



**CONSUMERS
FEDERATION
OF AUSTRALIA**

Developing and promoting
the consumer interest

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Standards Australia Review of Technical Governance Issues Paper

Consumers' Federation of Australia (**CFA**) welcomes the opportunity to participate in the Standards Australia (**SA**) technical governance review consultation process and provide feedback on standards development processes.

CFA is the peak national body for consumer organisations in Australia and plays an important role in ensuring consumer interests are represented in the development of Australian standards. In recognition of the importance of promoting consumer involvement in standardisation, Standards Australia provides an annual grant to facilitate participation by CFA representatives on Standards Australia committees through the CFA Standards Project.¹

The following include comments received from CFA representatives on Technical Committees. Issues of interest to CFA:

Direct nomination: CFA does have some concerns about the direct nomination by companies of representatives on technical committees (Q.13 of Issues Paper). We note the provisions relating to collusion under the *Consumer and Competition Act 2010* (Cth). There can be differences between industry body views from that of particular businesses. For example, a representative for ACCI would be putting forward a collective industry view, while a representative from Exxon or Caltex would be a different matter. Further, there are concerns about which companies to invite or which would self-nominate, given that the committee has a limited size and has to be balanced. It is preferred that an industry association nominate a representative.

Balanced committees: CFA supports the need for a balanced committee. There are examples where committees have multiple representatives from one industry or several state regulators, and thus certain interests can have multiple votes. It is important to have one vote per sector since consumers are normally only represented by CFA on the committee. Committee decisions are often based on the

¹ See <http://consumersfederation.org.au/standards-2/>

majority of those present rather than agreement between the major sectors of interest on the committee.

Role of chair: It is important that the chair is impartial and facilitates fair hearing and discussion. This is particularly the case for the representatives who are the lone voice for a sector, such as the CFA consumer representative (see more below).

Approval process: Too often the CFA representative is the only community representative on a committee and decisions are taken based on a simple majority. The voting rule is that each major interest on the committee must agree and seek to find accommodation for the minority view. Dissenting views are not always explored.

Additional comments by Section of the Issues Paper:

<p>Project initiation process</p>	<p>Project initiation can be slow and complicated, one size does not always fit all projects.</p> <p>Greater transparency in the process and decision making regarding project initiation.</p> <p>In preparing a proposal, an interactive online chat/twitter feed moderated by the Sector Manager may be a better way of teasing out the proposal and building a consensus as well as identifying interested groups.</p> <p>Consider a process addressing roadblocks or delays as they occur without losing momentum by preparing a proposal to extend the project.</p>
<p>Technical committees</p>	<p>(Q.6) Technical Committee (TC) balance is key and with a review as the project progresses to ensure the balance is maintained.</p> <p>Committees are often balanced in theory but due to lack of resources a number of representatives do not actually participate in the process. Committees often take decisions at meetings based on a simple majority of those present.</p> <p>One group overrepresented on a TC with multiple votes affects outcomes. Working Groups and Sub-Committees have experts but the TC should only have one vote per sector to represent the views of the broader industry. Working Groups also require some balance.</p> <p>There is concern that companies nominate extra participants by joining industry associations recognised as Nomination Organisations.</p> <p>(Q.9) More use could be made of calling in experts for particular issues especially where there are two or more opposing views. Experts could put forward a view without being a member of the committee. In addition, expert advice may be necessary to resolve a particular issue in the development of the standard</p> <p>Consideration should be given to address funding essential research that participating stakeholders are unable to fund themselves.</p>

	<p>The independence of the Nomination Organisations to nominate their representative is a fundamental part of the consensus process.</p> <p>(Q.10) CFA has a selection process to ensure that consumer representatives have sufficient expertise, are provided with guidance and encouraged to attend SA training sessions. In addition, CFA requires a report from each representative following a meeting. The Standards Coordinator monitors these reports to ensure that the representative is appropriately contributing to the Committee.</p> <p>(Q.11) There is an ongoing challenge to identify volunteers for committees, and maintain a sufficient pool of potential members. Consumer representatives are volunteers.</p> <p>(Q.12) The role of chair is critical to ensure impartiality and fair hearing.</p> <p>Concern that SA appoints the Chair without consulting the committee, the Chair is therefore the nominee of SA.</p> <p>We encourage consideration of a process to monitor performance of the Chair such as a confidential process to comment on performance of Chairs and send the information to the Sector Manager rather than the Project Manager.</p> <p>Maximum tenure for Chairs should be considered.</p> <p>(Q.14) Committee integrity - Clarity required regarding consequences for failing to disclose a conflict of interest and a process where committee members can request investigation of conflict of interest. Suggest the action that is required to be taken where conflict of interest is alleged, be included in Document – SG-004: Roles and Responsibilities in Standardisation.'</p>
Public consultation	<p>The CFA has a link to Public Comments on its website however it is difficult for people to keep across all developments in the standards space. Suggest that interested individuals can request to be added to an email alert system and simplify the process for making comments online.</p> <p>A process of ongoing public input to a standard should also be considered.</p> <p>Suggestions for feedback, visibility, accessibility and acknowledgement are important but demand considerable resources. This is an area for continued improvement. Starting with the Committee it is suggested that an agreed statement that incorporates the main decisions/ideas/progress of the meeting is agreed at the end of each meeting for representatives to feed to their organisations (without breaching confidentiality). This could be used by SA to feed into social media.</p>
Portfolio maintenance	<p>Concerns about blanket withdrawal of publications - an old standard is not necessarily unimportant. Consider options such as withdrawing a standard</p>

	<p>following a request from the sector, a speedier review system and a published cycle of review e.g. 3-5 years.</p> <p>Implement a system to capture ongoing public input to form the basis of a review as well as for consideration by the committee.</p>
International participation	<p>SA involvement in the work of ISO and IEC has become increasingly important with the increase in imported products and service concepts. The number of ISO technical and project committees is expanding and there is a need to prioritise.</p> <p>It would be helpful for SA to keep across international work of interest and keep stakeholders better informed of international developments.</p> <p>In establishing a national position on votes and comments, there is a need to facilitate a better communication process so that implications of voting can be discussed, provide an opportunity to engage with the nominated expert, view committee member comment and votes, and eliminate contradictory votes (which makes the national position invalid).</p> <p>There are concerns about the European-centric view of SA - the IEC has adopted US developed standards, why can't Australia?</p> <p>Volunteer consumer representatives fully rely on SA funding to attend international meetings which limits participation across committees.</p>
Systemic review	<p>Both new and ongoing maintenance are important but existing standards must be maintained to continue to be meaningful. Although new projects are essential for the wellbeing of Australian consumers and industry, resources for maintenance should be a significant part of the mix.</p>

Should you have questions about this submission, please contact CFA Standards Project Coordinator Regina Godfredson on 03 8554 6920 or at standards@consumeraction.org.au.

Yours sincerely



Gerard Brody
Chair



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