

# Submission on Alternate Standards Development Models

**ACCI Submission**

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## Working for business. Working for Australia

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# 1 Introduction

The Australian Chamber (ACCI) welcomes the opportunity to provide feedback on the Alternate Standards Development Models as a member and nominating organisation of Standards Australia.

## 1.1 Consultation process

ACCI notes that the consultation paper was not clear in indicating that the alternate pathway for the development of standards will only be relevant to upcoming/niche ICT areas and will not affect existing and new committees outside of the ICT space.

There were also inconsistencies in other key information provided in the paper versus what was provided in the online video and in consultation forums. We have based our responses off information contained in the consultation paper.

Lastly, ACCI would note that due to the nature of the changes to standards processes being consulted on, we found it too difficult to provide feedback through the portal by way of comments against specific sections of individual standardisation guides. Our feedback does not focus on the specific drafting of the proposed changes but rather the concept itself.

## 2 Resolution of objections

ACCI is concerned with the lack of information on how Standards Australia (SA) plans on dealing with objectors/comment resolution during voting processes of any nature – be it for a project proposal in the alternate pathway, for adopting an international standard in an existing technical committee (TC), or even within the Standards Development and Accreditation Committee (SDAC) in approving a proposal. The consultation process should clearly map out how SA plans to ‘ensure consensus’ and what the next steps would be if consensus is not reached.

Given the uncertainty, ACCI’s suggested solution going forward would be for SA to pilot the alternate method and provide clear findings, followed by another round of consultations on whether the new method is realistic and sustainable or if further changes are needed. **Until these findings are published and further consultations occur, ACCI is unable to support the proposed changes.**

## 3 Comments on changes to the adoption of international standards

While ACCI is fully supportive of Australia being more involved in international standards, particularly in new and emerging areas, out of the proposed changes, **ACCI is not supportive of the proposed opt-in model to the adoption of international standards as presented.**

From ACCI's understanding, this model is not limited to the alternative pathway but applies to all existing and upcoming TCs.

**ACCI is unable to support this model** without the following information:

1. How does 'opt-in' work in practice? Who needs to put forth the proposal to introduce an international standard? SA? Participating member?

A.2 of SG-007 states that "*In this program, the Net Benefit is ensured through the International Participation Case (IPC)*" and "*...consensus for the adoption of the International Standard is implied via the opt-in terms and conditions*". **We would not support this.** There may be times where TC's recognise the importance of 'being at the table' for new international standards and may support international publication but then note that the international standard is not suitable for the Australian context due to legislative differences. There should be a safe guard whereby a new Net Benefit assessment is done specific to Australian adoption so that local context can be considered relevant to a finalised international standard.

We also disagree with a parallel adoption process or 'concurrent consultation' as TC's should be reviewing the final ISO standard prior to considering Australian adoption in case of late changes made to the ISO version during final consultation.

2. *A.2 notes that 'TC members can object to the adoption of the international standard, which would halt the adoption process until such time there is agreement to proceed.* Do all committee members (consensus or no 'sustained opposition') need to be on board for the proposal for adoption to progress? How is agreement defined?
3. What are the 'stakeholder safeguards' in place?
4. In most cases, the current six-week period of community consultation is the minimum time needed. Reducing it to four weeks will be problematic. There are also issues with access to submit feedback, and feedback from our members is that the process currently deters participation. How would SA ensure that this would work?
5. What happens if there are objectors? Is there a 'period of/for objection'? How is this resolved and who resolves it?
6. What is SA's solution to tackle committees/topics where there are 'areas of contestation' that would potentially benefit from an international adoption?

**ACCI stresses that international standards that conflict or are inconsistent with existing Australian legislation should not be considered for identical adoption. This is particularly true for management standards.**

