




NATA Rules

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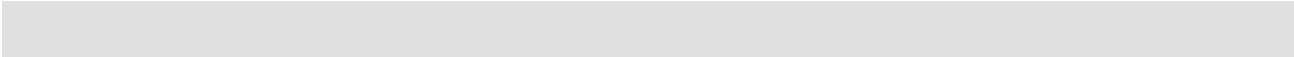
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Constitution

Company name

1

The name of the company is 'National Association of Testing Authorities, Australia'.

Definitions

2

1. In this Constitution the following definitions (in alphabetical order) apply:

'**accreditation**' means the formal recognition by the Association of the technical competence of a person to provide testing or related services and may include recognition of compliance with specified codes of practice and 'accredited' has a like meaning.

'**accreditation program**' means a program for accreditation or recognition of facilities undertaking a particular activity complying with a specific set of defined criteria and designated as a program by the Association.

'**accredited facility**' means an accredited laboratory or accredited service facility or both.

'**accredited laboratory**' means a laboratory accredited solely by the Association or in conjunction with one or more other persons.

'**accredited person**' means a natural person performing testing or related services, or both, and accredited by the Association to perform such services.

'**accredited service facility**' means a service facility accredited solely by the Association or in conjunction with one or more other persons. The Association may use, where appropriate, less generic terminology describing accredited facilities, including, but not limited to an accredited inspection body or an accredited reference material producer.

'**the Act**' means the Corporations Act 2001 or any statutory modification, amendment or reenactment thereto for the time being in force or any subsequent Corporations Act for the time being in force.

'**approved signatory**' means a natural person nominated by an ordinary member as responsible for the results of testing or related services or both performed by an accredited facility and approved for that responsibility by the Association. The Association may use, where appropriate, other terminology, including but not limited to approved identifier or approved coordinator or approved reporter.

'**assessor**' means a natural person who is not a member of staff of the Association selected to participate in the examination and re-examination of facilities or persons engaged in testing or related services or both.

'**the Association**' means the 'National Association of Testing Authorities, Australia'.

'**authorised representative**' means either:

- a) a natural person nominated in writing by an organisation operating a testing laboratory or service facility with its own resources; or
- b) the natural persons nominated in writing by the parties operating a multi-party organisation.

'**the Board**' means the Board of Directors for the time being of the Association.

'**cancellation of accreditation**' means the process whereby the accreditation of a person, laboratory or service facility is cancelled by the Board for either all or part of the scope of accreditation of the person, laboratory or service facility and 'cancelled accreditation' has a like meaning.

'**the Chair**' means the one natural person appointed by the Council to act as Chair of the Association as well as of the Council and of the Board.

'the Chief Executive' means the Chief Executive for the time being of the Association and includes any natural person performing the duties of the Chief Executive for the time being.

'the Council' means the Council for the time being of the Association.

'endorsed report' means a written statement whose purpose is to report the results and/or outcomes of activities for which a testing authority has been accredited and is endorsed in the name of the Association and in accordance with the provision of the Regulations.

'field' means a group of technically linked activities or materials within an accreditation program designated as such by the Association.

'multi-party organisation' means an organisation operating a testing laboratory or service facility by a combination of a service authority and service collaborator(s) in which the authorised representative nominated by each party in combination control all its resources and accept responsibility for all aspects of its operations.

'own resources' means when all the resources of the testing laboratory or service facility are controlled by the single legal entity whose authorised representative accepts responsibility for all aspects of its operation. Such resources may include, but are not limited to leased equipment and premises and consultant staff, under conditions specified from time to time by the Board.

'person' means natural person, partnership, organisation, firm, company, trust, government, semi-government, quasi-government statutory body or authority or association whether incorporated or not or any juristic entity unless the context otherwise requires.

'the Register' means the register of persons and facilities providing testing and related services accredited by the Association or otherwise granted recognition by the Association solely or in conjunction with one or more other persons, and their Authorised Representatives.

'related service' means one or more of:

- a) an activity complementary to testing, including, but not restricted to sampling, selecting and testing activities involved in quality assurance and quality control;
- b) a service of inspection, where inspection means the examining of a product design, service process or plan and determination of conformity with specific requirements, or, on the basis of professional judgement, general requirements;
- c) the production of reference materials or certified reference materials;
- d) medical imaging;
- e) the conduct of non-clinical health and environmental safety studies;
- f) other services or programs as may be added from time to time by the Board.

'scope of accreditation' means the statement used by the Association to define the specific services which are covered by the accreditation.

'service authority' means an organisation that operates a testing laboratory or service facility and issues reports and certificates through a franchise, subcontract, agency or similar arrangement with one or more service collaborators, but does not totally provide and control the service.

'service collaborator' means an organisation operating a testing laboratory or service facility in collaboration with a service authority, in such a manner to make the combined resources eligible for accreditation.

'service facility' means a facility engaged in related services.

'suspension of accreditation' means the process whereby the accreditation of a person, laboratory or service facility is made temporarily invalid for either all or part of the scope of accreditation of the person, laboratory or service facility and **'suspended accreditation'** or **'accreditation which is suspended'** have like meanings.

'testing' includes calibration and the services of analysing, measuring, examining, identifying, checking or otherwise a material, a specimen, a component, a product, a system, a thing, an event or other matter for conformity with specified requirements or otherwise.

'testing authority' means both a single organisation providing a testing or related service with its own resources which has been accredited by the Association and a multiparty organisation providing a testing or related service utilising the joint resources of the parties to the arrangement which has been accredited but excludes an accredited person.

'unendorsed report' means a written statement whose purpose is to report the results and/or outcomes of activities for which a testing authority has been accredited which has not been endorsed in the name of the Association and in accordance with the provisions of the Regulations.

'the Vice-Chair' means the one natural person appointed by the Council to act as Vice-Chair of the Association as well as of the Council and of the Board.

2. Where any provision of the Act is referred to, the reference is to such provision as modified by any statute for the time being in force.
3. Unless the context otherwise requires, in the interpretation of the Constitution expressions defined in the Act or any statutory modification thereof in force from time to time shall have the meanings so defined.
4. For the purposes of the Act members of the Board of Directors shall be regarded as the Directors of the Company.
5. In the Constitution, unless the contrary intention appears, words importing the masculine gender shall include the feminine and neuter, words in the singular shall include the plural and words in the plural shall include the singular.
6. In the Constitution, unless the context otherwise requires, 'member' means a member of the Association.

Objectives of the association

3

The objects for which the Association is established are:

- a) To promote and contribute to the quality of testing, inspection and related services in Australia.
- b) To promote national testing, inspection, calibration and related services to meet the needs of science, industry, trade, commerce, government and matters related to national interest.
- c) To promote the science and practice of testing, inspection, calibration and related services for the benefit of Australia and for the benefit of trade and commerce.
- d) To provide appropriate accreditation services to facilitate acceptance of Australian products and services within Australia and internationally.
- e) To provide international recognition of accredited laboratories' and accredited service facilities' reports and certificates through Mutual Recognition Agreements with appropriate bodies located in other countries.

4

In pursuance of these objects the Association has power:

- a) To accredit and otherwise grant recognition to facilities providing testing and related services solely or in conjunction with one or more persons or other organisations.
- b) To prescribe the conditions to be met for accreditation or other recognition of facilities providing testing and related services, and the conditions to be met for continuation of such accreditation or other recognition. Such conditions will be prescribed with awareness of the need for compatibility with internationally agreed standards and procedures.
- c) To examine and to conduct other enquiries to establish whether or not facilities providing testing and related services comply with the conditions for accreditation or other recognition or with the conditions for continuance of accreditation or other recognition.
- d) To authorise and encourage testing authorities operating accredited or otherwise recognised facilities providing testing and related services to endorse in the name of the Association the results of tests and other services accredited or otherwise recognised by the Association.
- e) To encourage and assist persons operating facilities providing testing and related services to achieve compliance with the conditions prescribed by the Association for accreditation or other recognition.

- f) To promote the recognition:
 - i) of the Association;
 - ii) of organisations operating facilities providing testing and related services accredited or otherwise recognised by the Association; and
 - iii) of tests and related services endorsed in the name of the Association.
- g) To contribute to and assist in the provision of a national service with respect to testing and related services and to this end to collaborate with other persons including the National Measurement Institute and the Commonwealth Scientific and Industrial Research Organisation.
- h) To manage, contribute to or conduct programs aimed at improving the quality of testing and related services, including proficiency testing and interlaboratory comparison programs, measurement audit programs and training programs.
- i) To participate in the formulation of test methods, codes of practice and other documentation relevant to testing, inspection and related services and to this end to collaborate with other persons including the National Measurement Institute, Standards Australia International and the National Health and Medical Research Council.
- j) To provide advisory and training services with respect to accreditation activities.
- k) To engage in agreements and arrangements with other accreditation bodies throughout the world for such purposes as mutual recognition and mutual cooperation.
- l) To arrange and participate in conferences, exhibitions, meetings, lectures, addresses and commentaries on testing, inspection and related services and the arts and sciences connected therewith and to publish, sell or otherwise distribute pamphlets, periodicals and other publications and data bases on testing and related services.
- m) To establish and maintain libraries, databases and other collections on testing, inspection and related services and the arts and sciences connected therewith.
- n) To undertake and execute any trusts or any agency business which may seem directly or indirectly conducive to the attainment of any of the objects of the Association.
- o) To subscribe to, promote, become a member of or cooperate with any other body (whether corporate or unincorporated) having objects altogether or in part similar to those of the Association.
- p) If at any time it may be deemed necessary, to obtain an Act of Parliament for the dissolution of the Association and re-incorporation of its members for all or any of the objects of the Association, and to obtain any other Act which may seem conducive to any of such objects.
- q) To do all or any of the above things in any part of the world compatible with the agreements to which the Association is a party.
- r) To do or concur in the doing of all such acts, deeds, matters and things and to enter into and make such arrangements as are incidental or conducive to the attainment of the above objects or any of them, and to establish funds for the carrying out of the above objects.
- s) To acquire or establish whether solely or in joint venture an entity to provide certification of and including but without limitation, materials, processes, systems, equipment, services and personnel.

And it is hereby declared that the Association (subject to the provisions of the Corporations Act) shall have the power to do any of the matters abovementioned (whether in one or different paragraphs) apart from any other of the said matters, and that none of the above descriptions shall be limited or restrained by references to the name of the Association or to matters of the same or some similar kind to those elsewhere in this clause referred to, or shall be otherwise limited or restrained by any other part of this clause not containing an express limitation or restriction nor by an inference to be drawn from such other part, and so that wherever such construction is possible the objects specified in this clause may be construed in as wide a sense as if each of the paragraphs hereof defined the objects of a separate and independent society, association or institution.

Members' liability

5

The liability of the members is limited.

