

GENERAL AGREEMENT ON

RESTRICTED

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TARIFFS AND TRADE

Special Distribution

Committee on Technical Barriers to Trade

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INFORMATION ON IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT

Addendum

The following communication has been received from the delegation of Australia.

In accordance with Article 15.7 of the Agreement on Technical Barriers to Trade (the Agreement) I have the honour to submit to the GATT secretariat details of the measures taken by Australia in respect of the implementation of the Agreement in Australia.

1. Actions taken to implement the Agreement:

The Australian government has taken the following administrative measures to implement the Agreement:

Federal government

All relevant Departments and agencies have received a copy of the Agreement and comprehensive guidelines which explain what is required of those Departments and agencies in order to effect the terms of the Agreement as well as how the Agreement operates. Extensive ongoing discussions between Commonwealth Departments and agencies are taking place to ensure that the Agreement will be carried out properly.

Local government

Australia has a federal constitutional system in which legislative, executive and judicial powers are shared between the Commonwealth and the constituent states and territories.

Consequently, the implementation of the Agreement throughout Australia will be carried out by the Commonwealth, State and Territory authorities having regard to their respective constitutional powers and the arrangements concerning their exercise.

Accordingly, the Australian Government has consulted extensively with the State and Territory Governments of Australia to ensure that they can fully assist Australia in fulfilling its obligations under the Agreement.

To this end the Commonwealth:

- (a) concluded an Agreement on Standards, Accreditation and Quality with the State and Territory Governments which commits all parties to take certain actions which are consistent with the aims of the Agreement on Technical Barriers to Trade.
- (b) established contact points with the State and Territory Governments and supplied them with copies of;
 - (i) the Agreement, and
 - (ii) proposed guidelines for relevant agencies of those governments on how they may assist Australia in discharging its obligations under the Agreement.
- (c) has arranged for an officer of the Department of Foreign Affairs and Trade to visit State and Territory Governments in order to explain in detail how the Agreement operates and how the Commonwealth expects local governments to help discharge Australia's obligations under the Agreement.

Non-governmental organizations

The Commonwealth of Australia has recognized:

- (a) The Standards Association of Australia (Standards Australia) as having broad national authority in the standards setting area and recognizes it as the generally accepted peak standards writing body in Australia.
- (b) The National Association of Testing Authorities (NATA) as the national authority generally responsible for accreditation of laboratories performing tests, measurements, calibration and related services to standards of good laboratory practice.

Accordingly, memorandums of understanding have been signed by the Commonwealth of Australia with NATA and Standards Australia which commit them to ensure that their practices are in harmony with and supportive of, the relevant Articles of the Agreement.

There has also been close liaison between the Commonwealth and both Standards Australia and NATA to ensure that the practices of these non-governmental organizations will assist Australia in discharging its obligations under the Agreement.

2. Publications and comment periods

Federal government

Publication

Generally, notices of technical regulations, standards and certification systems proposed or finally adopted by the Australian Commonwealth are published in the Commonwealth of Australia Gazette (Commonwealth Gazette).

There are some exceptions:

- (a) Consumer standards: The Federal Bureau of Consumer Affairs does not make official notifications of its proposed regulations and standards. Such proposals, however, are considered by Standards Australia Committees, which include representatives of industry and consumer groups. Once adopted, however, regulations and standards are published in the Commonwealth Gazette (adopted standards are also published by Standards Australia).
- (b) Drugs and poisons: Texts of technical regulations and standards are published by the National Health and Medical Research Council in the "Standard for the Uniform Scheduling of Drugs and Poisons" (available from the Australian Government Publishing Service).
- (c) Food: Announcements concerning the work conducted by the National Food Authority (NFA) on variations to the Australian Food Standards Code are published in the Wednesday edition of "the Australian" newspaper (as well as the Commonwealth Gazette). The texts of variations to the Code are published in the Commonwealth Periodic Gazette.
- (d) Legal metrology: The National Standards Commission (NSC) announces that work is proceeding on draft technical regulations through the NSC Bulletin and through circulars sent to all known interested parties. Draft texts of technical regulations are then circulated to all known interested parties for comment. The NSC publishes definitive technical regulations, standards and certification systems in Codes of Practice, Pattern Approval Manuals, Handbooks containing test procedures and General Certificates of Approval and Determination; while the basic details of technical regulations appear in the National Measurement Act and its regulations.
- (e) Maritime regulations: Announcements that work is proceeding on draft technical regulations are usually made to relevant bodies and sometimes published by the Australian Maritime Safety Authority (AMSA) in Marine Notices. Drafts of these technical regulations are distributed as documentation for standing consultative committees (convened under the auspices of AMSA). Technical Regulations when finally adopted are published as Marine Orders by AMSA under Part XI of the Navigation Act.

