



National Measurement Amendment Regulations 2010 (No. 1)¹

Select Legislative Instrument 2010 No. 179

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *National Measurement Act 1960*.

Dated 29 June 2010

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

KIM CARR
Minister for Innovation, Industry, Science and Research

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1 Name of Regulations

These Regulations are the *National Measurement Amendment Regulations 2010 (No. 1)*.

2 Commencement

These Regulations commence as follows:

- (a) on 1 July 2010 — regulations 1 to 3 and 5 and Schedule 1;
- (b) on the commencement of Schedule 1 to the *National Measurement Amendment Act 2010* — regulation 4 and Schedule 2.

3 Amendment of *National Measurement Regulations 1999*

Schedule 1 amends the *National Measurement Regulations 1999*.

4 Amendment of *National Measurement Regulations 1999*

Schedule 2 amends the *National Measurement Regulations 1999*.

5 Transitional

Despite the repeal by these Regulations of paragraph (b) of the definition of *certification* in regulation 3 of the *National Measurement Regulations 1999*, that paragraph continues to have effect in relation to an application for certification of a measuring instrument in use for trade made before the commencement of these Regulations.

Schedule 1 Amendments commencing on 1 July 2010

(regulation 3)

- [1] **Regulation 3, after definition of *approving authority***
insert
artefact means a physical object that is not a standard of measurement.
- [2] **Regulation 3, definition of *certificate of verification***
omit
 regulation 13
insert
 regulation 13 or 34C
- [3] **Regulation 3, definition of *certification***
substitute
certification means:
(a) for a measuring instrument — certification of the instrument under regulation 37; and
(b) for a reference material — certification of the material under regulation 48.
- [4] **Regulation 3, definition of *certified reference material***
omit
- [5] **Regulation 3, definition of *maximum permissible error*, paragraph (b)**
substitute
(b) otherwise — is mentioned in Schedule 1 of the *National Trade Measurement Regulations 2009* or Schedule 12 to these Regulations, for a material measure or measuring instrument of that kind.

[6] Regulation 3, definition of *verification*

substitute

verification means:

- (a) for a standard of measurement — verification of the standard under regulation 13; or
- (b) for an artefact — verification of a physical quantity of an artefact under regulation 34C.

[7] Regulation 3, definition of *verifying authority*

substitute

verifying authority means:

- (a) for standards of measurement and artefacts — the Chief Metrologist; or
- (b) for a particular reference standard of measurement — a body or person appointed under regulation 73 in relation to reference standards of measurement of the same kind as the particular reference standard of measurement; or
- (c) for a particular artefact — a body or person appointed under regulation 73 in relation to an artefact of the same kind as the particular artefact.

[8] Subregulation 13 (5)

omit

[9] Regulation 14, heading

substitute

14 Decision not to verify, or delay in verifying, standard of measurement

[10] After Part 3*insert***Part 3A Artefacts****Division 1 General****34A Verification relating to artefacts**

- (1) A verifying authority may verify a physical quantity of an artefact by making a measurement of the physical quantity.
- (2) Verification of the physical quantity of the artefact must be conducted in an appropriate way, having regard to the nature of the artefact.

Division 2 Verification of artefacts**34B Application for verification of physical quantity of an artefact**

- (1) Application may be made for verification of a physical quantity of an artefact.
- (2) The application must be:
 - (a) made in the form provided by the Chief Metrologist to verifying authorities for issue to applicants; and
 - (b) accompanied by the artefact; and
 - (c) given to a relevant verifying authority.
- (3) The verifying authority may, by written notice, require the applicant to lodge with the authority any additional information the authority needs to consider the application properly.
- (4) The verifying authority may refuse to proceed with the application until the applicant complies with the notice.