6

The income and property of the Association whencesoever derived shall be applied solely toward the promotion of the objects of the Association as set forth in this Constitution and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, gift, bonus or otherwise howsoever by way of profit to members of the Association provided always that nothing herein contained shall prevent:

- a) The payment in good faith of remuneration to any officers or servants of the Association or to any member of the Association (not being a member of the governing body of the Association) or other person in return for services actually rendered to the Association.
- b) The payment for goods supplied to the Association in the ordinary and usual way of business.
- c) The payment of reasonable and proper rent for premises demised or let to the Association by any member of the Association (not being a member of the governing body thereof).

7

Every member of the Association undertakes to contribute to the assets of the Association in the event of its being wound up while it is a member, or within one year afterwards, for payment of the debts and liabilities of the Association contracted before it ceases to be a member, and the costs, charges and expenses of winding up, and for the adjustment of the rights of the contributories among themselves, such amount as may be required not exceeding twenty dollars.

8

If upon winding up or dissolution of the Association there remains after the satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid to or distributed among the members of the Association but shall be given or transferred to some body or bodies (whether corporate or unincorporate) having objects altogether or in part similar to the objects of the Association and which prohibits the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Association under Clause 6 hereof such body or bodies to be determined by the members of the Association at or before the time of dissolution, and in default thereof by any court of competent jurisdiction.

Accounts

9

True accounts shall be kept of all monies received and expended by the Association and the matters in respect of which such receipt and expenditure takes place, and of the property, credits and liabilities of the Association and, subject to any reasonable restrictions as to time and manner of inspecting the same that may be imposed under the regulations for the time being of the Association, shall be open to inspection by members. Such accounts shall on the written request of the Australian Securities and Investment Commission be produced for inspection by the Commission or a person nominated in writing by it.

The accounts of the Association shall be examined at least once in every year and the correctness of the statement of financial position certified by one or more properly qualified auditor or auditors.

Provisions of the act for replaceable rules

10

The provisions of the Act that operate as replaceable Rules do not apply to the Association except in so far as the same are expressly repeated or contained in this Constitution.

Members

11

There shall be three classes of membership of the Association, namely:

- 1 Ordinary members
2. Associate members
3. Honorary members

12

1. The ordinary members of the Association shall comprise:
 1. the testing authorities;
 2. in multi-party organisations, each party which has been assessed and accredited; and
 3. the members for the time being of the Council.
2. All testing authorities shall nominate an authorised representative for each accredited facility with which they are associated, but the same authorised representative may represent the member for more than one of its accreditations.
3. If the non-availability of the authorised representative of an accredited facility arises by reason of death, illness, incapacity or otherwise, the rights of the member as an ordinary member of the Association shall be exercised by the chief executive officer or other controller of the accredited facility acceptable to the Association.

13

The associate members of the Association shall comprise accredited persons and persons who are accepted by the Council as having objects compatible with the Association but who are not eligible for ordinary membership.

14

The honorary members of the Association shall be natural persons accepted by the Council as having rendered meritorious service to the Association, and who have consented to become honorary members.

General meetings

15

An annual general meeting of members shall be held in every calendar year at such time and at such place in Australia as the Board may appoint.

16

All other general meetings shall be called extraordinary general meetings.

17

The Board may, whenever it thinks fit, convene an extraordinary general meeting and extraordinary general meetings shall be convened on such requisition (or in default shall be convened by such requisitionists) as provided by Section 249D and 249E of the Act.

Notices of general meetings

18

Subject to the provisions of the Act relating to special resolutions, twenty-one days notice at the least (exclusive of the day on which the notice is served or deemed to be served but inclusive of the day for which notice is given) specifying the place, the day, and the time of meeting and, in the case of special business, the general nature of the business shall be given to each member.

19

The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any members shall not invalidate the proceedings at that meeting.

Proceedings at general meetings

20

All business shall be deemed special that is:

- a) transacted at an extraordinary general meeting; or

- b) transacted at an annual general meeting, with the exception of consideration of the financial reports, report of the auditors, report of the Association, the election of auditors and fixing of the remuneration of the auditors.

21

No business shall be transacted at any general meeting unless a quorum of members entitled to vote is present at the time when the meeting proceeds to business. Twenty members entitled to vote who are present personally or by proxy shall be a quorum.

22

1. The Chair of the Board shall preside as chair at every general meeting of the Association.
2. In the absence of the Chair of the Board from any such general meeting the Vice-Chair of the Board shall preside as chair.
3. In the absence of both the Chair and Vice-Chair of the Board the members present and entitled to vote shall appoint one of their number to be chair of the meeting.

23

1. The Chair may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
2. When a meeting is adjourned for ten days or more notice of the adjourned meeting shall be given as in the case of the original meeting.
3. Save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

24

Except in relation to a resolution or special resolution all questions arising at any general meeting shall be decided by a majority of votes. If an equality of votes arises the chair of the meeting has a second or casting vote.

25

Where for any reason it is not proposed to hold a general meeting to pass a resolution and the text of the proposed resolution has been circulated to all members entitled to attend and vote at a general meeting, the resolution shall be passed and take effect as if it had been passed at a general meeting, where the following conditions have been satisfied:

1. half of the total members entitled to attend and vote at a general meeting have signed in favour of the resolution; and
2. at least three-quarters of the total members entitled to attend and vote at a general meeting have signed the resolution (some of whom may have signed against or abstained from voting on the resolution).

This provision shall not apply to a resolution or special resolution required by the Act to be dealt with at a general meeting.

Votes of members

26

1. The ordinary members and the honorary members of the Association shall be entitled to vote at a general meeting of the Association. An ordinary member shall have one vote for each of its accreditations irrespective of whether the ordinary member nominates the same person as the authorised representative of more than one of its accredited facilities. An honorary member shall have one vote.
2. An associate member shall be entitled to participate in the deliberations of a general meeting but shall have no voting rights.
3. Votes may be given either personally or by proxy.

4. An instrument appointing a proxy shall be in writing under the hand of the appointer or of their attorney duly authorised in writing, and shall be in the following form:

National Association of Testing Authorities, Australia

I of

in the State ofbeing:

a) the authorised representative of an ordinary member,

OR

b) an honorary member of the above Association hereby appoint

of in the State of

as my proxy to vote for me and on my behalf at the annual/extraordinary general meeting of the Association to be held on the (date)and at any adjournment thereof signed this(date) and to vote:

Generally as they determine on my behalf (circle 'generally')

OR

Specifically in accordance with the following special instructions (circle 'specifically')

..... resolution(s) YES/NO/ABSTAIN

Authorised Representative:

Honorary Member:

Authorised Representative or Honorary Member by

Attorney:

Council

27

1. There shall be a Council of the Association which will be a representative body for all members of the Association and which shall have such powers and functions as are prescribed by this Constitution to act as a consultative body to assist in the activities of the Association and may be called upon for advice by the Board.
2. The maximum representation of the Council shall consist of the following members who shall be natural persons:
 - a) a maximum of six persons nominated by the Commonwealth of Australia;
 - b) one person nominated respectively from each of the States of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia and the Australian Capital Territory and the Northern Territory or their successors;
 - c) three persons representing industry nominated by the Australian Chamber of Commerce and Industry or such other organisation or organisations as the Council may prescribe from time to time;
 - d) one person nominated by Standards Australia International;
 - e) one person nominated by the National Measurement Institute;
 - f) one person nominated by the Commonwealth Scientific and Industrial Research Organisation, Australia;
 - g) one person representing the profession of chemistry nominated by the Royal Australian Chemical Institute or such other institute as the Council may prescribe from time to time;
 - h) one person representing the profession of engineering nominated by The Institution of Engineers, Australia or such other institute as the Council may prescribe from time to time;
 - i) one person representing the profession of physics nominated by the Australian Institute of Physics or such other institute as the Council may prescribe from time to time;
 - j) one person representing the profession of pathology nominated by the Royal College of Pathologists of Australasia or such other institute as the Council may prescribe from time to time;
 - k) one person representing the profession of medical imaging nominated by the Royal Australian and New Zealand College of Radiologists or other such organisation as the Council may prescribe from time to time;
 - l) one person representing the employees of testing authorities nominated by the Australian Council of Trade Unions or such other organisation as the Council may prescribe from time to time;

- m) one person representing the consumer associations nominated by the Consumers' Federation of Australia Inc or such other organisation as the Council may prescribe from time to time;
 - n) one person elected by ordinary members in each State or Territory where the number of accredited laboratories and facilities equals fifty or less;
 - o) two persons elected by ordinary members in each State or Territory where the number of accredited laboratories and facilities exceeds fifty;
 - p) one person representing JAS-ANZ (the Joint Accreditation System of Australia and New Zealand) or such other organisation as the Council may prescribe from time to time;
 - q) one person nominated by each other body that the Council may prescribe from time to time;
 - r) a maximum of six other persons coopted by the Council.
3. For the purpose of voting at an election to select a member or members of the Council under Clause 27.2(n) and(o), an ordinary member shall have the right to exercise one vote for each of its accreditations which operates within the respective State or Territory.

28

1. The term of office of a nominated or elected Council member, other than a replacement member, shall expire on the thirtieth day of June in the third year following the year in which the member is nominated or elected (regardless of when the member actually assumes office) but the member shall continue to serve as a Council member until a successor is nominated or elected or until the conclusion of the first meeting of the Council after the thirtieth day of June in the third year following the year of nomination or election whichever is the sooner.
2. When a person is nominated or elected to replace a nominated or elected Council member whose term of office has not finished the term of office of that person shall be the balance of the term of office of the person who has been replaced as prescribed in paragraph (1) of this Clause.
3. A retiring Council member shall be eligible for reappointment.

29

If a Council Member is unable to attend a Council Meeting the Member shall have the right to appoint, in writing under the Member's hand, any other person, not being a Council Member, to act on that Member's behalf.

Procedures of the council

30

1. The Council may meet for the despatch of business, adjourn and otherwise regulate its meetings as it thinks fit.
2. Questions arising at a Council Meeting shall be decided by a majority of votes unless the Constitution or Regulations prescribe otherwise. Upon an equality of votes the chair of the meeting shall have a second or casting vote.
3. The Chair of the Council may, and the Chief Executive on the requisition of not less than eight Council Members shall, at any time summon a Council Meeting.
4. The quorum for a Council Meeting is twenty Council Members.

31

Notice of a Council Meeting shall be posted to the last known address of each Council Member not less than twentyone days prior to the meeting date and shall be accompanied by an agenda paper.

32

1. The Council shall elect a Board of Directors as required by Clause 35 and shall subsequently elect its Chair and Vice-Chair from members of that Board who are Councillors. The Chair and Vice-Chair so elected shall be Chair and Vice-Chair respectively of the Board.
2. The Chair and Vice-Chair shall be appointed for a nominal one year term commencing at the conclusion of the Council meeting at which they are elected and expiring at the conclusion of the Council meeting at which their successors are elected, and they shall be eligible for re-election.

33

1. The Chair of the Council shall preside as such at every Council Meeting.
2. In the absence of the Chair of the Council from any such meeting the Vice-Chair of the Council shall preside as chair.
3. In the absence of both the Chair and Vice-Chair of the Council the Council Members present at the meeting shall appoint one of their number to be chair of the meeting.

