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Trade Measurement Compliance in 2019–20

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What is Trade Measurement?

Trade measurement refers to buying and selling of goods and services where the value is determined by measurement.

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 Income¹. Of this amount, around a quarter is accounted for by retail transactions with the remaining three quarters being business to business transactions. Based on these estimates, the total value of trade transactions involving measurement in Australia is currently more than \$970 billion a year.

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.

Reliable representations of measurements help consumers and businesses make informed purchasing decisions. More broadly, they support the efficient operation of the market.

Regulation of Trade Measurement

The National Measurement Institute (NMI), a division of the Australian Government Department of Industry, Science, Energy and Resources, administers the [National Measurement Act 1960](#) and associated regulations to ensure that for trade purposes:

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

To help businesses comply with their legal obligations, NMI's trade measurement inspectors:

- test measuring instruments, inspect packaged goods and review business practices
- provide advice on meeting compliance obligations
- take enforcement action when necessary.

Inspectors usually wear branded clothing and show an ID card to the business owner/operator at the commencement of an audit. However, inspectors can also make incognito 'trial purchases' to assess whether businesses are, for example, correctly operating scales and allowing for the weight of packaging during over-the-counter transactions.

NMI takes a risk-based approach when targeting compliance activities and determining the appropriate and proportionate regulatory response where non-compliance is identified.

We measure risk in terms of the harm and likelihood of regulatory non-compliance. Some of the factors used to determine harm include:

- impact on confidence in the measurement system
- extent of financial detriment to consumers or industry
- impact on maintaining a level playing field for business competition
- ability of consumers to make informed purchasing decisions.

¹ Birch, J (2003) 'Benefit of Legal Metrology for the Economy and Society', International Committee of Legal Metrology.

A Note about Compliance

Non-compliance can take many forms, from inappropriate measurement practices (for example, not adjusting shop scales to account for the weight of packaging in over the counter transactions) and measurement labels that do not meet regulatory requirements, to short measure in packaged goods and using measuring instruments that are unapproved or inaccurate.

Not all instances of non-compliance necessarily affect the integrity of measurement-based transactions. Where measurement errors are found they are usually relatively minor and large errors are quite rare.

Where non-compliance is assessed as resulting in a low level of harm and there is minimal likelihood of continued non-compliance an inspector will issue a non-compliance notice, and may provide advice if appropriate. A follow-up visit will check that any issues identified have been corrected. This is the most common enforcement action.

However, even minor measurement errors can have a significant impact on competition and consumer detriment when considered in aggregate.

Summary of 2019–20 Compliance Activity and Outcomes

COVID-19 Response

In order to reduce the risk of COVID-19 transmission to our staff and within the community, NMI largely suspended trade measurement field audit activity in mid-March 2020. Beginning in June 2020, NMI commenced a three stage return to the field for our trade measurement inspectors.

To support the return to fieldwork, NMI has supplemented existing safe work method statements and risk assessments for each industry sector, including a general risk assessment statement for COVID-19. We will continue to follow social distancing and hygiene practices throughout the staged return to COVID-Safe fieldwork. We remain committed to ensuring staff and clients stay safe.

Our plans for a return to fieldwork are subject to any conditions imposed by the Commonwealth or State and Territory governments (such as the lockdown in Victoria) that restrict inspectors from carrying out their normal duties and affect the implementation of our compliance activities.

NMI has also been conscious of the need to show flexibility in its regulatory approach during this time, allowing businesses to continue to operate under difficult circumstances while still ensuring that consumers are protected. This has included, after appropriate risk assessments:

- reviewing enforcement actions for non-compliance where traders are suffering financial hardship as a result of the contraction in business activity
- extending Regulation 13 Certificates where access to trade measurement laboratories or verifying authorities has been affected by travel restrictions
- considering payment terms for regulatory administration fees.

Trader Audits

In 2019–20, NMI's trade measurement inspectors:

- audited 7600 business premises (includes initial and follow-up audits)
- tested around 13 500 measuring instruments
- inspected almost 500 weighbridges
- inspected almost 80 000 lines of packaged goods (over 200 000 individual packages) for correct measure and measurement labelling.

