



Australian Government
Department of Industry,
Innovation and Science

**National
Measurement
Institute**

Appointment as a Certifying Authority for Reference Materials and as a Certifying Authority for Measuring Instruments

Policy and Procedures

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**Appointment as a Certifying Authority for Reference Materials and as a
Certifying Authority for Measuring Instruments - Policy and Procedures**

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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 is:

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

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

- Metrological definitions and primary level standards consistent with the internationally agreed measurement framework which are maintained by NMI.
- Secondary level standards to enable the national system of measurement also maintained by NMI.
- A regulatory framework which supports a third level of standards so that National Association of Testing Authorities (NATA) laboratories and legal metrology authorities can calibrate and certify 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 material and certified measuring instruments are essential to support the national measurement system. Section 10 of the National Measurement Act 1960 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 the eligible applicant with a demonstrated capability to deliver certifying of measuring instruments and/or certify reference materials as a certifying authority to perform certification of measuring instruments and/or reference materials.

This document sets out the policies and the procedures 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 the objectives, policy goals and 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 relevant delegate or to a person holding a relevant delegated position, unless stated otherwise.

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

2. PURPOSE

The purpose of this document is to set out policies and procedures to assist applicants and to guide the Chief Metrologist in the assessment and processing of applications for appointment as a certifying authority for measuring instruments and certifying authority for reference materials to certifying measuring instruments and/or reference materials under Regulation 73 of the Regulations.

Under regulation 73 of the Regulations, upon application the Chief Metrologist may appoint 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).

This document also provides guidance on the information that is needed for the Chief Metrologist to determine an applicant's capability when NATA accreditation is not provided.

Applicants who do not hold NATA accreditation should provide sufficient evidence to enable the Chief Metrologist to form an opinion as to whether they are capable, or have direct control of staff who are capable, of CMI and CRM.

NMI suggests applicants who do not hold NATA accreditation have regard to NATA accreditation requirements and in particular ISO/IEC 17025 when considering the evidence they wish to supply in support of their applications.

3. POLICY PRINCIPLES

Appointment of Certifying authorities to certifying measuring instruments and certify reference materials is 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 maintain an overall capability that includes equipment, quality management systems, methodologies and competencies that are consistent with the objectives of the national measurement system.

Notes

- The Chief Metrologist considers accreditation under ISO/IEC 17025 is the appropriate accreditation for the purposes of regulation 73(1)(b) of the Regulations.
- Applicants who do not hold NATA accreditation should provide sufficient evidence to enable the Chief Metrologist to form an opinion as to whether they are capable, or have direct control of staff who are capable, of certifying a measuring instrument and/or reference materials (as provided for in regulation 73(1)(a) of the Regulations). NMI suggests applicants have regard to the NATA accreditation requirements under ISO/IEC 17025 when considering the evidence they wish to supply in support of their application. The Chief Metrologist may also take into account other relevant factors in assessing applications made by applicants who do not hold NATA accreditation.
- 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 an onsite visit to determine the capability of the applicant's systems, equipment, laboratory environment, staff competencies and any other relevant matter that is best assessed at the applicant's site.

Relevant units of competency

Staff may demonstrate their competency against the following units of competency:

- MSL934002A Apply quality system and continuous improvement processes
- MSL925002A Analyse measurements and estimate uncertainties
- MSL924001A Process and interpret data
- MSL904001A Perform standard calibrations
- MSL905001A Perform non-standard calibrations
- MSL935004A Maintain instruments and equipment

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 of measurement:

- 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 measuring instruments and/or certifying reference materials, including fees for onsite assessment of the capability of an applicant where required.
- Acknowledgement of applications for appointment as a certifying authority for the purposes of certifying measuring instruments and/or certifying reference materials under regulation 73 of the Regulations.
- Consideration of the capability of an applicant to certify measuring instruments and/or to certify 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 legal metrology 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 authority has not complied with a condition the appointment is subject to,
 - in the opinion of the Chief Metrologist, the 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 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 Legal Metrology Authorities.

4.2 Functions of the Legal Metrology Authority Appointment team

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 onsite assessment teams and Chief Metrologist.
- Preparing and issuing invoices.
- Maintaining and publishing details of all appointed legal metrology authorities on the NMI website.

4.3 Functions of onsite assessment team

- 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.
- Reporting to Chief Metrologist on the outcomes of the visit.

4.4 Authority Appointment Application Process

- A flow chart for Authority Appointment Application Process is at the end 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:

NMI – Licensing & Legal Metrology Appointments
GPO Box 2013
Canberra ACT 2601
Australia

To arrange for payment of the application fee, contact the Legal Metrology Authority Appointment team on 1300 686 664 (Option 2) or by email to nalma@measurement.gov.au

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, or
- whether the Chief Metrologist will be required to form an opinion as to whether the applicant is capable, or has direct control of staff who are capable, of certifying measuring instruments and/or certifying reference materials.