34

An act done by a Council Meeting or by a committee of the Council or by any one person acting as a Council Member shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such Council Member or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly qualified to be a Council Member.

Directors

35

1. There shall be a Board of Directors of the Association comprised of such members of the Council as shall be elected by and from the Council in accordance with the Regulations, as passed by the Association.
2. No payment shall be made to any Director of the Association other than:
 - a) for payment of out-of-pocket expenses incurred by a Director in the performance of any duty as Director;
 - b) for payment of any service rendered to the Association by the Director in a professional or technical capacity, other than in the capacity as a Director, where the provision of the service has the prior approval of the Directors of the Association and where the amount payable is approved by the Directors of the Association and is not more than an amount which commercially would be reasonable payment for the service; or
 - c) for payment of any salary or wage due to the Director as an employee of the Association where the terms of employment have been approved by the Directors of the Association.

36

All elected members of the Board shall be elected for a period of three years. The term of office of Board members shall be from the conclusion of the first Council meeting following their election until the conclusion of the Council meeting in the year in which their term expires.

37

The Board shall act as a Board of Directors and deal with any matters referred to it by the Council and with any matters which concern the Council in regard to which action should not in the opinion of the Board be postponed until a meeting of the Council.

38

1. Subject to the provisions of this Constitution the Board may meet for the despatch of business, adjourn and otherwise regulate its meetings as it thinks fit.
2. Questions arising at any meeting of the Board shall be decided by a majority of votes. Upon an equality of votes the chair shall have a second or casting vote.
3. The Chair of the Council may, and the Chief Executive on the requisition of not less than two members of the Board shall, at any time summon a meeting of the Board.

39

1. A copy of the minutes of each meeting of the Board shall be forwarded to each Board Member as soon as possible after such meetings.
2. A copy of the confirmed minutes of each meeting of the Board may be forwarded to each Councillor as soon as possible after such confirmation to assist the Councillor's deliberations. Such minutes are for information purposes only and shall be treated by each recipient as confidential, with use restricted to the assisting of the Councillor to further the activities of and the purpose for which the Association was established.

40

1. The Board may refer any matter to Council Members for referendum by postal ballot.
2. Upon such reference the Chief Executive shall forward by post to each Council Member a ballot paper and such ballot paper shall clearly state the matter on which a decision is desired. The final date for receipt of recorded votes shall be specified on the ballot paper and shall be not less than twentyone days after the date on which such ballot paper is forwarded.
3. The decision of the majority of Council members so voting may be referred to the Board and the Board in its absolute discretion may or may not act on the decision, taking that decision into consideration before reaching a final decision.

Powers and duties of the board

41

The management of the property, business and affairs of the Association shall, subject to the Constitution, be vested in the Board which, in addition to the powers and authorities expressly conferred upon the Board, may exercise all such powers and do all such acts, matters and things as may be exercised and done by the Association and which are not by the Constitution or by the Act expressly directed to be done in a general meeting, but subject nevertheless to the provisions of the Act, the Constitution and to any Regulations from time to time of the Association, but no Regulation so made shall invalidate or render illegal any prior act of the Board which would have been valid if such Regulation had not been made.

42

The Board may from time to time make such Regulations for the regulation of the affairs of the Association as it may think fit and may amend and repeal any Regulations so made and such Regulations for the time being in force are binding on the members of the Association as if they were included in the Constitution provided such Regulations are not repugnant or inconsistent with the provisions of the Act or Constitution.

If by reason of a subsequent amendment to the Constitution or the Act, any existing Regulation becomes repugnant to or inconsistent with the Constitution or the Act, such Regulation shall be deemed to have been repealed.

43

1. The Board may from time to time, by Board Resolution, delegate any of its powers to:
 - a) Committees consisting of such persons as it thinks fit, including but not limited to Accreditation Advisory Committees;
 - b) the Chair of such Committees;
 - c) the Chief Executive either directly or, with specific prior Board approval, by further delegation from a Committee; and
 - d) to other officers of the Association with specific prior Board approval, by further delegation by the Chief Executive, and may from time to time revoke such delegations.
2. A current list of all Board approved delegations shall be maintained by the Chief Executive and the register shall be available to members of the Board, Council, Committees and officers of the Association.
3. Any such person or committee shall, in the exercise of the powers so delegated, conform to all rules and regulations from time to time imposed on it by the Board.

44

The Board shall cause minutes to be kept as required by the Act to be provided for the purpose of all:

1. appointments of officers made by the Board;
2. the names of the members of the Board present at each meeting of the Board and of any Committee of the Board; and
3. resolutions and proceedings at all meetings of the Association, of the Board and of committees of the Board.

Disqualification of councillors

45

The office of a director or councillor shall be vacated if the director or councillor:

1. becomes an insolvent under administration or commits a criminal offence or becomes disqualified from managing a Corporation under Part 2D.6 of the Act or any other provision of the Act;
2. by reason of a Court Order becomes disqualified from holding office under Section 206C of the Act;
3. is found to be of unsound mind or becomes a protected person within the meaning of the relevant State or Territory legislation;
4. acts in such a manner as, in the opinion of the Board, brings or could bring the Association into disrepute;
5. resigns their office by notice in writing to the Association, or subject to the exception contained in Section 191 of the Act has a material personal interest in a matter that relates to the affairs of the Association or participates in the profits of any contract with the Association, but a Councillor or a Director shall not be required to vacate their office if they have complied with the disclosure provisions contained in that Section. Nevertheless, a Councillor or a Director shall not vote in respect of any contract or work in which they have a material person interest, and if they do so, such votes shall not be counted.

State committees

46

The Council may establish a State or Territory Committee in such State or Territory to assist the Council in an advisory capacity, particularly in respect of, but not limited to regional matters and, subject to the absolute discretion of the Council, such State or Territory Committee shall assist in achieving the objects of the Association, particularly within that State or Territory.

47

The membership of a State Committee shall be as prescribed in the Regulations or otherwise by resolution of the Council.

48

The Chair and Vice-Chair of a State Committee shall be elected by members of that State Committee from amongst their own number.

The chief executive

49

1. The Board shall appoint a Chief Executive upon such terms as the Board deems appropriate who shall be the chief executive officer of the Association.
2. Subject to the provision of the Act and this Constitution, the Chief Executive shall have such powers and duties as are prescribed by the Regulations of the Association and by resolutions of the Board.

Accreditation of persons, laboratories and service facilities

50

1. Except as provided for in Clause 50.3, the Board shall consider any applications submitted to the Association by:
 - a) natural persons seeking personal accreditation;
 - and
 - b) other persons seeking accreditation for testing or related services.
2. Persons may apply for accreditation in one or more of the accreditation programs or one or more of the fields in that program. Each application shall be made in such form and in such manner as may be prescribed by the Board.

3. When an application for accreditation is made by a person who is involved as a manager, principal or owner of a facility the accreditation of which has been cancelled by the Board within a period of six months preceding the application, the Board may, if in its opinion the public interest so requires, defer further consideration of the application for a period not exceeding six months.

51

If the activities for which the applicant requests accreditation fall within the scope of two or more of the accreditation programs and/or fields, such application may, at the discretion of the Board, be considered as an application for a single accreditation.

52

The Board shall determine the conditions for accreditation and the conditions for continuance of an accreditation.

53

The Board may require the payment of fees by persons with respect to advice or services given prior to an accreditation, and payment of fees or subscriptions by accredited persons and ordinary members with respect to advice or services given for an accreditation, for continuance of an accreditation, for participation in programs and audits or for advice or services given subsequent to accreditation or such other fees as may be prescribed by the Constitution and the Regulations. In addition the Board may require the payment of a penalty fee or fees for non-compliance with conditions for continuance of an accreditation, or for the suspension or cancellation of an accreditation.

54

The Board or the Chief Executive or his delegates approved by the Board may either:

1. grant accreditation when the conditions for accreditation for the tests, related services or both referred to in the application for accreditation have been fulfilled;
2. on request by the applicant for accreditation, defer accreditation in respect of all or any of the tests, related services or both referred to in the application;
3. defer accreditation in respect of all or any of the tests, related services or both referred to in the application for accreditation until the conditions for accreditation for these tests, related services or both have been complied with, if the Board advises the applicant for accreditation of the reason or reasons for such deferment; or
4. refuse accreditation in respect of all or any of the tests, related services or both referred to in the application for accreditation on a resolution supported by at least two-thirds of the members of Board and the Board shall not be obliged to advise the applicant of the reason or reasons for such refusal.

55

The Board or the Chief Executive or his delegates approved by the Board may at any time and from time to time reexamine any accredited person or accredited facility and may conduct such other examinations and enquiries as may be deemed necessary to ascertain compliance with the conditions for continuance of accreditation.

56

The Board or the Chief Executive or his delegates approved by the Board shall consider any application submitted to the Association by an accredited person or accredited facility for variation of that member's approved signatories or scope of accreditation.

57

1. The Board or the Chief Executive or his delegates approved by the Board may, from time to time, vary the scope of accreditation of:
 - a) an accredited person;

- b) an accredited facility in respect of the tests or related services or both for which the accredited facility is accredited and the conditions to be complied with for continuance of the accreditation but if the scope is to be varied pursuant to this subclause, the Chief Executive shall first give notice to the accredited facility of the proposed variation and the accredited facility shall have the right to make submissions to the Association in regard thereto in accordance with the Regulations.
2. The Board or the Chief Executive or his delegates approved by the Board, after considering any submission made by the accredited person or accredited facility pursuant to the last preceding subclause, shall either confirm, rescind or vary the proposed variation.

58

1. If an accredited person or an accredited facility at any time fails or its principals at any time fail to comply with any condition for continuance of its accreditation, the Association may:
 - a) if the Association is satisfied that such failure to comply is of a temporary nature or does not warrant cancellation of accreditation, or if directed by a Review Committee pursuant to the Constitution and Regulations to do so, issue the accredited person or accredited facility in writing with a Correction Notice that from the date of notice, the accreditation is suspended in regard to all or any of the tests or related services in respect of which it has been accredited; or
 - b) if the failure to comply is such that the Board decides to cancel the accreditation, suspend the accreditation and issue to the accredited person or accredited facility a Notice to Show Cause why accreditation should not be cancelled; or
 - c) in its absolute discretion cancel the accreditation of an accredited person or accredited facility if a resolution is passed for its winding up, upon a winding up order being made or it being placed in voluntary administration or upon a Receiver or Receiver and Manager being appointed.
2.
 - a) Upon being served with a Correction Notice pursuant to Clause 58.1(a), the accredited person or accredited facility shall within a period of 21 days, or such other period that the Board shall determine, take such action or comply with such conditions as the Board may specify in the Correction Notice.
 - b) If in the Board's opinion the accredited person or accredited facility does not comply with the Correction Notice within the prescribed period, it may issue a Notice to Show Cause why accreditation should not be cancelled.
3. When issuing a Notice to Show Cause, the Board may, in addition to matters of non-compliance, take into account some or all of the following matters, but not limited to:
 - a) whether the matters of non-compliance might result in a risk to public health or cause damage to the interests of the clients of the person or testing authority;
 - b) any previous non-compliance with conditions for continuance of accreditation leading to a Notice to Show Cause or Correction Notice;
 - c) any history of non-compliances with conditions for continuance of accreditation; and
 - d) whether the accredited person or accredited facility has previously been refused accreditation.

