NATA Rules

December 2024

[PUBLIC]

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Constitution

Company name

1

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

Definitions and interpretation

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 by the Association.

‘**accredited service facility**’ means a service facility accredited by the Association. The Association may use, where appropriate, less generic terminology describing accredited facilities, including, but not limited to an accredited inspection body, an accredited reference material producer or an accredited proficiency testing scheme provider.

‘**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 a member as responsible for the results of testing and/or related services 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 a natural person nominated in writing by an organisation operating a testing laboratory or service facility with its own resources.

‘**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 is cancelled by the Board for either all or part of the Scope of Accreditation of the person and ‘cancelled accreditation’ has a like meaning.

‘**the Chair**’ means the one natural person elected by the Board to act as Chair of the Association as well as of the Board in accordance with clause 24.3.

‘**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.

‘**endorsed report**’ means a written statement whose purpose is to report the results and/or outcomes of activities for which an accredited facility 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.

‘Mutual Recognition Arrangements’ means arrangements between the Association and any of the accreditation bodies of many other economies throughout the world.

'**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 providing testing and related services accredited by the Association or otherwise granted recognition by the Association and their Authorised Representatives.

‘**Regulations**’ means the regulations of the Association made by the Board in accordance with clause 28.

‘**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) the production of proficiency testing schemes;

e) medical imaging;

f) the conduct of non-clinical health and environmental safety studies;

g) sleep disorders services;

h) 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 testing and related services which are covered by the accreditation.

‘**service facility**’ means a facility engaged in related services.

‘**stakeholder**’ means a Commonwealth, State or Territory government department or industry or professional association that is recognised by the board as a stakeholder in the objectives of the Association described in clause 3 and included in a list of stakeholders maintained by the board.

‘**suspension of accreditation**’ means the process whereby the accreditation of a person is made temporarily invalid for either all or part of the Scope of Accreditation of the person 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.

‘**unendorsed report**’ means a written statement whose purpose is to report the results and/or outcomes of activities of an accredited facility which has not been endorsed in the name of the Association.

‘**the Vice-Chair**’ means the one natural person elected by the Board to act as Vice-Chair of the Association and of the Board in accordance with clause 24.3.

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 objectives 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 promote stakeholder engagement and member participation and representation;

f) To provide international recognition of the reports and certificates issued by accredited laboratories and accredited service facilities through Mutual Recognition Arrangements with appropriate bodies located in other countries.

4

In pursuance of these objectives the Association has power:

a) To accredit and otherwise grant recognition to facilities providing testing and related services.

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 organisations 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 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 the reports 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 participate in the formulation of test methods, codes of practice and other documentation relevant to testing and related services and to this end to collaborate with other persons including Standards Australia International.

i) To provide advisory and training services with respect to accreditation activities.

j) To engage in agreements and arrangements with other accreditation bodies throughout the world for such purposes as mutual recognition and mutual cooperation.

k) To arrange and participate in conferences, exhibitions, meetings, lectures, addresses and commentaries on testing 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.

l) To establish and maintain libraries, databases and other collections on testing and related services and the arts and sciences connected therewith.

m) 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.

n) 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.

o) 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.

p) 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.

q) 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.

r) 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 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 clause 3 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 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.

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 unincorporated) 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.

Provisions of the Act for replaceable rules

9

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

10

1. The members of the Association shall comprise organisations operating accredited facilities
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 a member of the Association shall be exercised by the Chief Executive or other controller of the accredited facility acceptable to the Association.

General meetings

11

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.

12

All other general meetings shall be called extraordinary general meetings.

13

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

14

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.

15

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

16

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 appointment of auditors and fixing of the remuneration of the auditors.

17

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.

18

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

19

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 a month 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.

20

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.

21

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

22

1. The members of the Association shall be entitled to vote at a general meeting of the Association. A member shall have one vote for each of its accreditations irrespective of whether the member nominates the same person as the Authorised Representative of more than one of its accredited facilities.
2. Votes may be given either personally or by proxy.
3. 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 of .....being the Authorised Representative of a member, 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: .....
Authorised Representative by Attorney: .....

Directors

23

1. There shall be a Board of Directors comprising seven Directors. The Board of Directors will comprise:
   (a) those Directors in office on 29 October 2014 whose term will expire at the conclusion of the next annual general meeting; and
   (b) commencing from the next annual general meeting, clause 24 will apply for the retirement and election of Directors.
2. When all of the Directors in office on 29 October 2014 have retired in accordance with clause 24, four of the seven Board members will be elected from members only. Members may be represented by the Authorised Representative or by another officer or employee of the member on the advice of the Authorised Representative.

