacancy in the office of a member.”.

**8.** After section 18 of the Principal Act the following sections and heading are inserted:

**Remuneration and allowances of members**

“18aa. (1) A member shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed.

“(2) A member shall be paid such allowances as are prescribed.

“(3) This section has effect subject to the *Remuneration Tribunals Act* 1973.

**Resignation of member**

“18ab. A member may resign his office by writing signed by him delivered to the Governor-General.

**Termination of appointment of members**

“18ac. (1) The Governor-General may terminate the appointment of a member by reason of misbehaviour or physical or mental incapacity.

“(2) If a member—

(a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;

(b) is absent, except on leave granted by the Commission, from 3 consecutive meetings of the Commission; or

(c) fails to comply with his obligations under section 18ad,

the Governor-General shall terminate his appointment.

**Disclosure of interests by member**

“18ad. (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission, 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, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Commission.

“(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Commission and the member shall not be present during any deliberation of the Commission with respect to that matter.

**Meetings**

“18ae. (1) The Commission shall hold such meetings as are necessary for the performance of its functions.

“(2) The Chairman may, at any time, convene a meeting of the Commission, and shall do so if so directed by the Minister.

“(3) At a meeting 3 members constitute a quorum.

“(4) The Chairman shall preside at all meetings of the Commission at which he is present.

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

“(6) A question arising at a meeting shall be decided by a majority of the votes of members present and voting.

“(7) At a meeting, the Chairman or other member presiding has a deliberative vote and, in the event of votes being equal, also has a casting vote.

**Delegation by Commission**

“18af. (1) The Commission may, either generally or as otherwise provided by the instrument of delegation, by writing under its common seal, delegate to an officer of the Commission any of its powers under this Act, other than this power of delegation.

“(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Commission.

“(3) A delegation under this section does not prevent the exercise of a power by the Commission.

“PART IV—STAFF”.

**9.** After section 18a of the Principal Act the following Part and heading are inserted:

“PART V—FINANCE

**Moneys payable to Commission**

“18b. (1) There are payable to the Commission such moneys as are appropriated by the Parliament for the purposes of this Act.

“(2) The Minister for Finance may give directions as to the amounts in which, and the times at which, moneys referred to in sub-section (1) are to be paid to the Commission.

**Bank accounts**

“18c. (1) The Commission may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least one such account.

“(2) The Commission shall pay all moneys received by it into an account referred to in this section.

“(3) In this section, ‘approved bank’ means the Reserve Bank of Australia or another bank for the time being approved by the Treasurer.

**Application of moneys**

“18d. The moneys of the Commission shall be applied only—

(a) in payment or discharge of the costs, expenses and other obligations of the Commission under this Act; and

(b) in payment of remuneration and allowances payable to any person under this Act.

**Estimates of receipts and expenditure**

“18e. (1) The Commission shall prepare estimates, in such form as the Minister directs, of its receipts and expenditure for each financial year and, if the Minister so directs, for any other period specified by the Minister, and the Commission shall submit estimates so prepared to the Minister not later than such date as the Minister directs.

“(2) The moneys of the Commission shall not be expended otherwise than in accordance with estimates of expenditure approved by the Minister.

**Contracts**

“18f. The Commission shall not, except with the approval of the Minister, enter into a contract involving the payment or receipt by the Commission of an amount exceeding $50,000 or, if a higher amount is prescribed, that higher amount.

**Proper accounts to be kept**

“18g. The Commission shall cause to be kept proper accounts and records of the transactions and affairs of the Commission and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Commission and over the incurring of liabilities by the Commission.

**Audit**

“18h. (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Commission and records relating to assets of, or in the custody of, the Commission, and shall forthwith draw the attention of the Minister to any irregularity disclosed by the inspection and audit that is, in the opinion of the Auditor-General, of sufficient importance to justify his so doing.

“(2) The Auditor-General may, in his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in sub-section (1).

“(3) The Auditor-General shall, at least once in each year, report to the Minister the results of the inspection and audit carried out under sub-section (1).

“(4) The Auditor-General or a person authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Commission relating directly or indirectly to the receipt or payment of moneys by the Commission or to the acquisition, receipt, custody or disposal of assets by the Commission.

“(5) The Auditor-General or a person authorized by him may make copies of, or take extracts from, any such accounts, records, documents or papers.

“(6) The Auditor-General or a person authorized by him may require any person to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorized person considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

“(7) A person who contravenes sub-section (6) is guilty of an offence punishable, upon conviction, by a fine not exceeding $200.

“PART VI—MISCELLANEOUS”.

**10.** After section 19a of the Principal Act the following section is inserted:

**Liability to taxation**

“19aa. The Commission is not subject to taxation under any law of the Commonwealth or of a State or Territory.”.

**Offences**

**11.** Section 19b of the Principal Act is amended by omitting “Two hundred dollars” and substituting “$2,000”.

**12.** After section 19b of the Principal Act the following section is inserted:

**Annual report of Commission**

“19c. (1) The Commission shall, as soon as practicable after each 30 June, prepare and furnish to the Minister, for presentation to the Parliament, a report of the operations of the Commission during the year ended on that date, together with financial statements in respect of that year in such form as the Minister for Finance approves.

“(2) Before furnishing financial statements to the Minister, the Commission shall submit them to the Auditor-General, who shall report to the Minister—

(a) whether the statements are based on proper accounts and records;

(b) whether the statements are in agreement with the accounts and records;

(c) whether the receipt and expenditure of moneys, and the acquisition and disposal of assets, by the Commission during the year have been in accordance with this Act; and

(d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

“(3) The Minister shall cause a copy of the report and financial statements of the Commission, together with a copy of the report of the Auditor-General, to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the Minister.”.

**Formal amendments**

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

SCHEDULESection 13

FORMAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting any number expressed in words that is used, whether with or without the addition of a letter, to identify a section of that Act, and substituting that number expressed in figures:

Sections 3(1) (definitions of “Commonwealth standard of measurement”, “subsidiary standard of measurement” and “working standard of measurement”), 13 and 19.

2. The following provisions of the Principal Act are amended by omitting “of this Act” and “of this section” (wherever occurring):

Sections 3(1) (definitions of “Commonwealth standard of measurement”, “subsidiary standard of measurement” and “working standard of measurement”), 8(3), 10, 13 and 19.