5.2 Appointment of applicant with relevant NATA accreditation

If the applicant holds appropriate relevant NATA accreditation, the Chief Metrologist may appoint the applicant as a certifying authority for measuring instruments and/or certifying authority for reference materials under regulation 73 (the Regulations).

5.3 Appointment of applicant without relevant NATA accreditation

If the applicant does not present appropriate NATA accreditation, the Chief Metrologist will assess the application to determine whether, in the opinion of the Chief Metrologist, the applicant is capable, or has direct control of staff who are capable, of certifying measuring instruments and/or certifying reference materials.

If the Chief Metrologist forms the opinion that the applicant is capable of certifying measuring instruments and/or certifying reference materials, then the Chief Metrologist may appoint the applicant as a certifying authority for measuring instruments and/or certifying authority for reference materials. Prior to making a decision on the application, the Chief Metrologist may advise the applicant that:

- additional documentation or information is required, and/or
- an onsite assessment is required.

If additional documentation or information is requested, the Chief Metrologist can request the additional documentation or information be provided within a reasonable time frame.

5.3.1 Assessment of additional documentation or information

The Chief Metrologist will consider any additional information provided.

If after receiving the additional documentation or information the Chief Metrologist forms the opinion that the applicant is capable, or has direct control of staff who are capable, of certifying measuring instruments and/or certifying reference materials, then the Chief Metrologist may appoint the applicant as a certifying authority for measuring instruments and/or certifying authority for reference materials.

If, after considering the additional documentation or information, the Chief Metrologist has not formed the opinion that the applicant is capable, or has direct control of staff who are capable, of certifying measuring instruments and/or certifying reference materials, the Chief Metrologist may advise the applicant that an onsite assessment is required.

5.3.2 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 and that the applicant actually has the equipment and reference standards of measurement described in their application. 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.

5.3.3 Assessment of application and onsite assessment report

After the assessment of the application and a report on the onsite assessment has been received by the Chief Metrologist, the Chief Metrologist will determine whether, in the opinion of the Chief Metrologist 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

6.1 NATA Accredited applicants

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.

6.2 Non-NATA accredited applicants

For applicants who do not hold NATA accreditation that the Chief Metrologist considers appropriate for appointment as certifying authority for measuring instruments and/or certifying authority for reference materials, the Chief Metrologist is required to consider whether the applicant is capable, or has the direct control of staff who are capable, of performing the function of certifying measuring instruments and/or certifying reference materials to which the application relates.

NMI suggests applicants who do not hold NATA accreditation have regard to the NATA accreditation requirements for ISO/IEC 17025 when considering the evidence they wish to supply in support of their applications.

In considering an application for appointment as a certifying authority for measuring instruments and/or certifying authority for reference materials, the Chief Metrologist may take into account the following:

- the policy principles set out in this document
- the applicant's quality management system which should demonstrate the applicant has in place an appropriate level of quality management
- the applicant's testing methods and procedures, which should be appropriate to certify measuring instruments and/or certify reference materials, of the type and accuracy for which appointment is sought.
- the level of uncertainty that can be achieved in certification performed by the applicant and the suitability of the applicant's uncertainty analysis in producing least uncertainties of measurement for the range of measuring instruments and reference material sought.
- the applicant's maintained standards which must be appropriate for the type and accuracy of certifications for which appointment is sought.
- the capacity of the applicant to comply with legal traceability requirements set out section 10 of the Act will be complied with (the most common legal traceability pathway under section 10 is through the use of reference standards of measurement).

- the applicant's facilities which must be suitable for performing the function of certifying measuring instruments and/or certifying reference materials, of the type and accuracy for which appointment is sought. Environmental factors within the applicant's facilities must enable the required accuracy of certification to be achieved, including temperature and humidity control of the facilities.
- the competency of the applicant and the applicant's staff to certifying measuring instruments and/or certifying reference materials of the type and accuracy for which appointment is sought. This can be demonstrated by the qualifications, training and experience of the applicant, and the applicant's staff.

In particular, in considering an application for appointment as a certifying measuring instruments and/or certifying reference materials, the Chief Metrologist will take into account the following:

- Quality management system indicating compliance with ISO/IEC 17025
- details of the type and range of measuring instruments and reference standards propose to certify.
- the methods that are appropriate to certifying measuring instruments and/or certifying reference materials for the type and accuracy for which appointment is sought
- calculation of the least uncertainties and if they comply with the provisions of ISO/IEC 17025, guide to the expression of uncertainty in measurement.
- laboratory/facility and equipment used for certifying measuring instruments and/or certifying reference materials and if they comply with ISO/IEC 17025 *General requirements for the competence of testing and calibration laboratories*, including equipment and quality assurance program.
- staff qualifications and experience in certifying measuring instruments and/or certifying reference materials.
- whether measurements are expressed in terms of Australian legal units of measurement.

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.

Authority Appointment Application process