## 4 Comments on Governance Elements

Governance element	Traditional Path	Alternative Path	ACCI Comments
Proposal development	A proponent is required to champion and shepherd work	Standards Australia acts as the effective proponent supported by interested stakeholders.	At what stage are nominating organisations consulted? Are the 'interested stakeholders' technical experts nominated by nom orgs or only sourced directly by SA?
Proposal development	A comprehensive scope of work to be done is required	Standards Australia conducts or qualifies research into the proposed area of work and the identification of stakeholders relevant to the work.  A comprehensive articulation of the need for the work is provided.	Standards Australia does not have technical experts and may not have the relevant expertise to conduct holistic research, especially on 'new or emerging areas' due to the lack of available information.  How will decisions on the need and practicality of a new standard be undertaken? How will the consultation with 'interested stakeholders' take place?  How will a Technical Writer be chosen?
Justification of benefit to Australian community	A net benefit case is developed setting out the need for the work and positive and negative impact across five areas of consideration	A net benefit analysis is developed to provide an assessment of how a standard could benefit the Australian community and economy.  A market competition assessment will be conducted setting out an assessment of potential barriers to national and international trade.	Who will conduct the net benefit analysis and the market competition assessment? How will it take place? Who is consulted? What are the timeframes?  <b>The existing five criteria should remain and should include reference to "ensuring that Australian Standards (including those that are the subject of an international adoption) are not inconsistent with Commonwealth or State/Territory laws, regulations, codes or other legislative instruments".</b>
Approval	Production Management Group (PMG) approved proposal	SA's PMG recommends proposal for SDAC approval	How long does the SDAC have to revert back? What if there is objection among SDAC members?
Expertise	A Constituted Technical Committee is established to represent a broad range of interests	A Constituted Technical Committee is not established. A Project Committee (PC) is formed comprising of a group of experts to review content development.	The consultation paper does not note whether the process of contacting nom orgs for committee representation will occur or not.  <b>Consultation with nom orgs for PC representation should be an automatic first step or concurrent to reaching out to independent experts.</b>

		Consideration must be given to the inclusion of small business and end consumer interests.	<b>Additionally, is there consideration given to the possibility of project committee members proposing to convert into a TC?</b>
Content development	A Constituted Technical Committee leads development of the technical content	Standards Australia led development of the technical content (Technical Writers or retained consultants)	ACCI notes that this might get complicated as technical content cannot be written by a non-technical person. For this reason, ACCI cautions again that the time taken for SA to produce quality content with regular expert input could take longer than the traditional path.
Public consultation	Public Comment for a 60-day period. Technical committee must address all comments.	To meet World Trade Organization (WTO) obligations, the draft is submitted for 60 days of consultation and is promoted with targeted experts with an interest in the area. All comments received are considered and resolved with input from the Project Committee.	<b>Adopting consensus principles of the International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC) would mean that those in minority who have valid objections will eventually be overlooked. What will be the process of resolution in those instances within the project committee?</b>
Approval	Decision to publish follows a formal ballot of a constituted technical committee, and the resolution of any negative ballots.  SA's management, under delegated authority from the SDAC, approves the publication of an Australian Standard.	Consensus is deemed to have been achieved if technical comments received through the consultation process are resolved, and a formal assessment is made as to support for the publication.  SA's PMG recommends the publication of the Australian Standard for the SDAC approval (out of session and via email).	

General comment: estimated timeframes for each step of the process would provide a better idea of whether this proposed pathway is realistic or not.

## 5 Comments on changes to Interim Australia Standards

ACCI has a neutral position on the proposed changes to this pathway, primarily due to the lack of detail presented in the consultation paper.

While ACCI is supportive of the change of removing automatic withdrawal of an Interim Standard after a period of two years from publication, there is no information on how this process will be put into practice.

For instance:

- Will all TC members vote on what happens to the interim standard? Will it be a consensus principles model based on ISO/IEC or will it follow the traditional approach?
- How long does the TC have to decide whether to withdraw, convert it to an Australian Standard, revise or extend it?
- What happens if there are clashing views within the TC? What is the objection period and negotiation process?



## About ACCI

The Australian Chamber of Commerce and Industry represents hundreds of thousands of businesses in every state and territory and across all industries. Ranging from small and medium enterprises to the largest companies, our network employs millions of people.

ACCI strives to make Australia the best place in the world to do business – so that Australians have the jobs, living standards and opportunities to which they aspire.

We seek to create an environment in which businesspeople, employees and independent contractors can achieve their potential as part of a dynamic private sector. We encourage entrepreneurship and innovation to achieve prosperity, economic growth and jobs.

We focus on issues that impact on business, including economics, trade, workplace relations, work health and safety, and employment, education and training.

We advocate for Australian business in public debate and to policy decision-makers, including ministers, shadow ministers, other members of parliament, ministerial policy advisors, public servants, regulators and other national agencies. We represent Australian business in international forums.

We represent the broad interests of the private sector rather than individual clients or a narrow sectional interest.

# ACCI Members

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