

Procedure NSDO PR-03: Developing a new Standard

PROCESS OVERVIEW

Receive request to develop new Standard (clause 4).

Project Manager (PM) prepares Standards Development Project Proposal and sends to Standards Development Committee (SDC) via CEO for approval (clauses 4, 5).

If approved, PM develops Standards Development Project Plan (clause 6) and, if applicable, registers the Project with NSO (clause 7).

Consult with interested parties on Proposal (clause 8).

Send Final Proposal to Standards Development Committee via CEO for approval (clause 9).

If approved, set up a technical working group (existing or new) (clauses 10, 11).

Distribute draft Standard for public and industry comments (clause 14).

Technical Committee approves & SDC endorses Standard (clause 16). NSDO publishes Standard (clause 18).

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1. Introduction

This procedure describes how NSDO develops a new standard that is intended to become an Australian Standard. It also applies when existing NSDO Standards are revised or amended. It is to be interpreted in conjunction with NSDO procedures PR-03 and PR-07.

It also provides guidelines for the development of other NSDO standards normative documents in so far as the requirements herein are applicable.

2. Related documents

ABSDO Criteria for Designation as an Australian Standard

ABSDO Requirements for Accreditation of Standards Development Organisations

ABSDO Style Manual for the presentation of Australian Standards by accredited Standards Development Organisations

ISO/IEC Guide 2, Standardization and related activities – General vocabulary

ISO/IEC Guide 21, Regional or national adoption of International Standards and other International deliverables

NSDO Procedure PR-05: Revising and amending a NSDO Standard

NSDO Procedure PR-07: Responsibilities in Technical Committee work

NSDO Procedure PR-11: Appeals, complaints and disputes

3. Definitions

3.1. Consensus: general opinion, agreed decision; reached after taking into account the views of all interested parties and attempting to reconcile conflicting views.

Note: the fact that a consensus was reached does not necessarily mean that opinions or the decision was unanimous.

3.2 Interested party: stakeholder who is affected significantly by implementation of a particular standard

3.3 Meeting: discussion via face-to-face meeting, teleconference and email interchange

3.4 National Standards Office (NSO) of Standards Australia: The office within Standards Australia that, amongst other responsibilities, liaises with Standards Development Organisations accredited to develop Australian Standards® on issues related to Standards being developed by such SDOs.

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3.5 Nominating body: significant interested party who nominates representative(s) on a technical committee that develops standards. Generally, a nominating body is a national stakeholder group that collectively covers interested parties such as consumers, community groups, employers, regulators, governments, major purchasers, professional associations, unions, manufacturers, research or testing bodies. A nominating body may be an individual organisation, a tertiary education institution, government department or instrumentality that is not covered otherwise by an appropriate national stakeholder group.

3.6 Proposing Entity: interested party that proposes the development of new, or revision or amendment to existing, NSDO Standard(s).

3.7 Standard: document, established by consensus and approved by a recognised body, that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context. Standards should be based on the consolidated results of science, technology and experience, and aimed at the promotion of optimum community benefits. [ISO/IEC]

3.8 Technical Committee: a representative committee composed of significant interested parties, with no single interest predominating, which collectively has the knowledge to vote on the introduction of a new standard or revise an existing standard.

3.9 Working Group: an expert committee composed of significant interested parties, with no single interest predominating, which collectively has sufficient technical understanding to establish and develop a new standard or revise an existing standard.

4. Proposing a new standard development project

4.1. NSDO receives a request from a proposing entity to develop a standard(s) or it identifies a specific need for a standard. Normally the proposal will be accepted by NSDO where -

- it has been sent to Standards Australia for development and this course of action has been unsuccessful, or
- it involves the preparation of a NSDO Standard or the NSDO Normative Deliverable that is complementary to NSDO's other current projects, standards and documents.

4.2. The NSDO Chief Executive Officer (CEO) assigns a Project Manager (PM) to manage the development of a new standard(s) for a specified purpose or industry sector. The PM works with NSDO's Technical Committee to develop the standard(s) for the duration of the Project.

4.3. The proposing entity, with the assistance of the PM, if required, prepares a new Standard Development Project Proposal (the Proposal) using a NSDO Standard Development Project Proposal template.

Note: This template is aligned with ABSDO's *Requirements for Accreditation of Standards Development Organisations (Part A)*.

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The purpose of the Proposal is to demonstrate and document compliance of the proposed Standard(s) with ABSDO's *Requirements for Accreditation of Standards Development Organisations (Part A)* as the ABSDO requirements give valid national interest reasons for developing standards. This also facilitates those cases where the proposing entity wants the NSDO Standard to become an Australian Standard® and therefore would assist with registering the Standard Development Project with the (Standards Australia) National Standards Office (NSO).