Year	Trader audits	Measuring instruments	Weighbridges	Packaged lines	Individual packages
2015–16	10 123	15 240	960	80 163	319 616
2016–17	10 218	17 037	1154	87 812	355 294
2017–18	9633	14 918	965	71 799	271 375
2018–19	7586	15 887	614	70 183	256 507
2019–20	7600	13 588	479	78 290	203 320

As noted above, the most common enforcement response is for inspectors to provide advice and conduct follow-up inspections to ensure non-compliance is rectified. Most businesses are keen to do the right thing and promptly rectify trade measurement breaches once they are made aware of them. The success of this approach is demonstrated by 91.5 per cent of all businesses inspected found to be complying with the law after follow-up audits were undertaken, up from 66 per cent of 5736 traders found to be fully compliant after an initial audit, in 2019-20.

Year	Initial audits	Initial non-compliance	Follow-up audits	Follow-up non-compliance	Estimated final non-compliance
2015–16	7634	2558 (33.5%)	2489	380 (15.3%)	5.1%
2016–17	7761	2732 (35.2%)	2257	382 (16.9%)	5.9%
2017–18	7282	2545 (34.9%)	2351	422 (17.9%)	6.3%
2018–19	6357	2127 (33.5%)	1229	237 (19.3%)	6.5%
2019–20	5736	1932 (33.7%)	1864	470 (25.2%)	8.5%

While much non-compliance is relatively minor and usually quickly addressed when identified by trade measurement inspectors, trader types with a greater incidence of non-compliance requiring more serious enforcement action in 2019–20 included:

- Licensed Premises
- Fuel Retail
- Meat Retail
- Supermarkets
- Importers
- Fruit & Vegetables Retail
- Hardware
- Seafood Retail.

Measuring Instruments

Australia's trade measurement laws require that measuring instruments used for trade are of an approved type, have been verified by a licensed technician before use, and are accurate at all times while in use. NMI authorises servicing licensees to undertake verifications.

13 588 measuring instruments were tested in 2019-20, with only 2.5 per cent found to be inaccurate to consumer disadvantage. During the year, 3.7 per cent of instruments tested were found to be inaccurate in consumers' favour.

In 2019–20, instrument categories with the greatest proportion of instruments tested found to be inaccurate to consumer disadvantage included:

- retail fuel dispensers (petrol and diesel) – with 5.2 per cent of 3699 tested measuring to consumer disadvantage
- beverage dispensers – with 4.1 per cent of 1486 tested measuring to consumer disadvantage
- weighing instruments (30 kg to 3 tonnes) – with 2.8 per cent of 179 tested inaccurate to consumer disadvantage.

Packaged Goods

Of the 78 290 lines of packaged goods tested in 2019–20, 1.6 per cent were found to contain less product than stated on the label, with most discrepancies relatively small. Packaged goods product types with the greatest proportion of incorrect measure in 2019–20 included:

- fuel (solid) – 5.4 per cent of 537 packaged lines
- seafood (frozen) – 4.3 per cent of 676 packaged lines
- meat (processed) – 4.2 per cent of 1811 packaged lines
- meat (fresh) – 3.5 per cent of 15 311 packaged lines
- beverages (including alcohol) – 3.4 per cent of 1058 packaged lines
- confectionery/snack foods – 2.4 per cent of 3398 packaged lines
- fruit and vegetables (fresh) – 2.4 per cent of 7563 packaged lines

Further details on compliance and enforcement activity and outcomes in 2019–20 are provided below.

The results outlined in this report were used in developing NMI's inspection priorities for trade measurement compliance activity in 2020–21. A copy of the 2020–21 [National Compliance Plan](#)² is available on the NMI website.

² <https://www.industry.gov.au/data-and-publications/national-measurement-institute-national-compliance-plan>

Concentrated National Audits

After an initial trial in 2018–19, NMI has adopted concentrated national audits as an integral part of our compliance and enforcement strategy. Under this program type, all trade measurement inspection activity nationally is focused on a single industry sector over a specific time period.