59

1. Upon being issued with a Notice to Show Cause, an accredited person or accredited facility (the claimant) shall within 21 days of such service either:
 - a) file an application for review of the Board's decision to cancel the accreditation; or
 - b) advise the Board in writing that it does not wish to apply for review of the Board's decision to cancel the accreditation.

If within the prescribed time period the accredited person or accredited facility does not comply with either subclause (a) or (b) above, the Board's decision to cancel the accreditation shall take effect.

2. Applications for review shall be referred to a Review Committee constituted and operated in accordance with the Regulations.
3. Notice of cancellation of all or any part of an accreditation shall be given by the Board in an appropriate manner.

60

On request by a member the Association may at any time cancel the accreditation of an accredited person or accredited facility operated by that member in regard to all or any of the tests or related services for which it has been accredited.

61

On a request by a member the Association may at any time suspend the accreditation of an accredited person or accredited facility operated by that member in regard to all or any of the tests and related services for which it has been accredited.

62

1. A member whose accreditation has been suspended retains the rights and obligations of a member, except that the member may not claim to be accredited or issue endorsed reports for all or part of the scope of accreditation covered by the suspension.
2. A member whose accreditation has been cancelled in part retains the rights and obligations of a member, except that the member may not claim to be accredited or issue endorsed reports for the part of the scope of accreditation covered by the cancellation.
A member whose accreditation has been cancelled in full shall cease to be a member and shall be removed from the Register.

Associate membership

63

1. For those persons seeking associate membership, other than accredited persons as defined in Clause 2, the Board shall determine the conditions for membership and the conditions for continuation of such membership.
2. For those associate members who are not accredited persons, the Board may require the payment of fees or subscriptions for associate membership of the Association and may require the payment of other fees for services rendered to an associate member by the Association.

Honorary membership

64

1. The Board shall determine the conditions for honorary membership of the Association and the procedure for nomination of honorary members of the Association.
2. Election of a natural person as an honorary member of the Association shall require a minimum of two-thirds majority of the Directors voting in favour of the nomination.

Indemnity

65

Subject to the Constitution or any amendment thereof for the time being in force every Director, Councillor, every member of a committee appointed by the Council and the Board or otherwise under the Constitution and every person employed by the Association including as an assessor shall be entitled to be indemnified out of the assets of the Association against all costs, losses and expenses (including reasonable travelling and accommodation expenses) which any such Director, Councillor, committee member, Chief Executive, employee or assessor may incur or become liable for by reason of any contract entered into or act or thing done by them in their capacity as Director, Councillor, committee member, Chief Executive, employee or assessor as the case may be or in any way in the discharge of their duties.

Accounts

66

The Board shall cause proper accounts to be kept with respect to all:

1. sums of money received and expended by the Association and the matters in respect of which receipt and expenditure takes place,
2. sales and purchases of goods by the Association; and
3. the assets and liabilities of the Association.

67

The accounts shall be kept at the registered office of the Association, or at such other place or places as the Board thinks fit, and shall at all reasonable times be open to inspection by a Director.

68

The Board shall from time to time, in compliance with the Act and in particular with Chapter 2M of the Act, cause to be prepared and to be laid before the Association in general meeting such financial reports as are required by that Chapter.

Regulations

Definitions

R.1

The definitions in Clause 2 of the Constitution apply and have the same respective meanings in these Regulations. References to Clauses relate to the Clauses in the Constitution.

The council

R.2

1. On or before the first day of March of the final year of office of nominated members of Council, the Chief Executive shall by notice in writing invite the nominating bodies specified in Clause 27 to submit nominations in writing for the next term of office of nominated members and at the same time shall inform the nominating bodies that nominated members of the Council are eligible for renomination.
2. A nomination in writing duly signed on behalf of an appropriate nominating body with that nomination consented to in writing by the nominee shall be deemed to constitute membership of the Council.

R.3

1. On or before the first day of March of the final year of the term of office of members of Council elected by members of the Association in each State and Territory, the Chief Executive shall by notice in writing invite the members operating accredited facilities situated in each State and Territory to submit nominations in writing of one or more persons for election to Council to represent that State or Territory as provided in Clause 27.2(n) and (o) as appropriate.
2. The notices inviting such nominations shall state the number of persons to be elected by the State or Territory and the closing date for the receipt of nominations.
3. Twenty-one days clear from the date of posting of such notices shall be allowed for the receipt of nominations.
4. No person other than an authorised representative of a member operating an accredited facility situated within a State or Territory or another officer nominated by the testing authority may be nominated to represent that State or Territory but any such authorised representative may nominate themselves as a candidate for election.
5. Each nomination shall be in writing and signed by the authorised representative making the nomination and shall be accompanied by the written consent of the nominee.

R.4

1. As soon as possible after the closing date for the receipt of nominations for members of Council to represent a State or Territory, the Chief Executive shall:
 - a) when the number of nominations equals the number to be elected by a State or Territory, inform all members operating accredited facilities situated within that State or Territory of the name and address of the successful candidate or candidates; and,
 - b) when the number of nominations is less than the number to be elected by a State or Territory, inform the Chair of the Council, or in the Chair's absence the Vice-Chair of the Council, so that the Board may take such action as it deems fit to ensure that the State or Territory is represented on Council as provided for in Clause 27.2(n) or (o) as appropriate; and,

- c) when the number of nominations for a State or Territory exceeds the number of members of Council to which that State or Territory is entitled by Clause 27.2(n) or (o) , conduct an election to determine the person or persons to be elected.
2. Separate elections shall be held for each State or Territory for which the number of nominated persons exceeds the number of persons to be elected. As soon as possible after the closing date for receipt of nominations for each such State or Territory, the Chief Executive shall forward a ballot paper to each authorised representative of an accredited facility situated in each such State or Territory. The ballot paper shall state:
 - a) the full name of each candidate;
 - b) the number of persons to be elected;
 - c) the method for recording of a vote;
 - d) the closing date for receipt of completed ballot papers;
 - e) the system for counting of votes; and,
 - f) such other information with respect to each candidate as the Chief Executive may deem to be relevant.

R.5

1. Only authorised representatives of accredited facilities may vote in the election of the Association's Council.
2. Each authorised voter shall:
 - a) record their vote by marking the ballot paper issued to them with consecutive numbers in such order as to indicate their preference for each candidate but failure to indicate fully the order of preference shall not render a vote informal;
 - b) place their completed ballot paper in an inner envelope marked with the words 'Ballot Paper' and seal this envelope;
 - c) place the inner envelope in an outer envelope and seal and sign the outer envelope; and,
 - d) forward the two envelopes to the Chief Executive at the Head Office of the Association so as to reach that office on or before the specified closing date for the receipt of completed ballot papers.

R.6

The Board shall appoint two scrutineers to examine and count the votes for each State or Territory for which an election is held.

R.7

1. On the day following the closing date for the ballot or as soon as possible thereafter the envelopes containing the completed ballot papers shall be opened by the Chief Executive in the presence of one or both scrutineers.
2. In the event of a voter failing to sign the outer envelope containing the completed ballot paper that vote shall be deemed to be informal.
3. Each ballot paper shall be examined and any informal votes shall be rejected.

R.8

The votes which have been deemed to be formal shall be counted by the Chief Executive in the presence of one or both scrutineers in accordance with the following rules:

- a) The first preference votes shall be counted. If any candidate has an absolute majority of first preference votes that candidate shall be declared elected.
- b) If no candidate has an absolute majority of first preference votes the second preference votes of the candidate with the least number of first preference votes shall be distributed. If no candidate at this stage has an absolute majority of votes, the second preference votes of the remaining candidate with the lowest number of votes shall be distributed in turn until one candidate has an absolute majority. Should it be necessary to distribute third or subsequent preference votes the same procedure as for second preference votes shall be followed. When a candidate receives an absolute majority of votes that candidate shall be declared elected.
- c) If two persons are to be elected, the second preference votes of the successful candidate shall be deemed to be first preference votes and all votes cast shall be recounted. If any candidate has an absolute majority of first preference votes that candidate shall be declared elected.

- d) If after (c) above no candidate has an absolute majority of first preference votes, the subsequent preference votes of candidates for whom the least number of first preference votes were cast shall be distributed in turn until one candidate has an absolute majority of votes. That candidate shall be declared elected.
- e) Whenever the preferences recorded by a voter have been counted in accordance with (b) and (d) above and no further preferences have been recorded by that voter, that vote shall be deemed to have been exhausted.

R.9

At any stage of the distribution of votes, in the event of two candidates having an equal number of votes which together constitute all the votes cast:

- a) if two persons are to be elected and no candidate has been elected at this stage, both candidates shall be declared elected, or
- b) if one person is to be elected at that stage, the Chief Executive, as Returning Officer, shall exercise a casting vote by lot and the candidate securing that casting vote shall be declared elected.

R.10

On completion of the election for a State or Territory, the scrutineers shall declare to the Chief Executive in writing the result of the election and the Chief Executive shall forthwith inform all authorised representatives of accredited facilities situated within that State or Territory of the name and address of the candidate or candidates declared elected.

R.11

1. Council members appointed by a Council cooption process under Clause 27.2(r) shall satisfy the criteria of providing special skills and expertise and shall be selected by the co-option process laid down in Regulation R.11.2.
2.
 - a) The procedure for cooption under Clause 27.2(r) shall be that such persons must be appropriately nominated and seconded by Council members and must agree to this nomination, which shall be forwarded to the Chief Executive in writing, together with an appropriate date for cooption and the proposed term of office.
 - b) On receipt of the nomination, the Chief Executive shall advise all Council members of the details of the nomination at least 28 days prior to the proposed cooption date, and advise whether the selection procedure will be in accordance with (c) or (d) below.
 - c) If the proposed cooption date is that of the day of the next Council meeting or is subsequent to that day, selection of the candidate shall be at that meeting by a show of hands indicating that the majority of Councillors present at that meeting are in favour.
 - d) If the proposed cooption date does not correspond with a Council meeting then selection shall be by a non-compulsory postal ballot. In this case ballot papers will be forwarded to Councillors with the nomination details, which shall ask Councillors whether or not they favour the cooption, and shall include a latest date for valid return. Votes are to be returned to the Chief Executive, who will count them, determine whether a majority of voting Councillors favour the cooption, and subsequently advise both the nominee and voting Councillors of the result.

R.12

Upon a vacancy occurring by reason of the death, resignation or otherwise of a nominated member of Council, the Chief Executive shall invite the body specified in Clause 27.2 as responsible for their nomination to nominate another person to fill the vacancy and such person shall hold office until the expiration of the current term of office of nominated members of the Council.

