



Measurement Law Review – Terms of Reference

1. Overview

The Department of Industry, Innovation and Science (the department) is to undertake a comprehensive thematic review of the legislative framework underpinning Australia's national measurement system. The purpose of the review is to develop options for modernising, streamlining and simplifying the legislative framework.

The [National Measurement Act 1960](#) (the Act) underpins Australia's national measurement system. The Constitution gives the Australian Government legislative power with respect to weights and measures. The legislative framework for measurement is consistent with, and implements, Australia's international commitments under measurement treaties. The department is to incorporate the required review of sunseting subordinate instruments, subject to the [Legislation Act 2003](#), into an overarching thematic review of Australia's national measurement legislation.

Measurement which draws on appropriate scientific and technical expertise is central to the effective functioning of a modern economy. The legislative framework must be fit for purpose for current and future opportunities or challenges. It should facilitate innovation and competition, reduce any business uncertainty and transaction costs, and position the regulator to undertake appropriate risk based enforcement activity.

2. Scope

The review is to cover the Act, and all subordinate instruments made under the Act. In particular, the review is to develop options and make recommendations in relation to:

- minimum effective regulation models that could lessen government intervention;
- using principles-based legislation to minimise regulatory burden on business;
- pathways to support a transparent, proportionate, flexible and risk-based approach to regulation;
- utilising appropriate third parties to support or implement the framework;
- removing unwarranted regulatory barriers to market entry of new technologies, and other technical barriers to competition;
- mechanisms to support market innovation and changes in technology;
- ensuring that Australia's measurement legislation promotes confidence in Australia's measurement system; and
- adopting best practice national and international regulatory approaches.

3. Process

The review is to include a public consultation process involving regulated entities and relevant stakeholders, including government entities. The review is to consider the impact of possible changes on other legislative frameworks (including those of other jurisdictions), and relevant whole of government policy drivers. Options for reform are to be presented to government for consideration in 2020, following the conclusion of public consultation.