

WIAA- Weighing Industry Association response to the Scope of Australia's Measurement Laws

4.1 - What should be the role of Australia's measurement laws in a modern economy?

The Role should be to maintain the integrity of a measurement system that is recognised both domestically and internationally.

- The role should still be largely the same as it has always been.
- A framework is required to ensure fair trading of goods and commodities.
- Actively enforce accurate weights and measures transactions to provide protection and to ensure accurate delivery and pricing of goods traded, via Trade Measurement Inspectors.
- Ensure integrity of measuring instruments which conform to local requirements.
- Protection of both customers and suppliers as the cornerstone of Business confidence.

5.1 - What should be within the scope of Australia's measurement laws?

Any device or process that underpins a financial transaction or would put the public at risk of death or serious injury through incorrect measurement, or in cases where measurement may form the basis of a legal case in the criminal or civil courts. The Scope should encompass areas discerning measurement in all facets, whether it uses trade approved or non-approved systems it still should be under the protection of Australia's Measurement Law to protect consumers, businesses, health and wellbeing of the Australian public.

- Measuring instruments would include examples such as; Scales, Petrol pumps, Electricity meters, Water meters, Phone, Data meters, etc.
- Industries reliant on measurement would include examples such as; Pharmaceutical, Transport, Maritime / SOLAS, Retail Trade, Worksite Safety, Law Enforcement etc.

5.2 - Are there ways in which the current scope of Australia's measurement laws could be expanded or limited?

The Scope should be expanded in areas where measurement is relied upon as the definitive reference or claim.

Expansion:

- One policy objective that would assist delivering a successful outcome for Australian businesses and consumers would be to have maximum reverification period. There is currently no reverification period for trade measurement instruments with the exception of Public weigh bridges (National Trade Measurement Regulation 3.61). This should reintroduce across all Trade Measurement instruments.
- Greater traceability of areas where consumers are "charged in absentia" several examples, would be parking fee timing devices, speed detection devices, any transaction based on time spent.

- High risk non-trade instruments where a legal case, injury or death may result through incorrect measurement. Such as pharmaceutical Scales used to manufacture medicines, Road and Transport, Maritime,, Worksite Safety, Law Enforcement etc.

Limit:

- The removal of time limitations on certificates of Pattern Approval where nothing has changed from the original submission would remove unnecessary drains of resources on all parties concerned and should also be considered.

6.1 - Would you be confident of operating in a principles-based regulatory environment for measurement? Why or why not?

We understand the need to be flexible in a changing environment but the adherence to quality in process and outcome is paramount to Australian businesses. A majority of our members are not confident on principles based regulatory environment for measurement.

- A principle based regulatory environment would be relying on our honesty, approach and experience to providing good measurement practice. We are comfortable with the current system as specific guidance determines what “are the limits”.
- We understand principles Based regulatory environment may fuel innovation, but we are satisfied with the current Act, Regulations and OIML standards. This currently falls under a prescribed method and works in most scenarios. On occasions where the prescribed method does not keep up with changes, this is covered off at the point of local Australian pattern approval, as is the current process.
- The issue with Principals Based is that it is open to even more interpretation especially if contested in a Court of Law whereas Prescriptive Based is more defined and prosecutable or defensible.
- There are also cost and time considerations for businesses to conform to this new proposed format with the potential for ambiguity leading to further confusion and misinterpretation.

6.2 - Would the need for detailed guidance material limit the value and flexibility of a principles-based approach to measurement laws?

Were a Principles Based system adopted then detailed guidance would be required to ensure we are meeting International standards that are Prescriptive Based.

7.1 - Are there benefits from directly regulating an area of measurement as opposed to providing broad principles of good measurement practice without direct intervention?

Yes there are benefits because we follow international standards and testing procedures to ensure good measurement practices in the Australian economy through guidelines set down by NMI. The majority of our members see no benefit in moving to a Principles Base regulatory system.

7.2 - What regulatory models should Australia's measurement laws enable (for instance, principles-based, compliance-focused and/or rules-based), and why?

