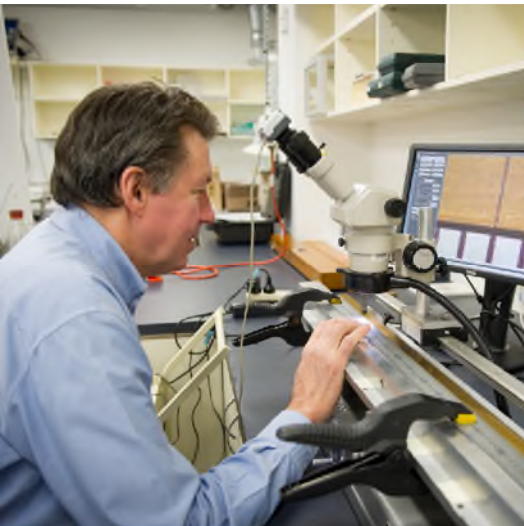




Australian Government
Department of Industry,
Innovation and Science

National
Measurement
Institute



Regulator Performance Framework Self-Assessment Report

National Measurement Institute 2017–2018

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2017–18 Performance Highlights

The National Measurement Institute (NMI) continues to administer a best practice regulatory framework as measured against the KPIs of the Regulator Performance Framework (RPF). As outlined in this report, NMI:

- applies a proportionate and risk-based approach to compliance and enforcement actions (KPI 3)
- involves stakeholders in development and improvement of regulatory frameworks (KPIs 1 & 4)
- is open and transparent in its dealings and clear in its communication with regulated entities (KPIs 2 & 5)
- takes a pro-active approach to continuously improving regulatory performance (KPIs 2, 3 & 6).

Measurement Law Review

Following Prime Ministerial agreement, NMI is undertaking a Measurement Law Review¹ to identify aspects of Australia's Measurement framework that can be modernised, streamlined or simplified.

The review is to cover the National Measurement Act 1960, and all subordinate instruments made under the Act. In particular, the review is to develop options and make recommendations in relation to:

- minimum effective regulation models that could lessen government intervention
- using principles-based legislation to minimise regulatory burden on business
- pathways to support a transparent, proportionate, flexible and risk-based approach to regulation
- utilising appropriate third parties to support or implement the framework
- removing unwarranted regulatory barriers to market entry of new technologies, and other technical barriers to competition
- mechanisms to support market innovation and changes in technology
- ensuring that Australia's measurement legislation promotes confidence in Australia's measurement system
- adopting best practice national and international regulatory approaches.

The review will develop reform options for the consideration of the Australian Government in 2020.

The review is gathering input and insights from stakeholders about Australia's measurement legislation, including:

- 20 closed consultations held with a range of organisations in 2017–18, from peak bodies to individual businesses
- formation of a Jurisdictional Working Group with representatives from Australian States and Territories
- consultation forums with ACT and NSW regulatory agencies held in June 2018 with forums involving other states and territories being scheduled in 2018–19

¹ <https://www.industry.gov.au/regulation-and-standards/measurement-standards/measurement-law-review>



- consultation forum with representatives of 17 nations held as part of the International Organisation of Legal Metrology Certification System meeting in Sydney in March 2018.

An initial public consultation paper, Have Your Say on Australia's Measurement Future², was released on 21 November 2017 with submissions closing on 11 May 2018.

Six discussion papers are due to be released, each examining a specific aspect of Australia's measurement framework. Further input on the resulting reform options will be sought in 2019.

The first discussion paper, Scope of Australia's Measurement Laws³, seeking input on "What should Australia's measurement laws cover in a modern economy?" was released on 21 May 2018 with submissions closing on 22 June 2018.

Trade Measurement Regulatory Audit

In 2017-18 NMI engaged external contractors through a tender process to review and report on NMI's performance as an administrator of trade measurement regulation in Australia, including recommendations for implementation to address areas for improvement.

