

15 May 2018



Standards Australia

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Lighting Council Australia (LCA) welcomes the opportunity to provide comment on the Technical Governance Review - Response to Final Report circulated by Standards Australia (SA) in April 2018.

Overall there are many positive findings contained in the Cameron Ralph Khoury (CRK) Report and Standards Australia's response, particularly the following areas and themes:

- Increased strategic approach
- Greater transparency
- Project proposals and prioritisation
- Development and drafting
- Public comment
- Maintenance

We acknowledge that Standards Australia is a valuable part of Australia's technical infrastructure and we make these comments with the aim to strengthen and improve Standards Australia's processes.

The CRK Report and the SA response outlines a considerable body of work and areas for improvement. We suggest that prioritisation should be undertaken in the following order:

- 1 Project proposals and prioritisation
- 2 Committee composition
- 3 Development and drafting
- 4 Public comment
- 5 Maintenance

We urge a careful approach when considering opening up main committees to individuals who do not represent a significant constituent base. The current process allows individual experts to access the standards development process via sub-committees. The focus should remain on constituted main committees (including representation through nominating organisations) and nominating organisations should be approached first regarding any skills gaps on main committees.

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Another area of interest for Lighting Council Australia is regarding the management of conflict of interest. Clear guidance should be given to committee participants and Standards Australia staff regarding the different levels of conflicts that can arise and appropriate mechanisms for dealing with those conflicts.

Please find attached our detailed comments in response to the CRK Report and Standards Australia's response document (our comments are itemised as per the SA response document).

Yours sincerely

A handwritten signature in black ink, appearing to read "Richard Mulcahy", is written in a cursive style.

Richard Mulcahy
Chief Executive Officer

Comments on Standards Australia's Technical Governance Review – Response to Final Report (April 2018)

1. Prioritisation

More strategic approach

We are broadly supportive of the initiatives in this area. Nominating organisations and industry leaders should be encouraged to participate in Leaders' Forums and assist in the development of strategic planning and prioritisation. The outcomes of these forums should be communicated widely and publicly.

LCA suggests the priorities in this area should be A1, A2 and A3 leading to the development of annual strategic priorities documents.

More open process

General comment: Increased levels of project proposal visibility are needed and the action areas identified by SA should address this. With increased visibility of proposals, disputes between stakeholders may be brought forward to this stage of the process. We suggest a plan or process to deal with disputes at the project proposal stage is needed. Also, LCA suggests that the ultimate arbitrator of such disputes should be the SDAC and further suggest that this committee requires more independence and the ability for stakeholders to directly address (i.e. five to ten minutes allocated to disputing stakeholders to articulate their case for and against project proposals).

B1. Initiatives providing transparency and public visibility over the standards development process should be a high priority. A public bulletin board for standards projects and proposals would not only serve to improve the accountability of committees to stay within scope and timelines for projects, it will allow those that are not directly involved in the development of standards but have an active interest in the area to stay informed without the need to exhaust SA or committee resources.

B2. An online proposal system that allows for proponents to deliver feedback on existing standards and new areas would allow for projects with greater net benefit and more targeted scope. Steps should be taken to ensure that sufficient resources or systems are in place to manage public contributions and the alignment of these with strategic priorities.

B3. LCA supports Standards Australia being responsible for consultation on all standards development project proposals. This should simplify the process for project proponents and help ensure wider engagement with all relevant stakeholders at the time when proposals are being considered and in the appropriate constitution of the committees administering projects. A significant issue with horizontal standards development is still that SA may not consider a particular stakeholder for inclusion or stakeholders may not consider that a particular project or standard area is relevant to them until after publication.

B4. Streamlining the project proposal process and using new technologies sounds interesting. LCA would welcome more detail as new technology is developed.

B5. Increased SA ownership of project proposals and the stakeholder consultation processes should help to resolve the lack of notification and transparency that is apparent with the current process. This should provide the ability for a more open, transparent and inclusive process.

