



## COVERSHEET

<b>Minister</b>	Hon Megan Woods	<b>Portfolio</b>	Research, Science, Innovation
<b>Title of Cabinet paper</b>	Measurement Standards Regulations 2019	<b>Date to be published</b>	27 June 2019

List of documents that have been proactively released		
Date	Title	Author
7 May 2019	Measurement Standards Regulations 2019	Office of the Minister for Research, Science and Innovation
7 May 2019	LEG-19-MIN-0045	Cabinet Office

Information redacted	YES / NO (please select)
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In Confidence

Office of the Minister for Research, Science and Innovation  
Chair, Cabinet Legislation Committee

## **Measurement Standards Regulations 2019**

### **Proposal**

1. This paper seeks authorisation for submission to the Executive Council of the Measurement Standards Regulations 2019, which will replace the National Standards Regulations 1976.

### **Background**

2. The Measurement Standards Act 1992 (the Act) establishes and maintains standards of measurement of physical quantities and establishes regulations to give effect to this (the National Standards Regulations 1976).
3. The Measurement Standards Laboratory (MSL) maintains and disseminates the International System of Units (internationally referred to as the SI) in New Zealand under the National Standards Regulations 1976.
4. Revisions to the SI were endorsed by Member States of the Metre Convention in November 2018. New Zealand is a Member State and is represented through MSL, as the National Metrology Institute.
5. The changes to be made to the SI involve no longer relying on artefacts to derive some units (such as the kilogram prototype in Paris) and instead using fundamental physical constants:
  - a fundamental physical constant is a quantity that is both universal in nature and has a constant value in time (e.g. the speed of light). Internationally-agreed fixed-values of seven of these constants will form the new basis of the SI.
  - The seven base units of the SI are the: second (time), metre (length), kilogram (mass), ampere (electric current), kelvin (temperature), mole (amount of substance), and candela (luminous intensity).
6. As a result, changes are required to the National Standards Regulations 1976, to ensure that the regulations are fit for purpose and align with international conventions.

## **Economic Development Cabinet Committee decisions**

7. On 24 October 2018, Cabinet agreed to amend the National Standards Regulations 1976 to:
  - introduce a new standard to allow for a measurement based on a fundamental physical constant, and
  - update the National Standards Regulations 1976 in light of new ISO standards and the imposition of the metric system under the Weights and Measures Act 1987.
8. Cabinet also agreed that technical changes be made to:
  - authorise the Chief Metrologist to operate with the international mutual recognition arrangement, which recognises calibrations certificates from other countries' National Metrology institutes,
  - allow the Chief Metrologist to advise the Minister on designating other countries' National Metrology Institutes for mutual recognition of calibration, and for the Minister to appoint verifying authorities under the Committee of Weights and Measures Mutual Recognition Agreement, and
  - remove the definition of physical quantity as it is no longer necessary [DEV-18-MIN-0236 refers].

#### **Change of title of the regulations**

9. On the advice of the Parliamentary Counsel Office, it is proposed to give effect to these changes by replacing the National Standards Regulations 1976 with the Measurement Standards Regulations 2019 (the regulations).
10. The National Standards Regulations 1976 were originally made under the Scientific and Industrial Research Act 1974. When that Act was repealed in 1992, the Measurement Standards Act 1992 was enacted solely for the purpose of continuing those regulations. Modern drafting practice is for regulations to be given the same name as the Act under which they are made. The new regulations have accordingly been titled the Measurement Standards Regulations 2019.

#### **Timing and 28-day rule**

11. A waiver to the 28-day rule is required to allow the regulations to come into effect on the day that the resolutions to change the international SI system take effect. This will be marked by the annual World Metrology Day international event, which will take place in Paris on 20 May 2019. The event will be attended by all Member States, and will mark the international shift to all SI base units being referenced to a fundamental constant.
12. Applying a waiver to the 28-day rule in this instance is appropriate given the importance of alignment with the internationally used SI. This is consistent with the requirements for making regulations set out in the Cabinet Manual, as early commencement of the regulation is necessary for compliance with statutory or international obligations. In addition, waiving the 28 day rule has little or no effect on the public, or confers only benefits.

## **Compliance**

13. The Measurement Standards Regulations 2019 comply with:
  - 13.1. the principles of the Treaty of Waitangi;
  - 13.2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
  - 13.3. the principles and guidelines set out in the Privacy Act 1993;
  - 13.4. relevant international standards and obligations;
  - 13.5. the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

## **Regulations Review Committee**

14. I do not consider that there are grounds, under Standing Order 319, for the Regulations Review Committee to draw the regulations to the attention of the House.

## **Certification by Parliamentary Counsel**

15. The regulations have been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

## **Impact Analysis**

16. The Treasury granted an exemption from a Regulatory Impact Assessment as the regulatory changes are minor and technical.

## **Publicity**

17. I have no publicity planned about the new regulations. However Callaghan Innovation is holding an all-day promotional event, "Revising the SI" on 20 May to coincide with the World Metrology Day event to be held in Paris.

## **Proactive release**

18. This paper will be released proactively within 30 business days in accordance with the [Official Information Act 1982](#).

## **Consultation**

19. Callaghan Innovation, the Department of Internal Affairs, the Ministry of Foreign Affairs and Trade, and The Treasury were consulted on the earlier Cabinet Economic Development Committee paper. The Department of Prime Minister and Cabinet were also informed.

## **Recommendations**

I recommend that the Cabinet Legislation Committee:

1. note that on 24 October 2019, the Cabinet Economic Development Committee agreed to amend the National Standards Regulations 1976 to update and modernise them [DEV-18-MIN-0236 refers];
2. note that the Measurement Standards Regulations 2019 will give effect to the decisions referred to in recommendation 1 above;
3. authorise the submission to the Executive Council of the Measurement Standards Regulations 2019;
4. note that a waiver of the 28-day rule is sought:
  - 4.1. so that the regulations can come into force on 20 May 2019;
  - 4.2. on the grounds that early commencement of the regulations is necessary for compliance with international obligations;
5. agree to waive the 28-day rule so that the Measurement Standards Regulations 2019 can come into force on 20 May 2019.

Authorised for lodgement

Hon Dr Megan Woods

Minister for Research, Science and Innovation