The contractor's report "identified no major issues regarding NMI's performance and received positive feedback from those consulted", noting that NMI:

- "takes a targeted approach to compliance monitoring"
- "makes informed and accountable decisions".

The report also noted that "NMI has commenced, and made, considerable progress on a program of reform to develop its regulatory approach and practice to become a modern risk and outcomes based regulator".

The report outlined recommendations for improvement as part of that program of reform to "enhance NMI's profile and practice as a modern regulator", including:

- better articulating NMI's regulatory purpose and outcomes through an 'Approach to Regulation' statement
- continuing to review and update policies and procedures in line with performance insights
- continuing to build industry knowledge and data analytics capability to support risk assessments.

NMI will integrate its response to these recommendations into its existing work programs.

² <https://consult.industry.gov.au/measurement-law-review/have-your-say/>

³ <https://consult.industry.gov.au/measurement-law-review/scope/>

Internal Audit Review of RPF Self-Assessment Reporting

In the first quarter of 2018, the Department of Industry, Innovation and Science internal audit team reviewed NMI's processes to prepare its RPF self-assessment reports.

The audit team's report concluded that "... we can confirm that, based on the 2016–17 NMI Regulator Self-Assessment Report, NMI has reported against all the KPIs in the RPF and that the results were evidence based".

The report noted opportunities for some minor process improvements, including:

- continuing work to apply a more risk-based approach to compliance activities beyond trade measurement audits, eg: Licensing and Appointments
- improving capture of information on industry/stakeholder consultations to ensure the full extent of such activity can be reported.

Cost Recovery for Regulatory Charging

In January and February 2018 NMI undertook a comprehensive public consultation process on a draft Cost Recovery Implementation Statement (CRIS) relating to fees associated with Pattern Approval, Trade Measurement Licensing and Legal Metrology Authority Appointments.

The draft CRIS was prepared under the Australian Government Charging Framework, which includes the Cost Recovery Guidelines and sets out the overarching framework under which government entities design, implement and review cost recovered activities.

In addition to receiving stakeholder submissions on the draft CRIS, NMI engaged directly with industry associations and individual companies. A national meeting was also held on 30th January 2018 via video conference at NMI sites in Sydney, Melbourne, Brisbane, Adelaide and Perth to discuss the proposed changes with affected stakeholders.

A summary of the stakeholder feedback was released in April 2018. Fee changes were announced in May 2018 as part of the 2018-19 Commonwealth Budget. Regulatory amendments and a revised CRIS are being prepared, with the new fees expected to come into effect from 1 July 2019.

Acceptance of Test Results for Pattern Approval

From November 2017 NMI undertook a public consultation process to seek feedback on a proposed revision of its current policy on acceptance of test results for pattern approval applications. This is consistent with the Australian Government's Industry Innovation and Competitiveness Agenda policy to assess opportunities for the greater acceptance of trusted international documentary standards and risk assessments.

Under the proposed revision to the policy, NMI will clearly articulate and formalise its risk-based approach to the acceptance of test results from external testing facilities. Appropriate levels of scrutiny will be applied, and decisions made, based on the level of risk associated with acceptance of test results from each category of testing facility.

This new approach would allow NMI to consider test results from all laboratory facilities that:

- have relevant accreditation to ISO/IEC 17025
- can demonstrate successful completion of an appropriate peer assessment process.

NMI received 37 submissions to its consultation paper outlining the proposed change in policy. In addition a series of meetings were held with individual stakeholders as well as national and international industry associations and other National Metrology Authorities.

A final version of the revised policy, informed by input from the consultation process, is expected to be published in 2019.

International Organisation of Legal Metrology Certification System

In December 2017 Australia declared its participation in the International Organisation of Legal Metrology Certification System (OIML-CS).