More proactive quality assurance

We are broadly supportive of the improvements proposed. Of particular note:

C1. Monthly project assessment and approval should allow SA to respond quickly to the needs of different sectors. Consideration is required to ensure committee workload and budget is managed appropriately.

C2. LCA believes there is a need for a resolution process as part of the project approval process. Also, improvements are needed regarding the transparency of project proposal decisions made by SA and SDAC.

C3. We agree this improvement should be a requirement of any online project proposal system. i.e. scalable proposal system depending on project scope.

C4 + C5. A new process for international direct text adoptions should still be provided for appropriate stakeholder consultation during approval. This is an area where there is a significant variation in the work required to alter a standard for local conditions and hence a new process would need to accommodate this variation.

C7. The expedition of non-contentious amendments and revisions is supported, in order to decrease the length of time required in the standards development process. If only editorial comments are expected during Public Comment, perhaps a Combined Procedure should be utilised for increased speed.

2. Committee Composition

General comment:

Standards Australia should amend the committee constitution process and introduce a consultation stage after Standards Australia formulates a draft committee. This additional consultation stage should seek agreement or comment from nominating organisations regarding aspects such as committee balance, potential conflict issues and multiple nominees from the one company obtaining committee access via different nominating organisations.

There is a perception that some committees are not balanced and that not all perspectives have been considered in the final constitution of committees.

More open process

B1. We are supportive of committee members requiring public disclosure of their interests and increased public visibility of technical committee membership. Currently, committee member interests do not seem to be declared, even though this is required by SA. Particularly, consultants who stand to gain from changes to standards or by introducing technical barriers to trade need to be subject to increased scrutiny.

B2 + B3. LCA is strongly against opening committees to community-based contribution beyond the current mechanisms and do not believe that this is an area in need of priority. LCA cautions that allowing individuals to participate on committees when they are not bound to represent the views of a constituent base will likely lead to conflicts of interest, anti-competitive behaviour and personal issues influencing committee participation and decisions.

The current committee structure already allows technical experts to participate on sub-committees that are comprised of subject matter experts. Main committees are constituted of stakeholder sectors and hence contribution from expertise is not limited but stakeholder support is required through the committee. Individual participation on main committees would be attractive to certain individuals and their commercial activities particularly in terms of gathering contacts, market intelligence or introducing technical barriers to trade.

Historically, SA has aimed at reducing committee numbers when committees are re-constituted so this would be an active step in the opposite direction that may lead to unbalanced committees.

B4. Diversity across committees doesn't inherently ensure more open processes. Instead, we suggest that the process of creating joint working groups across committees be better utilised. Committees with a large number of diverse stakeholders will be less agile in decision making and will involve a greater number of inactive participants as some projects may not be relevant to all stakeholders.

B5. Community (individual) participation may serve to create increased imbalance when considering committee balloting and voting. Greater transparency of committee constitutions and public visibility of standards projects should allow increased participation through the current main committee and sub-committee process.

More Proactive quality assurance

C1+C2+C3+C5. While LCA advocates for committee constitutions to be maintained, we acknowledge that committee skills gap analysis could be undertaken with a view to identifying and filling gaps. When gaps are identified, we suggest that nominating organisations should be given the first option to fill those gaps on main committees. Alternatively, individual experts could be encouraged to participate on sub-committees or working groups.

Our main concern in this area is that committee balance could be subverted by individuals who have commercial interests, an 'axe to grind' regarding particular topics or standards, or wacky ideas and are not beholden to a constituent base.

We acknowledge the need for the public to be able to express an opinion on technical matters and so increased transparency and disclosure of committee drafts combined with a communication channel between the public and committees could facilitate the discussion of public views as committee drafts are developed. Also, sub-committee and working group participation by individuals should be encouraged as this would allow individuals with skills, knowledge and experience to participate without compromising the balance of stakeholder representation.

C4. We believe that publicly available records of decisions are important in maintaining transparency and will provide accountability in regard to conflicts of interest. Meeting minutes may contain commercially sensitive information and consideration should be given to a communicate or summary for public disclosure.

C6. An independent review process will be very important to assess outcomes.

