

**AN AGREEMENT
BETWEEN
THE GOVERNMENT OF AUSTRALIA
THE GOVERNMENT OF NEW ZEALAND
AND
THE GOVERNMENTS OF THE STATES OF AUSTRALIA
AND THE GOVERNMENTS OF THE
NORTHERN TERRITORY OF AUSTRALIA
AND
THE AUSTRALIAN CAPITAL TERRITORY
ON
STANDARDS, ACCREDITATION AND QUALITY**

OCTOBER 1990

This Agreement is made the twenty sixth day of October, one thousand, nine hundred and ninety,

BETWEEN:

THE GOVERNMENT OF AUSTRALIA
THE GOVERNMENT OF NEW ZEALAND
THE STATE OF NEW SOUTH WALES
THE STATE OF VICTORIA
THE STATE OF QUEENSLAND
THE STATE OF SOUTH AUSTRALIA
THE STATE OF WESTERN AUSTRALIA
THE STATE OF TASMANIA
THE NORTHERN TERRITORY
AND
THE AUSTRALIAN CAPITAL TERRITORY

WHEREAS:

- (A) the Parties recognise that the use of uniform standards in government regulations (Mandatory Standards) is beneficial to the efficiency and competitiveness of Australian and New Zealand industry;
- (B) it is desirable to remove technical barriers to trade within Australia and between Australia and New Zealand, thereby reducing market fragmentation, and costs of production;
- (C) it is desirable to develop a unified system of accreditation which is mutually acceptable to all Parties;
- (D) it is desirable to ensure that Australian and New Zealand standards, accreditation, product Certification and quality practices are as far as possible aligned with those recognised internationally so as to improve the efficiency of industries in both countries and the export potential for their products and services;
- (E) there already exists a number of agreements and arrangements between various Parties that provide for the use of common standards or consultative arrangement designed to promote uniformity of standards for regulatory purposes;
- (F) it is desirable to encourage the further development of the quality infrastructure;
- (G) the Parties recognise the role of the Standards Association of Australia trading as Standards Australia (SA), as set out in the Memorandum of Understanding signed between the Government of Australia and SA and the role of the Standards Council of New Zealand, as set out in the Standards Act 1988.
- (H) the Parties recognise the role of the National Association of Testing Authorities (NATA), as set out the Memorandum of Understanding signed between the Government of Australia and NATA and the role of the Testing Laboratory Registration Council of New Zealand as set out in the Testing Laboratory Registration Act 1987.

NOW THIS AGREEMENT WITNESSES AS FOLLOWS:.

DEFINITIONS

1 The following terms are defined for the purpose of this Agreement:

“uniform standard” - a standard which has mutual acceptance of the Parties. The term extends to standards in a given field which are accepted by the parties as harmonised, but are not identical.

“standard” - a document, approved by a recognised body, that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context.

“mandatory standard” - a standard enforced under regulation.

“international standard” - a standard adopted by a recognised international standardising body or a standard widely used and accepted internationally.

“accreditation” - the formal recognition by a recognised body of the facilities, capability, objectivity, competence and integrity of another body or individual to provide a specified service or operation.

“certification” - the act of certifying that a duly identified product, process or service conforms with a specific standard or technical specification.

“regulation” - a government requirement concerning standards, compliance with which is mandatory. For the purposes of this Agreement, this definition covers standards which are mandatory in legislation.

“parties” - means the signatories to this Agreement.

APPLICATION AND REVIEW OF AGREEMENT

2 This Agreement will be known as the Agreement on Standards, Accreditation and Quality.

3 This Agreement will apply to all standards writing, product certification and accreditation bodies within the control of one or more of the Parties. It will also apply to departments, instrumentalities and regulatory bodies which adopt standards and are within the control of one or more of the Parties.

4 This Agreement will come into effect on 26 October 1990.

5 Progress under the Agreement will be reviewed from time to time at the direction of the AITC and the Agreement itself will be reviewed after five years.

6 This Agreement may be amended at any time by unanimous decision of the Parties.

7 This Agreement does not create legal obligations nor does it constitute a treaty binding in international law.

OBJECTIVES

8 The Parties will Apply the following objectives with regard to standards, accreditation and quality:

(a) where agencies of the Parties apply different standards for the same goods or practices these differences will, so far as is practicable, be eliminated;

(b) where agencies of the Parties apply different interpretations of the same standards, consultations will be entered into between the standards writing organisations and the Parties to ensure a common agreed interpretation is reflected in the standard;

(c) systems, processes, designs or products already accredited or certified to standards appropriate to the intended use by a body recognised by the Parties as competent will be accepted by all Parties without the need for separate accreditation, or certification or the payment of fees in relation thereto;

(d) where mandatory standards exist these will be applied equally by the Parties to domestic and imported goods on the domestic market;

PREPARATION AND ADOPTION OF STANDARDS

9(i) The Parties recognise that a number of organisations in Australia and New Zealand have established roles in the writing of standards in specialised and defined areas under legislation and in the instance of Australia as a consequence of existing agreements or arrangements between the Government of Australia and the governments of the States and Territories.