R.13

Upon a vacancy occurring by reason of the death, resignation or otherwise of an elected member of Council, the Council may take action to fill the vacancy and may appoint for the balance of the term of office of such member a candidate who was unsuccessful at the preceding election for that State or Territory.

R.14

Whenever an elected member of Council ceases to be an authorised representative or an officer of a member operating an accredited facility situated within the relevant State or Territory, that membership of Council shall cease at the end of three months from when the member ceased to be such an authorised representative or officer or at the conclusion of the member's term of office as prescribed in Clause 28.1 whichever is the sooner. The Board may take action to fill any such vacancy and may appoint for the balance of the term of office of such member a candidate who was unsuccessful at the preceding election for that State or Territory.

Board

R.15

1. The Board shall consist of seven members elected by the Council from such members of the Council who consent to nomination. The Chair and Vice-Chair of the Council shall be Chair and Vice-Chair respectively of the Board.
2. Elections of Board members shall be carried out in accordance with Regulation R.16.
3. Directors who, during the term of Board membership, cease to be a Council member for other than the reasons listed in Clause 45, may remain as a member of the Board for the remainder of their term of office, but are not eligible for re-election, unless they regain Council membership prior to completing their term of office.
4. The business of the Association shall be managed by the Board in accordance with Clauses 41 to 44. In addition, it may exercise any functions and powers entrusted to it by the Act.

R.16

1. During the first two weeks of July each year the Chief Executive shall, by notice in writing, invite all Councillors to submit nominations in writing, duly seconded, of one or more Councillors for election to the Board to fill the vacancies arising from the retirement of Directors who have completed their three year term of office or who were appointed to casual vacancies and have completed their term of office. Retiring Directors who are Councillors are eligible for re-election. Each nomination shall be signed by the Councillors making the nomination and shall be accompanied by the written acceptance of nomination by the nominee. Notices shall be returned to the Chief Executive, not more than 21 days from the date of posting.
2.
 - a) Where the number of nominations is less than or equals the number of vacancies, all nominees are elected and the Chief Executive shall inform all Councillors of this result.
 - b) Should the number of nominations be less than the number of vacancies, unfilled positions shall be treated as casual vacancies and may be filled as prescribed in Regulation R.21.
 - c) Where the number of nominations exceeds the number of vacancies, the Chief Executive shall conduct an election to determine the persons to be elected, following the procedure in Regulations R.16.3 to R.16.11 inclusive.
3. As soon as possible after the closing of nominations, the Chief Executive shall forward a ballot paper to all Councillors. The ballot paper shall state:
 - a) the full name of each candidate;
 - b) the number of persons to be elected;
 - c) the method for recording of a vote;
 - d) the closing date for receipt of completed ballot papers;
 - e) the system for counting of votes; and,
 - f) such other information with respect to each candidate as the Chief Executive may deem to be relevant.
4. Each authorised voter shall:
 - a) record their vote by marking the ballot paper issued to them with consecutive numbers in such order as to indicate their preference for each candidate but failure to indicate fully the order of preference shall not render a vote informal;
 - b) place their completed ballot paper in an inner envelope marked with the words 'Ballot Paper' and seal this envelope;
 - c) place the inner envelope in an outer envelope and seal and sign the outer envelope; and,

- d) forward the two envelopes to the Chief Executive at the Head Office of the Association so as to reach that office on or before the specified closing date for the receipt of completed ballot papers.
5. The Board shall appoint two scrutineers who are not Directors or candidates to examine and count the votes.
6. On the day following the closing date for the ballot or as soon as possible thereafter the envelopes containing the completed ballot papers shall be opened by the Chief Executive in the presence of one or both scrutineers.
7. In the event of a voter failing to sign the outer envelope containing the completed ballot paper that vote shall be deemed to be informal.
8. Each ballot paper shall be examined and any informal votes shall be rejected.
9. The votes which have been deemed to be formal shall be counted by the Chief Executive in the presence of one or both scrutineers in accordance with the following rules:
 - a) The first preference votes shall be counted. If any candidate has an absolute majority of first preference votes that candidate shall be declared elected.
 - b) If no candidate has an absolute majority of first preference votes the second preference votes of the candidate with the least number of first preference votes shall be distributed. If no candidate at this stage has an absolute majority of votes, the second preference votes of the remaining candidate with the lowest number of votes shall be distributed in turn until one candidate has an absolute majority. Should it be necessary to distribute third or subsequent preference votes the same procedure as for second preference votes shall be followed. When a candidate receives an absolute majority of votes that candidate shall be declared elected.
 - c) If two or more persons are to be elected, the second preference votes of the successful candidate shall be deemed to be first preference votes and all votes cast shall be recounted. If any candidate has an absolute majority of first preference votes that candidate shall be declared elected.
 - d) If after (c) above no candidate has an absolute majority of first preference votes, the subsequent preference votes of candidates for whom the least number of first preference votes were cast shall be distributed in turn until one candidate has an absolute majority of votes. That candidate shall be declared elected.
 - e) Whenever the preferences recorded by a voter have been counted in accordance with (b) and (d) above and no further preferences have been recorded by that voter, that vote shall be deemed to have been exhausted.
10. At any stage of the distribution of votes, in the event of two candidates having an equal number of votes which together constitute all the votes cast:
 - a) if at least two persons are to be elected and no candidate has been elected at that stage, both candidates shall be declared elected, or,
 - b) if one person is to be elected at that stage, the Chief Executive, as Returning Officer, shall exercise a casting vote by lot and the candidate securing that casting vote shall be declared elected.
11. On completion of the election, the scrutineers shall declare to the Chief Executive in writing the result of the election and the Chief Executive shall forthwith inform all Councillors in writing of the names of the successful candidates whose term of office will commence at the conclusion of the next Council meeting.

R.17

1. Immediately after the election of members of the Board is complete, the Chief Executive shall contact all Board members who will be in office at the conclusion of the next Council Meeting and determine from each whether they wish to stand for election as Chair or Vice-Chair of the Council. A list of candidates for each position shall be advised to all Councillors at least seven days before the next Council meeting.
2.
 - a) If there is only one candidate for each position the candidate will be declared elected at the next Council meeting.
 - b) If there is more than one candidate for either position then an election shall be held at the next Council meeting, using the procedure laid down in Regulation R.17.3.

3. a) For election of either Chair and/or Vice- Chair, the Chief Executive shall prepare ballot papers listing the names of the candidates and bearing the signature of the Chief Executive, and distribute one to each Councillor and proxy vote holder, ie all eligible voters present at the Council meeting.
- b) The Council shall appoint two scrutineers who shall not be Directors. The Chief Executive shall advise these scrutineers of the number of ballot papers issued.
- c) Each eligible voter shall strike out the name of all but the candidate for whom they are voting and pass the ballot paper to the scrutineers.
- d) The scrutineers shall scrutinise each paper to ensure that it is valid, and that the number returned does not exceed the number issued, before counting the number of votes received by each candidate.
- e) The scrutineers shall advise the chair of the name of the candidate receiving the greatest number of votes for each vacancy, or, if two or more candidates receive an equal number, of their names. In the case of a tie, the Chief Executive, as Returning Officer, shall exercise a casting vote by lot. The Chief Executive shall advise the chair of the name(s) of the successful candidate(s).
- f) The Chair shall then declare the successful candidate(s) elected.

R.18

The quorum for a meeting of the Board shall be five members.

R.19

Telecommunications may be used for meetings of the Board and Advisory Committees, including quorum requirements.

R.20

In the Chair's absence the Vice-Chair shall be chair of the meeting and if both are absent the members of the Board shall elect one of their members as the chair of the meeting.

R.21

If a vacancy occurs in the membership of the Board, the remaining members of the Board may co-opt a new member of the Board from among the members of the Council, such coopted member's term of office being the unexpired term of the Director replaced.

Emblem of the association

R.22

The emblem of the Association shall be a symbol or the letters 'NATA' or a combination of both arranged and displayed in accordance with designs and colours specified from time to time by the Board.

R.23

1. The emblem shall be as depicted in the First Schedule.
2. The size of the emblem may be altered provided that the dimensions retain the proportions of the drawings depicted in the First Schedule.

R.24

1. The emblem of the Association shall be used only as prescribed in these Regulations or as prescribed by a resolution of the Board.
2. Any dispute regarding the use or misuse of the emblem shall be resolved by the Board.

Accreditation programs

R.25

The accreditation programs and fields within an accreditation program shall be as prescribed by the Board from time to time and listed in the Third Schedule to these Regulations. Changes to the published Schedule dated 2004 shall be advised in an appropriate Association publication.

Conditions for accreditation

R.26

1. An applicant for accreditation and for ordinary membership as provided for in Clause 12 shall amongst other criteria satisfy the Board or the Chief Executive or his delegates approved by the Board, with regard to conditions for accreditation specified in Regulation R.26.2 and, if applicable, Regulation R.26.3.
2. Mandatory conditions for accreditation are:
 - a) the availability of people and other resources required for satisfactory performance of the functions for which accreditation is sought;
 - b) satisfactory management of people and other resources;
 - c) satisfactory performance in proficiency testing programs and/or measurement audits or other practical or theoretical tests set by or recognised by the Association and specific to the work to be covered by that accreditation; and
 - d) compliance with any other special qualification, requirement or condition prescribed or authorised by the Board;
 - e) past and present conduct including technical and professional skills of the applicant for accreditation which, in the opinion of the Board, are consistent with maintaining the standing, the professional integrity or worldwide reputation of the Association.
3. Where the application for accreditation is by a multiparty organisation the following additional conditions are mandatory:
 - a) The responsibilities of an authorised representative for a testing laboratory or service facility, as defined in Regulation R.43 may be shared between the authorised representative(s) of the service authority and the service collaborator(s). The Association is to be advised who is responsible for each of the listed responsibilities.
 - b) Reports issued in the name of the service collaborator shall acknowledge the relationship with the service authority and reports issued in the name of the service authority shall acknowledge that activity carried out by the service collaborator.
 - c) The service authority shall advise its clients of the name of the service collaborator who will provide the services covered by accreditation, if possible prior to accepting their client's order.

R.27

For continuance of an accreditation and continuance of ordinary membership, the Board or the Chief Executive or his delegates approved by the Board, shall be satisfied that the following conditions, but not limited to the following conditions, are met:

- a) continued compliance with the conditions for accreditation prescribed in Regulation R.26;
- b) satisfactory performance and reporting of testing and related services covered by the scope of accreditation;
- c) satisfactory performance in mandatory proficiency testing programs and measurement audits set by or recognised by the Association and specific to the testing and related services covered by the accreditation;
- d) compliance with the Constitution and Regulations of the Association;
- e) past and present conduct including technical and professional skills of the member which, in the opinion of the Board, are consistent with maintaining the standing, the professional integrity or worldwide reputation of the Association; and
- f) payment by the prescribed dates of fees and annual subscriptions set by the Board from time to time for continuance of accreditation or otherwise as provided for in Clause 53.