Specified criteria in the Proposal include the following -

- Suggested title and scope of the standard(s),
- Need for the proposed standard(s),
- Broad base of support for the development, including names and contact details for likely interested parties,
- Values, benefits and potential or actual impacts of implementing the standard(s),
- Estimated costs required to implement and comply with the proposed standard(s),
- Whether the standard(s) is intended to be either prescriptive or performance-based and how this is appropriate for the objectives of the standard(s),
- Whether or not the proposed standard(s) would create a restraint of trade or inhibit innovation,
- Relationship between the proposed standard(s) and the national interest and/or the public benefit as to whether the proposed standard(s) -
 - supports innovation, trade and economic benefit
 - advances health, safety and wellbeing of the community
 - protects the natural environment
 - effects international competitiveness, and
 - takes account of the most widely used technology,
- Legislative implications,
- Relationship with existing standards (if any), NSDO Standards or other criteria,
- Whether the proposed standard(s) would create duplication, and if so, justification for apparent duplication,
- If the intention is to progress the standard(s) to become an Australian Standard®, or whether the proposed standard(s) is within NSDO's scope of accreditation,
- Provision of a reasonable framework in accordance with a Standard Development Project Plan,
- Existence of potential content for the proposed standard(s) that can be adopted (in full or in part) from an industry draft or other national, regional or international standard.

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When considering the adoption or adaption of other national and/or regional standards as NSDO Standards, reasonable attempts to achieve harmonisation should be sought and, where this is not possible, reasons for deviation should be documented.

4.4. When considering the adoption or adaption of international standards as NSDO Standards, new and revised standards should be based on international standards to the maximum extent feasible and use the World Trade Organisation (WTO) *Agreement on Technical Barriers to Trade* (TBT Agreement) as a benchmark. It should align with Standards Australia's *Policy Guide on Adoption of International Standards* that forms one of the bases for the Memorandum of Understanding between the Australian Government and Standards Australia.

Note: This MOU provides a mechanism to ensure that the Australian Government implements its obligations as a signatory to the TBT Agreement, if they affect standards that might be referenced in technical regulations. Any differences from international standards shall be identified in accordance with ISO/IEC Guide 21.

4.5. Send the Proposal to the NSDO CEO for reviewing and forwarding for approval by NSDO's Standards Development Committee (SDC).

5. Reviewing project proposals

5.1. The NSDO CEO reviews the Proposal against the needs of the interested parties, especially stakeholders in the same group as the proposing entity. The CEO also considers NSDO's internal capabilities before formally deciding to proceed and commit resources to develop the standard(s). In reviewing the Proposal, the NSDO CEO considers -

- whether the proposal is in accordance with NSDOs' constitution,
- whether there is another standards development body developing a similar standard and if so, whether it would be in the national interest for that body, (e.g. Standards Australia) to develop the proposed standard(s),
- the agreement of NSDO's Technical Committee to develop the standard, or availability of members willing to form a new technical working group,
- the suitability for, and agreement of, an existing NSDO working group to develop the standard, or availability of members willing to form a new working group,
- the resources and workload implications for NSDO, and whether resources are to be provided by the proposing entity, and,
- whether a new working group needs to be formed.

5.2. The CEO documents the outcome of the review and suggests a priority (e.g. do not proceed, low, medium, high). NSDO's CEO informs the PM of the review's outcome.

5.3. Having first referred the Proposal to the SDC, the NSDO CEO may refuse to accept a proposal where insufficient or conflicting information is provided. After further work by the proposing entity, it may make another application for its proposal.

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6. Standards Development Project Plan

6.1. When the Proposal is approved, the PM develops the Standards Development Project Plan that describes -

- objectives of the standard(s)
- specific Nominating Bodies and, where possible, a limited number of individual experts to take part in the development of the standard(s)
- which standards development process is to be followed
- anticipated timeframe for completion of the proposed standard(s) and how this meets the needs and expectations of the specific user group, industry, government and the community; and
- dependencies that may affect a timely completion of the standard.

7. Registration of new Standard Development Project

7.1. Where a new standard(s) is proposed as a joint Australian Standard®/NSDO Standard, NSDO sends a Project Notification, together with the new Standard Development Project Proposal to the National Standards Office (NSO) of Standards Australia for New Project Registration.

7.2. Each Standard Development Project Proposal is recorded as a unique electronic folder in the NSDO Secretariat's database.

