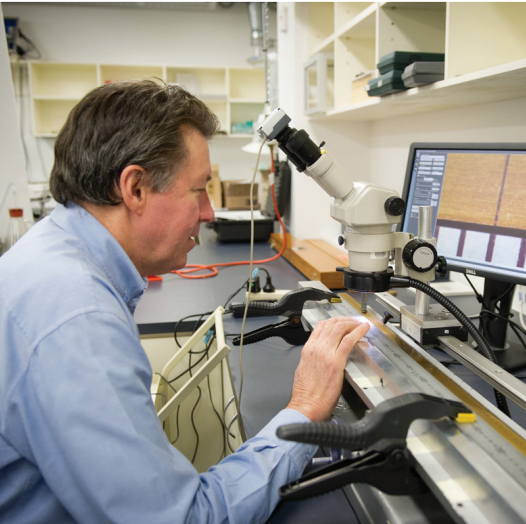




Australian Government
Department of Industry, Science,
Energy and Resources

National
Measurement
Institute



Regulator Performance Framework Self-Assessment Report

National Measurement Institute
2019–20

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2019–20 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

In 2019–20, the [Measurement Law Review](#)¹ continued its work toward developing options for modernising, streamlining and simplifying the legislative framework while ensuring a trusted measurement system that is accepted both nationally and internationally.

The Review team is engaged in an extensive consultation process, gathering input via public consultations and targeted consultations with peak bodies, regulators and government agencies.

Two further discussion papers were released during 2019, each examining a specific aspect of Australia’s measurement framework:

- [Third-Party Arrangements](#)², how the current legal framework for authorised third parties³ contributes to the regulation of measurement activities in Australia.
- [Compliance Arrangements](#)⁴, the current legal framework that supports the compliance and enforcement arrangements for the regulation of measurement and measuring instruments used for trade.

A total of 24 submissions were received in response to these two discussion papers from a cross section of stakeholders including industry, peak industry bodies, consumer groups, government organisations and individual respondents.

The discussion papers were supplemented with a series of industry consultation forums held during November and December 2019 to help provide third parties an opportunity to provide their views on Australia’s current measurement framework. A total of 123 participants attended 15 forums held in Brisbane, Perth, Adelaide, Sydney and Melbourne.

The stakeholder feedback from the consultations has uncovered five key themes, and a number of supporting views. The five key themes identified are:

- Universal support for key components of the current measurement system including:
 - The third party system
 - A risk-based approach to compliance
 - Specific trade measurement provisions rather than relying on the Australian Consumer Law
- The desire for increased international harmonisation:
 - Mutual recognition
 - Reducing technical barriers to trade
 - Aligning labelling internationally
- An overall expansion of scope including:
 - Regulation of significant measurements and non-trade measuring instruments
 - Introducing mandatory re-verification periods
 - Reconsidering exemptions
 - Focusing on incorrect measurement
- The need for flexibility and the ability to adapt and respond to new and emerging technology including through:
 - Pattern approval pathways
 - Support for chemical and biological Certified Reference Materials (CRMs)
 - Consideration of how products are sold by measurement
- Suitability of principles-based regulation:
 - Prescription aids traceability
 - Prescription is supportive of technical fields
 - Principles-based frameworks could introduce ambiguity
 - Principles-based frameworks support innovation and introduce flexibility

More detail on the feedback received during the public consultations can be found in a series of papers available through the [Measurement Law Review website](#)⁵.

The Review continues to engage across the Commonwealth through a forum of Commonwealth agency representatives and its Intra-Governmental Advisory Group (IGAG). The purpose of IGAG is to ensure transparency, probity and best practice are applied to the reform of the legislation. It has representatives from Commonwealth regulators with experience in transitioning to principles-based regulation.

The Review will develop reform options for the consideration of the Australian Government in 2021 prior to a public consultation on the proposed options for reform.

