



28 October 2015

Ms Lauren Mesiti
Committee Clerk
Delegated Legislation Committee
Legislative Council
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Sent via email: delleg@parliament.wa.gov.au

Dear Ms Mesiti

Inquiry into access to Australian Standards adopted in delegated legislation

Thank you for your email of 22 October 2015 attaching 'UNCORRECTED COPY' of Transcript of Evidence Taken at Perth, Wednesday 14 October 2015 ("the draft Transcript").

Corrections to the draft Transcript

A copy of the Draft Transcript with our requested corrections, marked up manually, is attached (marked 'A'). Please provide us with a corrected/ final copy in due course.

Correction of Incorrect factual information:

On 14 October 2015, I stated that I could recall an instance some years ago where the Commonwealth Government Gazette reproduced clauses of an Australian Standard (being AS1698: Vehicle Users Helmets). See pages 4-5 of the draft Transcript. I have since refreshed my memory and it is apparent my recollection was incorrect: the Gazette does not reproduce clauses of the Australian Standards AS1698, but varies it. I attach a copy of the Gazette in question (marked 'B').

It should be noted that it is not uncommon for governments (in Regulations or Gazettes) to vary Australian Standards considerably. For the purposes of proclaiming a mandatory standard, see for example, NSW Department Fair Trading Regulations 2007.

Committee's Request for Supplementary Information (as recorded in draft Transcript)

Page 5: The request for information on sections of standards that were included in federal legislation is addressed above.

Page 8: With regard to the basis of SAI Global's participation in Standards Australia's Committees, we attach a spreadsheet (marked 'C') that indicates a range of Standards Australia Committees on which one or more SAI Global Limited employees participate, for no fee, reward or remuneration from Standards Australia, but on SAI Global's time. As Australia's leading certification body, including in Product Certification, SAI Global Limited has employees with deep product knowledge, including in respect of personal protective equipment, and represents the interests of certification bodies on these Committees.

Pages 18, 19: The Committee asked for details on SAI Global's pursuit of WA organisations:

"How many are you pursuing now and what is their make up? Are they local government? What are local government, what are state government, what are industry bodies out there?"

SAI Global's Copyright Licensing team (not 'Compliance Team' as it may have been referred to by some Committee members) advises as follows:

We have no knowledge of inclusions of Australian Standards or extracts thereof in any current regulation.

There are currently WA government departments that have copyright licences to reproduce extracts of Australian Standards in Guidelines or training purposes as follows:

Oct 2015 – Department of Fire and Emergency Services – AS 3959 extracts.

Oct 2015 – Department of Planning – AS 3959 extracts.

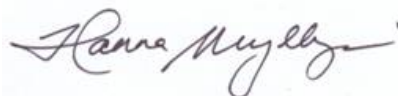
We are in discussions with Department of Environment Regulation – regarding AS 2436 with respect to their request to issue hardcopies freely to the public.

There are 12 WA local governments that have a copyright licence to reproduce the General Conditions of Contract Standard (AS4000) for commercial purposes.

With respect to copyright infringements SAI Global Limited recently settled a matter with a local council but it is not currently pursuing any WA department or agency for copyright infringement referable to Australian Standards

I trust that we have been able to assist the Committee with its deliberations. Could you please let us know when and how we can access transcripts of all the evidence given to the Committee in this inquiry.

Yours sincerely



Hanna Myllyoja
Group General Counsel & Company Secretary
SAI Global Limited

Cc. Mr Peter Mullins, CEO