(ii) The organisations detailed in Schedule 1 hereto will continue to have responsibility for the writing of standards in their specific areas of responsibility. Other agencies will be encouraged to enter into consultations with those specialist organisations to resolve areas of disagreement.

10 Organisations engaged in the writing of standards in Australia, which are not covered by national agreements or legislative provisions will be encouraged to seek SA endorsement for their standards, where corresponding SA standards do not exist.

11 Where more than one organisation engaged in the writing of standards has developed standards or the same or similar products or practices, the organisations will enter into consultations to agree on the most appropriate standard.

12 The Parties support the development of joint Australian/New Zealand standards pursuant to the Memorandum of Understanding between Standards Australia and the Standards Association of New Zealand;

ADOPTION OF INTERNATIONAL STANDARDS

13 Where one or more of the Parties requires a new mandatory standard and a uniform standard does not exist, the Parties will ensure that, in developing the new standard, standards writing bodies within their control will refer to appropriate international standards where available and arrange for the responsible organisation to publish the new standards.

14 In reviewing standards currently in use, the most appropriate internationally accepted and used standard will be adopted where possible.

15 Where new international standards are developed, the existing standard will be reviewed by the relevant authority and, where appropriate, modified to the international standard. The Parties will be responsible for the implementation of any modified standard that may emerge.

16 Departures from the use of appropriate international standards in the formulation of uniform standards will only be permitted where there are compelling reasons for doing so.

17 Nothing in this Agreement obliges the Parties to require enterprises to produce goods intended for export to the same standards as those required for the Australian and New Zealand markets, but the Parties note the existence of both international codes of ethics and statutory obligations in this regard.

ACCREDITATION AND PRODUCT CERTIFICATION

18 The Parties agree that they will work towards the development of a unified accreditation system for bodies engaged in the accreditation of quality management systems.

19 Accreditation by a body recognised as competent pursuant to clause 18 will be accepted by the Parties.

20 Certification of a product to a common specification by a body recognised by the Parties will be accepted by the Parties.

21 The Parties support the mutual recognition agreement between National Association of Testing Authorities and the Testing Laboratory Registration Council of New Zealand.

GATT STANDARDS CODE

22 The Parties agree that it would be in their mutual interest for Australia to become a party to the GATT Agreement on Technical Barriers to Trade.

OBLIGATIONS OF SIGNATORIES

23 The Parties will ensure that all regulatory bodies within their control will adhere to the principles of this Agreement.

24 The Parties will take steps to ensure that uniform standards are in place in areas of non-uniformity identified by the Monitoring Committee within a time-frame specified by the AITC.

MONITORING

25(1) Monitoring of the implementation of this Agreement will be undertaken by a Monitoring Committee which will report direct to the AITC on areas where uniformity is not occurring, on disagreements between Parties regarding adoption of standards, and on the time-frame referred to in clause 24. In advising the AITC on the appropriate achievable time-frame, the Monitoring Committee will undertake full consultation, as specified in clause 25(4)(d).

(2) The Monitoring Committee will consist of the following members:

(a) an officer of the Department of State whose Minister is represented on the AITC for Australia, each of the States, the Northern Territory and the Australian Capital Territory,

(b) an officer of the Department of State whose Minister is represented as an observer to the AITC for New Zealand;

- (c) the Chief Executive of Standards Australia;
- (d) the Chief Executive of the National Association of Testing Authorities;
- (e) the Executive Director of the National Standards Commission;
- (f) the Director of the Testing Laboratory Registration Council of New Zealand; and
- (g) the Director of the Standards Association of New Zealand.

(3) Representatives of agencies listed in Schedule 1 may be co-opted when issues relevant to those agencies are considered by the Monitoring Committee.

(4) The Monitoring Committee will have the following functions:

(a) to identify those agreements and consultative arrangements between two or more of the Parties where uniformity of standards or mutual recognition of accreditation or certification has not been achieved, to determine the reason for this and recommend appropriate measures for achieving uniformity in these areas;

(b) to seek the cooperation of any existing committees set up under the consultative agreements or arrangements referred to in clause 25(4)(a) to assist in achieving the objectives of this Agreement;

(c) To identify those priority areas not presently covered by appropriate consultative arrangements where non-uniformity of standards impedes industry efficiency;

(d) in consultation with the Industry Councils, peak industry bodies and the relevant standards-making authorities, to address new problems of non-uniformity as they arise and review all relevant legislation and regulations on an ongoing basis according to agreed priorities.