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

² https://consult.industry.gov.au/measurement-law-review/measurement-assurance/supporting_documents/Discussion_Paper_5_Third_Party_Arrangements.pdf

³ ‘Third parties’ are entities which have been appointed to perform certain functions under the measurement legislation

⁴ https://consult.industry.gov.au/measurement-law-review/measurement-assurance/supporting_documents/Discussion_Paper_6_Compliance_Arrangements.pdf

⁵ <https://www.industry.gov.au/data-and-publications/measurement-law-review>

International Organisation of Legal Metrology Certification System

Australia continues to play a key leadership role in the International Organisation of Legal Metrology Certification System (OIML-CS).

NMI General Manager Legal Metrology, Bill Loizides, has been the Deputy Chair of the OIML-CS Management Committee since its inception in 2017 and acting Chair during 2019–20.

The OIML-CS enables the increased acceptance of test results and evaluations across many OIML Member States, thereby reducing trade barriers and regulatory costs to Australian businesses operating here and overseas. Active participation across the broad range of OIML-CS policy and technical sub-committee and working group meetings provides opportunities for NMI to influence international agreement on OIML-CS matters and secure benefits for Australian businesses operating locally and in potential export markets.

NMI continues to contribute to enhanced governance arrangements and day-to-day operations of the OIML-CS.

Within the OIML-CS and associated OIML project groups, NMI is working with our international counterparts to provide a practical and internationally recognised approach for the testing and evaluation of instrument designs that support many trading environments, including wholesale trade in bulk commodities for domestic and export markets.

NMI also plays an important part in the ongoing review and approval of Test Laboratories and Issuing Authorities that perform testing and evaluation under the OIML-CS. Maintaining confidence in these organisations allows for the trusted and straightforward acceptance of pattern approval test reports and evaluation reports both in Australia and overseas.

OIML R 129 Multi-Dimensional Measuring Instruments

NMI, representing Australia as co-convenor of the project to update OIML R 129 – the international standard for multi-dimensional measuring instruments, has made a significant contribution to achieving consensus among the 16 participating member states.

Direct involvement in the revision of OIML R 129 enabled NMI to influence the international regulatory framework to best support Australian government and industry needs. The growth in e-commerce and related freight services has exploded in recent years and the value of global e-commerce sales is currently around \$2,500 billion a year.

The updated version of OIML R 129 takes into account innovations in laser, camera and acoustic technology as well as enhanced software capabilities and allows for future developments in these areas.

The project to update OIML R 129 was completed in April 2020 and is expected to be formally endorsed at the next International Committee for Legal Metrology (CIML) meeting in October 2020. Once approved by CIML, NMI will undertake further consultation with stakeholders prior to adopting the revised standard in Australia.

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 remain safe.

Our plans for a staged return to fieldwork are, of course, 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.

Concentrated National Audit Programs

After an initial trial in 2018–19, 2019–20 saw NMI fully implement concentrated national audit programs as part of our compliance and enforcement strategy. Under this program methodology, national trade measurement inspection activity is focused on a single industry sector over a specific time period.

Industry sectors are targeted based on NMI's risk assessment methodology. 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.

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.⁶

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), 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 standards⁷ and performs as intended over a range of environmental and operating conditions. NMI examines trade and legal measuring instruments against relevant standards and issues certificates for pattern approval. 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 OIML's framework 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 measuring instruments is usually carried out by NMI appointed organisations, known as Servicing Licensees or Utility Meter Verifiers, and includes testing against documentary standards that are aligned with international practice, including National Instrument Test Procedures (NITPs) determined by NMI.

Traceability is being able to demonstrate that a measurement result is related to a primary measurement standard⁸ 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 Australian certified reference materials used in the verification of trade measuring instruments and certification of legal measuring instruments.

⁷ 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).

⁸ 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.

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 of 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 2019–20 NMI conducted 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*.

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
- Australian Industry Group
- Australian Institute of Petroleum
- 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](#)⁹ 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.