8. Consultation

8.1. The PM implements strategies to consult with major stakeholders and interested parties of the specified industry relevant to the Proposal.

8.2. NSDO's consultation objectives are to -

- seek input into, and feedback about, the Proposal and
- gain broad support from relevant industries for development of the standard(s).

8.3. Strategies for consultation could include the following:

- Organising face-to-face consultation workshop(s) where NSDO presents the draft Standard Development Project Proposal to major stakeholders and interested parties for discussion and input
- Publishing the draft Standard Development Project Proposal on NSDO's website to seek comment from the public, and
- Distribution of the draft Standard Development Project Proposal to major stakeholders and interested parties for comment.

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8.4. NSDO invites relevant nominating bodies to send expressions of interest (EOIs) to participate in the Standard's working group or NSDO's Technical Committee.

8.5. The PM collates and reviews feedback and comments received. The Proposal is reviewed and fine-tuned to take into account the data collected from consultations.

8.6. The PM sends the Final Standard Development Project Proposal to NSDO's CEO for approval to proceed.

9. Decision to proceed

9.1. The NSDO CEO approves the Final Standards Development Project Proposal to proceed.

9.2. The PM makes the final Standard Development Project Proposal public by -

- arranging publication on NSDO's website for public information and comment, allowing at least 20 working days for feedback; and
- distributes the Proposal to major stakeholders and interested parties for information and further comment.

9.3. If the decision were **not to proceed**, there would be no further action in this procedure. However, the Proposing Entity may make a complaint or lodge an appeal. Refer to Procedure NSDO PR-11.

9.4. If there is a suitable existing and active NSDO working group, or if it is straightforward to reconvene a relevant inactive group, the PM gives the proposal and supporting information to the working group for review. The PM and MD decide whether the working group has the capability to conduct development of the new standard(s). Refer to Clause 10.

9.5. If there is no suitable working group, the Project Manager forms a new working group to develop the new standard(s). Refer to Clause 11.

10. Using an existing working group

10.1. An existing working group that is suitable to develop a new standard(s) may be active or inactive.

10.2. If Active, the PM reviews the working group's terms of reference (TOR) with its members, modifying the TOR as required to cover the new scope of work and ensures that balanced representation is maintained in accordance with the following criteria:

- No one interested party may have disproportionate representation or exercise undue influence,
- No relevant interest party with a bona fide desire to participate, is excluded,

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- Credible attempts are made to involve significant interested parties and, as far as reasonably practicable, to achieve meaningful engagement. As a minimum, NSDO informs these parties about the standards development activity and takes pro-active steps to encourage their involvement. Where a major industry sector or relevant professional association does not accept the invitation to participate, NSDO determines whether the obstacle is due to a lack of -
 - resources
 - interest in the subject
 - confidence in the structural or procedural aspects of the process, and
 - if one of these issues were the obstacle, NSDO would make reasonable efforts to address the obstacle.
- Categories relevant to the standard(s), (e.g. 'producer', 'user') are defined clearly and are balanced between the interested parties and made available on request,
- Changes to the composition of NSDO's Technical Committee are recorded, including the rationale for the change, and these changes are made available for audit.

10.3. If Inactive, the PM confirms whether there is continued involvement available and sufficient representation of interested Nominating Bodies to form a working group.

10.4. If an inactive working group is not suitable because it has become permanently inactive and if NSDO's CEO and the SDC decide to develop the standard(s), then the PM forms a new working group.

11. Forming a new working group

11.1. The PM drafts the Terms of Reference (TOR) for the new working group to give it direction for the new standards development project, while allowing some flexibility.

The draft Terms of Reference ensures that the working group -

- has objectives (e.g. to develop and review standards)
- is responsible for the technical content of the standard(s) it develops or reviews
- supports the use of the standard(s) that it develops and approves
- if requested, clarifies or interprets technical content of the standard(s) that it develops and approves
- reviews its membership and Terms of Reference at least annually to ensure that the TOR remain appropriate, and
- aligns with relevant responsibilities in Procedure NSDO PR-07.

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11.2. The PM distributes draft Terms of Reference (TOR) for comment by major stakeholders, interested parties and parties who make an expression of interest to participate on the working group. NSDO seeks representatives of major stakeholders and interested parties to participate on a new working group. The draft TOR is made available publically on NSDO's website.

11.3. Taking into account recommendations of the working group and/or the NSDO SDC, the NSDO CEO appoints an independent Convener for the working group. Unless specifically recommended by the SDC or the working group, an independent Convener cannot be a NSDO staff member or contractor.