34C Verification of physical quantity of artefacts

- (1) On application under regulation 34B, the verifying authority:
 - (a) may verify a physical quantity of the artefact; and
 - (b) if the physical quantity of the artefact is verified:
 - (i) must issue a certificate of verification to the applicant; and
 - (ii) may issue a copy of the certificate to anyone else the authority considers should be given a copy.
- (2) The certificate of verification of a physical quantity of an artefact must state:
 - (a) the name and address of the verifying authority; and
 - (b) the date of the verification; and
 - (c) the result of the verification ascertained on the day of verification; and
 - (d) the accuracy with which the physical quantity of the artefact is verified; and
 - (e) the value (stating the uncertainty) of any relevant environmental or other influence factors, such as temperature or pressure, at the time of the verification; and
 - (f) a description of:
 - (i) any mark on, or attached to, the artefact; or
 - (ii) a sealed container attached to the artefact.
- (3) For paragraph (2) (d), the accuracy of a verification of a physical quantity of an artefact is to be ascertained and expressed in a manner determined in writing by the Chief Metrologist.
- (4) The verifying authority must not verify a physical quantity of an artefact unless the artefact bears an identifying mark.

34D Decision not to verify, or delay in verifying, physical quantity of artefact

- (1) If the verifying authority decides not to verify a physical quantity of an artefact, the authority must give written notice of the reason to the applicant as soon as practicable.

- (2) If the authority has not granted an application, or given notice to the applicant under subregulation (1), within 3 months after receiving the application, the authority must, at the request of the applicant, given written notice to the applicant of the reasons for the delay.

34E Marking of artefacts

- (1) Before verifying a physical quantity of an artefact, the verifying authority must satisfy itself as to whether the artefact bears an identifying mark.
- (2) If the artefact does not bear an identifying mark, the verifying authority must mark the artefact with an identifying mark.
- (3) If:
- (a) the artefact does not bear an identifying mark; and
 - (b) it is impracticable to mark the artefact with an identifying mark because of the nature, shape or size of the artefact;
- the verifying authority must enclose an identifying mark in a sealed container and attach the sealed container to the artefact.

[11] Regulation 38, heading

substitute

38 Decision not to certify, or delay in certifying, measuring instruments

[12] Regulation 50, heading

substitute

50 Decision not to certify, or delay in certifying, reference material

[13] Regulation 62, heading*substitute***62 Decision not to approve, or delay in approving, patterns of measuring instrument****[14] Paragraph 73 (1) (a)***substitute*

- (a) in the opinion of the Chief Metrologist, is capable, or has direct control of staff who are capable, of:
- (i) verifying a standard of measurement; or
 - (ii) verifying a physical quantity of an artefact; or
 - (iii) certifying a reference material; or
 - (iv) certifying a measuring instrument; to which the application relates; or

[15] Paragraphs 74 (1) (a) to (c)*after*

measurement

insert

and physical quantities of artefacts (if any)

[16] Subregulation 74 (2)*after*

measurement

insert

or physical quantity of an artefact

[17] Subregulation 85 (1), table, after item 2*insert*

2A	subregulation 34B (4)	not to verify an artefact until the applicant complies with a notice
2B	subregulation 34C (1)	not to verify an artefact

[18] Regulation 87

omit

Part VA

insert

Part IV

[19] Subparagraph 87 (d) (ii)

omit

Division 1 of Part 4 of Schedule 12.

insert

Schedule 1 to the *National Trade Measurement Regulations 2009*.

[20] Regulation 89

omit

[21] Regulation 90A

omit

[22] Schedule 12

substitute

**Schedule 12 Maximum permissible error —
legal measuring instruments**

(regulation 3, definition of *maximum permissible error*)

When comparing the error of an evidential breath analyser with the corresponding maximum permissible error, the maximum permissible error must be rounded to the value of the verification scale interval. The error of a reading indicated by an evidential breath analyser may be greater than the maximum permissible error by one least significant digit.

