



Australian Government
Department of Industry,
Science and Resources

National Measurement Institute

Appointment of Certifying Authorities

**Application Guidance and
Instructions**

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Appointment of Certifying Authorities– Application Guidance and Instructions

First edition	—	May 2015
Second edition	—	February 2018
Third edition	—	May 2018
Fourth edition	—	June 2019
Fifth edition	—	September 2024

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1. INTRODUCTION

The [national measurement system](#) is a coherent, formal system underpinned by legislation which ensures accurate measurements can be made on a consistent and traceable basis throughout Australia.

The relevant legislation includes:

1. *National Measurement Act 1960 (Cth) (the Act)*;
2. *National Measurement Regulations 1999 (Cth) (the Regulations)*;
3. *National Measurement Guidelines 2016 (Cth) (the Guidelines)*; and
4. *National Trade Measurement Regulations 2009 (Cth)*.

There are a number of levels to the measurement system to ensure there is appropriate infrastructure to support measurement in line with international standards including:

- Metrological definitions and primary level standards consistent with the internationally agreed measurement framework which are maintained by the National Measurement Institute (NMI).
- Secondary level standards to enable the national system of measurement which are also maintained by NMI.
- A regulatory framework which supports a third level of standards so that National Association of Testing Authority (NATA) laboratories and Legal Metrology Authorities (LMAs) can calibrate and verify standards for use in industry and commerce. This is necessary to ensure there is sufficient available infrastructure to maintain appropriate standards across the national system of measurement. This regulatory framework is overseen by NMI.
- Australian certified reference materials and certified measuring instruments are essential to support the national measurement system. Section 10 of the *Act* requires measurements to be ascertained in accordance with appropriate standards of measurement; Australian certified reference materials or certified measuring instruments.
- NMI also supports regulation of measurements in industry, commerce and the community.

To support the needs of the national measurement system, NMI appoints eligible applicants with a demonstrated capabilities as certifying authorities to perform certification of measuring instruments and/or reference materials.

This document sets out the guidance and instructions for the consideration of applications for appointment as a certifying authority for measuring instruments and certifying authority for reference materials by the Chief Metrologist under Division 2 Part 7 of the *National Measurement Regulations 1999 (Cth) (the Regulations)*.

This includes considering how such appointments will help NMI meet any legislative objectives, policy goals or other matters that are considered relevant when

assessing the capability of an applicant to certify a measuring instrument or to certify reference materials.

A reference in this document to 'Chief Metrologist' includes any person holding a relevant delegated position, unless stated otherwise.

A reference in this document to the 'capability of the applicant' includes the capability of employee/s under the direct control of the applicant.

2. PURPOSE

The purpose of this document is to provide guidance to assist applicants and to guide the Chief Metrologist in the assessment and processing of applications for appointment as a certifying authority to certify measuring instruments and/or reference materials.

Under Regulation 73 of the *Regulations*, upon application the Chief Metrologist may appoint an applicant as a certifying authority for measuring instruments and/or certifying authority for reference materials an applicant who:

- (a) in the opinion of the Chief Metrologist is capable of, or has direct control of staff who are capable of, certifying measuring instruments and/or certifying reference materials; or
- (b) holds NATA accreditation that the Chief Metrologist considers appropriate to the functions mentioned in paragraph (a).

Consistent application of testing, calibration and verification to a minimum national standard supports trust in Australia's national measurement system, facilitates cooperation between laboratories and other bodies and assists with international harmonisation of standards and procedures.

NATA accreditation is the standard and preferred means to demonstrate competency and capability in supporting an application to become appointed as a certifying authority.

3. POLICY PRINCIPLES

Appointment of certifying authorities to certify measuring instruments and certify reference materials are guided by the following policy principles:

- The primary purpose of appointment is to support national measurement infrastructure by ensuring industry has access to appropriately qualified and capable certifying authorities.
- Certifying authorities will use reference standards of measurement (or other traceability pathways specified in section 10 of the *Act*) that satisfy the

uncertainty and other requirements set out in the *Act* and *Regulations* including the Schedules to the *Regulations*.