⁹ <https://www.pmc.gov.au/resource-centre/regulation/regulator-performance-framework>

Implementing the Framework

This report has been prepared to assess achievements in 2019–20 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.

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

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 139 applications for establishing or renewing a Servicing Licence, 127 (91%) 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.	Met	Of 85 applications for establishing or renewing a Public Weighbridge Licence, 78 (92%) were assessed and processed within 28 days.
		Of 16 applications for establishing or renewing appointment as a Legal Metrology Authority or Utility Meter Verifier, 16 (100%) were assessed and processed within 90 days.
		Of 113 Pattern Approval applications finalised, 91 (81%) were assessed and processed within 90 days.

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 relevant national and international policy/standards are preceded by comprehensive engagement with stakeholders, including: one-to-one, focus groups, and formal public consultation.
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	Stakeholder engagement in 2019–20 in relation to development of Australian policy/standards included: <ul style="list-style-type: none"> In August 2019 NMI engaged with the Murray Darling Basin Authority and other interested stakeholders regarding changes to NSW water metering regulations due to commence in December 2019. In August 2019 NMI participated in a meeting convened by the Department of Environment and Energy to discuss the National Electric Vehicle Strategy. In September 2019 NMI participated in a meeting with AEMO, local councils, utilities and manufacturers to develop a plan for the introduction of individual street light meters (Smart Street Lighting). In October 2019 NMI participated in NATA's Physical Performance Testing Accreditation Advisory Committee. In October 2019 NMI staff attended the 5th Annual Measurement and Allocation Working Group which involved a wide variety of measurement professionals from across the upstream oil and gas industry and facilitated discussion of a range of technical measurement challenges within the industry. In November 2019 NMI participated in the Standards Australia Technical Committee meeting (CE-024 – Non-urban water meters) In November 2019 NMI met with an overseas pattern approval testing provider for electricity meters with laboratories in Singapore and the USA to discuss approval requirements and processes. In December 2019 NMI attended a workshop hosted by the Murray Darling Basin Authority as part of the review of the national framework for non-urban water metering. The workshop also focused on the ongoing implementation and alignment of metrological controls across the states and territories. In February 2020 NMI met with Transport NSW to discuss requirements for weighing vehicles for the purposes of registering a vehicle and digital metrology solutions to provide a better solution to support other regulators who rely on the measurement framework.

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

Measure	Performance	Commentary
Instances in which stakeholders are consulted on the development of regulations		As part of NMI's contribution to developing international documentary standards for measuring instruments, in 2019–20 NMI staff participated in OIML technical project groups and held public consultations in relation to the following standards: <ul style="list-style-type: none"> OIML R 134 Weighing road vehicles in motion and measuring axle loads OIML R 76 Non-Automatic Weighing Instruments OIML R 129 Multi-Dimensional Measuring Instruments OIML R 117 Measuring Instrument for Liquids other than Water OIML R 46 Active Electrical Energy Meters OIML R 51 Automatic Catchweighing Instruments OIML R xx Arched Chute Weighers.
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	In 2019–20 NMI also participated in a range of OIML and other international meetings in relation to: <ul style="list-style-type: none"> OIML D 10 Guidelines for the determination of recalibration intervals OIML D 5 Principles for the establishment of hierarchy schemes for measuring instruments OIML D 30 Guide for the application of ISO/IEC 17025 to the assessment of Testing Laboratories involved in legal metrology OIML D 1 Considerations for a Law on Metrology OIML D 31 General requirements for software controlled measuring instruments PTB metrology cloud to provide a digital platform for legal metrology – type approval and verification.
		NMI commissions independent contractors to undertake biennial online customer satisfaction surveys as part of continued efforts to improve its service to a wide range of customers and clients. The most recent survey was conducted in November 2017. Amongst a range of NMI clients, the survey received 155 responses from regulatory stakeholders, including: <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. Of those 155 survey respondents, the percentage of favourable responses to the following statements were: <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%
Percentage of customer feedback that is positive		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.
	Met	

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 2521 enforcement actions in 2019–20, 2416 (96%) did not involve a fine, including:</p> <ul style="list-style-type: none"> • 2229 non-compliance notices • 187 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 2521 enforcement actions in 2019–20, 105 (4%) involved at least a fine, including:</p> <ul style="list-style-type: none"> • 102 infringement notices totalling \$128,100 • one prosecution was concluded in 2019–20 • two enforceable undertakings were entered into in 2019–20.

