



**25th ASIA-PACIFIC LEGAL
METROLOGY FORUM AND
WORKING GROUP MEETINGS**
7-9 Nov 2018, Christchurch, New Zealand



Economy Report - 2018

New Zealand

Report developed/approved by: Stephen O'Brien
Position: Manager, Trading Standards
Organisation: Trading Standards, Ministry of Business, Innovation & Employment
Contact details: Stephen.O'Brien@mbie.govt.nz

SECTION 1 – Organisation and structure for metrology

Organisation Structures

As per the Organisation & Structure page on the [AMPLF website](#).

Legislative Frameworks

Primary Legislation - [Weights and Measures Act 1987](#)

Secondary Legislation - [Weights and Measures Regulations 1999](#)

International arrangements and engagement

OIML Training

OIML Training Workshop for TC/SC Secretariat and PG Conveners – Sydney January 2018

Members from the MBIE Trading Standards team attended a two day workshop organised and presented by two members of staff from BIML. Stephen O'Brien, Manager TS, Phil Sorrell, Team Leader Compliance and Inspection, & Davis White, Legal Metrology Advisor attended the OIML Training event in Sydney February 2018:

The aim of the course was an introduction to the workings and structure of OIML for the progression of projects by working groups and the roles needed to ensure a productive and timely passage of projects through to adoption by OIML.

OIML CS Meeting - Stakeholder Symposium - Sydney March 2018

MBIE Trading Standards type approvals expert Srinivas Bobbala, Senior Advisor Type Approvals and Technical, attended the Certificate System utiliser's training meeting/symposium organised and presented by members of the BIML. New Zealand is a utiliser of the OIML CS and continues to accept and acknowledge appropriate applications from non NZ economies when seeking approval for use of trade measurement equipment within NZ.

SECTION 2 – Key activities of 2017/18

Working with industry

Collaboration with industry

MBIE Trading Standards were approached last year by a representative from the New Zealand fresh produce industry. The initial engagement with industry revealed that there was a lack of awareness and understanding of the trade measurement requirements throughout the industry and its supply chain. This was emphasised by a high level of unintentional non-compliance throughout the sector. MBIE Trading Standards engaged directly with the industry group with the aim to have best value impact upon their members.

As a result, the industry group, in conjunction with MBIE Trading Standards, produced an industry specific guide to assist businesses when applying the requirements of the weights and measures legislation: [United Fresh Guidelines for Complying with Weights & Measures Requirements](#)

This has become an ongoing project and we will continue to engage with the fresh produce industry to provide advice and disseminate information on trade measurement matters to their members.

The document produced has been well received by the industry and will be used as an example for other industries in NZ to help them to develop similar guidance.

Prepacked poultry products

After engagement with the Poultry Industry of New Zealand (PIANZ) over the last few years, where consensus could not be attained regarding whether or not the fluid that has exuded from the poultry, after it has been packed, forms part of the net quantity statement, MBIE Trading Standards has released a guidance document outlining the test methods that would be employed by an Inspector when completing testing and can be accessed via the Trading Standards website: [Poultry](#).

The guidance seeks to clarify our expectations from a packer when selling fresh whole and portioned poultry products when prepackaged.

Since the release of the guidance, PIANZ have responded positively and their members have acknowledged that they have to assess how products are packed and distributed to ensure quantity statements are correct at the time of sale.

MBIE Trading Standards envisage that a repeat of a project conducted in 2017 will be completed in this financial year to ascertain the level of compliance and to take the appropriate level of enforcement action where non-compliances are discovered.

Protecting consumers

Trading Standards website

The new website has been launched by MBIE Trading Standards at <http://TradingStandards.govt.nz>.

The previous online presence was spread across multiple domains, which presented two issues for MBIE Trading Standards:

1. Management and maintenance of the content, and

2. Providing customers with clear and easy to access information.

These difficulties were acknowledged as a barrier to our customer engagement and a 'one stop shop' for advice and information in relation to enforcement and accreditation was set as the goal.

The new website seeks to resolve the previous issues and present the requirements of weights and measures legislation in a way which can be easily navigated and understood by all stakeholders.

Trading Standards vehicles

A new fleet of purpose built vehicles have been procured and delivered to the MBIE Trading Standards team. The change was prompted by the requirement for all MBIE vehicles to have ANCAP 5 star safety ratings, which gave MBIE Trading Standards the opportunity to design an improved, bespoke fit-out that would facilitate the transport of the key equipment required by our officers.