- (f) Motor vehicles: Draft technical regulations and standards are issued as individual documents by the Vehicle Standards Advisory Committee to interested parties for the purpose of comment. Following a period for public comment the new or revised regulations are endorsed by the Australian Transport Advisory Council. Certification systems are either:
- (i) put into law as Motor Vehicle Standards regulations and notified in the Commonwealth Gazette, or
 - (ii) published as Administrator's Circulars by the Department of Transport and Communication.
- (g) Quarantine:
- (i) Horticultural quarantine measures are effected through Commonwealth legislation. Consequently, the period before these measures are adopted varies (being governed by parliamentary procedure). The new or amended measures are advertized formally in the Commonwealth Gazette. The Australian Quarantine and Inspection Service (AQIS) also uses administrative circulars, procedural manuals and the AQIS Bulletin to publicize these measures.
 - (ii) In relation to other measures relevant publications include subordinate legislation and the AQIS Bulletin (as well as the Commonwealth Gazette).
- (h) Radiocommunications: Proposed technical regulations are notified in the Commonwealth Gazette and when adopted are published as statutory rules of the Parliament of the Commonwealth. They are reproduced in individual publications by the Department of Transport and Communications.
- (i) Telecommunications: Announcements that work is proceeding on draft technical regulations are published in the Commonwealth Gazette but texts of drafts for public comment are published by Standards Australia.

Comment period

Comment periods vary widely, although sixty days is a common period for many measures.

The measures which do not involve a sixty day comment period include:

- (a) Consumer standards: The Federal Bureau of Consumer Affairs does not have a set comment period. When a regulation is introduced the Bureau undertakes consultation with relevant Departments as well as consumer and industry groups. The time allowed for comment varies (depending on the urgency of the regulation) but one to two months would be usual.

- (b) Drugs and poisons: Thirty days are allowed for comments when measures are proposed and a further thirty for comments when they are adopted.
- (c) Food: The NFA allows two periods for public comment. One is six weeks following acceptance of an application to the NFA for a variation of the Food Standards Code. The other is six weeks following the announcement of the draft variation to the Code. In certain special circumstances these periods may be shortened or omitted.
- (d) Legal metrology: Thirty days are allowed for comment on draft technical regulations once they are circulated.
- (e) Maritime regulations: The time allowed for comment varies but three months would be the average minimum period regarding drafts of these regulations.
- (f) Motor vehicles: Ninety days are allowed for comments on drafts of technical regulations, standards and rules of certification systems.
- (g) Quarantine:
 - (i) As already noted horticultural quarantine measures are effected through Commonwealth legislation. Consequently, the period before these measures are adopted varies widely.
 - (ii) In relation to other measures the length of the comment period will vary but is sufficient to allow interested parties time to comment.
- (h) Radiocommunications: Interested persons are invited to make representations in connection with a proposed standard for a period of not less than one month or such larger period as is specified by notice in the Commonwealth Gazette.
- (i) Telecommunications: At least sixty days are allowed for comment on draft technical standards.

Local government

Publication

Generally, notices of State or Territory government technical regulations, standards or certification systems (proposed or finally adopted) are published in the relevant State or Territory government gazette.

Comment period

Comment periods vary but the Commonwealth has recommended to State and Territory Governments that they adopt a period of sixty days as a general rule.

Non-governmental organizations

STANDARDS AUSTRALIA

Publication

Notices of proposed non-government standards or rules of certification systems are published in "the Australian Standard" the journal of Standards Australia.

The texts of non-government standards or rules of certification systems when finally adopted are published individually and are available on request from Standards Australia Quality Assurance Services Pty Ltd (a subsidiary of the Standards Association of Australia).

Comment period

Two months is the normal comment period for standards and rules of certification systems proposed by the Standards Australia (although the period may be reduced in special circumstances).

NATIONAL ASSOCIATION OF TESTING AUTHORITIES

Publication

Notices of proposed non-government standards or rules of certification systems are published in "NATA News", a quarterly publication with wide circulation throughout Australia and limited distribution overseas.

Texts of the above standards and rules when adopted appear in a series of publications titled "NATA Requirements for Registration" with a sub-title dependent on the area of technology covered by the text.

Comment period

NATA does not have a formal public review period but its regulations and criteria are derived from international documents (ISO guides 25, 54, 55, etc. EN 45001, 45002, 45003).

4. Enquiry point (Article 10 of the Agreement)

The Department of Foreign Affairs and Trade has been established as the enquiry point and is fully operational. (No other Australian agencies have functions under the Agreement.) The address for enquiries is:

Director
GATT General Section
Multilateral Trade Division
Administrative Building
PARKES ACT 2600

Telephone: International + (61) 6 261 3426

Telex : 62007 or 62001

Telefax : International + (61) 6 273 1527

5. Consultations

Requests for consultations should be directed to the address given for the enquiry point above.