

ARTHUR ROBINSON & HEDDERWICKS
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1992

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

INDUSTRY TECHNOLOGY AND COMMERCE LEGISLATION
AMENDMENT BILL 1992

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister
for Industry, Technology and Commerce,
Senator the Hon. John N Button)

INDUSTRY TECHNOLOGY AND COMMERCE LEGISLATION AMENDMENT BILL 1992

GENERAL OUTLINE

This Bill is an omnibus Bill for legislation administered within the Industry Technology and Commerce portfolio. Its purpose is to make a number of amendments to existing legislation.

2. The Bill makes the following amendments:

Automotive Industry Authority Act 1985

3. The amendment will change the termination date from 31 December 1992 to 31 December 2000 thereby giving effect to the Government's decision to maintain an independent body to monitor the automotive industry through to the year 2000.

National Measurement Act 1960

4. The amendments will provide for:

- (a) the certification of reference materials, many of which come from overseas, so that measurements made using such materials satisfy the traceability provisions of the Act;
- (b) the pattern approval and certification, as found appropriate, of measuring instruments used for legal purposes other than trade measurement, so that such measurements will comply with the traceability provisions of the Act;
- (c) test procedures, used to determine the amount of error in a measuring instrument, to be specified in certificates of approval. Uniform trade measurement legislation being introduced by the States and Territories requires the test procedures be specified so that uniform testing is ensured following the licensing of industry personnel to perform instrument certification;
- (d) the examination of measuring instruments to ensure compliance with their approved pattern;
- (e) clarification of Australia's obligations under the 'Convention establishing an International Organisation of Legal Metrology'.

Science and Industry Research Act 1949

5. Section 10B of the Act deals with the office of Chief Executive of CSIRO. Subsection 10B(4) is a standard clause enabling a decision to be made about any residual matter not determined by the Remuneration Tribunal or prescribed by regulation. Current legislative practice is to assign this residual decision-making role to the Minister or the Board of the Authority itself rather than the Governor-General. The amendment will give the responsibility to the Minister.

FINANCIAL IMPACT STATEMENT

6. Continuation of the Automotive Industry Authority will involve on-going annual running costs of some \$1.1 million to cover administrative expenses and salaries and \$215,000 annual property operating expenses. This level of funding is consistent with previous years' operations and agreed with the Department of Finance.

7. The amendments to the National Measurement Act 1960 and the Science and Industry Research Act 1949 have no financial impact.

NOTES ON INDIVIDUAL CLAUSES

PART 1 - PRELIMINARY

Clause 1: Short Title

8. Formal.

Clause 2: Commencement

9. The amendments to the Automotive Industry Authority Act 1984, National Measurement Act 1960 and Science and Industry Research Act 1949 will commence on the day on which the Act receives Royal Assent.

PART 2 - AMENDMENT OF THE AUTOMOTIVE INDUSTRY
AUTHORITY ACT 1984

Clause 3: Principal Act

10. Provides that in this part, the "Principal Act" means the Automotive Industry Authority Act 1984.

Clause 4: Termination of the Act

11. Amends section 32 of the Principal Act to change the termination date from 31 December 1992 to 31 December 2000.

PART 3 - AMENDMENTS OF THE NATIONAL MEASUREMENT ACT 1960

Clause 5: Principal Act

12. Provides that in this Part "Principal Act" means the National Measurement Act 1960.

Clause 6: Interpretation

13. Inserts various definitions necessary to give effect to the pattern compliance and certification processes.

Clause 7: Measurements to be ascertained in accordance with appropriate standards of measurement, certified reference materials or certified measuring instruments

14. Amends section 10 of the Principal Act to encompass certified reference materials and certified measuring instruments within the traceability hierarchy.

Clause 8: Functions of the Commission

15. Inserts paragraph 18(1)(ea) into the Principal Act, adding pattern compliance checking to the National Standards Commission's functions.

Clause 9: Patterns of instruments

16. Omits sub-section 19A(5) of the Principal Act, dealing with the specification of allowed amounts of error in certificates consequent upon the insertion of new section 19AAA. Inserts new sub-section 19A(6A) which outlines the National Standards Commission's obligations in respect of a specifications published by the International Organisation of Legal Metrology.

17. Effects other amendments to section 19A to provide for the pattern approval, verification and certification of measuring instruments used for legal purposes other than trade.

Clause 10: Tolerances and Measuring instruments - accordance with pattern

18. Inserts new section 19AAA into the Principal Act which provides for regulations allowing the inclusion of allowed amounts of error and of test procedures in certificates of approval.

19. Also inserts new section 19AAB which provides for regulations setting out requirements and procedures for approved patterns, who may carry out procedures in relation to patterns and empowering the National Standards Commission to enter premises to remove sample measuring instruments for the purpose of examining the measuring instrument for compliance with its pattern.

Clause 11: Regulations

20. Amends section 20 of the Principal Act to provide for regulations dealing with the certification of reference materials and measuring instruments, the establishing of certifying bodies and the issuing of certificates.

**PART 4 - AMENDMENT OF THE SCIENCE AND INDUSTRY
RESEARCH ACT 1949**

Clause 12: Principal Act

21. Provides that in this part "Principal Act" means the Science and Industry Research Act 1949.

Clause 13: Appointment of Chief Executive Officer etc.

22. Amends section 10B of the Principal Act, which enables a decision to be made about any residual matter not determined by the Remuneration Tribunal or prescribed in regulations, by giving the decision making power to the Minister instead of the Governor-General.



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