11.4. A new working group confirms (and may modify) its TOR at its first meeting.

11.5. The PM arranges for publication of a new working group's membership and TOR on NSDO's website, seeking public comment and allowing at least 20 working days for feedback.

11.6. Stakeholders and interested parties that are not represented on the working group may apply to join. The working group considers them for inclusion. The PM, in conjunction with the NSDO CEO and the Convener, may set a limit on the number of members on the working group, especially independent expert members, in order to maintain balanced representation and a workable size.

11.7. The PM, in conjunction with the NSDO CEO and the Convener, ensures that the working group reviews its TOR and membership at least annually. The TOR may be updated and membership adjusted to maintain adequate expertise and balance.

12. Working Groups

12.1. NSDO's Technical Committee may establish a working group to resolve major issues, and to deal with specific or contentious issues, as they arise while developing or revising a standard(s).

12.2. Working groups operate under the direction of, and report to, NSDO's Technical Committee, assisted by the PM. The agreed TOR may be formal or informal. Usually a working group is established for the period while the issue(s) it is dealing with exists.

12.3. Members are chosen for their specific technical expertise for the task. NSDO's Technical Committee may invite specialists from outside the working group to join an existing working group. A reasonable balance of interests should be maintained. Unless otherwise decided by NSDO's Technical Committee, working groups are supervised by a Convener appointed by NSDO's Technical Committee.

13. Technical process

13.1 The PM and Chair of NSDO's Technical Committee work in consultation to establish goals and deadlines for each project.

13.2 NSDO's Technical Committee delegates the development or revision of a standard(s) to a relevant working group. Progress is via a series of meetings and internal

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drafts, leading to a draft that is suitable for relevant industries to make public comment. The PM assists the working group with preparation of the first draft of the standard(s), subsequent editing and redrafting, until the final draft stage. Ultimately, a final draft is published.

13.3 The PM arranges for minutes of each face-to-face meeting and teleconference of a working group to be recorded. The PM normally distributes minutes 10 days after the meeting or teleconference. The minutes record at least:

- attendance, apologies, absences and any changes in membership;
- coverage of major agenda items (a formal agenda is optional)
- disagreements on technical issues which cannot be resolved at the time
- actions, responsibilities and deadlines to resolve key differences and/or progress development of the standard(s)
- items that members ask to be included in the minutes, and
- each consensus decision on important issues.

13.4 Unless an objection is made within 5 working days of receipt of the minutes by working group members, the PM proceeds with action based on the distributed minutes. Nonetheless, minutes need not be confirmed and signed by the Convener until the following meeting or teleconference.

13.5 Once consensus is reached by the working group the PM distributes the draft of a standard(s), usually by e-mail, to NSDO's Technical Committee members for comments (via a template). If members choose not to respond with comments within a prescribed timeframe, the nil response is regarded as acceptance of the draft. If time permits within the comment period, the PM distributes individual members' comments to other members for information and response.

13.6 The PM redrafts the standard(s) to 'best fit' comments, indicating where changes have been made. The PM has the authority to reject requested changes with reasons such as pending further discussion with the concerned member, or advice from the Technical Committee as a whole. The subsequent output is a next draft and a document summarising NSDO's Technical Committee members' comments and disposition of comments.

13.7 The PM does not keep minutes of email consultations, but documents relevant email comments and disposition of comments on NSDO's database. Where significant, file notes and records of emails may document verbal discussions of technical issues.

14. Draft for public comment

14.1 NSDO's Technical Committee decides when a draft standard(s) has advanced sufficiently for publication to seek public comment.

14.2 The PM posts the final draft standard(s) on the NSDO website, asking for comment from the public, and allows 60 days for comment. In addition, NSDO distributes the final draft standard(s) to major interested parties for information and their comments.

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Note: 60 days aligns with requirements of the Office of Legislative Drafting, especially where the standard(s) may be referred to in legislation.

14.3 NSDO may publish advice that the draft is available via other media including trade journals and peak association's publications, according to recommendations from the Technical Committee and with approval of the NSDO CEO.

15. Development of Ballot Draft and Committee Ballot

15.1 The PM collates public comments, summarising them where necessary, and puts technical comments to NSDO's Technical Committee for review and consideration including advice on the disposition. This may require the holding of one or more committee meetings or it may be dealt with out-of-session (e.g. by email). The Technical Committee has the authority to reject technical comments (with reasons). Editorial comments are taken into account by the PM when developing the pre-Ballot Draft. The PM ensures that the disposition of each public comment is recorded on NSDO's database.

