

**MEMORANDUM OF  
UNDERSTANDING**

**BETWEEN THE**

**STATE OF VICTORIA**

**AND THE**

**NATIONAL ASSOCIATION OF  
TESTING AUTHORITIES,**

**AUSTRALIA**

**ABN 59 004 379 748**

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN THE**  
**STATE OF VICTORIA**  
**AND THE**  
**NATIONAL ASSOCIATION OF TESTING AUTHORITIES, AUSTRALIA (“NATA”)**

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**A. PURPOSE OF THIS MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding (“MOU”) describes the cooperative relationship between the State of Victoria and NATA and is based on the recognition of NATA’s role as the national authority in Australia for the accreditation of laboratories. The State of Victoria also recognises NATA as an accreditor of inspection bodies. This MOU is not intended to create any new or extended legal relationship between the parties, but rather to outline the intended basis for their future cooperation.

The State of Victoria and NATA recognise that the maintenance of a reliable system of measurement and product and material testing and accreditation is an important mechanism for providing additional assurance of the quality of Australian products and services. Such a system also assists by improving the competitiveness of Australian businesses in national and international markets.

**B. BACKGROUND**

- (i) The State of Victoria is legally responsible for many areas of trade and commerce in which reliable testing, measurement and inspection are important, including the areas of public health and safety, environment protection, construction and fair trading.
- (ii) Victorian industry and trade are strengthened by, and the community benefits from, the availability of an effective, comprehensive product and material measurement, testing and inspection system.
- (iii) NATA was established in 1946 by the Commonwealth and the six States to organise a national testing service which would meet the needs of government, industry, commerce and the community.
- (iv) Since NATA’s inception, the State of Victoria has provided a representative as a member of NATA’s governing Council.
- (v) In 1984, the Victorian Government formally determined that all test results produced in private laboratories and submitted to government departments or agencies for statutory purposes, in general, should carry a NATA endorsement.

- (vi) The State of Victoria, along with the other States and Territories and the Commonwealth, was a party to the 1990 Agreement on Standards, Accreditation and Quality which included recognition of NATA's role as the national authority for the accreditation of laboratories.
- (vii) In 1997, the Victorian Government endorsed the Commonwealth's position on the status of NATA in response to the recommendations of the Committee of Inquiry into Australia's Standards and Conformance Infrastructure, including recognition of the role of NATA as set out in Recital B(iv) of the Commonwealth-NATA MOU.
- (viii) NATA has played a pioneering role in the establishment of mutual recognition agreements with equivalent accreditation bodies in other countries and NATA is now part of an extensive network of such mutual recognition arrangements.
- (ix) With the agreement of the State of Victoria, NATA has been appointed by the Commonwealth as Australia's official national designating authority for laboratories and inspection bodies under a number of treaty-level government-to-government mutual recognition agreements. These include the landmark 1998 agreement on conformity assessment between Australia and the European Community.

**IT IS HEREBY AGREED as follows:**

## **Article 1 - Definitions**

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- 1.1 General terms used in this Memorandum will have the meaning given in the definitions contained in the current version of ISO/IEC Guide 2 "General terms and their definitions concerning standardization and related activities"<sup>1</sup> unless the context otherwise requires.
- 1.2 The following terms and their definitions will apply for the purpose of this agreement:
  - "Conformity Assessment"** means the systematic determination (eg by testing) of the extent to which a product, process or service meets specified requirements.
  - "Conformity Assessment Body"** means a body whose activities and expertise include performance of all or any stage of the conformity assessment process.
  - "Designating Authority"** means a body with legal power to designate, suspend or withdraw designation to Conformity Assessment Bodies under its jurisdiction.
  - "Inspection Body"** means a body carrying out inspection services.
  - "Laboratory"** means a facility engaged in calibration, measurement, testing or related services.
  - "Parties"** means NATA and the State of Victoria.

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<sup>1</sup> ISO: International Organisation for Standardization  
IEC: International Electrotechnical Commission

## **Article 2 – General Provisions**

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- 2.1 This MOU takes effect from the day of execution and expires five years from that day.
- 2.2 The parties agree to review the operation of this MOU four years after the day of execution.

## **Article 3 - NATA Undertakings**

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- 3.1 NATA will provide leadership in Victoria in accrediting laboratories which are engaged in calibration, measurement, testing or related services, thereby encouraging the development of a network of competent accredited laboratory service providers to meet the needs of the Victorian community, including those needs specifically identified by the Victorian Government and published in government policies or communicated to NATA.
- 3.2 NATA in its role as the recognised national authority in Australia for testing and measurement accreditation and as an accreditor of inspection bodies and through its national database of accredited laboratories and inspection bodies will provide an information service to the Victorian Government, community and industry on testing, measurement, inspection and related conformity assessment issues.
- 3.3 NATA will work with Victorian Government departments and agencies to develop and tailor accreditation programs to meet their specific needs, particularly with regard to regulatory requirements for public health and safety, environment protection, construction and fair trading.
- 3.4 When requested by Victorian Government departments or agencies, NATA will provide advice on conformity assessment issues.
- 3.5 When appointed to act as the accrediting agent for Victorian Government departments or agencies, NATA will develop and enter into further specific agreements to support government regulatory action, which may include provisions such as:
  - (i) Mechanisms for keeping relevant departments or agencies fully informed of the status of all relevant accreditations with respect to their regulatory functions and in accordance with their criteria (including details of new, suspended and cancelled accreditations);
  - (ii) Invitations to department or agency staff to participate in the development and implementation of specific assessment criteria and in the assessment of specific accredited bodies;
  - (iii) Assessing laboratories or inspection bodies by reference to any specific or additional criteria that a department or agency wishes to have addressed for its own purposes;
  - (iv) Keeping the department or agency fully informed of any changes that NATA may make to general criteria or program specific criteria; and
  - (v) Providing a NATA representative to participate in or advise any relevant department or agency committees or working groups.