- Certifying authorities will maintain an overall capability that includes equipment, quality management systems, methodologies and competencies that are consistent with the objectives of the national measurement system.
- The Chief Metrologist considers accreditation under ISO/IEC 17025 or ISO/IEC 17034 as the appropriate accreditation for the purposes of regulation 73 of the *Regulations*.
- The accuracy with which various classes of standards of measurement must be verified is prescribed in terms of measurement uncertainty and permissible variation in the Schedules to the *Regulations*, and particular reference is made to these Schedules for the verification of reference standards of measurement.
- NMI also suggests applicants refer to the requirements of the Joint Committee for Guides in Metrology document JCGM 100: 2008 - *Evaluation of measurement data - Guide to the expression of uncertainty in measurement*.
- The Chief Metrologist may request additional information, an internal technical review or an onsite visit to determine the capability of the applicant's systems, equipment, laboratory environment, staff competencies and any other relevant matters that are best assessed at the applicant's site.

4. FUNCTIONS

4.1 Functions of Chief Metrologist

The Chief Metrologist has the following functions in respect of the appointment of certifying authorities for measuring instruments and reference materials:

- Approval of relevant policies and procedures, application forms and other documents associated with and necessary for the performance of the Chief Metrologist's functions under the *Act* and *Regulations*;
- Approval of appropriate fees associated with the making, processing and consideration of applications for appointment as a certifying authority for measuring instruments and/or reference materials, including fees for onsite assessment of the capability of an applicant where required;
- Acknowledgement of applications for appointment as a certifying authority under regulation 73 of the *Regulations* for the purposes of certifying measuring instruments and/or certifying reference materials;
- Consideration as to whether the information provided demonstrates the applicant is capable, or has direct control of staff who are capable, of certifying measuring instruments and/or certifying reference materials;
- Consideration as to whether an appointment should be subject to any appropriate conditions;
- Advising an applicant in writing of a decision whether to appoint, or to refuse to appoint the applicant as a certifying authority, any conditions imposed on the appointment and the reasons for the decision;
- Providing an instrument of appointment to the applicant if the application is successful;
- Reconsidering a decision (such as a decision to refuse to make the appointment, to vary or impose a condition on the appointment) if the applicant requests reconsideration;
- Cancellation of appointments on application;
- Cancellation of appointments and varying appointments on the grounds that:
 - the certifying authority has not complied with a condition the appointment is subject to; or

- in the opinion of the Chief Metrologist, the certifying authority does not have the necessary or appropriate facilities or standards to perform the functions or duties to which the appointment relates; or
- in the opinion of the Chief Metrologist, the certifying authority does not have the necessary competent staff to perform the function or duties to which the appointment relates.
- Giving written notice for cancellation of an appointment including reasons for a decision to cancel an appointment;
- Performance of any other responsibilities provided for under the *Act* or *Regulations* in relation to certifying authorities.

4.2 Functions of the Licensing and Appointments unit

General administrative support including:

- Responding to general inquiries from applicants or potential applicants;
- Accepting and recording receipt of applications;
- Coordinating information flows between the applicant and the Chief Metrologist e.g. issues with applications and supporting documents;
- Assisting the Chief Metrologist with the recording and compilation of relevant documents and information;
- Reviewing applications and advising the Chief Metrologist on relevant administrative or technical issues;
- Coordinating travel for onsite visits;
- Liaising with technical review specialists within NMI where required;
- Liaising with onsite assessment teams and Chief Metrologist;
- Preparing and issuing of invoices;
- Maintaining and publishing details of all appointed certifying authorities on the [NMI website](#) where authorisation has been provided by the certifying authority to do so.

4.3 Functions of technical review specialists

Technical review specialists may consist of staff from the Policy and Regulatory Services (PARS) section of the Legal Metrology Branch as well as from other

Branches of NMI depending on the specialised expertise required. The work of a technical specialist is further described in section 5.2 of this document.

4.4 Functions of onsite assessment team

The onsite assessment team may consist of staff from the PARS section of the Legal Metrology Branch as well as from other Branches of NMI depending on the specialised expertise required. The work of an onsite assessment team is further described in section 5.3 of this document.

5. PROCEDURES

5.1 Applications

An application for appointment as a certifying authority for measuring instruments and/or certifying authority for reference materials must be made in the form approved by the Chief Metrologist and available from the legal metrology authorities' page on the [NMI website](#).