In general, more guidance information should be provided by SA on the definition and normal practices for dealing with conflicts of interest issues. SA must actively address this issue as it is currently poorly managed.

3. Development and Drafting

More open process

B1 + B2 + B3: In general, LCA supports these proposed initiatives. A publicly available “bulletin board” should be a high priority as it should serve to increase the openness of the standards development process, it will engage more stakeholders at earlier stages of standards development, identify potential conflicts and disputes at an earlier stage and should facilitate increased awareness and participation through nominating organisations to main committees and directly through sub-committees and working groups.

B4. Pilot projects where all committee documents are made available to the public extends the idea put forward by Ai Group and LCA to allow committee draft sharing within technical groups. We suggest that extending the draft sharing/transparency model should be a priority rather than opening up committees to individuals. Public visibility of committee drafts will allow individuals to contribute, see the minutes regarding discussion of their perspectives while also mitigating the risks of individuals - who do not answer to a constituent base – participating on main committees.

Perhaps as a further extension, guest attendance at committees for these individuals could be allowed if further information or clarity is sought by the committee or the individual.

More proactive quality assurance

C1 + C2. LCA is supportive of a review and enforcement of guidelines for Chairpersons. SA has the capabilities for improved training of Chairpersons and should utilise this mechanism, especially when implementing new processes and pilot programs. Chairs that are currently regarded as successful should be approached when developing training collateral.

C3. The proposal to monitor committee activity, performance and attendance, and make this available to committee members and Nominating Organisations is welcomed. LCA believes that Nominating Organisations need more oversight regarding how their representatives are performing, and more visibility into the conduct of committees. While this area has many different possibilities for implementation due to the vastness of reporting metrics and availability of this information, at the very least Nominating Organisations should be informed; when meetings are held; meeting attendance; and meeting minutes. This would allow for a review of representatives and remove any organisational overhead required for generating additional reports.

C4. Support for drafting leaders in a resource pool for technical writers will ultimately increase the speed in which standards can be developed.

C5. The proposal to use paid, independent facilitators in large, complex or contentious work must be detailed further before LCA can support the pilot. More information is sought on how the facilitators would interact with Chairs, Project Managers and committee members. There may be an alternative where the function of a facilitator is fulfilled by another role.

C6. A workshop approach to project kick-off meetings will rely on normalisation of project proposals and adequate training of Chairs and Project Managers within committees. Currently, some of the work that is required in a kick-off meeting is conducted in the project proposal stage, especially for large, complex or contentious projects.

C7. We agree that further education and standards development resources will assist committee members.

C8. The increased use of project surveys to ascertain Project Management, Committee and Chair's performance should only be implemented if there are adequate resources for reviewing the survey results and reviewers are empowered to act upon these results. The static condition of many committees would suggest that a more active approach to constitution and management is needed.

C9. We do not believe that a recognition and reward system for Project Managers, Technical Committees, Chairpersons and Drafting Leaders will have a large impact and hence this should be an area of low priority.

C10. Mediation capabilities are required within committees where consensus cannot be reached or committee discussions are unable to resolve technical issues. While Chairs and Project Managers could be given more training to resolve conflicts, LCA believes a higher priority should be the further development of the independent review process to allow brief guest participation at SDAC meetings and increased independence regarding the appointment of SDAC members.

4. Public comment

LCA is largely supportive of greater transparency in public comment.

More open processes

B1+B2. Public comment directly from the SA website will enable much simpler contribution. The SAI Global website is convoluted and requires too many steps to be completed before a standard can be viewed, which is off-putting for those unfamiliar with the process. Red line changes on public documents would greatly simplify commenting for those that are not intimately acquainted with the previous version of the standard. Again, this will facilitate contribution from a broader sample of the public and should be prioritised highly. A user account on the SA website should not be required to submit comments, simply optional contact details at the time of submission.

B3. Plain English commentary should be released at the time of project proposal and not just the public comment stage. A greater level of interest and engagement is required from project proposal stage through to public comment.