Launched on 1 January 2018, the principal aim of the OIML-CS is to increase the acceptance and recognition of pattern approval test results between OIML Member States. The OIML-CS will replace and improve upon the OIML Basic and OIML Mutual Acceptance Arrangement (MAA) certificate systems via enhanced governance and operating arrangements. The OIML-CS will provide numerous benefits to Australian industry, including:

- reducing technical barriers to trade
- reducing delays to market access for instrument suppliers in Australia and overseas
- providing greater flexibility for measuring instrument manufacturers and suppliers regarding the selection of testing providers
- providing greater efficiencies to the operation of the national trade measurement system.

NMI hosted the first meeting of the OIML-CS Management Committee on 20–22 March 2018 in Sydney, attended by over 40 delegates from 22 OIML Member States and Liaison Organisations. The issues discussed and agreed upon at the first meeting included:

- the approval of legal metrology experts who are responsible for undertaking assessments of Test Laboratories and certification Issuing Authorities around the world
- the approval of Test Laboratories and Issuing Authorities that will support the OIML-CS and generate trusted test results and OIML Certificates
- procedures and process for the ongoing assessment of experts, laboratories and authorities
- arrangements and procedures for ensuring a smooth transition between the new OIML-CS and the previous OIML certificate systems.

NMI was approved as an Issuing Authority and Test Laboratory under the OIML-CS in May 2018.

Regulation of Legal Metrology

Consistency and certainty in measurement supports fair and open competition. It provides a level playing field for business by ensuring that all market participants, irrespective of their size or financial strength, follow the same rules and have equal opportunity to compete.

Studies in Australia, the USA and Canada have estimated that the total value of trade transactions involving measurement (including packaged goods and utility metering) accounts for at least 50% of Gross National Income (GNI). Of this amount, around a quarter is accounted for by retail transactions. The remaining three quarters are business to business transactions.⁴

Based on these estimates, more than \$750 billion worth of goods and utilities are traded each year in Australia on the basis of their measurement. Reliable representations of measurements help consumers and businesses make informed purchasing decisions. More broadly, they support the efficient operation of the market.

Confidence in accurate measurement also delivers:

- reduced disputation and lower transactions costs in commercial dealings
- a sound evidential basis for legal and regulatory measurements.

What is Legal Metrology?

Australia's legal metrology system provides a reliable framework to support confidence in accurate measurement. The system includes elements that ensure:

- measuring instruments are fit for purpose
- measurements are made correctly
- representations about measurements are accurate.

The system is also underpinned by the necessary scientific and technical infrastructure to support correct measurements (traceability).

NMI is responsible for the regulation of Australia's legal metrology system through administration of the *National Measurement Act 1960* (the Act).

The Act establishes a national system of units and standards of measurement and provides for their uniform use throughout Australia to ensure traceability of measurement. The Act also regulates transactions involving measurement, including sales of measured quantities and packaged goods, and sets out specific requirements for measuring instruments used for trade.

In planning and undertaking its regulatory responsibilities, NMI recognises that reducing the burden on industry of inefficient regulation can lower costs to businesses and facilitate innovation. We also note the importance of ensuring that the regulatory environment strikes the right balance between efficient markets and community expectations.

NMI participates in formal processes that develop international documentary standards for measuring instruments, including through the International Organisation of Legal Metrology (OIML),

⁴ Birch, J (2003) 'Benefit of Legal Metrology for the Economy and Society', International Committee of Legal Metrology.



and adopts relevant international standards to ensure Australia's regulatory environment is harmonised with international best practise. This supports market efficiency by reducing technical barriers to trade.

In order to maintain delivery of best practice regulation, NMI recognises that as an organisation it must adapt, be proactive and innovative as we work with stakeholders to find new approaches in a changing environment.

How is Legal Metrology Regulated?

A measuring instrument is being used for trade if it is used in determining the consideration in respect of a transaction or in determining the amount of a tax. In Australia, all measuring instruments used for trade must be pattern-approved and verified.

Pattern approval confirms that a measuring instrument's design meets relevant documentary standards⁵ and performs as intended over a range of environmental and operating conditions. NMI examines trade and other legal measuring instruments against relevant standards and issues certificates for pattern approval that are internationally recognised. NMI may also appoint Approving Authorities to examine measuring instruments and produce test reports for pattern approval.