3. When all of the Directors in office on 29 October 2014 have retired in accordance with clause 24, three of the seven Board members will be selected by the Board and presented to members for endorsement.
4. Elections and endorsements of Board members that are nominated or selected in accordance with clauses 23.2 or 23.3 shall be carried out in accordance with the regulations. Only members will be eligible to vote in the election of Board members.
5. Directors who, during the term of Board membership, represent a member which ceases to be a member for a reason other than the reasons listed in clause 31, may remain as a Director for the remainder of their term of office, but are not eligible for re-election, unless that member is reinstated as a member prior to completing their term of office.
6. Directors who, during the term of Board membership, cease to be the Authorised Representative, employee or officer of a member may remain a member of the Board for the remainder of their term of office, but are not eligible for re-election, unless they regain the position of Authorised Representative, employee or officer of a member.
7. Directors who, during the term of Board membership, cease to be an officer, employee or representative of a stakeholder may remain a member of the Board for the remainder of their term of office, but are not eligible for re-election, unless they regain the position of officer, employee or representative of an eligible stakeholder.
8. 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 and, where appropriate, stakeholders. A Director appointed under this clause holds office until the conclusion of the next annual general meeting of the Company but is eligible for election at that meeting.
9. The business of the Association shall be managed by the Board in accordance with clauses 27 to 30. In addition, it may exercise any functions and powers entrusted to it by the Act.
10. 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.

24

1. At each annual general meeting of the Company, one-third of the Directors or, if their number is not three nor a multiple of three, then the number nearest one-third, and any other director who has held office for 3 years or more since last being elected, must retire from office. In determining the number of Directors to retire, account is not to be taken of a Director who only holds office until the conclusion of the meeting in accordance with clause 23.8.
2. A Director retiring in accordance with clause 23.8 holds office until the conclusion of the meeting at which that Director retires but is eligible for re-election.
3. The members of the Board will elect a Chair and Vice-Chair. The term of office of the Chair and Vice-Chair shall be from the time of their election until the conclusion of the annual general meeting in the year in which their term as a Director expires in accordance with clause 24.1. The retiring Chair and Vice-Chair will be eligible for re-election.

25

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. A member of the Board may not leave a telephone meeting by disconnecting the telephone without the consent of the chairman of the meeting. A member of the Board is deemed to be present and form part of the quorum throughout the meeting unless the member obtains the consent of the chairman of the meeting to leave the meeting.
3. The quorum for a meeting of the Board shall be five members.
4. 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.
5. 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.
6. The Chair 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.

26

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.

Powers and duties of the Board

27

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.

28

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.

29

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, 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.

30

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 directors

31

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

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 Director shall not be required to vacate their office if they have complied with the disclosure provisions contained in that section. Nevertheless, 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.

The Chief Executive

32

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

33

1. Except as provided for in Clause 33.3, the Board shall consider any applications submitted to the Association by 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.

34

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

35

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 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.

36

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.

37

The Board or the Chief Executive or his delegates approved by the Board may at any time and from time to time re-examine any 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.

38

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

39

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 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 clause, 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 facility pursuant to the last preceding subclause, shall either confirm, rescind or vary the proposed variation.

40

1. If an accredited facility at any time fails 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 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 facility a Notice to Show Cause why accreditation should not be cancelled; or

c) in its absolute discretion cancel the accreditation of an 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 40.1(a), the 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 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 accredited facility;

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 facility has previously been refused accreditation.

41

1. Upon being issued with a Notice to Show Cause, an 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 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.

42

On request by a member the Association may at any time cancel the accreditation of an accredited facility operated by that member in regard to all or any of the tests or related services for which it has been accredited. Until such time as the Association confirms that accreditation of an accredited facility has been cancelled as requested by a member, the member must ensure that the accredited facility continues to comply with the conditions for accreditation and the conditions for the continuance of an accreditation.

43

On a request by a member the Association may at any time suspend the accreditation of an accredited facility operated by that member in regard to all or any of the tests and related services for which it has been accredited. Until such time as the Association confirms that accreditation of an accredited facility has been suspended as requested by a member, the member must ensure that the accredited facility continues to comply with the conditions for accreditation and the conditions for the continuance of an accreditation. The suspension of accreditation may be on such conditions as the Association determines.

