
2014 Economy Report - Australia

National Measurement Legislation

The amendments to the *National Measurement Act 1960* (Cth) made in 2013 and detailed in last year's report have now been fully integrated into Australia's national trade measurement system; this includes:

- provisions for inspectors to request a driver to stop and move vehicles;
- provisions for inspectors to undertake trial purchases;
- providing discretion for inspectors to allow the continued use of measuring instruments for trade or the continued sale of packaged goods where there is a minor technical infringement, but no material detriment to any affected person; and
- clarification of the definition of a utility meter so that it is separated from the enforcement part of the Act and exempt utility meters can still be voluntarily verified if necessary.

Recent minor amendments to the *National Measurement Regulations 1999* (Cth) have increased the fees levied for the examination and certification of patterns of measuring instruments by the National Measurement Institute (NMI). These reflect the increased costs of providing these services based on changes in the Consumer Price Index in Australia over the previous twelve months. These amendments are in two parts. The first increased the fees by 2.9% from the 1 July 2014. The second will be completed by the end of the 2014 calendar year and will insert an indexation provision for these fees. This will increase these fees by an amount based on the annual change in the Consumer Price Index in Australia over the previous twelve months on the 1 July each year commencing from 2015.

Amendments have also been made to the *National Trade Measurement Regulations 2009* (Cth). The main amendments that came into effect on 1 July 2014 ensure that the regulations reflect widely-accepted commercial practices and:

- clarify that the requirement for approaches to weighbridges to have a perimeter that is clearly indicated by painted marks only applies to weighbridges used for axle weighing or end-and-end weighing.
- ensure consistency with Australia's treaty obligations under the *World Wine Trade Group Agreement on Requirements for Wine Labelling* for the position of the measurement marking on standard-sized wine bottles.
- allow for the automatic indexation each year of the fee charged for the verification a measuring instrument by trade measurement inspectors.
- allow certain types of products to be sold by count, mass or both count and mass.
- clarify the units of measurement used for measurement marking of a product. Including clarifying when alternate types of measurement can be used, based on when a 'significant proportion of merchants selling the product in Australia', are selling it by reference to that accepted method.
- amend the scope of the exemption of utility meters from the *National Measurement Act 1960* (Cth) so urban cold water meters with a maximum continuous flow rate of up to 16 000 L/h are not "exempt utility meters".
- allow the measurement markings for bed sheets, tarpaulins and similar goods to be in centimetres where the length exceeds 100 cm.
- clarify the prescribed qualification requirements for the appointment of trade measurement inspectors.

- clarify terms including ‘garden landscape materials’, ‘prepackage’, ‘lot of packages’ and ‘prepackaged product’.

Government’s Regulatory Reform Agenda

The Australian Government is committed to a regulation reform agenda that will drive productivity and efficiency gains within the economy. A key feature of the agenda includes reducing the regulatory burden for individuals, businesses and the community through reducing red tape by at least \$1 billion per year.

There will be two parliamentary repeal days every year to cut unnecessary regulation and streamline existing regulation. On the first Repeal Day on 26 March 2014, 10,000 pieces and more than 50,000 pages of legislation and regulations were announced. This is expected to save over \$700 million of compliance costs from across the economy.

Every cabinet submission now has a regulation impact statement so that its potential impact on business, community groups and households can more readily be identified.

All Commonwealth government portfolios have a dedicated deregulation unit, formed from existing staff, to focus on repealing unnecessary laws.

Every department and agency is conducting a comprehensive audit of the costs it imposes on individuals and entities so that it can estimate a dollar figure on the cost of compliance and reporting, and start reducing it every year.

To help implement the Government’s Regulation Reform Agenda, the Department of Industry Portfolio (which includes the NMI) is:

- stocktaking the portfolio’s regulation and costing the compliance burden
- identifying possible areas of regulation reform that will contribute to the growth and productivity of globally competitive industries
- promoting awareness and assisting policy, programme and regulatory officers identify alternative responses to regulation, develop good quality regulation impact statements and undertake effective consultation with stakeholders.