When reviewing applications for pattern approval of trade measuring instruments where certification has already been issued in another country, NMI recognises test reports issued in accordance with the OIML's framework for mutual acceptance arrangements and can also accept certain other test results based on a risk analysis.

Verification is the testing of measuring instruments to ensure that they operate in accordance with pattern approval requirements and are accurate. Verification of trade measuring instruments is usually carried out by NMI appointed organisations, known as Servicing Licensees or Utility Meter Verifiers. These organisations verify instruments against standards that are aligned with international practice, including National Instrument Test Procedures (NITPs) determined by NMI.

⁵ A documentary standard provides requirements, specifications, guidelines or characteristics that can be used consistently to ensure that materials, products, processes and services are fit for their purpose. (www.iso.org).

Traceability is being able to demonstrate that a measurement result is related to a primary measurement standard⁶ through a documented, unbroken chain of calibrations. To ensure traceability of reference standards used for verification of trade measuring instruments, NMI appoints Verifying Authorities in areas such as length, mass, area, volume, density, and temperature.

NMI also appoints Certifying Authorities to ensure that certain legal measuring instruments are of an approved pattern and accurate. Certifying Authorities may also be appointed to produce reference materials used in the verification of trade measuring instruments and certification of legal measuring instruments.

NMI has a national network of trade measurement inspectors who audit traders and licensees to assess their compliance with their obligations under the law. Inspectors can enter a place of business to:

- review trading practices
- ensure that measuring instruments used for trade are verified and used correctly
- check pre-packed articles for correct packer identification, measurement markings and accurate measure
- ensure that servicing and public weighbridge licensees are operating in accordance with the conditions of their licence
- take appropriate enforcement action where there have been breaches of the law.

Coordination with Other Regulators

NMI has entered into Memoranda of Understanding for NMI's national network of trade measurement inspectors to undertake regulatory monitoring and compliance work on behalf of other Commonwealth agencies. Where appropriate, activities on behalf of other agencies are undertaken in conjunction with inspections to monitor compliance with trade measurement law. Coordinated inspections are considered to assist in reducing the burden on business.

Tobacco Plain Packaging – Department of Health

Trade measurement inspectors are appointed as authorised officers by the Department to Health to undertake education and investigation activities in relation to compliance with the provisions of the *Tobacco Plain Packaging Act 2011* and the *Tobacco Plain Packaging Regulations 2011*.

Country of Origin Labelling – Australian Competition and Consumer Commission (ACCC)

On behalf of the ACCC, in 2018–19 NMI will conduct market surveillance in metropolitan, regional and remote areas across a broad range of businesses involved in the supply of food products (packaged and unpackaged), to assess compliance with the *Country of Origin Food Labelling Information Standard 2016*.

⁶ Australia's primary measurement standards are maintained by NMI and directly relate to the base units of the International System of Units (SI): the metre, the kilogram, the second, the ampere, the kelvin, the mole, and the candela.

Stakeholder Reference Group

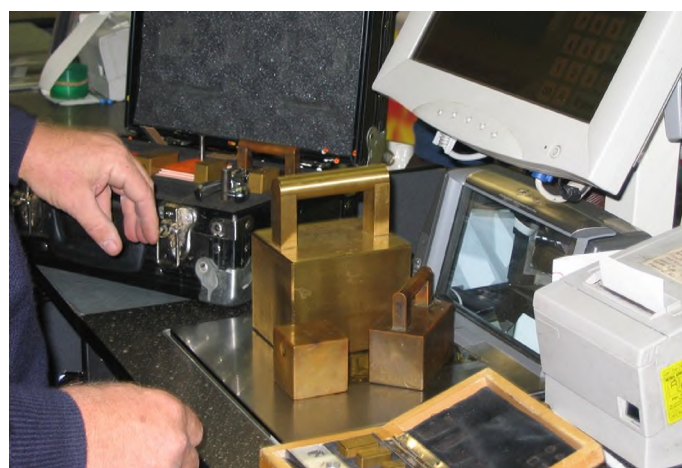
The stakeholder consultation mechanism approved by the Minister for Industry, Innovation and Science under the Regulatory Performance Framework is the Consumer and Industry Liaison Committee (CILC).