Two major factors determining which traders are targeted in these national audits are:

- previously identified non-compliance
- relative market shares of industry participants.

Four concentrated national audit programs were undertaken in 2019–20:

- major supermarkets
- retail fuel
- licensed premises
- meat, fish and poultry retail.

The data in this section of the report specifically refers to inspection outcomes from concentrated audits. In the remainder of the report this data is aggregated with data from inspection conducted over all of 2019–20.

Major Supermarkets

In response to non-compliance detected during a concentrated national audit in November 2018, NMI entered into agreements with the major supermarket chains that include improvements to staff training programs on measurement accuracy, improvements to weighing instrument checking, and regular reporting to NMI on progress.

A follow-up concentrated audit campaign was carried out in February 2020 to check that actions undertaken as a result of these agreements have been effective in reducing the level of non-compliance.

672 major supermarkets and grocery stores located in metropolitan and regional areas of Australia were audited over 17–21 February for compliance with trade measurement laws. The 2020 audits revealed a significant improvement in most areas of trade measurement compliance:

- 167 (24.9 per cent) of the 672 business premises visited were found to be non-compliant with one or more aspects of trade measurement legislation – compared with 55.8 per cent in 2018
- 133 (4.4 per cent) of the 3008 measuring instruments tested were non-compliant – compared with 20 per cent in 2018
- 122 (0.6 per cent) of the 19 630 lines of pre-packed articles inspected were non-compliant due to measurement shortfall – compared with 1.4 per cent in 2018
- 20 (9.6 per cent) of the 208 trial purchases undertaken failed – compared with 11.2 per cent in 2018.

A total of 195 non-compliance notices were issued, including: 89 related to measuring instruments; 78 related to packaged goods; and 28 for failure of trading practice (shortfall offences from trial purchases). Some stores were issued with more than one notice or a notice covering more than one breach.

Trade measurement compliance of major supermarkets will continue to be monitored as part of NMI's 2020–21 [National Compliance Plan](#)³.

³ <https://www.industry.gov.au/data-and-publications/national-measurement-institute-national-compliance-plan>

Retail Fuel

Analysis of trade measurement compliance data over recent years has identified that the proportion of retail fuel dispensers found to be inaccurate to consumer disadvantage by more than the maximum permissible error (MPE) of 0.3% is consistently in excess of that for all measuring instruments.

In response to relatively high levels of fuel dispenser inaccuracy, NMI undertook concentrated national audits of retail fuel premises in April 2019 and March 2020. As part of the March 2020 concentrated audit, NMI's trade measurement inspectors visited 446 retail fuel sites and tested 1846 dispensers. Of these:

- 92 dispensers (5.0 per cent) were outside MPE to consumer advantage, giving away fuel, compared with 2.5 per cent in the 2019 concentrated audit
- 68 dispensers (3.7 per cent) were outside MPE to consumer disadvantage, compared with 4.8 per cent in 2019.

NMI will continue to closely assess trade measurement compliance at retail fuel sites as part of its [National Compliance Plan for 2020–21](#)⁴.

Licensed Premises

Trade measurement inspectors have found that spirit dispensers used in licensed premises are consistently among the measuring instruments most likely to be found inaccurate to consumer disadvantage. This has ranged between 4 per cent and 6.6 per cent over the period 2015–16 to 2018–19.

From 19–24 August 2019, NMI trade measurement inspectors audited 807 licensed premises, including hotels, bars, major sporting venues, micro-breweries and wineries, for compliance with trade measurement legislation.

The audit program included:

- making 213 anonymous trial purchases to check the compliance of trading practices when selling products across the bar, of which 60 (28 per cent) failed
- testing 1057 measuring instruments, usually spirit dispensers, of which 138 (13 per cent) failed.

Non-compliance with trade measurement laws was found at 238 (29 per cent) of the 807 premises audited, including 52 premises with measurement discrepancies identified during trial purchases and 24 premises with measuring instruments inaccurate to consumer disadvantage.