R.28

The specific requirements for accreditation and for continuance of accreditation consistent with Regulations R.26 and R.27 shall be as prescribed by the Board in the General Requirements for Accreditation and the Supplementary Requirements for Accreditation for each program or field as listed in the Fourth Schedule. Changes to published Schedules dated 2004 shall be advised in an appropriate Association publication.

Advisory committees

R.29

The Board may appoint Advisory Committees for activities for which accreditation is offered and for other purposes as deemed appropriate. When such Committees are appointed the following procedures shall be applied.

R.30

1. Members of Advisory Committees shall be appointed by the Board as individual experts provided always that the Board may invite appropriate professional institutes or industry bodies to nominate members and may appoint members or co-opt persons for specified terms of office.
2. The membership of Advisory Committees shall be reviewed by the Board at least once in each calendar year.

R.31

The Board shall appoint a Chair and if required a Vice-Chair for each Advisory Committee from among the members of the Committee.

R.32

The quorum necessary for the transaction of the business of an Advisory Committee shall be the number of members which forms the next whole number above fifty per centum of the number of members of the Committee.

R.33

The Chair and Vice-Chair of the Board and the Chief Executive and the Chief Executive's officers may attend meetings of Advisory Committees but shall not in these capacities be entitled to vote at such meetings.

R.34

The following functions shall be performed by Advisory Committees:

1. For Accreditation Advisory Committees:
 - a) to recommend to the Board the conditions for accreditation consistent with Regulation R.26;
 - b) to recommend to the Board the conditions for continuance of accreditation consistent with Regulation R.27;
 - c) to assess the compliance of applicants with the conditions for accreditation and report thereon to the Chief Executive or his delegates approved by the Board;
 - d) as required by the Chief Executive to assess the compliance of accredited facilities with the conditions for continuance of accreditation and report thereon to the Chief Executive or his delegates as approved by the Board.
2. For the Proficiency Testing Scheme Providers Accreditation Advisory Committee:

In addition to the functions specified in subregulation (1), to provide a forum for proficiency testing scheme providers and other interested parties to promote the science and practice of proficiency testing.
3. For Advisory Committees in general:
 - a) to advise the Board on such other matters as may improve the standard of testing and related services in Australia;
 - b) to perform such other functions as may be prescribed from time to time by the Board.

R.35

1. An Advisory Committee may establish subcommittees to assist in the performance of its functions subject to the approval of the Board.
2. An Advisory Committee may select assessors to assist in the examination of applicants and in the reexamination of accredited facilities.
3. An Advisory Committee may refer to the Chief Executive and his or her officers administrative tasks involved in the performance of some or all of its functions.
4. Accreditation Advisory Committees may establish Technical Groups with special expertise in one or more of the disciplines included in the fields of accreditation for which the Accreditation Advisory Committee is responsible. The Accreditation Advisory Committee may delegate any or all of its responsibilities to such Technical Groups.

Accreditation process

R.36

1. Every application for accreditation shall be on the appropriate application form published by the Association and the applicant shall provide all the information required to be provided by the Association. The application shall be accompanied by such fee or subscription as shall be prescribed by the Board.
2. Every application for accreditation shall be regarded also as an application by the applicant for ordinary or associate membership of the Association in accordance with Clause 12 or Clause 13.

R.37

Where the Board appoints Advisory Committees to supervise accreditation of facilities or individual persons on its behalf, the following procedures shall apply:

1. Upon receipt of an application for accreditation it shall be referred within 14 days to the appropriate officer(s) of the Association acting on behalf of the relevant Advisory Committee(s) together with all relevant information regarding the application and the applicant.
2. In respect of each application for ordinary membership, officer(s) of the Association acting on behalf of the relevant Advisory Committee(s) shall:
 - a) obtain from the nominated authorised representative(s) of the applicant such additional information as it deems to be necessary;
 - b) inform the nominated authorised representative(s) of the applicant of the names of the assessor or assessors selected to examine the applicant and obtain agreement to such selection provided that the authorised representative(s) shall not be entitled to dissent from the nomination of more than three selected assessors and shall thereafter accept the assessors selected;
 - c) inform the nominated authorised representative(s) of the applicant of the date selected for examination of the applicant and obtain agreement to such date provided that the nominated authorised representative(s) shall not be entitled to dissent from the selection of more than two dates and shall thereafter accept the date selected; and
 - d) conduct an examination of the applicant for accreditation.
3. In respect of each application for personal accreditation, officer(s) of the Association acting on behalf of the relevant Advisory Committee(s) shall conduct an examination of the applicant for accreditation.
4. After examination of the applicant has been completed, an Advisory Committee shall report to the Chief Executive or his delegates approved by the Board within a reasonable time as to whether or not the applicant complies with the conditions for accreditation and in particular shall advise the Chief Executive or his delegates approved by the Board:
 - a) whether or not accreditation should be granted for all or any of the testing and related services referred to in the application;
 - b) if accreditation should be granted, the scope of the work for which accreditation should be granted, and any specific conditions for continuance of accreditation which should be adhered to by the applicant or its successor;
 - c) if accreditation should not be granted in respect of all or any of the services referred to in the application, whether accreditation should be deferred or refused;

- d) if accreditation should be deferred in respect to all or any of the services referred to in the application, the action required to be taken by the applicant to comply with the conditions for accreditation for these services;
- e) if accreditation should be refused for all or any of the services referred to in the application, including a statement of the reasons for such recommendation; and in addition shall furnish the Chief Executive or his delegates approved by the Board with all additional information in its possession which may assist in reaching a decision on the application.

R.38

The Board may publish from time to time other procedures for processing applications for accreditation and procedures for re-examining facilities accredited under these alternative procedures.

R.39

When an accreditation is granted, the Chief Executive shall within 14 days:

- a) enter the name of the accredited person or accredited facility in the Register;
- b) inform the applicant or its successor of the scope of the accreditation, the names of any persons approved as approved signatories and the scope of each such approval and any other specific conditions for continuance of accreditation which apply to the accreditation;
- c) record the applicant or its successor as a member of the Association;
- d) issue a certificate or certificates of accreditation to the applicant or its successor provided that all such certificates shall remain the property of the Association and shall be returnable when requested by the Chief Executive.

R.40

In the event of the application for accreditation being deferred for all or any of the testing and related services referred to in the application, the Chief Executive shall within 14 days inform the applicant or its successor of the decision and the action required to be taken to comply with the conditions for accreditation for these services.

R.41

If the Board refuses an application for accreditation for all or any of the services referred to in that application, the Chief Executive shall within 14 days advise the applicant or its successor of the Board decision and convey to the applicant or its successor such other information as may be directed by the Board.

R.42

1. On written request of a member, together with such supporting evidence that the Association may require, the Association may change the name in which accreditation is recorded or may record the accreditation under other names. The Association may also change the name of an approved signatory.
2. If an accreditation is recorded in two or more names, only one may be an ordinary member of the Association by virtue of that accreditation.

Rights and obligations of ordinary members who are testing authorities

R.43

1. An ordinary member shall exercise its rights and meet its obligations through its authorised representative, who shall be the official contact between the Association and the member. All formal contact, correspondence, advice and assessment reports from the Association will be sent to the authorised representative(s).
2. Each nomination from an authorised representative must evidence that the nominee accepts the nomination employing them to exercise the rights of an ordinary member of the Association and accepting the appropriate responsibilities defined in the Regulations with respect to one or more accredited facilities.

3. Ordinary members' rights exercised through the authorised representative include the right to nominate persons for election to Council and the right to stand for election to Council (Regulation R.3) and the right to vote for election of Council members (Regulation R.5). Ordinary members' rights are also detailed in Regulations R.37 and R.51 for acceptance of assessors; in Regulation R.52 for attendance at assessments; in Regulation R.53 for variations of accreditation; and Regulation R.54 for appeals and complaints.
4. Ordinary members' obligations are detailed in Regulation R.36 for provision of application information and fees, Regulations R.51 and R.52 for re-examination of accredited facilities, Regulation R.44 concerning reports and the requirements for such documents, Regulation R.45 concerning the retention of data, in Regulation R.47 concerning advertising of accreditation, in Regulation R.46 concerning the retention of rights when staff changes, and in Regulations R.48 and R.49 when accreditation is cancelled or suspended.
5. Ordinary members' obligations accepted on behalf of the accredited facility by the authorised representative shall include:
 - a) the requirement to notify the Association of significant changes to any elements of the accredited facility as required by Regulation R.46;
 - b) ensuring that no misuse of the Association's emblem occurs as required by Regulations R.22, R.23, R.24 and R.44;
 - c) the responsibility to maintain the practices of the accredited facility to acceptable standards including, but not necessarily limited to, compliance with the relevant requirements relating to:
 - i) organisation, management and quality system;
 - ii) staff and approved signatories;
 - iii) accommodation and environmental conditions;
 - iv) technical procedures;
 - v) equipment, including calibration and traceability;
 - vi) sampling;
 - vii) test item or other item handling;
 - viii) reporting of results.
 - d) the responsibility for ensuring that the member meets its obligations to the Association, including responsibility for:
 - i) prompt payment of all fees and charges due to the Association as laid down in the Rules;
 - ii) indemnifying the Association against any claims arising from the member's actions as required by Regulation R.60.
 - e) except as provided for in Clause 12.3 the responsibility for advising the Association in writing within seven days, including all relevant facts and circumstances, in the event that the authorised representative becomes unable to exercise the rights or comply with the obligations of the accredited facility under this Regulation. Receipt by the Association of a notification under this sub-paragraph shall not release the accredited facility from its obligations to the Association.
 - f) the responsibility to provide the cooperation necessary to enable verification of the fulfilment of the requirements for accreditation including:
 - i) arranging witnessing of services (eg tests, inspections etc);
 - ii) providing access to documents, records and other information required for the assessment and/or for the maintenance of accreditation;
 - iii) ensuring key staff are available for assessment or as otherwise requested.

R.44

1. An accredited facility may report the results of testing and related services within the scope of its accreditation on endorsed reports.
2. Endorsed reports shall include the emblem of the Association and an appropriate endorsement selected from the form of endorsement contained in the Second Schedule to these Regulations. No other endorsement shall be used unless prior written approval has been given by the Chief Executive. Amendments to the Second Schedule may be made by the Board from time to time, and such changes to the 2004 published schedule shall be advised to all members.
3. An accredited facility must issue unendorsed reports if:
 - a) the tests or related services reported are outside the scope of the facility's accreditation;
 - b) the facility has a suspended or cancelled accreditation;

4. When an accredited facility issues an unendorsed report in accordance with Regulation R.44.3 above, such documents shall not include:
 - a) an emblem of the Association;
 - b) references to the accreditation;
 - c) any other reference to the Association;
 - d) any other reference or suggestion of endorsement or accreditation by or from the Association;
5. An accredited facility may place a calibration label containing an endorsement approved by the Association on an item of equipment provided that the label carries, as a minimum, an identification of the accredited facility and a cross reference to the appropriate endorsed report.