NMI established CILC in 2010 comprised of representatives from industry associations and consumer groups. CILC meets twice yearly to:

- exchange views about trade and regulatory matters as they relate to trade measurement:
 - scope of metrological control of measuring instruments used for trade purposes
 - pattern approval framework and service levels
 - trade measurement service levels and perception of compliance in the market place
- formulate advice to NMI aimed at improving the efficiency and effectiveness of the regulatory framework and service levels.

CILC's membership includes:

- Accord Australasia Ltd
- Aerosol Association of Australia Inc
- Australasian Convenience and Petroleum Marketers Association
- Australian Chamber of Commerce and Industry
- Australian Food and Grocery Council
- Australian Hotels Association
- Baking Association of Australia
- CHOICE
- Consumers Association of South Australia Inc
- Consumers Federation of Australia
- Food & Beverage Importers Association
- Master Grocers Australia
- National Retail Association
- Seafood Importers Association of Australasia
- Queensland Consumers Association
- Weighing Industry Association of Australia.



The Regulator Performance Framework

The Commonwealth Government has developed the [Regulator Performance Framework](https://www.cuttingredtape.gov.au/resources/rpf)⁷ to give business, the community and individuals confidence that regulators effectively and flexibly manage risk. Efficiently administered regulatory frameworks can improve the operation of businesses, markets and the economy, bring major benefits for individuals and lead to fewer resource requirements for regulators.

To achieve the Government’s objectives, the RPF includes six outcomes-based key performance indicators (KPIs) to articulate the Government’s overarching expectations of regulator performance, namely:

1. regulators do not unnecessarily impede the efficient operation of regulated entities
2. communication with regulated entities is clear, targeted and effective
3. actions undertaken by regulators are proportionate to the risk being managed
4. compliance and monitoring approaches are streamlined and coordinated
5. regulators are open and transparent in their dealings with regulated entities
6. regulators actively contribute to the continuous improvement of regulatory frameworks.

The Framework also includes a requirement for regulators to undertake an annual self-assessment against the RPF KPIs and publish a report on the outcomes of that self-assessment and any external reviews of their performance.

⁷ <https://www.cuttingredtape.gov.au/resources/rpf>

Evidence Metrics

Evidence Metric	Applicable KPI
Percentage of trade measurement inspections that address areas identified as high-risk with regard to policy goals	KPI 1, KPI 3, KPI 4
Percentage of applications assessed and processed within agreed or published timeframes	KPI 1, KPI 2
Percentage of stakeholder feedback that is favourable (customer satisfaction)	KPI 2, KPI 5, KPI 6
Number of information sharing meetings with key stakeholders (effective communication)	KPI 2, KPI 5, KPI 6
Examples of improvements to how NMI conducts its regulatory role (continuous improvement)	KPI 6
Percentage of assessments or inspections that take account of risk profile (risk informed regulation)	KPI 3, KPI 4, KPI 5, KPI 6
Number of enforcement actions that do not involve a fine	KPI 3, KPI 4
Number of enforcement actions that involve at least a fine	KPI 3, KPI 4
Percentage of instances in which stakeholders are consulted on the development of regulations (transparent development of standards)	KPI 2, KPI 5, KPI 6

Implementing the Framework

This report has been prepared to assess achievements in 2017–18 against the KPIs. The evidence metrics used to measure performance against the KPIs were reviewed and endorsed by NMI’s stakeholder reference group, CILC, and subsequently endorsed by the Minister for Industry, Innovation & Science.