15.2 The PM amends the pre-Ballot Draft in accordance with the NSDO Technical Committee's advice. The output is normally a Ballot Draft of the Standard(s) for the Technical Committee's approval. The PM then circulates the Ballot Draft with a voting form to members of the Technical Committee for voting (generally within 10 working days). Committee members are given the option of voting in one of the following ways:

- AFFIRMATIVE, with or without editorial comment
- NEGATIVE, with technical reasons and comment

While not encouraged, it is recognised that abstentions and failures to vote can occur. Generally, such cases may be an indication of 'no objection' to publication of the Standard(s). A negative vote without valid technical reasons is considered as if it is a failure to vote.

If necessary, the Technical Committee Chair and PM may negotiate with members who cast a negative vote or fail to vote, to determine if further action may be taken to address the technical comment. In difficult cases, a second Ballot may be held, or consultation with the SDC may be warranted. The PM then develops a final draft of the Standard(s) for publication.

16. Committee approval for publication

16.1 NSDO's Technical Committee makes decisions by consensus to ensure that the resulting final version of a Standard(s) is acceptable to the interested parties that are represented on that committee. This includes members' agreement on the final version so it can be published. Consensus is considered to have been achieved at the Postal Ballot when all of the major interests involved with the subject of the Standard(s) have collectively accepted the content of the document and have voted affirmatively. Normally this implies a unanimous affirmative vote, but occasionally consensus is achieved with one or more negative votes.

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16.2 In approving the final version of the Standard(s), the PM ensures that the Technical Committee has agreed on a publication date and if possible an implementation date. These may be the same, or differ where a transition period is required for organisations to comply with the Standard(s). Where legislation is required to implement a Standard(s), the implementation date is outside the control of NSDO's Technical Committee.

16.3 The PM requests the Technical Committee to nominate a date to revise the implemented published standard (normally <10 years from date of publication) and updates the database of Standards and revision dates.

16.4 The PM documents members' agreement to the final version of the Standard(s) on the database and makes relevant files available to the NSDO MD for distribution to the NSDO SDC so it can formally approve the final version of the Standard(s) for publication.

17. Committee Disagreement

17.1 Some Technical Committee members may not agree with the final version of the Standard(s), raising doubt as to whether consensus has been achieved. If a consensus of the Technical Committee is in dispute, it may be deemed to have been achieved where -

- a minimum two thirds (66.6%) of those eligible to, have voted affirmatively, and
- a minimum 80% of votes received are affirmative, and no major interest involved with the subject of the Standard(s) has collectively maintained a negative vote.

NSDO's Technical Committee, if required, may seek assistance from the CEO (who may in turn involve the SDC) to consider the following issues and check for consensus -

- disagreements are minor or have no valid technical reasons as to why one or more members cannot vote affirmatively on the final draft of the Standard(s),
- members who vote negatively have not met their responsibilities as Technical Committee members. Refer to NSDO PR-07.

17.2 When the Technical Committee (through the NSDO CEO) makes a recommendation to the SDC on publication of a Standard(s), the recommendation may include -

- publication without full agreement (although consensus is deemed to have been achieved)
- discussion of technical obstacles with senior management of the Interested Party represented by a dissenting member
- further work on the Standard, and
- refraining from publishing the disputed Standard(s) and reconsidering the text as a lower level normative deliverable.

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18. Publication

18.1 The PM arranges for the final version of the Standard(s) to be published on the NSDO website, without changing any technical content.

18.2 NSDO advises relevant Interested Parties of the publication.

18.3 NSDO may publish the final version of the Standard(s) via other media including trade journals and peak association's publications, in accordance with recommendations from NSDO's Technical Committee and with approval of the NSDO CEO.

19. Final Process

19.1 Where a NSDO Standard(s) is **intended** to be endorsed as an Australian Standard® and if NSDO's accreditation does not permit it to give final process approval for Standard(s) developed, NSDO -

- applies to the National Standard Office (NSO) to approve the Standard(s) developed by NSDO
- prior to publication, sends an electronic version of the approved Standard to the NSO ensuring that the layout and badging of the approved Standard is formatted to comply with ABSDO's style manual
- documents its compliance with each clause in Part B of the *ABSDO Criteria*, and
- applies to NSO for it to consider the substantiating documentation.

Upon approval from the NSO, NSDO publishes the approved Standard(s).

19.2 Where a NSDO Standard(s) is **not intended** to be endorsed as an Australian Standard®, the NSDO CEO sends an electronic version of the approved Standard to the SDC for approval of the voting process in accordance with Clause 17.1.

Upon approval by the SDC, NSDO publishes the approved Standard(s).

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