- 3.6 For testing and inspection accreditations where NATA is not acting as an accrediting agent for Victorian Government departments or agencies, NATA will, at the request of specific departments or agencies, negotiate and enter into agreements on the provision, in a timely manner, of relevant information on issues that may have significant public implications.
- 3.7 NATA will provide comment and advice to Victorian Government departments and agencies on international and trade related conformity assessment issues and will assist Victorian industry in gaining overseas acceptance for accredited conformity assessments of Victorian products.
- 3.8 NATA will assist the Victorian Government to assist the Commonwealth Government where possible in pursuing the objectives of the *National Measurement Act 1960* (Cth), including by:
- (i) Collaborating with the National Measurement Laboratory in promoting the use of Australia's primary and secondary standards of measurement;
  - (ii) Collaborating with the Victorian Department of Justice in matters pertaining to legal weights and measures; and
  - (iii) Collaborating with Victorian water, electricity and gas authorities with respect to implementation of the verifying authority requirements of legislation concerning water, electricity and gas metering.
- 3.9 NATA will respond to any concerns raised by Victorian Government departments and agencies with respect to the performance or competence of NATA-accredited laboratories and inspection bodies and laboratories, and inspection bodies accredited by NATA's mutual recognition agreement counterparts in foreign markets, and will provide timely feedback to the relevant department or agency on all actions taken to address those concerns.
- 3.10 In the event that NATA acquires any information or becomes alerted to any issues that may have important implications for the health or safety of the Victorian public then, subject to any law or pre-existing confidentiality obligation to the contrary, and on a case-by-case basis, NATA will divulge such information to, or bring such issues to the attention of the State of Victoria through its relevant departments or agencies, in a timely manner. To assist in such information sharing between NATA and the State of Victoria, NATA agrees to enter into agreements with specific departments and agencies to establish protocols for this process.

#### **Article 4 – Undertakings by the State of Victoria**

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- 4.1 The State of Victoria recognises NATA as Australia's national authority for the accreditation of laboratories that conduct tests and measurements in all technical fields, except in respect of therapeutic goods manufactured in accordance with a licence issued under the *Therapeutic Goods Act 1989* (Cth).
- 4.2 To the maximum extent reasonably possible, departments and agencies of the State of Victoria will participate in or advise NATA Technical Committees and the NATA Council and will make employees of the State available as technical assessors to assist NATA.

- 4.3 Through the Victorian Government representative on the NATA Council, issues of importance or concern to Victorian Government departments and agencies will be brought to the attention of NATA.
- 4.4 To the maximum extent practicable, departments and agencies of the State of Victoria, to satisfy their own testing needs, will use NATA accredited laboratories or laboratories accredited by organisations with which NATA has a mutual recognition agreement.
- 4.5 All Victorian department and agency laboratories whose principal function is to provide testing services to either Government or outside agencies will be encouraged by the State of Victoria to obtain and maintain accreditation by NATA.
- 4.6 All Victorian regulatory agencies will work with NATA, as appropriate and as permitted by law, to ensure that laboratories or inspection bodies accredited by NATA or its mutual recognition agreement partners maintain the required level of competence to satisfy relevant regulatory requirements.

#### **Article 5 - Joint Undertakings**

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- 5.1 The State of Victoria and NATA where appropriate will encourage service providers in all sectors of the Victorian economy to adhere to the principles of good laboratory practice embodied in NATA's relevant accreditation criteria, to have such adherence recognised through NATA accreditation, and as necessary to incorporate the use of accredited laboratories in their purchasing decisions, the drafting of regulations and quality assurance requirements, and the preparation of their operational procedures.
- 5.2 The Parties will work together to arrive, where possible, at mutually acceptable solutions to any issues that may arise in relation to this MOU.

#### **Article 6 - Variation**

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This MOU may be varied by agreement of the Parties in writing and signed by both Parties.

#### **Article 7 - Termination**

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Either Party may, upon giving one calendar month notice in writing to the other Party of its intention so to do, terminate this MOU for any reason whatsoever. No compensation of any kind will be payable by either Party to any person in the event of such termination.

#### **Article 8 - Notices**

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- 8.1 Notices or other communications by NATA to the State of Victoria under or regarding this MOU, unless otherwise notified in writing by the State of Victoria, must be addressed to the State of Victoria as follows:

The Director  
Resources and Infrastructure Branch  
Department of Premier and Cabinet  
Level 2, 1 Treasury Place  
MELBOURNE VIC 3002

8.2 Notices or other communications by the State of Victoria to NATA under or regarding this MOU, unless otherwise notified in writing by NATA, must be addressed to NATA as follows:

Chief Executive  
National Association of Testing Authorities, Australia  
7 Leeds Street  
RHODES NSW 2138

IN WITNESS WHEREOF the parties have executed this Memorandum on the 23 day of September 2004.

SIGNED for and on behalf of the )  
**STATE OF VICTORIA** )  
By **HON STEVE BRACKS** )  
Premier of Victoria )  
In the presence of: ) \_\_\_\_\_  
Premier

\_\_\_\_\_  
Date

SIGNED for and on behalf of the )  
**NATIONAL ASSOCIATION OF TESTING** )  
**AUTHORITIES, AUSTRALIA** )  
by **BARRY INGLIS** )  
Chair, )  
in accordance with its Articles of Association )  
in the presence of: ) \_\_\_\_\_  
Chair

\_\_\_\_\_  
Date