While most non-compliance was quickly resolved by traders after being pointed out by inspectors, the following enforcement action was undertaken for more serious breaches:

- 25 warning letters
- 22 infringement notices of \$1050 each
- 2 infringement notices of \$2100 each
- 1 infringement notice of \$4200

⁴ <https://www.industry.gov.au/data-and-publications/national-measurement-institute-national-compliance-plan>

Meat, Fish and Poultry Retail

In response to above average levels of non-compliance detected in this industry sector across packaged articles, instruments and trading practices, a concentrated national audit was undertaken from 25–29 November 2019.

As part of the audit NMI's trade measurement inspectors:

- visited 605 business premises
- tested 1121 measuring instruments
- checked 4852 packaged article lines
- conducted 574 trial purchases

Non-compliance was found at 345 (57 per cent) of the 605 business premises audited, including:

- 62 measuring instruments not verified
- 70 measuring instruments inaccurate outside MPE to consumer advantage
- 7 measuring instruments inaccurate outside MPE to consumer disadvantage
- 383 packaged article lines with short measure
- 245 packaged article lines with non-compliant labelling
- 224 failed trial purchases.

While most non-compliance detected was relatively minor and corrected by traders on advice from inspectors, NMI issued the following enforcement actions:

- 103 warning letters
- 14 infringement notices of \$1050 each
- 1 infringement notice of \$2100.

Enforcement Actions

NMI inspectors issue non-compliance notices whenever any breaches of trade measurement law are identified during trader audits.

Enforcement action of a more serious nature is taken when:

- continued non-compliance is detected after a notice has been previously issued
- a breach detected in an initial audit is particularly severe
- contraventions are of high public interest/impact.

Potential enforcement actions include:

- warning letters
- infringement notices with associated fines
- enforceable undertakings
- referral to the Commonwealth Director of Public Prosecutions (CDPP) for injunction or prosecution.

Any enforcement action, such as a warning letter or infringement notice, may cover more than one breach of trade measurement law.

The value of fines associated with infringement notices in 2019–20 was \$1050 per offence. NMI issued 100 infringement notices with \$123 900 in associated fines.

2019–20 was also the first year that NMI entered into enforceable undertakings. Two major supermarket chains agreed to undertakings which include improvements to staff training programs on measurement accuracy, improvements to weighing instrument checking, and regular reporting to NMI on progress.

Year	Non-compliance notice	Warning letter	Infringement notice	Enforceable Undertaking	Referral to CDPP	Conviction
2015–16	2938	207	87 (\$85 100)	0	7	1
2016–17	3687	306	74 (\$69 300)	0	3	3
2017–18	3614	239	58 (\$65 250)	0	1	0
2018–19	2753	74	37 (\$43 050)	0	3	1
2019–20	2234	188	100 (\$123 900)	2	0	1

As shown in the table below, in 2019–20 the most common breaches subject to a warning letter were short measure in packaged goods and trading practices, while the most common breaches subject to an infringement notice were short measure in packaged goods and inaccurate measurement instrument. Trading practices breaches include not correctly operating scales and not allowing for the weight of packaging during over-the-counter transactions. As noted above, an enforcement action may cover more than one breach.

Breaches by enforcement action 2019–20

Enforcement action	Inaccurate measuring instrument	Packaged goods (short measure)	Packaged goods (labelling)	Trading Practices
Warning letter	87	191	21	167
Infringement notice	40	45	0	29

Prosecutions

JFC Australia Co Pty Ltd was fined \$3000 in Downing Centre Local Court on 26 November 2019 after pleading guilty to two breaches of section 18JT(2) of the *National Measurement Act 1960*. The prosecution was initiated after persistent non-compliance. JFC had previously been issued infringement notices, with associated fines, for importing underweight products in both 2014 and 2016.

For matters dealt with in a Court, the maximum penalty in 2019–20 was \$210 000 per offence for a company and \$42 000 per offence for an individual.