44

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.

3. A member whose accreditation has been cancelled in full shall cease to be a member and shall be removed from the Register.

Indemnity and Insurance

45

1. Indemnity

To the maximum permitted by law, the Association indemnifies every Director, member of a committee appointed by Board or otherwise under the Constitution and every person employed by the Association including as an assessor out of the property of the Association against:

a) any liability incurred by the person in that capacity (except a liability for legal costs),

b) legal costs incurred in defending or resisting (or otherwise in connection with) proceedings, whether civil or criminal or of an administrative or investigatory nature, in which the person becomes involved because of that capacity, and

c) legal costs incurred in good faith in obtaining legal advice on issues relevant to the performance of their functions and discharge of their duties as an officer of the Association or a subsidiary, if that expenditure has been approved,

except to the extent that:

d) the Association is forbidden by law to indemnify the person against the liability or legal costs; or

e) an indemnity by the Association of the person against the liability or legal costs, if given, would be made void by law.

2. Insurance

The Association may pay or agree to pay, whether directly or through an interposed entity, a premium for a contract insuring a person who is or has been a Director, member of a committee appointed by the Board or otherwise under the Constitution and every person employed by the Association including as an assessor against liability incurred by the person in that capacity, including a liability for legal costs, unless:

a) the Association is forbidden by law to pay or agree to pay the premium; or

b) the contract would, if the Association paid the premium, be made void by law.

3. Contract

The Association may enter into an agreement with a person referred to in Clauses 45.1 and 45.2 with respect to the matters covered by those clauses. An agreement entered into pursuant to this clause may include provisions relating to rights of access to the books of the Association conferred by the Act or otherwise by law.

Accounts

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The Board shall cause proper accounts of the Association to be maintained and audited as required by law.

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.

Board

R.2

1. During the first two weeks of July each year the Chief Executive shall, by notice in writing, invite all members to submit one nomination in writing, of one of their Authorised Representatives or another officer or employee or representative (including volunteers) of the member 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 Authorised Representatives, officers, employees or representatives of members are eligible for re-election. Each nomination shall be signed by the member 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. All notices of compliant nominations received by the Chief Executive shall be provided to the Board for its consideration. The Board will decide which nominations to be put forward for election to the Board.
3. The Board's decision under R.2.2 will be based on the representation and skills required by the Board and the Association over the ensuing three year term of office, as determined by the Board in its sole discretion.
4. Subject to R.2.2 and R.2.3:
    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 members 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 clause 23.8 of the Constitution;
    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 determined by the Board and;
    d) Where the Board presents a candidate for endorsement by members in accordance with 23.3 of the Constitution, the Chief Executive shall conduct an election to determine the endorsement, following the procedure determined by the Board.

R.3

If the term of the Chair or the Vice-Chair will cease at the conclusion of any annual general meeting. At the first Board meeting following that annual general meeting, the Directors will elect one of their number as Chair and one of their number as Vice-Chair, as the case may be.

Emblem of the association

R.4

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.5

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.6

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.7

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 shall be advised in an appropriate Association publication.

Conditions for accreditation

R.8

1. An applicant for accreditation and for membership as provided for in Clause 10 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.8.2.
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;
    d) compliance with any other special qualification, requirement or condition prescribed or authorised by the Board; and
    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.

R.9

For continuance of an accreditation and continuance of 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.8;
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 35.

R.10

The specific requirements for accreditation and for continuance of accreditation consistent with Regulations R.8 and R.9 shall be as prescribed by the Board and be as listed in the Fourth Schedule. Changes to published Schedules shall be advised in an appropriate Association publication.

Advisory committees

R.11

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.12

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.13

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

R.14

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 percentum of the number of members of the Committee.

R.15

The Chair and Vice-Chair 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.16

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.8;
   b) to recommend to the Board the conditions for continuance of accreditation consistent with Regulation R.9;
   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 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.17

1. An Advisory Committee may establish subcommittees (however named) to assist in the performance of its functions subject to the approval of the Board. An Accreditation Advisory Committee may delegate any or all of its responsibilities to such subcommittees.
2. An Accreditation Advisory Committee may select assessors to assist in the examination of applicants and in the re-examination of accredited facilities.
3. An Advisory Committee may refer to the Chief Executive and his officers administrative tasks involved in the performance of some or all of its functions.

