

EXPLANATORY STATEMENT

Select Legislative Instrument 2013 No. 111

Issued by the Authority of the Minister for Climate Change, Industry and Innovation

National Measurement Act 1960

National Measurement Amendment (Fees and Verification) Regulation 2013

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) support the establishment of the Commonwealth measurement system.

The Regulation revises the prescribed fees for the examination and testing of measuring instruments such as petrol bowsers and weighing scales for use for legal purposes including trade, to reflect the National Measurement Institute's increased costs of providing these services and make 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 relevant stakeholders in respect of the Regulation.

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 (Fees and Verification) Regulation 2013*) 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 2013.

Details of the *National Measurement Amendment (Fees and Verification) Regulation 2013*

Section 1 – Name of Regulation

This section specifies the name of the Regulation as the *National Measurement Amendment (Fees and Verification) Regulation 2013*.

Section 2 – Commencement

This section provides that the Regulation commences on 1 July 2013.

Section 3 – Authority

This section provides that the Regulation be made under the authority of the *National Measurement Act 1960*.

Section 4 – 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 2013

Item 1 - Regulation 3

This item amends the Principal Regulations and inserts a revised definition of the term 'verifying authority' in regulation 3 of the Principal Regulations. The revised definition provides for the Chief Executive Officers of the Australian Nuclear Science and Technology Organisation and the Australian Radiation Protection and Nuclear Safety Agency to verify Australian secondary standards measurement of ionising radiation.

Item 2 - Regulation 9

This item amends regulation 9 of the Principal Regulations and inserts a revised regulation enabling the Chief Executive Officers of the Australian Nuclear Science and Technology Organisation and the Australian Radiation Protection and Nuclear Safety Agency to verify Australian secondary standards of measurement of ionising radiation.

Items 3 to 5 - Clause 1A.1 of Schedule 13

This item replaces the current Clause 1A.1 of Schedule 13 of 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 additional clarification of the kinds of measuring instruments to which the fee in item 10 of Part 1 *Endurance* applies. It also provides additional clarification of the quantum of the fee.

Item 6 - Schedule 13, Parts 1 to 6

This item replaces the current parts 1 to 6 of Schedule 13 to the Principal Regulations, which provides for fees for regulatory measurement functions carried out by the NMI under the national measurement legislation. Part 1 and Parts 3 to 6 of the revised Schedule are in the same form as the current Schedule 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 in line with the *Australian Government Cost Recovery Guidelines*. No fees are added to, or removed from these parts of the schedule.

Part 2 of the revised Schedule is in the same form as the current Part 2 and includes the same suite of items for which fees are levied. However, it amends the amount of the fees to reflect the NMI's increased costs of providing these services in line with the *Australian Government Cost Recovery Guidelines*. It also includes two additional fees for 'Cyclic Humidity' and 'Surge' testing which are now required as part of the examination and testing of patterns of measuring instruments.

Item 7 - Schedule 13, Part 8

This item replaces the current part 8 of Schedule 13 to the Principal Regulations, which provides for fees for regulatory measurement functions carried out by the NMI under the national measurement legislation. Part 8 of the revised Schedule is in the same form as the current Schedule and contains the same suite of items for which fees are levied. However, it amends the amount of the fees to reflect the NMI's increased costs of providing these services in line with the *Australian Government Cost Recovery Guidelines*. No fees have been added to or removed from this part of the Schedule.