B4+5. LCA suggests that providing publicly available resolution to comments will facilitate increased contribution by the public in a way that does not compromise the integrity of committee constitutions and balance. It will also create transparency as committees will be increasingly accountable for their decisions.

B6. A pilot platform for capturing, displaying and resolving comments more efficiently is needed as the current approach would not be able to cope with added demands. For example, public comment drafts of the Wiring Rules receive thousands of public comments and the current manual process of project managers responding to commentators is too onerous to cope with demands.

5. Voting approval

More open processes

B1. LCA suggests that if a greater emphasis on widespread stakeholder engagement, stakeholder input and transparency is placed on the earlier stages of projects, (i.e. prioritisation, development and drafting) then negative votes should become rarer.

An independent appeal process including an independent adjudication committee must be developed. The SDAC is not seen as completely independent and as a suggestion, half of the SDAC committee members could be appointed by the SA Council rather than SA itself. A mechanism to allow the different parties to make their own presentations to SDAC should be developed as the current process of SA providing information to the SDAC committee is not transparent and creates the risk of misrepresentation and under representation.

B2. Transparent voting will ensure that committee members are held accountable to their constituents and will assist in active management of conflicts of interest. At the very least, Nominating Organisations and other committee members should have access to balloting records. Additionally, the risks of publicly available information should be considered. This could be piloted in tandem with a public “bulletin board” program.

6. Maintenance

More open processes

B. Standards Australia should make publicly available its international work program, delegate attendance (including head of delegation) and provide a summary of meeting outcomes in plain English and with commercial/ safety/ performance issues discussed. International meeting reports are difficult to read by committee members let alone those outside of the process.

Delegates should also be required to disclose or provide proof of meeting attendance in the form of airfare tickets to ensure that SISO funding is being appropriately used. LCA is concerned that international standards development travel is being used as a way to facilitate some delegates international holiday travel. The focus of SISO expenditure should be International standards development work and not international holidays. We are not concerned about a few odd days before or after committee meetings to allow for travel recuperation or alignment with flight availability. However, we are concerned that some delegates may view international standards meeting attendance as primarily a way to facilitate their international holiday travel and are concerned with repeated long-term holiday travel alongside international standards participation.

Guidance and education of delegates regarding expenditure policy should be undertaken as well as the use of a single travel agent who is informed regarding the travel policy.

Given we have been advised that in the order of 300 international air tickets are purchased annually by Standards Australia, there is an overwhelming case for a reputable travel agency to be appointed and tickets should be acquired on a ‘best fare of the day’ basis not based on loyalty programme advantages for flyers.

Summary

The TGR Final Report noted that extreme views, sometimes in opposition, were voiced throughout the consultation process. We believe that improvement of prioritisation, strategic road-mapping and increased transparency will improve outcomes for Standards Australia and all stakeholders regardless of initial position.

LCA believes that public engagement and openness is a key area for improvement and can be achieved through various programs that do not change the current representation structure of committees. Committees that are made up of representatives from nominating organisations allow for consensus views of stakeholders to be put forward during discussions. Changes to this structure would dilute the ability of committees to reach consensus and would mitigate possible efforts for improvement in the speed of standards development. Such changes may also facilitate individuals representing single commercial interests, creating barriers to trade and leveraging standards development to impede competitors.

SA must address conflict of interest management. The problems associated with this issue are widespread and must be targeted systematically with a variety of different pilot programs. Guidance material is well documented and easily available from the Australian government.¹ The result should be standards with greater net benefit, increased development speed, and greater overall transparency.

The last key area of concern, SA should have an independent review process as currently, the process for resolving committee disputes is via escalation to the SA Production Management Group. If they cannot resolve the issue, it is escalated to the SDAC. SDAC is completely appointed and informed by SA and hence it is difficult to assume impartiality.

We look forward to the implementation of pilot programs listed above that will increase openness and provide more active quality assurances throughout the standards development process.

¹ Australian Charities and not-for-profit commission,
https://www.acnc.gov.au/ACNC/Manage/Tools/ACNC/Edu/Tools/QT_003.aspx