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 7856 trader audits undertaken in 2019–20 were conducted as part of national targeted programs based on risk profiles. Targeted programs in 2019–20 included</p> <ul style="list-style-type: none"> • concentrated national audit programs: Major Supermarkets; Retail Fuel; Meat, Fish and Poultry Retail; and Licensed Premises • national targeted programs: Livestock Saleyard; Remote and Indigenous Communities; Weighbridge Testing; Compliance Confidence; Verified Instrument Audits; and Proactive High Risk • emerging industry programs: Waste Management; and New Traders • external agency programs: Tobacco Plain Packaging; and Country of Origin Food Labelling.

KPI 4: Compliance and monitoring approaches are streamlined and coordinated (continued)

Measure	Performance	Commentary
<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 2019–20 and 2020–21 National Compliance Plans¹⁰ were published on the NMI website and confirmed our approach to program-driven compliance activities based on risk profile.</p> <p>The 2020–21 Plan allocates all compliance activity to program-based activities based on risk profile, including:</p> <ul style="list-style-type: none"> • concentrated national audit programs: Fruit and Vegetables Retail; Meat and Seafood Wholesale; Retail Fuel; and Licensed Premises • national targeted programs: Regional and Remote Inspections; Weighbridge Testing; Compliance Confidence; Proactive High Risk and Fuel Quality Testing • emerging industry programs: Waste Management; and New Traders • licensee compliance programs • research (pilot) programs: Pattern Approval Conformity to Type • external agency programs: Tobacco Plain Packaging.

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 2019–20 to</p> <ul style="list-style-type: none"> • discuss proposed changes to regulations/standards • seek input for the Measurement Law Review. <p>A scheduled CILC meeting was held in November 2019. The planned CILC meeting for April 2020 was postponed due to COVID-19 restrictions and held in July 2020 by video conference.</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"> • Commonwealth Forum involving 12 agencies that interact with the measurement legislation to inform them on the MLR – Canberra, July 2019 • electricity sector industry workshop with 32 representatives including the Australian Energy Market Operator (AEMO), September 2019 • a series of forums were held across Australia (Sydney, Perth, Adelaide, Brisbane and Melbourne) in November and December 2019 to engage with third parties directly involved in implementing the measurement framework. A total of 15 forums were held, three at each location for: <ul style="list-style-type: none"> – Servicing Licensees – Public Weighbridge Licensees – Utility Meter Verifiers and Legal Metrology Authorities • ACAPMA fuel dispenser compliance workshop – Melbourne, March 2020

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

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>	<p>Met</p>	<p>Various examples of NMI's actions in 2019–20 to improve the regulatory framework are outlined in this paper, including:</p> <ul style="list-style-type: none"> • continuing conduct of the Measurement Law Review¹¹, including release of 2 consultation papers • implementing national concentrated audit programs as a coordinated trade measurement compliance strategy • participating in technical project groups and holding public consultations in relation to international documentary standards for measuring instruments • contributing to enhanced governance arrangements and day-to-day operations of the OIML-CS • publishing the 2020–21 National Compliance Plan¹² which allocates all compliance activity to program-based activities based on risk profile.

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¹¹ <https://www.industry.gov.au/data-and-publications/measurement-law-review>

¹² <https://www.industry.gov.au/data-and-publications/national-measurement-institute-national-compliance-plan>