R.45

1. An accredited facility shall retain for three years or for such other period as the Board may prescribe or as otherwise required by contract or regulation:
 - a) copies of all reports which include the results of testing and related services within the scope of its accreditation;
 - b) all records pertaining to (a) and any other records relevant to testing and related services within its scope of accreditation.

R.46

1. A member operating an accredited facility shall advise the Chief Executive in writing whenever there is a significant change in the persons, ownership, other resources, management practices, premises or functions of that accredited facility within fourteen days of such change and when there is a change in authorised representative or any approved signatory, also within fourteen days.
2. Pending consideration by the Association of the advice referred to in sub Regulation (1) of this Regulation, the facility may continue to operate as an accredited facility unless the Chief Executive advises the member in writing that the facility shall not continue to operate as an accredited facility.

R.47

A member operating one or more accredited facilities may state on its letterheads, in its advertisements and otherwise that its services are accredited by the Association and may use the emblem of the Association in such statements provided that it does not:

- a) contravene the provisions of those Regulations pertaining to the issue of endorsed and unendorsed reports (see Regulations R.44 and R.45); or
- b) in the opinion of the Board, give a false or misleading impression of the nature of the accreditation of its facilities or services.

R.48

1. When an accreditation is suspended in accordance with the provisions of these Regulations or of the Constitution:
 - a) for all testing and related services included in the scope of accreditation, no endorsed report shall be issued and the member operating the accredited facility shall not make statements of the type described in Regulation 47 unless and until the accreditation is restored to an operative basis; membership rights are retained but the use of the Association's emblem is not permitted for any purpose, including advertising.
 - b) for some only of the testing and related services included in the scope of accreditation, the endorsement of reports and any use of the Association's emblem, including advertising, shall be confined to those testing and related services not suspended.
2. Should an accreditation have been or become suspended for one year or more, the Board may review such accreditation and in its absolute discretion determine either that such accreditation:
 - a) should be reinstated;
 - b) remain suspended; or
 - c) be cancelled.Notice of such a decision shall be given to the member.

R.49

When an accreditation is cancelled in accordance with the provisions of these Regulations and the Constitution:

- a) for all testing and related services included in the scope of accreditation, membership rights are cancelled. No endorsed reports shall be issued and statements of the type described in Regulation 47 shall not be made unless and until the accreditation is restored to an operative basis;
- b) for some only of the testing and related services included in the scope of accreditation, the endorsement of reports shall be confined to the results of testing and related services not covered by the cancellation.

Re-examination of accredited persons and facilities

R.50

Accreditation unless otherwise determined by the Board shall be for the later of:

- a) three years from the date of first notification of accreditation; or
- b) three years from the date of notification of continuation in accordance with Regulation R.51.

R.51

1. When an accredited facility or accredited person is to be re-examined otherwise than as provided for in Regulation R.38 or R.52, the Chief Executive shall within 14 days refer the re-examination to the relevant Advisory Committee.
2. In respect of each such reference for an accredited facility, the appropriate officer(s) of the Association acting on behalf of the relevant Advisory Committee shall:
 - a) obtain from the member(s) operating the accredited facility such information as it deems to be necessary for conduct of the reexamination;
 - b) inform the authorised representative(s) of the accredited facility of the names of the assessor or assessors selected to re-examine the accredited facility and obtain the representative's agreement to such selection provided that the authorised representative(s) shall not be entitled to dissent from the selection of more than three assessors and shall thereafter accept the assessors selected;
 - c) inform the authorised representative(s) of the date selected for the re-examination and obtain the representative's agreement to the date selected provided that the authorised representative(s) shall not be entitled to dissent from the selection of more than two dates and shall thereafter accept the date selected provided that the authorised representative(s) shall be given notice of not less than three working days, not necessarily in writing, of the date selected for the re-examination;
 - d) conduct the re-examination of the accredited facility;
 - e) as soon as possible after the re-examination, report to the Chief Executive or his delegates approved by the Board and in particular advise:
 - i) whether the accredited facility complies with the conditions for continuance of accreditation;
 - ii) if the accredited facility complies with the conditions for continuance of accreditation, whether there should be any changes to the scope of accreditation, the approved signatories;
 - iii) if the accredited facility does not comply with the conditions for continuance of accreditation, whether the accreditation should be continued, cancelled in whole or in part or suspended in whole or in part;
 - iv) if under paragraph (iii) hereof it is recommended that the accreditation be continued, the conditions for continuance of accreditation and what changes if any should be made to the scope of accreditation and the approved signatories.
 - f) The Chief Executive shall within 14 days advise the member of the decision regarding the reexamination.
3.
 - a) in respect of each reference for personal accreditation, the Advisory Committee shall conduct an examination of the accredited person and report to the Chief Executive or his delegates approved by the Board who shall determine whether the accreditation should be continued;
 - b) the Chief Executive shall, within 14 days, advise the person who has been re-examined of the decision regarding the re-examination.

R.52

1. When authorised by the Chair of the Board, or in the Chair's absence, two other Board members, the Chief Executive may direct an Advisory Committee to conduct a re-examination of an accredited person or an accredited facility without notice to that person or facility and to conduct such other examinations and enquiries as the Advisory Committee may deem to be necessary to ascertain whether the accredited person or accredited facility is in compliance with the conditions for continuance of accreditation.
2. Whenever a re-examination of an accredited person or accredited facility is conducted in accordance with Regulation R.52.1 above:
 - a) the Advisory Committee shall take all reasonable steps to ensure that the member's authorised representative(s) is able to be present, and
 - b) the assessment team shall be approved by the Chair of the Board, or in the Chair's absence, two other Board members.
3. Whenever a re-examination is conducted in accordance with Regulations R.52.1 and R.52.2 above the Advisory Committee shall report forthwith to the Board and in particular shall advise:
 - a) whether the accredited person or accredited facility complies with the conditions for continuance of accreditation;
 - b) if the accredited person or accredited facility complies with the conditions for continuance of accreditation, whether there should be any changes to the scope of accreditation, the approved signatories or the conditions for continuance of accreditation;
 - c) if the accredited person or accredited facility does not comply with the conditions for continuance of accreditation, whether the accreditation should be continued, cancelled in whole or in part suspended in whole or in part;
 - d) if under (c) it is recommended that the accreditation be continued, what changes if any should be made to the scope of accreditation, the approved signatories or the conditions for continuance of accreditation.
4. The Chief Executive shall within 14 days advise the member of the decision of the Board regarding the re-examination.

R.53

1. When the member operating an accredited facility submits an application for variation to signatory approval or scope of accreditation in accordance with Clause 56, the Chief Executive shall within 14 days refer the application to the relevant Advisory Committee.
2. The Advisory Committee shall conduct such examination of the accredited facility as it deems to be necessary and shall report to the Chief Executive or his delegates approved by the Board whether the application should be granted in whole or in part.
3. The Chief Executive shall within 14 days advise the member of the decision on the application.
4. The Association may at any time withdraw its approval of a person as an approved signatory or vary the scope of accreditation where in its opinion it is proper to do so.

Appeals and complaints

R.54

1. On notice that an application for accreditation has been rejected, or continuance of accreditation has been refused, or an accreditation has been modified or suspended in accordance with the Constitution and Regulations, the person (the claimant) shall within 21 days of such notice either:
 - a) file an application to the Chief Executive for review of the decision regarding rejection of an application, refusal to renew accreditation, or modification or suspension of accreditation;
 - b) advise the Chief Executive in writing that it does not wish to apply for review of the notified decision.
2. An application for review filed pursuant to Clause 59 or Regulation 54.1 shall be:
 - a) accompanied by the fee as prescribed by the Board from time to time;
 - b) in accordance with the prescribed form; and
 - c) accompanied by any report or other evidence to be relied upon at the review.

3. The Board shall constitute the Review Committee as follows:
 - a) one person expert in the accreditation procedures particular to the Association, appointed by the Board;
 - b) two persons selected by the claimant from a list of four persons nominated as eligible by the Board.
4. Within 21 days of receiving the application for review, the Chief Executive shall advise the claimant of the names of the nominated members, and that the claimant may object to two of those persons nominated by the Board. If no objections are received within seven (7) days of nomination of the Review Committee members, the Board will set the final membership of the Review Committee from among those nominated. The Board will select a Chair of the Committee from the final membership.
5. The Chief Executive shall obtain from the members of the Review Committee dates suitable for all of them to determine the review and shall conduct the review on one or more of those available dates. At least three days prior to the review the Chief Executive shall advise the claimant of the membership of the Review Committee and the day(s) on which it is proposed that the review is to be conducted.
6. At the review the Review Committee shall:
 - a) consider the material upon which the decision which is the subject of the review was based;
 - b) consider the material filed by the claimant with the application for review; and
 - c) determine whether on the basis of information referred to in (a) and (b) above, the decision, which is the subject of review, was correct.
7. In conducting the review, the Review Committee shall only seek further information from the Board, staff of the Association or claimant if it considers it necessary to assist in determining the correctness of the decision at the time it was made.
8. The Review Committee on determination of the review:
 - a) shall decide by at least a two thirds majority that the decision, which is the subject of review, was correct; or
 - b) otherwise, shall overturn the decision; and in either case the Review Committee, shall advise the Chief Executive of its determination within seven (7) days.
9. In the event that the Review Committee decides the decision was correct, the Chief Executive shall as soon as practicable advise the claimant that the decision to cancel an accreditation, refuse an application, refuse continuation of accreditation, or to modify or suspend an accreditation, as the case may be, is confirmed and immediately effective.
10. In the event that the Review Committee overturns the decision, it shall direct the Board to either:
 - a) revoke the decision to cancel an accreditation, refuse an application, refuse to continue accreditation, modify or suspend an accreditation, as the case may be; or
 - b) issue a Correction Notice to the claimant or require the claimant to respond to any outstanding Correction Notice.

R.55

1. All complaints, by both members and non-members, oral or written, shall be recorded by the Association.
2. The Association will investigate all complaints and resolve them in accordance with these Regulations and other procedures as determined by the Board from time to time.
3. The Association, after advice to the complainant, may take appropriate action to recover any costs incurred in the investigation of the complaint.
4. The person lodging the complaint shall be advised by the Chief Executive or his delegate of the decision within 14 days of that decision.

Assessors

R.56

The Board may appoint assessors to assist Advisory Committees in the assessment of persons or facilities for compliance with conditions for accreditation. When such assessors are appointed the following conditions shall apply:

- a) assessors shall be appointed by the Board as individual experts provided always that the Board may seek advice from its Advisory Committees or may invite appropriate professional institutes to nominate individuals for appointment;

- b) assessors shall report their observations, conclusions and recommendations to relevant Advisory Committees or directly to the Board where appropriate;
- c) the confidentiality requirements of Regulation 58 apply to assessors.

Inspection of documents

R.57

All Registers shall be kept at the Head Office of the Association for the time being and with copies of the Constitution, the Regulations and such publications as the Board deems not privileged shall be available for inspection by the public during ordinary office hours upon appointment.

