



STATUTORY RULES

1965 No. 147

REGULATIONS UNDER THE WEIGHTS AND MEASURES (NATIONAL STANDARDS) ACT 1960-1964.*

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Weights and Measures (National Standards) Act 1960-1964*.

Dated this

fifteenth

day of

October, 1965

CASEY

Governor-General

By His Excellency's Command,

J. G. Sutton.

Minister of State for Works, for and on
behalf of the Prime Minister

WEIGHTS AND MEASURES (PATTERNS OF INSTRUMENTS) REGULATIONS

1. These Regulations may be cited as the *Weights and Measures Citation. (Patterns of Instruments) Regulations*.

2. These Regulations shall come into operation on the first day of January, 1966. Commencement.

3. In these Regulations, "the Act" means the *Weights and Measures (National Standards) Act 1960-1964*. Definition.

4.—(1) The Commission may appoint a department of State of the Commonwealth, a body corporate established by an Act or any other person— Commission may appoint Departments or other persons to carry out certain functions.

- (a) to carry out examinations;
- (b) to give approvals; and
- (c) to issue certificates,

under these Regulations on its behalf.

(2.) Where the Commission has made an appointment under the last preceding sub-regulation, the department of State, body corporate or other person, as the case may be, may exercise the powers and functions of the Commission under these Regulations.

5.—(1) The Commission may examine patterns of instruments intended for use for trade. Commission may examine patterns.

(2.) An application for the examination of a pattern of an instrument under the last preceding sub-regulation shall be accompanied by—

- (a) detailed drawings and specifications in respect of the instrument; and

* Notified in the *Commonwealth Gazette* on *21 October*, 1965

- (b) if the Commission so requires, a sample of the whole or part of the instrument described in the pattern in respect of which examination is sought.

6.—(1.) The Commission may, after examination, grant its approval in writing that the pattern of an instrument is suitable for use for trade. Approval.

(2.) An approval granted under the last preceding sub-regulation may be unconditional or subject to such conditions as are specified in the written approval.

7. Where the Commission has been requested to examine or approve a pattern of an instrument and— Commission to give reasons for refusal to approve.

- (a) has refused to do so; or
- (b) has not granted approval within three months after the date on which an application that complies with these Regulations was made,

the Commission shall, if the applicant asks it in writing to do so, inform the applicant of the reasons for the refusal or for the failure to grant approval.

8. The Commission may refuse to examine a pattern of an instrument if, in the opinion of the Commission, the examination would involve a risk of damage to persons or property. Commission may refuse to conduct examinations.

9.—(1.) Where an approval has been granted by the Commission, a department of State of the Commonwealth, a body corporate or other person, under regulation 6 of these Regulations, the Commission, the department of State, body corporate or other person, as the case may be, shall issue or cause to be issued, a certificate under this regulation in respect of the approval to the person who requested the examination and to such other persons as it thinks fit. Certificates of approval.

(2.) A certificate issued under the last preceding sub-regulation shall be signed—

- (a) in the case of an approval granted by the Commission—by a person authorized in writing by the Commission to sign certificates under this regulation;
- (b) in the case of an approval granted by a department of State of the Commonwealth—by a person authorized in writing by the permanent head of the department to sign certificates under this regulation;
- (c) in the case of an approval granted by a body corporate established by an Act—by a person authorized in writing by the body corporate to sign certificates under this regulation; or
- (d) in any other case—by the person who granted the approval.

(3.) There shall be specified in a certificate issued under sub-regulation (1.) of this Regulation—

- (a) a description of the pattern of the instrument to which it relates;
- (b) the number of the certificate;
- (c) the date on which it was issued;
- (d) the conditions (if any) subject to which the approval was granted; and
- (e) that the pattern of the instrument has been approved under these Regulations as suitable for use for trade.

(4.) A certificate issued under this regulation is evidence of the facts stated in it.

(5.) A document purporting to be such a certificate—

- (a) shall, unless the contrary is proved, be deemed to be a certificate signed by a person authorized in accordance with sub-regulation (2.) of this regulation to sign it; and
- (b) may be received in evidence in any court (whether exercising federal jurisdiction or not) or in proceedings before a person authorized by a law of the Commonwealth or of a State or Territory or by consent of parties to hear, receive and examine evidence.

10. Where—

- (a) a pattern of an instrument has been approved under these Regulations; and
- (b) the officer responsible for the administration of weights and measures legislation of a State or Territory furnishes to the Commission information to the effect that instruments constructed in accordance with the pattern have been found in use for trade to be unsuitable for that purpose,

Re-examination
of approved
patterns.

the Commission shall, at the request of that officer, re-examine the pattern in the light of the information that has been furnished.

11. The provisions of these Regulations do not apply to the exclusion of a law of a State or Territory in so far as such a law applies to the approval of patterns of instruments, application for which had been made under such a law before the date on which these Regulations came into operation but had not been granted or refused immediately before that date, and such an application may be continued and completed as if these Regulations had not been made. Transitional.