Because there is some duplication and repetition amongst the “measures of good regulatory performance” and “examples of output/activity-based evidence” published against each of the KPIs, each ‘evidence metric’ usually covers more than one KPI.

Performance against each of the evidence metrics has been rated using the following categories:

- Met - Strong performance against all aspects of the metric
- Substantially met - Strong performance against most aspects of the metric
- Not met - Poor performance against all aspects of the metric.



Performance Scorecard

KPI 1: Regulators do not unnecessarily impede the efficient operation of regulated entities

Measure	Performance	Commentary
Percentage of applications assessed and processed within agreed timeframes		Of 153 applications for establishing or renewing Servicing Licence, 152 (99%) were assessed and processed within 28 days.
NMI has application processes for pattern approval of measuring instruments, appointment as an authority, and for licensing of servicing licensees and public weighbridge licensees. Agreed and published timeframes enables business to plan and reduces regulatory burden.	Substantially met	<p>Of 96 applications for establishing or renewing Public Weighbridge Licence, 93 (97%) were assessed and processed within 28 days.</p> <p>Of 39 applications for establishing or renewing appointment as Legal Metrology Authority or Utility Meter Verifier, 38 (97%) were assessed and processed within 90 days.</p> <p>Of 84 Pattern Approval Certificates issued, 45 (54%) were assessed and processed within 90 days.</p> <ul style="list-style-type: none"> Departures of key staff and difficulty in engaging suitable replacements has continued to impact performance against this target. NMI is looking to re-staff as quickly as possible and is exploring other options for facilitating timely progress of Pattern Approval applications.

KPI 2: Communication with regulated entities is clear, targeted and effective

Measure	Performance	Commentary
Instances in which stakeholders are consulted on the development of regulations		All proposed changes to policy/standards are preceded by comprehensive engagement with stakeholders, including: one-to-one, focus groups, and formal public consultation. Some examples from 2017–18, not discussed elsewhere in this paper, include.
NMI publishes a number of standards and test procedures which set out requirements and expectation of manufacturers and licensees. These standards are generally adoptions of international standards. Consultation with manufacturers and licensees improves transparency in regulation and supports continuous improvement.	Met	<ul style="list-style-type: none"> In November 2017 NMI sought comment on the development of the international standard for continuous totalizing automatic weighing instruments of the arched chute type. In late 2017 NMI finalised a targeted consultation process with key stakeholders ahead of the formal determination and publication of the National Instrument Test Procedures for Wheeled Loaders (NITP 6.8). In January 2018 NMI sought comment on the revision of the international standard for compressed natural gas and hydrogen dispensers. In March 2018, as part of the first OIML Certificate System (OIML-CS) meetings in Sydney, NMI hosted a public seminar on the new OIML-CS with invitations extended to all legal metrology stakeholders. In March 2018 NMI hosted a meeting of the OIML Technical Committee 12 to progress the revision of the international standard for electric meters. NMI invited a number of key Australian industry stakeholders to the meeting and a future draft of the revised standard will be made publically available for comment. In April 2018 NMI consulted with the seafood industry on requirements for pre-packaged frozen seafood. This included individual meetings with industry associations as well as a nationally coordinated meeting in five capital cities open to all industry members.

KPI 2: Communication with regulated entities is clear, targeted and effective (continued)