Privileged communications

R.58

1. All communications, correspondence, reports, minutes and other papers and documents relating to any application for accreditation or variation of accreditation or to the examination of a person (referred to as privileged information) shall be privileged and confidential and shall not be passed out of the custody of the Association nor shall any of the contents be disclosed outside the Board, its appropriate committees, assessors or staff of the Association except:
 - a) with the express approval of the applicant(s) or relevant member(s) as appropriate; or
 - b) when the Association has an agreement or requirement in writing with or from the Commonwealth or a State government which requires the Association to provide information and the relevant applicants and members have been informed of such agreement or requirement; or
 - c) when the Association is engaged in accreditation in conjunction with or on behalf of one or more other institutes or organisations and the relevant applicants and members have been informed of such arrangements; or d) when the Association or one of the institutes or organisations referred to in Regulation R.58.1(c) have any concerns about the conduct of any aspect of such accreditation process or in relation to any safety, medical or public health issues identified in such process.
2.
 - a) In the case of subregulation 1(a) the confidential information may be disclosed as approved by the applicant for accreditation or relevant member.
 - b) In the case of subregulation 1(b) the confidential information may be disclosed by the Association to the party with whom the Association has an agreement.
 - c) In the case of subregulation 1(c) the confidential information may be disclosed by the Association to any of the institutes of organisations.
 - d) In the case of subregulation 1(d) the Association or any of the institutes or organisations referred to in subregulation 1(c) may disclose the confidential information to relevant authorities.
3. When any privileged information is dispersed in accordance with Regulation R.58.2(c), the Association will ensure that the person receiving the information enters into a Confidentiality Agreement in the prescribed form.

Amendments

R.59

These Regulations may be amended, deleted or added to from time to time by resolution of the Board whether at a properly constituted meeting or by postal.

Indemnity

R.60

Each member during its membership and until six years from the date it ceases to be a member shall indemnify the Association against all costs, losses, damages, charges and expenses which the Association may incur or become liable for, as a result of the member's:

1. negligence;
2. use, misuse or wrongful omission, whether negligent or not, of the Association's emblem; and
3. misuse of the accreditation status of the member or misuse of other intellectual property of the Association.

Use of the ILAC Laboratory Combined MRA Mark

R.61

Members may use the ILAC Laboratory Combined MRA Mark as described in the Fifth Schedule in accordance with the terms and conditions for its use as specified in the ILAC Laboratory Combined MRA Mark Sub-license Agreement where:

1. the member's accreditation is covered by the ILAC mutual recognition arrangement; and
2. the member has agreed in writing to the terms of the ILAC Laboratory Combined MRA Mark Sub-license Agreement.

Schedules

First schedule

1. Emblems of the Association

The emblem of the Association has two forms in designated colours: (The background for the emblem on the left need not necessarily be white).



Printing ink colours—Blue: PMS 2747C; Ochre: PMS 152C (or the nearest CMYK equivalent)
Paint colours—Blue: Coral Sea B61; Ochre: Pumpkin X12

These may also be reproduced in either black or white. (The background for these examples need not necessarily be white and black respectively.)



There are also two forms that include tag lines. These emblems may be used in particular NATA programs, in the designated colours, or in black and white.

The following emblems are to be used solely by facilities accredited in fields or programs covered by a mutual recognition arrangement to which NATA is a signatory.



Printing ink colours—Blue: PMS 2747C; Ochre: PMS 152C (or the nearest CMYK equivalent)
Paint colours—Blue: Coral Sea B61; Ochre: Pumpkin X12

These may also be reproduced in either black or white. (The background for these examples need not necessarily be white and black respectively.)

The following emblems can be used by all accredited facilities except those in the OECD Principles of Good Laboratory Practice Compliance Monitoring Program.



2. Emblems of Bodies Associated with NATA (for information)

NATA undertakes accreditation programs in association with the Royal College of Pathologists of Australasia (RCPA), the Royal Australian and New Zealand College of Radiologists (RANZCR) and the Australian and New Zealand Association of Physicians in Nuclear Medicine (ANZAPNM).

Their emblems are as follows:



The emblem of the associated body and the NATA emblem must appear side by side. The RCPA, RANZCR and ANZAPNM emblems must appear on the left of the NATA emblem.

Reproduction of the NATA emblem together with the emblem of the associated body can either be in the designated colours or in black and white.

Second schedule

NATA Endorsement

The endorsement comprises an emblem of the Association as described in the First Schedule (or two emblems in the case of medical testing or medical imaging facilities) or the ILAC Laboratory Combined MRA mark as described in the Fifth Schedule, accompanied by the relevant mandatory statement as described below.

1. For facilities accredited in a laboratory accreditation program field of testing :

Accredited for compliance with ISO/IEC 17025

In addition, one or more of the following statements may be added to the endorsement:

The results of the tests, calibrations and/or measurements included in this document are traceable to Australian/national standards

NATA is a signatory to the APLAC mutual recognition arrangement for the mutual recognition of the equivalence of testing, calibration and inspection reports

2. For Medical Testing facilities:

Accredited for compliance with NPAAC Standards and ISO 15189

or

Accredited for compliance with ISO 15189

Note, the second mandatory statement has limited applicability and its use requires authorisation from NATA

In addition, Australian laboratories may add one or more of the following statements as applicable:

Accredited for compliance with ISO/IEC 17025

Accredited for compliance with AS 4633 (ISO 15189)

3. For Medical Imaging facilities:

Accredited for compliance with RANZCR Standards of Practice for Diagnostic and Interventional Radiology

OR

Accredited for compliance with ANZAPNM Standards for Accreditation of Nuclear Medicine Practices

4. For Inspection bodies:

Accredited for compliance with ISO/IEC 17020

In addition, the following statement may be added to the endorsement:

NATA is a signatory to the APLAC mutual recognition arrangement for the mutual recognition of the equivalence of testing, calibration and inspection reports

5. For GLP facilities:

Recognised for compliance with the OECD Principles of Good Laboratory Practice

In addition, the following statement may be added to the endorsement:

This document is issued in accordance with NATA's GLP requirements

6. For Reference Materials Producers:

Accredited for compliance with ISO Guide 34

In addition, one or both of the following statements may be added to the endorsement:

The results of the tests, calibrations and/or measurements included in this document are traceable to Australian/national standards

NATA is a signatory to the APLAC mutual recognition arrangement for the mutual recognition of the equivalence of testing, calibration, inspection reports and reference materials certificates

7. For Proficiency Testing Scheme Providers:

Accredited for compliance with ILAC Guide 13

OR

Accredited for compliance with ISO/IEC 17043

8. For Research and Development facilities:

Accredited for compliance with (cite relevant code or standard, eg ISO/IEC 17025) interpreted for research using CITAC Guide CG2 "Quality Assurance for Research and Non Routine Analysis" (1998)

Placement of Endorsements on Test Reports

In single page reports, mandatory statements may be separated from the emblem(s).

In multi-page reports, the endorsement must appear on the first page. The emblem(s) and the mandatory statement may, however, be separated on that page. The endorsement or the emblem(s) alone may be used on subsequent pages. The mandatory statement alone may not be used.

Third schedule

Accreditation Programs

Accreditation is available in the following programs prescribed by the Board:

- Laboratory Accreditation
- Inspection Body Accreditation
- Reference Material Producer Accreditation
- Research and Development Accreditation
- Proficiency Testing Scheme Provider Accreditation
- Medical Imaging Service Accreditation

Recognition is available in the following program prescribed by the Board:

- OECD Principles of Good Laboratory Practice Compliance Monitoring Program

Fields

For the above programs, the Board has prescribed the following fields:

Laboratory Accreditation—Fields of Testing

- Biological Testing
- Chemical Testing
- Construction Materials Testing
- Forensic Science
- Information and Communications Technology Testing
- Measurement Science and Technology
- Mechanical Testing
- Medical Testing
- Non-destructive Testing
- Veterinary Testing

Reference Material Producer Accreditation—Fields of Reference Material Production

- Chemical Composition
- Biological and Clinical Properties
- Physical Properties
- Engineering Properties
- Miscellaneous Properties

Fourth schedule

Publications

General Requirements for Accreditation

Publications titled:

ISO/IEC 17020: 2000 General criteria for the operation of various types of bodies performing inspections

ISO/IEC 17025: 2005 General requirements for the competence of testing and calibration laboratories

ISO Guide 34: 2009 General requirements for the competence of reference materials producers

ILAC Guide 12: 2000 Guidelines for the Requirements for the Competence of Reference Materials Producers

ILAC G13: 2007 Guidelines for the Requirements for the Competence of Providers of Proficiency Testing Schemes

ISO/IEC 17043:2010 Conformity assessment – General requirements for proficiency testing

ISO 15189: 2009 Medical laboratories—Particular requirements for quality and competence

OECD Principles of Good Laboratory Practice: Document 1 in the Series on Good Laboratory Practice

RANZCR Standards of Practice for Diagnostic and Interventional Radiology Version 9

ANZAPNM Standards for Accreditation of Nuclear Medicine Practices

Supplementary Requirements for Accreditation

Laboratory Accreditation

Publications titled:

ISO/IEC 17025 Field Application Document—Supplementary Requirements for each of the following fields:

- Biological Testing
- Chemical Testing
- Construction Materials Testing
- Forensic Science
- Information and Communications Technology Testing
- Measurement Science and Technology
- Mechanical Testing
- Non-destructive Testing
- Veterinary Testing

ISO 15189 Field Application Document— Medical Testing - Supplementary requirements for accreditation

Inspection Body Accreditation

ISO/IEC 17020 Application Document— Inspection - Supplementary requirements for accreditation

Reference Material Producer Accreditation

ISO Guide 34 Application Document— Reference Material Producers - Supplementary requirements for accreditation

Proficiency Testing Scheme Provider Accreditation

ISO/IEC 17043 Field Application Document— Proficiency Testing Scheme Providers - Supplementary requirements for accreditation

ILAC Guide 13 Application Document— Proficiency Testing Scheme Providers - Supplementary requirements for accreditation

Medical Imaging Accreditation

RANZCR/NATA Accreditation Application Document – Medical Imaging

OECD Principles of Good Laboratory Practice Compliance Monitoring Program

OECD Principles of GLP Interpretation Document—Interpretation of the principles for recognition in the Australian GLP compliance monitoring program

Research and Development Accreditation

Requirements for Accreditation of Research and Development Facilities

Fifth schedule

Facilities whose accreditation is covered by the ILAC Mutual Recognition Arrangement may use the ILAC Laboratory

Combined MRA Mark as follows:



Accreditation No. XXXX



Accreditation No. XXXX

In addition to the mandatory and optional statements described in the Second Schedule, the following statement may be added to test reports and calibration certificates:

NATA is a signatory to the ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing and calibration reports.

The ILAC Laboratory Combined MRA Mark may be reproduced in the prescribed colours or in black and white.

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