Table 1 Evidential breath analysers

Item	Mass concentration	Maximum permissible error for certification	Maximum permissible error for recertification
1	Not more than 0.08 g/210 litres	± 0.004 g/210 litres	± 0.006 g/210 litres
2	More than 0.08 g/210 litres but not more than 0.4 g/210 litres inclusive	$\pm 5\%$ of measured concentration	$\pm 8\%$ of measured concentration
3	More than 0.4 g/210 litres	$\pm 20\%$ of measured concentration	$\pm 30\%$ of measured concentration

[23] Schedule 13*substitute***Schedule 13 Fees**

(regulation 90B)

Part 1 Examination and certification of volume measuring instruments**Table 1 Examination and certification of volume measuring instruments**

Item	Activity code	Activity	Level 1 fee (\$)	Level 2 fee (\$)	Level 3 fee (\$)
1	AP	Application processing	291	291	291
2	AA	Application assessment	198/hour	198/hour	198/hour
3	IP	Instrument performance	198/hour	198/hour	198/hour
4	TT	Temperature test	1 182	1 955	2 091
5	HU	Humidity test	1 364	1 455	1 591
6	VT	Voltage test	591	800	891
7	LB	Line-borne interference test	1 455	1 455	1 455
8	SD	Static discharge test	891	1 727	1 864
9	EMS	Electromagnetic susceptibility test	3 109	3 455	3 745

Item	Activity code	Activity	Level 1 fee (\$)	Level 2 fee (\$)	Level 3 fee (\$)
10	ESS	Endurance	582	1 182	1 455
11	EXT	Extra or miscellaneous test	191	564	800
12	CHK	Checklist	198/hour	198/hour	198/hour
13	SR	Summary report	198/hour	198/hour	198/hour
14	CP	Certificate preparation	198/hour	198/hour	198/hour
15	HRS	Consultations, performance and other tests	198/hour	198/hour	198/hour

Note Table 1 sets out three levels of fees that apply to the instruments described, respectively, by subparagraphs 90B (2) (a) (i), (3) (a) (i) and (4) (a) (i).

Part 2 Examination and certification of weighing and dimensional measuring instruments

Table 2 Examination and certification of weighing and dimensional measuring instruments

Item	Activity code	Activity	Level 1 fee (\$)	Level 2 fee (\$)	Level 3 fee (\$)
1	AP	Application processing	291	291	291
2	AA	Application assessment	198/hour	198/hour	198/hour
3	IP	Instrument performance	198/hour	198/hour	198/hour
4	TT	Temperature test	1 727	2 273	2 364
5	HU	Humidity test	936	1 127	1 500
6	VT	Voltage test	709	818	891
7	LB	Line-borne interference test	655	755	936
8	SD	Static discharge test	655	755	845
9	EMS	Electromagnetic susceptibility test	3 318	3 745	4 218
10	ESS	Endurance	727	936	1 173
11	EXT	Extra or miscellaneous test	273	591	727
12	CHK	Checklist	198/hour	198/hour	198/hour

Item	Activity code	Activity	Level 1 fee (\$)	Level 2 fee (\$)	Level 3 fee (\$)
13	SR	Summary report	198/hour	198/hour	198/hour
14	CP	Certificate preparation	198/hour	198/hour	198/hour
15	HRS	Consultations, performance and other tests	198/hour	198/hour	198/hour

Note Table 2 sets out three levels of fees that apply to the instruments described, respectively, by subparagraphs 90B (2) (a) (ii), (3) (a) (ii) and (4) (a) (ii).

Part 3 Examination and certification of patterns of measuring instruments (including under mutual recognition agreements)

Table 3 Examination and certification of patterns of measuring instruments

Item	Activity code	Activity	Level 1 fee (\$)	Level 2 fee (\$)	Level 3 fee (\$)
1	AP	Application processing	291	291	291
2	AA	Application assessment	198/hour	198/hour	198/hour
3	SR	Summary report	198/hour	198/hour	198/hour
4	EXT	Extra or miscellaneous test	455	545	727
5	CP	Certificate preparation	198/hour	198/hour	198/hour
6	HRS	Consultations, performance and other tests	198/hour	198/hour	198/hour

Note Table 3 sets out three levels of fees that apply to the instruments described, respectively, by:

- (a) paragraph 90B (2) (b) — the level 1 fee; and
- (b) paragraph 90B (3) (b) — the level 2 fee; and
- (c) paragraphs 90B (4) (b) and (c) and subregulation 90B (5) — the level 3 fee.

