

**Vision Australia Submission to the Legal Metrology Policy Review**

Submitted to the National Measurement Institute by email

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Dear Dr Fisk,

Vision Australia appreciates the opportunity to comment on the National Measurement Institute’s (NMI) Legal Metrology Policy Review Discussion Paper.

## About Vision Australia

Vision Australia is Australia’s largest provider of services to people who are blind, have low vision, or have a print disability. Our goal is to ensure that our clients will have the choice to participate fully in every factor of life in the community.

We provide high-quality services in fields that include early childhood, orientation and mobility, employment, information, recreation and independent living. We also work collaboratively with Government, business, and the community to achieve this.

Vision Australia recognises the importance of trade measurement/legal metrology for consumers, the community, and the economy, and has previously made submissions on unit pricing, on behalf of our clients.

## Introduction

We appreciate that the National Measurement Institute is the Australian measurement body responsible for biological, chemical, legal, physical and trade measurement, and your aim is to provide measurement policy, science, and regulation that underpins the economy and well-being of Australia.

We understand that the *National Measurement Act 1960* (the Act) and the *Trade Measurement Regulations 2009* (the Regulations), set out detailed requirements for the labelling of pre-packaged goods. These requirements include minimum print size according to the size of the packet (minimum 2mm), where the label can be placed on the packet, depending on the shape of the packet, that labels should be placed horizontally not vertically, and the units of measurement that can be used.

Vision Australia supports the retention of strict labelling laws, government regulated rather than self-regulated by industry.

Some current measurement and pricing practices present barriersto our client community. In particular, the size of the print makes it difficult (if not impossible) for many people with low vision to access the measurement information. This has effectively excluded them from the purpose of the scheme, which is to provide information to consumers to enable more choice and consumer control.

At Vision Australia we support legal metrology policy that is consistent with federal and state anti-discrimination legislation, as this has a direct impact on the ability of people who are blind or have low vision to have access to information, in order to make informed choices. Therefore, legal metrology information needs to be accessible in terms of size, colour, contrast and packet and display location.

An effective metrology system provides protection for consumers in general from short measure, and enables consumers to easily and quickly make informed, comparative choices.

Consumers benefit from consistency in quantity information, e.g. if a particular grocery item is always packaged and sold by weight at a price per kilogram, not with some priced per kilogram and some per 500 grams. This applies particularly in regard to grocery items. If items are packaged in random weights, then the price per kilogram should be displayed beside them. Similarly, it is not helpful to consumers if liquids are measured sometimes in mass, sometimes in volume, and not in standard amounts of either.

It is of benefit to people who have low vision that measurement labelling be prominent and legible. The 2mm minimum current print height for the display of quantity and price per kilogram information on labels provides a minimum level of legibility to the general community, but for many of our clients, the information is inaccessible. Print size, together with colour contrast, and label location are all of importance if measurement information is to be accessible to our clients.

For people who are blind, metrology and labelling is not accessible by visual means, and measures to ensure this information is accessible must be explored. This information can be accessible through the use of consistent barcodes, listed in a national database which can be deciphered via a consumers own assistive technology such as smartphone applications or audible barcode scanners.

Vision Australia is pleased to provide comment on issues and questions of this review relevant to the interests, needs, and preferences of people who are blind, have low vision, or have a print disability. Robust and systemic policies, such as are in the Act and Regulations, are essential for the 357,000 people in Australia who are blind or have low vision, to access and benefit from progressive accessibility requirements and regulations.

## Comments on the Review Issues

## Issue 1: Policy objectives for legal metrology in Australia

Question 1: Supporting confidence in the measurement system

Vision Australia supports a measurement system that provides consistent, accessible information to our clients and to the consumer public in general. Effective communication of information enables consumers to make informed choices.

Question 2: Facilitating a level playing field for business

Vision Australia supports effective legal metrology policies and processes which provide uniformity and consistency across businesses, which we believe facilitates and encourages competition amongst them, while at the same time providing protection to consumers.

**Question 3: Consumer protection**

Continuing to specify the units of measurement to be used, and specifying the weight by which products are sold e.g. all cheese should be sold on a per kilo basis, enables consumers to make faster informed decisions.

Question 4: Supporting industry development and technology innovation

Vision Australia supports industry development and technology innovation provided that these are consistent with consumer protection practices, policies and requirements.

Question 5: Are there any other policy objectives for legal metrology that would assist in delivering successful outcomes for Australian businesses and consumers?

Vision Australia supports policy objectives that provide successful outcomes for our clients in particular and the wider community in general. Policy objectives that lead to certainty, consistency, and increased accessibility will provide successful outcomes for business and consumers. Particulars are provided within this comment document.

## Issue 6: Regulatory approaches for legal metrology – Compliance and enforcement

Question 1: How should NMI focus its compliance activities to ensure businesses are meeting their obligations under trade measurement law?

Vision Australia supports the continued monitoring of businesses to ensure compliance with statutory requirements. Allowing businesses a high level of flexibility may not be beneficial for customers. There are benefits to consumers in having specified, regulated requirements that can be enforced without further need for interpretation.

Question 2: Which is more harmful: inaccuracy that benefits the customer/consumer or inaccuracy that benefits the vendor/trader?

Vision Australia strongly supports consumer protection, both for people who are blind or have low vision, and the wider community. We support an emphasis on consumer protection to allow access to accurate information for all consumers, to allow them to make more informed decisions.

Question 3: What relative weight should NMI give to identifying that certain thresholds have been breached; and individual risk assessments, before financial penalties are imposed?

As one breach of thresholds can affect many consumers, weight should be given to individual risk assessments. Vision Australia supports the continued monitoring of measurement standards, and maintenance of thresholds, to protect consumer’s rights to consistent, accurate, information.

Question 4: What are the appropriate circumstances for NMI to consider reference for prosecution as a regulatory response?

Vision Australia supports reference for prosecution as an appropriate response, particularly in circumstances of multiple or continued breaches, where there has been an impact on consumers and/or other businesses.

## Conclusion

In conclusion, we reiterate that Vision Australia supports the national mandatory measurement display policy; however, our clients experience difficulties with the scheme in its current form. We therefore request that the current requirements for print size, colour contrast, and location of measurement labelling be reviewed and strengthened to make the information more accessible to a larger proportion of the community as a whole.

Vision Australia has gained unrivalled knowledge and experience through constant interaction with our 27,500 clients and their families, and also through the involvement of people who are blind or have low vision at all levels of the organisation. Vision Australia is therefore well placed to provide advice to government, business, and the community on the challenges faced by people who are blind or have low vision fully participating in community life.

We have a vibrant client consultative framework with people who are blind or have low vision representing the voice and needs of clients of the organisation to the Board and Management.