In terms of weighing instruments, we prefer compliance-focused and/or rules-based. This will ensure we have a quality measurement system with no ambiguity which can lead to misinterpretation. The current compliance focused quality measurement system provides reliability and clarity to all parties.

7.1.1 - What types of measuring instruments should be regulated by Australia's measurement laws?

Any device or process that underpins a financial transaction or would put the public at risk of death or serious injury through incorrect measurement, or in cases where measurement may form the basis of a legal case in the criminal or civil courts. The Scope should encompass areas discerning measurement in all facets, whether it uses trade approved or non-approved systems it still should be under the protection of Australia's Measurement Law to protect consumers, businesses, health and wellbeing of the Australian public.

7.1.2 - How should Australia's measurement laws apply to transactions for goods and services that are based on measurement?

The buyer and seller need confidence that they are protected against fraudulent declarations within a transaction. Where a transaction is based on a unit of measurement the Australian Measurement Laws should ensure that it is accurate within permissible tolerances. Australia's measurement laws must provide for the confidence in suitability, accuracy and use of instruments.

7.1.3 - What regulatory models should be applied to quality and quantity measurements?

We believe the Prescriptive based model clearly defines the requirements for quality and quantity measurement therefore should be applied. The vast majority of quality systems are based under Prescriptive models which govern Australian Industry. The combination of a Principles Base and Prescriptive Base system will create ambiguity in the market place.

7.2.1 - How should Australia's measurement laws specify the types of measuring instruments they apply to? For instance, by exemption or inclusion requirements?

Any instrument used to facilitate trade and high risk non trade applications where a legal case, injury or death may result through incorrect measurement should be categorised for example, Pharmaceutical, Transport, Maritime, Retail Trade, Worksite Safety, Law Enforcement Health and Wellbeing, Agriculture, negative Environmental impacts, etc.

7.2.2 - What are your views on the current listed exemptions?

In relation to Weighing Metrology, we believe there should be no exemptions when it comes to Trade and high risk Non-Trade applications where a legal case, injury or death may result through incorrect measurement. For example, Pharmaceutical, Transport, Maritime, Retail Trade, Worksite Safety, Law Enforcement Health and Wellbeing, Agriculture, negative Environmental impacts, etc.

8.1 - What future measurement needs or priorities would benefit from a measurement framework?

The measurement framework needs to be flexible to be responsive to adapt to the changing technology in today's market place. A method for this is to allow provisions in a Pattern Approval to facilitate technological advancements without the need to rewrite the Regulation or Act.

8.2 - Should the focus of the Australia's measurement laws be to regulate measuring instruments or measurement results, or both?

Both. With the assistance of the Weighing Industry we can facilitate compliance of measuring instruments in the Australian Market through Pattern Approval and fixed Verification periods which will ensure correct measurement results.

8.3 - How should the national measurement framework apply to non-trade measurements and instruments? Should the approach be different for different types and/or categories of measurement?

Any instrument used in high risk Non Trade applications should be categorised and identified where a legal case, injury or death may result through incorrect measurement. Such as Transport, Maritime, Worksite Safety, Law Enforcement, Health and Wellbeing, Agriculture, negative Environmental impacts, etc. The approach for these high risk applications should be the same as Trade applications.

8.4 - What are the types of non-trade measurements (and measuring instruments) that would benefit from inclusion within the measurement framework?

Any instrument used in high risk Non Trade applications where a legal case, injury or death may result through incorrect measurement. Such as Transport, Maritime, Worksite Safety, Law Enforcement, Health and Wellbeing, Agriculture, negative Environmental impacts, etc.

Additionally inline dynamic check weighers and other forms of automated weighing systems such as In-motion Axle Weighers may benefit from inclusion into the measurement system.

8.5 - Are there instances in which non-trade measurements (and measuring instruments) require a nationally consistent approach to measurement?

Yes we really need a national approach to Non-Trade measurements in areas where a legal case, injury or death may result through incorrect measurement. Such as Transport, Maritime, Worksite Safety, Law Enforcement, Health and Wellbeing, Agriculture, negative Environmental impacts, etc.