

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2012 No. 84**

Issued by the Authority of the Minister for Industry and Innovation

*National Measurement Act 1960*

*National Measurement Amendment Regulation 2012 (No. 1)*

The principal objectives of the *National Measurement Act 1960* (the Act) are to:

- establish a national system of units and standards of measurement of physical quantities;
- provide for the uniform use of those units and standards of measurement throughout Australia;
- co-ordinate the operation of the national system of measurement;
- provide for a system of verification of utility meters used for trade; and
- provide the legal framework for a national system of trade measurement.

Section 20 of the Act provides, in part, that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The *National Measurement Regulations 1999* (the Principal Regulations) were made to support the establishment of the Commonwealth measurement system.

The Regulation revises the prescribed fees for the examination and testing of measuring instruments for use for legal purposes including trade to reflect the increased cost of providing these services and makes a minor editorial correction to the Principal Regulations.

Details of the Regulation are set out in the Attachment.

The Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

In accordance with section 17 of the *Legislative Instruments Act 2003*, consultation was undertaken with a number of relevant stakeholders in respect of the Regulation. In particular, the Weighing Industry Association of Australia and the Petroleum Industry Contractors Association were consulted in relation to the increases to fees.

We have also consulted with the Office of Best Practice Regulation and they have advised that a Regulation Impact Statement was not required.

## Statement of Compatibility with Human Rights

The *Human Rights (Parliamentary Scrutiny) Act 2011* requires the preparation of a Statement of Compatibility for disallowable legislative instruments.

This legislative instrument (the *National Measurement Amendment Regulation 2012*) is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

This legislative instrument does not engage any of the applicable rights or freedoms and is compatible with human rights as it does not raise any human rights issues.

The amendments to the Principal Regulations in Schedule 1 commence on 1 July 2012.

**Details of the *National Measurement Amendment Regulation 2012 (No. 1)***

**Section 1 – Name of Regulation**

This section specifies the name of the Regulation as the *National Measurement Amendment Regulation 2012 (No. 1)*.

**Section 2 - Commencement**

This section provides that sections 1 to 3 and Schedule 1 commence on 1 July 2012.

**Section 3 – Amendment of *National Measurement Regulations 1999***

This section provides that Schedule 1 amends the *National Measurement Regulations 1999* (the Principal Regulations).

**Schedule 1 – Amendments**

These amendments commence in accordance with section 2 on 1 July 2012.

**Items 1 and 2 – Fees**

Items 1 and 2 amend the fees levied for the examination and certification of measuring instruments used for legal purposes including trade. First, by moving the provisions in the Principal Regulations which specify which of the three levels of fees apply so that they are in closer proximity to the fees to which they apply. Second, by revising the fees to reflect the increased costs of examining and certifying measuring instruments consistent with the requirements of the *Australian Government Cost Recovery Guidelines*.

*Item 1 - Regulation 90B*

This item replaces regulation 90B in the Principal Regulations which explains the level 1, 2 and 3 fees in the tables in Parts 1 to 3 of Schedule 13 of the Principal Regulations, with a section that directs readers to a revised Schedule 13 containing that information. The amendment enables the information currently contained in subregulations 90B(2) to 90B(5) of Principal Regulations to be inserted into Schedule 13 so that it is in close proximity to the fees to which it applies for ease of reading.

*Item 2 - Schedule 13*

This item replaces Schedule 13 in the Principal Regulations, which provides for fees for regulatory measurement functions carried out by the National Measurement Institute (NMI) under the national measurement legislation. Part 1A of the revised Schedule inserts an explanation of the level 1, 2 and 3 fees in the tables in Parts 1 to 3 of the Schedule. Parts 1 to 8 of the revised Schedule are in the same form as the Schedule in the Principal Regulations and contain the same suite of items for which

fees are levied. However, they amend the amount of the fees to reflect the NMI's increased costs of providing these services. No additional fees are levied.