Measure	Performance	Commentary
<p>Percentage of customer feedback that is positive</p> <p>NMI seeks feedback through surveys. Negative feedback is an opportunity to improve systems and re-assess regulatory burden. Responses which are neutral or better are taken to be favourable.</p>	Met	<p>In November 2017, NMI engaged an independent firm to conduct an online customer satisfaction survey as part of continued efforts to improve its service to a wide range of customers and clients. Amongst a range of NMI clients, the survey received 155 responses from regulatory stakeholders, including:</p> <ul style="list-style-type: none"> • pattern approval and trade measurement laboratory clients • servicing licensees, public weighbridge licensees and legal metrology authorities • trade measurement audit clients. <p>Of those 155 survey respondents, the percentage of favourable responses to the following statements were:</p> <ul style="list-style-type: none"> • A trusted provider of high quality technical services – 95% • Cares about its customers – 90% • NMI is a centre of expertise for Australian industry – 92% • Employs high quality people – 96% • Clearly communicates its range of services – 89% • Reliable – does what it says it will do – 91% • Easy to deal with – 87% • Helps to maintain the reputation of my organisation – 91% • Offers a useful website – 90% • Evolving its range of services to meet the needs of Australian businesses – 91% • Provides valued advice related to its services – 93% <p>NMI invites all pattern approval laboratory clients to complete a survey on satisfaction with service delivery. Of the 10 survey respondents in 2017-18, the percentage of favourable responses to the following statements were:</p> <ul style="list-style-type: none"> • it was easy to contact the right person to assist me – 90% • I received an acknowledgement of the application in a timely manner – 90% • the application process was clearly explained – 100% • the person I was dealing with clearly explained what information was required – 90% • the results of the assessment or decision were clearly explained – 90% • the person I was dealing with was knowledgeable and professional – 90% • the Pattern Approval Section was easy to deal with – 90% • the Pattern Approval Section responded to my questions in a timely manner – 90% <p>Additional commentary provided through the pattern approval survey included:</p> <ul style="list-style-type: none"> • “... easy to work with ... responded quickly and I was impressed with your courtesy and responsiveness” • “It took far too long” • “I would like to thank [you] for fast feedback to our enquiries and support”

KPI 3: Actions undertaken by regulators are proportionate to the regulatory risk being managed

Measure	Performance	Commentary
<p>Number of enforcement actions that do not involve a fine</p> <p>NMI operates under a risk-based compliance and enforcement policy. This policy provides for a range of regulatory responses for compliance and enforcement. This metric will assess NMI's use of a range of responses, in this case light-touch regulations, on a risk-basis.</p>	Met	<p>Of 3900 enforcement actions in 2017–18, 3842 (98.5%) did not involve a fine, including:</p> <ul style="list-style-type: none"> • 3620 non-compliance notices • 222 warning letters.
<p>Number of enforcement actions that involve at least a fine</p> <p>NMI operates under a risk-based compliance and enforcement policy. This policy provides for a range of regulatory responses for compliance and enforcement. This metric will assess NMI's use of a range of responses, in this case infringement notices or higher sanctions (such as prosecutions or enforceable undertakings) for more serious breaches.</p>	Met	<p>Of 3900 enforcement actions in 2017–18, 58 (1.5%) involved at least a fine, including:</p> <ul style="list-style-type: none"> • 58 infringement notices totalling \$65,250 • no prosecutions were concluded in 2017–18.

KPI 4: Compliance and monitoring approaches are streamlined and coordinated

Measure	Performance	Commentary
<p>Proportion of trade measurement inspections that address areas identified as high-risk</p> <p>Trade Measurement Inspections are performed on measuring instruments in use for trade to assess compliance under the National Measurement Act. The primary focus of compliance is to ensure that the instruments are accurate to within specified limits. Inspections are also performed on pre-packaged products, primarily to check the quantity to determine if there is any shortfall. NMI implements a risk-based approach to inspections. This approach enables NMI to focus its resources on high-risk areas which also minimises the impact on the efficient operation of regulated entities.</p>	Met	<p>All (100%) of the 9460 trader audits undertaken in 2017–18 were conducted as part of national targeted programs based on risk profiles. Targeted programs in 2017–18 included</p> <ul style="list-style-type: none"> targeted industry programs: Meat, Fish and Poultry Retailing; and Supermarket and Grocery Stores (turnover < \$2m) emerging industry programs: Waste Management data collection and monitoring programs: Community Savings; and Compliance Confidence ongoing programs such as: Outer Regional and Remote; and Weighbridge Audits.
<p>Assessments or inspections that take account of risk profile</p> <p>NMI develops a National Compliance Plan annually. It is developed to enable regulatory compliance and enforcements activities to be based on risk profiles. This plan is published on the NMI website to provide openness and transparency.</p>	Met	<p>The 2017–18 and 2018–19 National Compliance Plans⁸ were published on the NMI website and confirmed our approach to program-driven compliance activities based on risk profile.</p> <p>The 2018–19 Plan allocates all compliance activity to program-based activities based on risk profile, including:</p> <ul style="list-style-type: none"> targeted industry programs: Frozen Seafood; Manufacturers and Importers; and Major Supermarket Audits economically significant industry programs: Grain; and Liquefied Natural Gas ongoing programs: Remote and Indigenous Communities; and Weighbridge Audits external agency programs: Tobacco Plain Packaging; and Country of Origin Food Labelling.