Utility Metering

OIML TC12 has now finalised the revision of OIML R 46- *Part 3. Active Electrical Energy Meters*. It was approved by CIML 2013 in Vietnam. TC12 is now considering its next projects including:

- transformers (voltage and current);
- energy measures other than Active Energy;
- peak demand, maximum power;
- charging of road vehicles; and
- direct current systems

Within Australia the exemption for domestic electricity meters has been lifted. Now that OIML R46 has been published, Australia will be moving to adopt it for pattern approval.

Australia has adopted OIML R 137 as the national pattern approval standard for gas meters. Australia is currently developing verification requirements and test procedures for gas meters.

Australia is currently consulting with stakeholders regarding the adoption of the 2013 edition of OIML R 49. This would replace the adopted 2006 edition of OIML R 49 as the national pattern approval standard for water meters for cold potable and hot water.

The exemption in the *National Trade Measurement Regulations 2009* was lifted on 1 July 2014 for all cold water meters with a maximum continuous flowrate of less than or equal to 16,000 litre per hour. As a result, pattern approval and verification is now mandatory for these water meters.

Conformity to Type (CTT)

Within Australia, NMI is promoting the introduction of CTT in sectors where few companies buy large number of measuring instruments. Considerable progress has been made in the water utility area where a joint industry-NMI code of practice has been developed with the Water Services Association of Australia.

Australia is currently coordinating CTT testing with industry members in accordance with codes of practice. It is expected that the first round of CTT testing will conclude by the end of 2014, with results consolidated by early 2015. It is anticipated that CTT will flow on to other classes of utility meters in due course.

Quality Measurements

OIML TC 17/SC 1 is responsible for the revision of OIML R 59 *Moisture meters for cereal grains and oilseeds* and TC 17/SC 8 is responsible for the development of a new OIML Recommendation on protein measuring instruments.

Australia, as the convener of TC17/SC8 p1, has prepared a fifth committee draft (5CD) based on decisions at the last OIML TC 17/SC 8 meeting in the USA last year. The 5CD has been circulated to all members of the project group for their vote regarding the acceptability of the revised draft for registration as a draft recommendation. All comments and vote are due by 14 November 2014.

Training

Australia continues to work through the process of assessing more than 2000 verifiers and weighbridge operators. All verifiers of measuring instruments and at least one operator at each public weighbridge are required to hold a Statement of Attainment. A Statement of Attainment is awarded to those who meet the competency requirements set out in the defined assessment process. Individuals are required to submit evidence and undergo an interview with a qualified assessor. In the past 12 months, 1000 Statements of Attainment, covering a range of instruments classes and weighbridge operators were issued. There are 400 assessments yet to be completed. Around 8-10 inspectors are working full time on this project. On 1 January 2015 a new regulation will require all verifiers to have a Statement of Attainment in order to comply with the legislation (see earlier section of the report).

The requirement to demonstrate competence has continued to increase attendance at NMI's training courses. Most applicants are making a genuine effort to ensure they understand and meet the requirements. By the end of 2014, more than 90 per cent of verifiers will have the required qualification so a significant reduction in applications for training and assessment is expected.

The eLearning (online) program for Weighbridge Operations has also been highly successful with 127 weighbridge operators enrolled and 80 per cent having already completed the assessment component. This program included both a training and assessment component. A similar program was launched for Verifying Non-Automatic Weighing Instruments in July 2014. This program was very complex to develop.

The servicing licensee and public weighbridge industries have given overwhelming support for the competency assessment program and acknowledged the program is adding value to their businesses and the national system of trade measurement. Statements of Attainment are increasingly being stipulated as a prerequisite for contracts or for employment.

The majority of licensees and their verifiers now comply with the competency requirements.

Trade Measurement Services (Inspectorate)

Since August 2014, NMI has appointed three assistant officers as inspectors with an additional 11 officers to be appointed in the next few months. Appointment as an inspector follows approximately twelve months training during which two mandatory qualifications for appointment are attained.

In mid-October 2014, Trade Measurement Services (TMS) is to take delivery of a new weighbridge test unit capable of carrying 22 tonne of 1 tonne weights and a forklift to test weighbridges throughout Australia. TMS has three test units.

The Hobart office moved to a new location on 1 July 2014. The new premises include a NATA accredited measurement laboratory and training room suitable for 12 attendees.

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26 September 2014