(e) to prepare recommendations and advice for the AITC in relation to priority areas for achieving uniformity of standards, consistent with the objectives of the Agreement;

(f) prepare recommendations to the AITC with a process by which bodies would be recognised by the parties in relation to clause 20.

(g) to establish, where necessary, advisory committees to examine, and make recommendations on, priority areas as determined by the AITC;

(h) under direction from the AITC, to select the membership of the advisory committees from the relevant regulatory authorities in each State and Territory; from the Government of Australia and from the Government of New Zealand, and invite participate by representatives of the industries and other relevant organisations directly affected;

(i) to direct the advisory committees to report within the time-frame specified by the AITC;

(j) to present the advisory committees' recommendations to the AITC for implementation where necessary; and

(k) where steps to achieve uniformity have been taken at either the advisory committee or Monitoring Committee level, to report on progress to the AITC.

26 (1) The Monitoring Committee shall also:

- (a) exercise general oversight over the implementation of the Agreement;
- (b) where any recommendations involve issues of non-uniformity outside the AITC's area of direct responsibility, at the AITC's direction, liaise with those responsible to determine why the agreement or arrangement is not achieving uniformity and negotiate a solution;
- (c) make recommendations to the AITC on disputes arising out of the operations of the advisory committees. Where possible, these disputes will be settled by the Monitoring Committee and a report presented to the AITC.

(2) The Monitoring Committee will be chaired and serviced by the Department of Industry, Technology and Commerce of Australia.

[Signed]

SIGNED for and on behalf of
the GOVERNMENT OF AUSTRALIA
by Senator the Hon John N Button
Minister for Industry, Technology
and Commerce

[Signed]

SIGNED for and on behalf of
the GOVERNMENT OF NEW ZEALAND
by the Hon David Butcher
Minister of Commerce

[Signed]

SIGNED for and on behalf of
the STATE OF NEW SOUTH WALES
by the Hon G B Peacocke MP
Minister for Business
and Consumer Affairs

[Signed]

SIGNED for and on behalf of
the STATE OF VICTORIA
by the Hon David R White MLC
Minister for Industry
and Economic Planning

[Signed]

SIGNED for and on behalf of
the STATE OF QUEENSLAND
by the Hon G N Smith MLA
Minister for Manufacturing,
Commerce and Small Business

[Signed]

SIGNED for and on behalf of
the STATE OF SOUTH AUSTRALIA
by the Hon Lynn M F. Arnold MP
Minister of Industry, Trade
and Technology

[Signed]

SIGNED for and on behalf of
the STATE OF WESTERN AUSTRALIA
by the Hon Ian Taylor MLA
Deputy Premier
Minister for Finance and
Economic Development

[Signed]

SIGNED for and on behalf of
the STATE OF TASMANIA
by the Hon Michael Field MHA
Premier
Minister for State Development

[Signed]

SIGNED for and on behalf of
the NORTHERN TERRITORY
by the Hon Barry Coulter MLA
Deputy Chief Minister
Minister for Industries
and Development

[Signed]

SIGNED for and on behalf of
the AUSTRALIAN CAPITAL TERRITORY
by the Hon Trevor Kaine MLA
Chief Minister

SCHEDULE 1

AUSTRALIAN ORGANISATIONS

Australian Uniform Building Regulations Co-ordinating Council (AUBRCC)
Australian Food Standards Council
Australian and New Zealand Environment Council (ANZEC)
Australian Transport Advisory Council (ATAC)
The Australian Gas Association
National Health and Medical Research Council
National Occupational Health and Safety Commission (Worksafe Australia)

National Standards Commission
Australian Telecommunications Authority (AUSTEL)
Department of Community Services and Health
- Therapeutic Goods Administration
Bureau of Meteorology
Department of Transport and Communications
- Radiocommunications Act (1983)
- Broadcasting Act (1942)
- Motor Vehicle Standards Act (1989)
Department of Primary Industries and Energy
- Export Control Act (1982)
- Quarantine Act (1908)
- Proposed Imported Food Control Bill
Australian Wine and Brandy Corporation (AWBC)
Australian Horticultural Corporation (AHC)
Department of Arts, Sports, the Environment, Tourism and Territories
- Environment Protection (Nuclear Codes) Act 1978

NEW ZEALAND ORGANISATIONS

Ministry of Consumer Affairs
- Fair Trading Act 1986
Ministry of Forestry
- Forest Produce Import Regulations 1989
Department of Labour
- Occupational Safety and Health Service
Ministry of Agriculture and Fisheries
Ministry for the Environment
Department of Health
- NZ Food Standards Committee
- Toxic Substances Board
- NZ Communicable Disease Advisory Committee
Ministry of Transport
Ministry of Commerce
- Communications Division
- Energy and Resources Division
Broadcasting Standards Authority
Standards Council of New Zealand