⁸ <http://www.measurement.gov.au/Publications/trademeasurement/Documents/NationalCompliancePlan.pdf>

KPI 5: Regulators are open and transparent in their dealings with regulated entities

Measure	Performance	Commentary
<p>Number of information sharing meetings with key stakeholders</p> <p>NMI engages with stakeholders for information sharing with the aim of improving Australia's legal metrology system, and reducing regulatory burden. NMI convenes Consumer and Industry Liaison Committee (CILC) meetings where NMI provides updates on its activities and CILC members provide feedback and raise issues. NMI also convenes various other regular and ad-hoc meetings with regulated entities.</p>	Met	<p>As outlined above, NMI held a range of stakeholder meetings in 2017–18 to</p> <ul style="list-style-type: none"> • discuss proposed changes to regulations/standards • seek input for the Measurement Law Review. <p>Two scheduled CILC meetings were held, in November 2017 and April 2018. Each of the CILC meetings were followed by Measurement Law Review forums for CILC members and associated stakeholders.</p> <p>In addition to meetings with industry associations, companies and organisations to receive feedback and discuss developments in technology and business models and associated regulatory compliance issues, NMI staff made a number of presentations to industry and other stakeholder groups covering relevant aspects of trade measurement law and the Measurement Law Review, including:</p> <ul style="list-style-type: none"> • Australian Food and Grocery Council (AFGC), Health, Nutrition and Scientific Affairs Committee meeting, July 2017 • Australian HACCP Conference, August 2017 • Weighing Industry Association of Australia AGM, September 2017 • Ohaus Dealer Conference, October 2017 • Royal Australian Chemical Institute (RACI) Pharmaceutical Science Group Seminar, November 2017 • National Meat Industry Training Advisory Council (MINTRAC), November 2017 • BSI ANZ Food Auditors Conference, February 2018 • Baking Association of Australia Conference, June 2018 • Australian Institute of Food Science & Technology public webinar, June 2018.

KPI 6: Regulators actively contribute to the continuous improvement of regulatory frameworks

Measure	Performance	Commentary
<p>Examples of improvements to how NMI conducts its regulatory role</p> <p>Areas for improvement can be identified via various routes including stakeholder surveys, stakeholder meetings, audits, reviews, and self-assessments. The number of improvements identified and implemented will measure NMI's actions to continuously improve regulatory frameworks.</p>	Met	<p>Various examples of NMI's actions in 2017-18 to improve the regulatory framework are outlined in this paper, including:</p> <ul style="list-style-type: none"> • commissioning an independent audit of trade measurement regulatory policies and procedures • commencement of the Measurement Law Review⁹ • proposed revision of the current policy on acceptance of test results for pattern approval applications • declaring participation in the OIML Certificate System • 2018-19 National Compliance Plan¹⁰ allocates all compliance activity to program-based activities based on risk profile.

⁹ <https://www.industry.gov.au/regulation-and-standards/measurement-standards/measurement-law-review>

¹⁰ <http://www.measurement.gov.au/Publications/trademeasurement/Documents/NationalCompliancePlan.pdf>

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