Compliance and Enforcement by Trader Type

As noted above, more serious enforcement actions are imposed where severe and continued non-compliance is detected. Certain trader types continued to have relatively higher rates of more serious non-compliance during 2019–20, reflecting ongoing issues in those sectors.

Higher rates of serious non-compliance detected among some trader types in 2019–20 also reflected our risk-based focus on investigation through concentrated national audit programs.

The data in this section aggregates results from all inspections conducted throughout 2019–20, including from concentrated audit programs.

Licensed Premises

Year	Initial audits	Non-compliant	Follow-up audits	Non-compliant	Warning letters	Infringement notices
2017–18	452	107 (24%)	83	11 (13%)	4	1 (\$900)
2018–19	140	28 (20%)	21	0 (0%)	0	0
2019–20	1051	310 (30%)	188	13 (7%)	25	25 (\$31 500)

Breaches by enforcement action 2019–20

Enforcement action	Inaccurate measuring instrument	Packaged goods (short measure)	Packaged goods (labelling)	Trading Practices
Warning letter	42	0	0	14
Infringement notice	18	0	0	12

Fuel Retail

Year	Initial audits	Non-compliant	Follow-up audits	Non-compliant	Warning letters	Infringement notices
2017–18	663	134 (20%)	111	11 (10%)	3	0
2018–19	1154	303 (26%)	151	36 (24%)	2	0
2019–20	1063	266 (25%)	173	41 (24%)	8	15 (\$25 200)

Breaches by enforcement action 2019–20

Enforcement action	Inaccurate measuring instrument	Packaged goods (short measure)	Packaged goods (labelling)	Trading Practices
Warning letter	12	0	0	0
Infringement notice	19	1	0	0

Meat Retail

Year	Initial audits	Non-compliant	Follow-up audits	Non-compliant	Warning letters	Infringement notices
2017–18	856	418 (49%)	414	61 (15%)	41	4 (\$3900)
2018–19	467	176 (38%)	161	28 (17%)	8	6 (\$7350)
2019–20	610	309 (51%)	193	47 (24%)	74	14 (\$15 750)

Breaches by enforcement action 2019–20

Enforcement action	Inaccurate measuring instrument	Packaged goods (short measure)	Packaged goods (labelling)	Trading Practices
Warning letter	15	79	9	100
Infringement notice	1	13	0	3

Supermarkets

Year	Initial audits	Non-compliant	Follow-up audits	Non-compliant	Warning letters	Infringement notices
2017–18	1547	593 (38%)	545	101 (19%)	54	13 (\$17 550)
2018–19	2062	881 (43%)	298	59 (20%)	16	11 (\$12 600)
2019–20	1186	304 (26%)	317	74 (23%)	10	9 (\$9450)

Breaches by enforcement action 2019–20

Enforcement action	Inaccurate measuring instrument	Packaged goods (short measure)	Packaged goods (labelling)	Trading Practices
Warning letter	2	43	0	2
Infringement notice	1	6	0	3

Importers

Year	Initial audits	Non-compliant	Follow-up audits	Non-compliant	Warning letters	Infringement notices
2017–18	70	33 (47%)	20	5 (25%)	3	3 (\$2850)
2018–19	164	55 (34%)	32	7 (22%)	12	4 (\$4200)
2019–20	33	12 (36%)	26	5 (19%)	4	7 (\$7350)

Breaches by enforcement action 2019–20

Enforcement action	Inaccurate measuring instrument	Packaged goods (short measure)	Packaged goods (labelling)	Trading Practices
Warning letter	0	20	0	0
Infringement notice	0	6	0	1

Fruit and Vegetables Retail

Year	Initial audits	Non-compliant	Follow-up audits	Non-compliant	Warning letters	Infringement notices
2017–18	337	176 (52%)	245	63 (26%)	33	14 (\$13 350)
2018–19	151	87 (58%)	88	29 (33%)	5	4 (\$5250)
2019–20	138	72 (52%)	103	35 (34%)	7	4 (\$4200)