A completed application can be sent to the Chief Metrologist by email or hard copy (post).

The email address is nalma@measurement.gov.au

The postal address is:

National Measurement Institute
Licensing and Appointments Unit
GPO Box 2013
Canberra ACT 2601
Australia

To arrange for payment of the application fee, contact the Licensing and Appointments unit at nalma@measurement.gov.au or phone 1300 686 664 (Option 2)

NMI will acknowledge receipt of the application and payment of fees by email or post.

The Chief Metrologist will initially examine the application to determine whether the applicant holds NATA accreditation that the Chief Metrologist considers appropriate to certify measuring instruments and/or certify reference materials

5.2 Technical review

If required, a technical review of the application will be conducted by appropriately qualified NMI staff or by persons considered by the Chief Metrologist to hold the appropriate experience and qualifications.

The technical review specialist will:

- Conduct a technical review of all information supplied in the application for appointment;
- Review application information including test equipment and methods, reference standards of measurement, certified reference materials, legal traceability, uncertainty budgets and staff competency to assess suitability to perform the functions as described in the application;
- Report to the Chief Metrologist on the outcomes of the review.

5.3 Onsite assessment

If required, an onsite assessment will be conducted by appropriately qualified NMI staff or by persons considered by the Chief Metrologist to hold the appropriate experience and qualifications. Onsite assessment will be conducted with the consent of the applicant.

The onsite assessment in the form of a visit to the applicant's premises will ensure that the facilities are as described in the application.

The onsite assessment team will:

- Coordinate visits with the applicants;
- Confirm with the Chief Metrologist that any outstanding issues with the application and documents have been resolved with the applicant;
- Prepare scope of assessment activities prior to visit;
- Conduct the visit to ensure that the facilities are as described in the application and that the applicant actually has the equipment and reference standards of measurement or certified reference materials described in their application;
- Report to Chief Metrologist on the outcomes of the visit;

The onsite assessment will also be an opportunity to meet and assess the staff who will be performing certifications.

An onsite assessment should not commence until the applicant has had a reasonable opportunity to address any outstanding issues with the application or supporting documents and information.

A report on the onsite assessment will be submitted to the Chief Metrologist by the officers undertaking the onsite assessment.

5.4 Assessment of application and onsite assessment report

After the assessment of the application and if required, a report from a technical reviewer or onsite assessment has been received, the Chief Metrologist will determine whether the applicant is capable, or has direct control of staff who are capable, of certifying measuring instruments and/or certifying reference materials, and whether the appointment will be subject to any conditions. The Chief Metrologist may, if required, request further information to assist in making a determination.

The Chief Metrologist will make a decision and advise the applicant of the decision, including reasons for the decision.

If the applicant is not satisfied with the decision, they may request (in writing) that the decision be reconsidered. The request for reconsideration should include reasons why the decision should be reconsidered.

The Chief Metrologist will reconsider the original decision and inform the applicant in writing of the outcome. Should the original decision stand the Chief Metrologist will provide reasons and information regarding the applicant's rights of review.

Applicants may then apply to the Administrative Appeals Tribunal (AAT) to have the reconsidered decision reviewed. Details of the AAT processes, forms, fees and contact details may be found on its website at <http://www.aat.gov.au>. The AAT has an office in every State and Territory capital city to which enquiries may be directed.

6. CRITERIA FOR DETERMINING CAPABILITY

To satisfy the requirements of regulation 73(1)(b) of the *Regulations*, the Chief Metrologist needs to consider whether an applicant for appointment as a certifying authority for measuring instruments and/or certifying authority for reference materials holds the appropriate NATA accreditation.

In determining whether the NATA accreditation is appropriate, the Chief Metrologist will assess whether the NATA accreditation is consistent with the scope of the application and any other matters considered relevant.

7. PERIOD OF APPOINTMENT

Appointments are generally made for a period of three years.

8. FEES

NMI charges fees on a cost recovery basis.

The fee for making an application for appointment as a legal metrology authority can be found on the NMI website at <https://www.industry.gov.au/regulations-and-standards/australias-measurement-system/certifying-authorities>.

Additional fees may also be payable if an on-site assessment is required. These will be determined according to relevant departmental policies on user charging and in consultation with the applicant before conducting and charging for an on-site assessment.