Part 4 Examination and certification of evidential breath analysers

Table 4 Examination and certification of evidential breath analysers

Item	Activity code	Activity	Fee (\$)
1	AP	Application processing	291
2	AA	Application assessment	198/hour
3	IP	Instrument performance	198/hour
4	TT	Temperature test	473
5	HU	Humidity test	473
6	VT	Voltage test	982
7	LB	Line-borne interference test	2 273
8	SD	Static discharge test	1 964
9	EMS	Electromagnetic susceptibility test	21 500
10	MS	Mechanical shock	3rd party provider cost + 198/hour
11	ME	Magnetic effect	3rd party provider cost + 198/hour
12	HC	Hydrocarbons	3rd party provider cost + 198/hour
13	SF	Supply frequency	3rd party provider cost + 198/hour
14	HTS	High temperature storage	291
15	DHC	Damp heat cyclic	291
16	DCP	DC power supply	3rd party provider cost + 198/hour
17	DCR	Ripple on DC	3rd party provider cost + 198 per hour
18	VIB	Vibration	3rd party provider cost + 198/hour
19	DB	Durability	3rd party provider cost + 198/hour

Item	Activity code	Activity	Fee (\$)
20	EXT	Extra or miscellaneous test	727
21	CHK	Checklist	198/hour
22	SR	Summary report	198/hour
23	CP	Certificate preparation	198/hour
24	HRS	Consultations, performance and other tests	198/hour

Part 5 Examination and certification of grain protein measuring instruments

Table 5 Examination and certification of grain protein measuring instruments

Item	Activity code	Activity	Fee (\$)
1	AP	Application processing	291
2	AA	Application assessment	198/hour
3	IP	Instrument performance	198/hour
4	TT	Temperature test	4 118
5	HU	Humidity test	1 409
6	VT	Voltage test	755
7	LB	Line-borne interference test	709
8	SD	Static discharge test	709
9	EMS	Electromagnetic susceptibility test	3 364
10	EXT	Extra or miscellaneous test	727
11	CHK	Checklist	198/hour
12	SR	Summary report	198/hour
13	CP	Certificate preparation	198/hour
14	HRS	Consultations, performance and other tests	198/hour

Part 6 Examination and certification of utility meters

Table 6 Examination and certification of utility meters

Item	Activity code	Activity	Fee (\$)
1	AP	Application processing	291
2	AA	Application assessment	198/hour
3	SR	Summary report	198/hour
4	CP	Certificate preparation	198/hour
5	HRS	Consultations, performance and other tests	198/hour

Part 7 Verification of utility meters used for trade

Table 7 Verification of utility meters used for trade

Item	Activity code	Activity	Fee (\$)
1	VUM	Verification of utility meters	1 000

Part 8 Additional fees for use of equipment in examination of instruments

Table 8 Additional fees for use of equipment in examination of instruments

Item	Activity code	Equipment used	Fee per hour (\$)
1	LARLOA	Large load cell facility (capacity 600 kg to 50 000 kg)	100
2	SMALOA	Small load cell facility (capacity 50 kg to 500 kg)	82
3	LIQHYD	Liquid hydrocarbons test facility	182
4	LPG	Liquified petroleum gas test facility	182
5	CNG	Compressed natural gas test facility	182
6	TEMP	Temperature controlled chamber	82

Item	Activity code	Equipment used	Fee per hour (\$)
7	HUM	Humidity test chamber	100
8	REL	Reliability testing equipment	82
9	LINBOR	Line-borne interference test equipment	82
10	EMS	Electromagnetic susceptibility testing chamber	236
11	ESD	Electrostatic discharge test equipment	82
12	HRS	Labour for operation of test facilities	198

Schedule 2 Amendments commencing on commencement of Schedule 1 to *National Measurement Amendment Act 2010*

(regulation 4)

[1] Regulation 3, after definition of *artefact*

insert

Australian certified reference material means a reference material certified under regulation 48.

[2] Further amendments — Australian certified reference material

The following provisions are amended by inserting 'Australian' before 'certified reference material':

- paragraph 47 (1) (c)
- subregulation 48 (7)
- paragraphs 51 (3) (a) and (b)
- subregulations 53 (1) and (2).

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.