Accreditation process

R.18

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 membership of the Association in accordance with Clause 10.

R.19

Where the Board appoints Accreditation Advisory Committees to supervise accreditation of facilities 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 Accreditation Advisory Committee(s) together with all relevant information regarding the application and the applicant.
2. In respect of each application for membership, officer(s) of the Association acting on behalf of the relevant Accreditation 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. After examination of the applicant has been completed, an Accreditation 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.

4. The Chief Executive or his delegates approved by the Board (as the case may be) will forward the advice from the Accreditation Advisory Committee to the Board and the Board will make a decision on the application.
5. The Chief Executive shall within 14 days advise the member of the decision of the Board regarding the application.

R.20

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.21

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; and

d) issue a certificate or certificates of accreditation to the applicant or its successor.

R.22

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.23

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.24

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 a member of the Association by virtue of that accreditation.

Rights and obligations of members

R.25

1. A 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 by the member employing them to exercise the rights of a member of the Association and accepting the appropriate responsibilities defined in the Regulations with respect to one or more accredited facilities.

3. Members' rights exercised through the Authorised Representative include the right to nominate persons for election to the Board and the right to stand for election to the Board. Members' rights are also detailed in Regulations R.19 and R.32 for acceptance of assessors; in Regulation R.33 for attendance at assessments; in Regulation R.34 for variations of accreditation; and Regulation R.35 for appeals and complaints.
4. Members' obligations are detailed in Regulation R.18 for provision of application information and fees, Regulations R.32 and R.33 for re-examination of accredited facilities, Regulation R.26 concerning reports and the requirements for such documents, in Regulation R.28 concerning advertising of accreditation, in Regulation R.27 concerning the retention of rights when staff changes, and in Regulations R.29 and R.30 when accreditation is cancelled or suspended.
5. 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.27;
    b) ensuring that no misuse of the Association's emblem occurs as required by Regulations R.4, R.5, R.6 and R.26;
    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 management 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.41.
    e) except as provided for in Clause 10.3 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 the Association to conduct the necessary activities to verify fulfilment of the requirements for accreditation including:
        i) arranging witnessing of services (e.g. tests, inspections etc.) including access to activities performed at a client's site, in accordance with, where applicable, legally enforceable arrangements with the client;
        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.
        iv) ensuring the health, safety and general welfare of NATA personnel and assessors when undertaking the activities necessary to verify the fulfilment of accreditation requirements.
        v) assisting in the investigation and resolution of any accreditation related complaints.

R.26

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 published schedule shall be advised to all members.

3. An accredited facility must issue unendorsed reports if:
   a) all 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.26.3 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.27

1. A member operating an accredited facility shall advise the Chief Executive in writing whenever there is a change in the persons, ownership, other resources, management practices, premises or functions of that accredited facility which could impact on the member's ability to satisfy the conditions for the continuance of accreditation within fourteen days of such change and when there is a change in Authorised Representative or any approved signatory, also within fourteen days.
2. When the Chief Executive receives an advice referred to in sub Regulation (1) of this Regulation, he may refer the advice to the relevant Accreditation Advisory Committee for examination in accordance with R.34 as an application for variation to signatory approval or Scope of Accreditation.

R.28

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 Regulation R.26); 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.29

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 R.28 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/or 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.30

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 R.28 shall not be made unless and until the accreditation is restored to an operative basis;

b) for some only of the testing and/or 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 facilities

R.31

Accreditation unless otherwise determined by the Board shall be for the periods as specified in the sixth schedule.

R.32

1. When an accredited facility is to be re-examined otherwise than as provided for in Regulation R.20 or R.33, the Chief Executive shall within 14 days refer the re-examination to the relevant Accreditation 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 Accreditation 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 re-examination;

   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 or his delegates approved by the Board (as the case may be) will forward the advice from the Accreditation Advisory Committee to the Board and the Board will make a decision on the application.

   g) The Chief Executive shall within 14 days advise the member of the decision regarding the re-examination.