Breaches by enforcement action 2019–20

Enforcement action	Inaccurate measuring instrument	Packaged goods (short measure)	Packaged goods (labelling)	Trading Practices
Warning letter	6	6	2	6
Infringement notice	0	3	0	1

Hardware

Year	Initial audits	Non-compliant	Follow-up audits	Non-compliant	Warning letters	Infringement notices
2017–18	28	8 (29%)	5	1 (20%)	0	0
2018–19	20	8 (40%)	4	1 (25%)	1	1 (\$1050)
2019–20	36	16 (44%)	27	5 (19%)	0	4 (\$5250)

Breaches by enforcement action 2019–20

Enforcement action	Inaccurate measuring instrument	Packaged goods (short measure)	Packaged goods (labelling)	Trading Practices
Warning letter	0	0	0	0
Infringement notice	0	5	0	0

Seafood Retail

Year	Initial audits	Non-compliant	Follow-up audits	Non-compliant	Warning letters	Infringement notices
2017–18	191	101 (53%)	92	20 (22%)	5	0
2018–19	116	53 (46%)	48	6 (13%)	5	1 (\$1050)
2019–20	158	79 (50%)	54	21 (39%)	21	4 (\$5250)

Breaches by enforcement action 2019–20

Enforcement action	Inaccurate measuring instrument	Packaged goods (short measure)	Packaged goods (labelling)	Trading Practices
Warning letter	7	9	7	26
Infringement notice	0	0	0	5

Compliance by Instrument Type

As in previous years, in 2019–20 more than 80 per cent of instruments tested were found to be fully compliant with legislative requirements. Only a relatively small proportion (2.5 per cent) of measuring instruments were found to be inaccurate to consumer disadvantage, outweighed by the 3.7 per cent of instruments found to be inaccurate in favour of the consumer.

An instrument was deemed non-compliant if one or more of the following was found:

- not verified by an authorised servicing licensee (or without a verification mark)
- failed to measure accurately – regardless of whether the inaccuracy was in favour of the consumer or resulted in short measure
- did not meet other standards necessary to comply with legislation, such as display issues; eccentricity; inadequate sealing; or data plate irregularities.

Year	Instruments tested	Compliant	Not verified	Inaccurate (consumer advantage)	Inaccurate (consumer disadvantage)	Other non-compliance
2015–16	15 240	12 623 (82.8%)	587 (3.9%)	563 (3.7%)	261 (1.7%)	1206 (8.0%)
2016–17	17 093	14 664 (85.8%)	829 (4.8%)	571 (3.3%)	309 (1.8%)	720 (4.3%)
2017–18	14 906	12 605 (84.6%)	872 (5.9%)	557 (3.7%)	339 (2.3%)	533 (3.5%)
2018–19	15 887	13 184 (83.0%)	611 (3.9%)	1144 (7.2%)	385 (2.4%)	750 (4.7%)
2019–20	13 588	11 753 (86.5%)	415 (3.1%)	505 (3.7%)	342 (2.5%)	773 (5.7%)

The instrument types with an above average proportion found to be inaccurate to consumer disadvantage have been relatively consistent over recent years. We did however note a significant reduction in the proportion of weighing instruments (30 kg to 3 tonne) found to be inaccurate to consumer disadvantage in 2019–20 compared with previous years.

Instrument type	Year	Instruments tested	Inaccurate (consumer disadvantage)
Fuel dispensers (petrol and diesel)	2015–16	2923	85 (2.9%)
	2016–17	1260	54 (4.3%)
	2017–18	1434	91 (6.3%)
	2018–19	3883	211 (5.4%)
	2019–20	3699	193 (5.2%)
Weighing instruments (30 kg to 3 tonnes)	2015–16	364	16 (4.4%)
	2016–17	475	23 (4.8%)
	2017–18	346	18 (5.2%)
	2018–19	298	13 (4.4%)
	2019–20	179	5 (2.8%)
Beverage dispensers	2015–16	865	35 (4.0%)
	2016–17	945	62 (6.6%)
	2017–18	1113	34 (3.1%)
	2018–19	401	16 (4.0%)
	2019–20	1486	61 (4.1%)

Compliance of Retail Fuel Dispensers

Of 3699 fuel dispensers tested in 2019–20, 191 (5.2 per cent) were delivering more fuel than indicated on the display to the benefit of consumers while 193 (5.2 per cent) were delivering less fuel.