One of the key features of the new vehicles is the dedicated storage areas for equipment; namely, PPE, masses, weighing equipment and volumetric measures. Each is designed to maximise the safety and minimise the difficulties when transporting, accessing and handling the equipment.

Also, a GPS monitoring system and communication radio have been fitted to each vehicle to satisfy MBIE health and safety policies and keep our staff safe when working out of the office, specifically when alone and/or working in remote rural areas.

Major projects - What we did and what we learned

High capacity weighing instruments

A recent weighbridge run conducted by MBIE Trading Standards revealed a number of high capacity weighing instruments were non-compliant with the legislation. The non-compliances ranged from minor to major, with 37% being rejected for errors outwith the legal tolerances. The annual project highlighted the need for MBIE Trading Standards to reassess its approach to enforcement, in this sector, with a view to improve the compliance of these types of instruments.

SECTION 3 – Future focus

New initiatives planned (next 1-2 years)

TIKA

A new Investigations Case Management System (ICMS) named TIKa (Maori definition - truth, correctness, directness, justice, fairness, righteousness) was implemented within the Ministry of Business, Innovation & Employment (MBIE) on 1 July 2018. A number of business units are already on-board and in the coming months/year the plan is to on-board all the remaining regulatory teams. As such, MBIE Trading Standards will be included during Phase 3, which should occur early-mid next year, 2019.

The proposed benefits of this system include:

1. Through the information sharing this system allows, regulators will be safer, with a greater awareness of potential risks, and of the work of their colleagues.
2. This system will build a view across MBIE business units of past and current interactions with people, organisations or locations which can be incorporated into current investigative activities.
3. The system to be cost-effective and mean less paperwork, better productivity and collaboration, and create consistency across investigative terminology, templates and approaches in Market Services.
4. Create a uniform procedure and method for investigation which should make regulators more effective and efficient in their pursuits of enforcing the legislation that they enforce.

More benefits will be realised in time as TIKa will also support the greater information-sharing framework which the Ministry is working towards, free up investigators time from administrative work, improve the quality of data, and realise cost savings for business units.

Sale of non-compliant weighing instruments

MBIE Trading Standards have seen a rise in the number of non-approved weighing instruments being used for trade purposes. This has been evident during inspections of small retailers and local/farmers markets where traders sell goods by reference to weight. As a result of further investigation, it was determined that the weighing instruments were being purchased primarily from online retailers who were not aware of their responsibilities under the legislation. Work has already been completed on this with online marketplace <http://TradeMe.co.nz> and a number of online retailers to ensure they understand the requirements of the weights and measures legislation.

Beer

MBIE Trading Standards previously explored the possibility of regulating the carbonated beverage industry more accurately by refining our test methods to determine the volume of individual prepackages. However, after consultation with the New Zealand's Measurement Standards Laboratory (MSL) we were advised to restrict the testing to beer only. We are now in the process of finalising the test procedures and envisage that they will be available via the Trading Standards website in the near future.

Metric NZ

Metriation occurred in NZ over 40 years ago, but some industries continue to use non-metric units of measurements when selling goods. A recent project was initiated by MBIE Trading Standards which established that the retail coffee industry was using non-metric units of measurement when selling coffee based beverages. This project received positive feedback from the relevant industry association and the affected businesses involved. The intension moving forward is to repeat the same engagement with other industries who continue to use non-metric measures as part of their everyday business.

Emerging issues – challenges and opportunities

OIML-Certificate System

New Zealand will continue to be actively engaged in the development of the OIML - CS, with representation on the Management Committee and Review Committee. Currently, MBIE Trading Standards has become an Utiliser for Non-automatic weighing instruments: R 76: 1992 & R 76: 2006. MBIE Trading Standards will seek to become a Utilizer for a range of instrument categories.

Plastic free New Zealand

There is a growing environmental drive in New Zealand for single use plastic bags to be banned from retailers. This then has the potential to extend to packing materials used for prepackaged and non-prepackaged goods. In an effort to pre-empt any unwarranted detrimental impact to the legal metrological aspects of this change direction, MBIE Trading Standards are already in communication with the Ministry for the Environment and other relevant stakeholders to discuss the impact and solutions that would have to be implemented to minimise the risk of compliance issues occurring.