R.33

1. When authorised by the Chair, or in the Chair's absence, two other Board members, the Chief Executive may direct an Accreditation Advisory Committee to conduct a re-examination of an accredited facility on one working day's notice to that facility and to conduct such other examinations and enquiries as the Accreditation Advisory Committee may deem to be necessary to ascertain whether the accredited facility is in compliance with the conditions for continuance of accreditation.
2. Whenever a re-examination of an accredited facility is conducted in accordance with Regulation R.33.1 above:
   a) the Accreditation 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, or in the Chair's absence, two other Board members.
3. Whenever a re-examination is conducted in accordance with Regulations R.33.1 and R.33.2 above the Accreditation Advisory Committee shall report forthwith to the Board and in particular shall advise:
   a) whether the accredited facility complies with the conditions for continuance of accreditation;
   b) 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 or the conditions for continuance of accreditation;
   c) 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 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 or his delegates approved by the Board (as the case may be) will forward the advice from the Accreditation Advisory Committee to the Board and the Board will make a decision regarding the re-examination.
5. The Chief Executive shall within 14 days advise the member of the decision of the Board regarding the re-examination.

R.34

1. When the member operating an accredited facility submits an application for variation to signatory approval or Scope of Accreditation in accordance with Clause 38 or R.27 (as the case may be), the Chief Executive shall within 14 days refer the application to the relevant Accreditation Advisory Committee.
2. The Accreditation 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. If the application is likely to impact on the accredited facility's accreditation, in its report, the Accreditation Advisory Committee should advise:
   a) whether the accredited facility complies with the conditions for continuance of accreditation;
   b) 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 or the conditions for continuance of accreditation;
   c) 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 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.
3. The Chief Executive or his delegates approved by the Board (as the case may be) will forward the advice from the Accreditation Advisory Committee to the Board and the Board will make a decision on the application.
4. The Chief Executive shall within 14 days advise the member of the decision on the application.

5. 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

R.35

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) may 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; or
   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 41 or Regulation 35.1 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. If for any reason one of the persons described in Regulation 35.3 b) becomes unavailable to participate in the Review Committee, the Chief Executive will repeat the process described in Regulation 35.4 to fill that vacancy by advising the claimant of the names of two nominated persons and that the claimant may object to one of those persons. If no objections are received within seven (7) days of nomination to fill the vacancy, 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.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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.

11. In the event that the Review Committee overturns the decision, the Board will 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.

Complaints

R.36

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.37

The Board may appoint assessors to assist Advisory Committees in the assessment of 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 R.39 apply to assessors.

Inspection of documents

R.38

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.39

1. All communications, correspondence, reports, minutes and other papers and documents relating to any application for, or variation to, accreditation (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.39.1(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.39.2(c), the Association will ensure that the person receiving the information enters into a Confidentiality Agreement in the prescribed form.

Amendments

R.40

These Regulations may be amended, deleted or added to from time to time by resolution of the Board.

Indemnity

R.41

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 Accredited CAB Combined ILAC MRA Mark

R.42

Members may use the Accredited CAB Combined ILAC MRA Mark as described in the Fifth Schedule in accordance with the terms and conditions for its use as specified in the Accredited CAB Combined ILAC MRA Mark 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 Accredited CAB Combined ILAC MRA 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 colours:

Blue:	PMS 2747;	C100 M85 Y0 K13;	R0 G37 B123
Orange:	PMS 152;	C0 M51 Y100 K1;	R229 G114 B0

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

There is also one form that includes a tag line. This emblem may be used by facilities accredited in programs covered by a mutual recognition arrangement to which NATA is a signatory, in the designated colours, or in black and white. The background for these examples need not necessarily be white and black respectively.

Printing colours:

Blue:	PMS 2747;	C100 M85 Y0 K13;	R0 G37 B123
Orange:	PMS 152;	C0 M51 Y100 K1;	R229 G114 B0

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), the Australasian Sleep Association (ASA) and the Thoracic Society of Australia and New Zealand (TSANZ).

Their emblems are as follows:

The emblem of the associated body and the NATA emblem must appear side by side. The RCPA, RANZCR, ASA and TSANZ 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 Human Pathology (medical testing), medical imaging facilities or sleep disorders services) accompanied by the relevant mandatory statement as described below. This endorsement may also be accompanied by the Accredited CAB Combined ILAC MRA Mark in accordance with R.42 and as described in the Fifth Schedule.