The great majority of dispensers inaccurate to consumer disadvantage were inaccurate in the range of one to three times the maximum permissible error of 0.3 per cent. This equates to between 30 cents and 90 cents for every \$100 of fuel delivered. While this is relatively small sum for an individual consumer, if applied to 5.2 per cent of all fuel sales in the year it amounts to between \$4m and \$12m.

NMI will continue to closely assess trade measurement compliance at retail fuel sites as part of its [National Compliance Plan for 2020–21](#)⁵.

Year	Petrol and diesel dispensers tested	Inaccurate (consumer advantage)	Inaccurate (consumer disadvantage)
2015–16	2923	140 (4.8%)	85 (2.9%)
2016–17	1260	51 (4.0%)	54 (4.3%)
2017–18	1434	31 (2.2%)	91 (6.3%)
2018–19	3883	157 (4.0%)	211 (5.4%)
2019–20	3699	191 (5.2%)	193 (5.2%)

Consumer complaints

Consumer concern about this issue is reflected in complaints to NMI about potential breaches of trade measurement law, of which almost two thirds relate to short measure from fuel dispensers (liquid and gas). Only 14 (3.5 per cent) of 403 fuel related complaints received in 2019–20 were found to be justified when investigated, consistent with average results over recent years.

Year	Total complaints received	Fuel (liquid and gas) complaints	Fuel complaints justified (consumer disadvantage)
2015–16	724	459 (63%)	10 (2.2%)
2016–17	672	411 (61%)	18 (4.4%)
2017–18	782	511 (65%)	16 (3.1%)
2018–19	767	494 (64%)	31 (6.3%)
2019–20	651	403 (62%)	14 (3.5%)

⁵ <https://www.industry.gov.au/data-and-publications/national-measurement-institute-national-compliance-plan>

Compliance of Packaged Goods

In 2019–20, trade measurement inspectors examined 78 290 lines of packaged goods (203 320 individual packages) to check whether they:

- contained the correct amount (weight, volume or units) as displayed on the label
- displayed sufficient measurement marking (e.g. weight, price per kilogram and total price for the article) in the correct format and position
- included correct packer identification (name and street address of packer if packed within Australia or name and address of importer or seller)

Most discrepancies detected in packaged goods are usually relatively small and can be corrected following advice from a trade measurement inspector.

As shown in the table below, the proportion of packaged goods lines found to have short measure continued to fall in 2019–20 and is now down to 1.6 per cent, the lowest level in the past 5 years.

Year	Packaged lines inspected	Individual packages	Lines with short measure	Lines with non-compliant labelling
2015–16	80 163	319 616	2155 (2.7%)	1615 (2.0%)
2016–17	87 964	355 438	3111 (3.5%)	4589 (5.2%)
2017–18	71 733	271 243	3464 (4.8%)	3691 (5.2%)
2018–19	70 183	256 507	1621 (2.3%)	1606 (2.3%)
2019–20	78 290	203 320	1269 (1.6%)	2243 (2.9%)

While meat and seafood consistently appear among the categories of packaged goods with the greatest proportion found to contain short measure, there has been considerable variation among other categories over recent years.

Packaged goods short measure 2019–20

Product type	Packaged lines inspected	Individual packages	Lines with short measure
Fuel (Solid)	537	2065	29 (5.4%)
Seafood (Frozen)	676	1975	29 (4.3%)
Meat (Processed)	1811	5751	76 (4.2%)
Meat (Fresh)	15 311	48 331	542 (3.5%)
Beverages (including Alcohol)	1058	1452	36 (3.4%)
Confectionery/Snack Foods	3398	10 940	81 (2.4%)
Fruit & Vegetables (Fresh)	7563	26 397	179 (2.4%)