

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument No. 100, 2014**

*National Measurement Act 1960*

*National Measurement Amendment (Fees) Regulation 2014*

#### **Authority and Background**

The principal objectives of the *National Measurement Act 1960* (the Act) include 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; and
- provide the legal framework for a national system of trade measurement.

Subsection 20(1) 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 national measurement system.

Section 33(3) of the *Acts Interpretation Act 1901* provides that where an act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws) the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

The *National Measurement Amendment (Fees) Regulation 2014* (the Amending Regulation) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

#### **Purpose and operation**

The Amending Regulation prescribes an increase of 2.9% (based on the increase in the Consumer Price Index over a 12 month period to March 2014) to fees that the National Measurement Institute may charge for the examination and certification of various measuring instruments (including volume measuring instruments and dimensional measuring instruments).

#### **Detailed explanation of the Amending Regulation's provisions**

##### Section 1 – Name of Regulation

This section provides that the title of the Amending Regulation is the *National Measurement Amendment (Fees) Regulation 2014*.

##### Section 2 – Commencement

This section provides that the Amending Regulation commences on 1 July 2014.

### Section 3 – Authority

This section provides that the legislative authority for the making of the Amending Regulation is the *National Measurement Act 1960* (the Act).

### Section 4 – Schedule(s)

This section provides that each instrument that is specified in a Schedule is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule has effect according to its terms.

## **Schedule 1 – Amendments**

### Item 1 – Subclause 1A.1(2) of Schedule 13

Item 1 repeals subclause 1A.1(2) in Schedule 13 of the Principal Regulations and substitutes a new subclause 1A.1(1)(2).

Item 1 provides that the fees prescribed in item 10 of the table in subclause 1A.1(1) do not apply to instruments mentioned in items 4(b), 4(f), 7(b), 7(d) or 7(e) of the table in subclause 1A.1(1).

Item 1 also provides that the fee for the activity prescribed in item 10 of the table in Part 1 of Schedule 13 is \$226 per hour.

### Item 2 – Parts 1 to 6 of Schedule 13

Item 2 repeals the fees prescribed in Parts 1 to 6 of Schedule 13. Item 2 then prescribes new pattern approval fees for the examination and certification of various measuring instruments.

### Item 3 – Part 8 of Schedule 13

Item 3 repeals the current fees prescribed in Part 8 of Schedule 13. Item 3 then prescribes new additional fees that may be charged for the use of equipment in the examination or instruments.

## **Consultation**

The National Measurement Institute has informed stakeholders and industry of these proposed fee increases by publishing information about the fee increases on its website and providing written notice of the proposed fee increases to all current clients of the affected services.

The National Measurement Institute has also consulted with the Office of Best Practice Regulation and they have advised that a Regulation Impact Statement was not required (OBPR ID 16934).

## STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### ***National Measurement Amendment (Fees) Regulation 2014***

This Legislative Instrument 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*.

#### **Overview of the Regulation**

The purpose of the *National Measurement Amendment (Fees) Regulation 2014* (Amending Regulation) is to amend the *National Measurement Regulations 1999* (Principal Regulations). The Principal Regulations provide details that allow effective compliance with and administration of the *National Measurement Act 1960* (Act).

The Act sets out the legislative framework for a national system of units and standards of measurement of physical quantities. This system provides a legal framework for the uniform use of units and standards of measurement and co-ordinates the operation of the national system of trade measurement. The Principal Regulations support the national measurement system.

#### **Human rights implications**

There are no human rights implications of the Amending Regulation. The administration of national measurement system does not engage any of the applicable human rights and freedoms. The amendment of the Principal Regulations will not affect any of the applicable human rights and freedoms.

#### **Conclusion**

The Amending Regulation is compatible with human rights as it does not raise any human rights issues.

**The Minister for Industry, the Honourable Ian Macfarlane MP**