1. For facilities accredited in Testing (other than Calibration):

Accredited for compliance with ISO/IEC 17025 - Testing

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

*NATA is a signatory to the ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing, medical testing, calibration, inspection, proficiency testing providers and reference materials producers reports and certificates

2. For facilities accredited in Calibration:

Accredited for compliance with ISO/IEC 17025 - Calibration

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

*NATA is a signatory to the ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing, medical testing, calibration, inspection, proficiency testing providers and reference materials producers reports and certificates

3. For facilities accredited in Human Pathology (medical testing):

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)

*NATA is a signatory to the ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing, medical testing, calibration, inspection, proficiency testing providers and reference materials producers reports and certificates

4. For Medical Imaging facilities:

Accredited for compliance with RANZCR Standards of Practice for Clinical Radiology

5. 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 ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing, medical testing, calibration, inspection, proficiency testing providers and reference materials producers reports and certificates

6. 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

7. For Reference Materials Producers:

Accredited for compliance with ISO 17034

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

*NATA is a signatory to the ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing, medical testing, calibration, inspection, proficiency testing providers and reference materials producers reports and certificates

8. For Proficiency Testing Providers:

Accredited for compliance with ISO/IEC 17043

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

*NATA is a signatory to the ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing, medical testing, calibration, inspection, proficiency testing providers and reference materials producers reports and certificates

9. For Sleep Disorders Services:

Accredited for compliance with ASA Standard for Sleep Disorders Services

10. For Biobanking:

Accredited for compliance with ISO 20387

11 For Respiratory Function Laboratories:

Accredited for compliance with TSANZ Standard for Respiratory Function Laboratories

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.

**Facilities accredited in one or more of the programs referenced in this statement can elect to include only the programs for which they are accredited in the statement.*

Third schedule

Accreditation Programs

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

- Testing and Calibration
- Inspection
- Reference Materials Producers
- Proficiency Testing Providers
- Medical Imaging
- Sleep Disorders Services
- Human Pathology (medical testing)
- Biobanking
- Respiratory Function Laboratory

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

- OECD Principles of Good Laboratory Practice Compliance Monitoring Program

Fourth schedule

Publications

General Requirements for Accreditation

Publications titled:

ISO/IEC 17020 General criteria for the operation of various types of bodies performing inspections
ISO/IEC 17025 General requirements for the competence of testing and calibration laboratories
ISO 17034 General requirements for the competence of reference materials producers
ISO/IEC 17043 Conformity assessment – General requirements for proficiency testing providers
ISO 15189 Medical laboratories—Particular requirements for quality and competence
ISO 20387 Biotechnology - Biobanking - General requirements for biobanking
OECD Principles of Good Laboratory Practice: Document 1 in the Series on Good Laboratory Practice
RANZCR Standards of Practice for Diagnostic and Interventional Radiology
RANZCR Standards of Practice for Clinical Radiology
ASA Standards for Sleep Disorders Services
TSANZ Standard for Respiratory Function Laboratories

Accreditation Criteria Documents

In addition to the General Requirements for Accreditation above, General Accreditation Criteria and Specific Accreditation Criteria documents for each Accreditation Program also form part of the accreditation criteria. These publications are available from the NATA website.

Fifth schedule

Facilities whose accreditation is covered by the ILAC Mutual Recognition Arrangement for testing, calibration, inspection, proficiency testing providers or reference materials producers may use the Accredited CAB Combined ILAC MRA Mark as follows:

Facilities whose accreditation is covered by the ILAC Mutual Recognition Arrangement for Human Pathology (medical testing), may use the Accredited CAB Combined ILAC MRA Mark as detailed above together with the joint NATA RCPA emblem as described in the First Schedule:

In addition to the mandatory and optional statements described in the Second Schedule, the following statement may be added to testing, Human Pathology (medical testing), calibration, inspection, proficiency testing providers and reference materials producers reports and certificates:

NATA is a signatory to the ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing, medical testing, calibration, inspection, proficiency testing providers and reference materials producers reports and certificates.

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

Printing colours:
PMS 293C; C100 M56 Y0 K0; R0 G0 B229

Sixth schedule

Accreditation periods apply from the date of the first notification of accreditation or from the date of notification of continuation of accreditation in accordance with Regulations R.19 and R.32 respectively.

Accreditation periods are as follows:

Testing and Calibration	4 years
Inspection	4 years
Proficiency Testing Providers	4 years
Reference Material Producers	4 years
GLP Recognition	3 years
Medical Imaging	5 years
Human Pathology (Medical Testing)	5 years
Sleep Disorders Services	5 years
Biobanking	4 years
Respiratory Function Laboratory	5 years

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