



Speech by

Hon. JUDY SPENCE

MEMBER FOR MOUNT GRAVATT

Hansard 8 June 1999

TRADE MEASUREMENT AMENDMENT BILL

Hon. J. C. SPENCE (Mount Gravatt— ALP) (Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy and Minister for Fair Trading) (12.40 p.m.): I move—

"That the Bill be now read a second time."

The purpose of this Bill is to make minor or technical amendments to the Trade Measurement Act 1990, which are necessary to overcome difficulties with the administration of the legislation. The object of the legislation is to ensure the accuracy of measurements conducted in trade situations, for example where the price of goods is determined by reference to their measurement. The reforms contained in the Bill have been developed as a result of agreement between all States and Territories, except Western Australia, and are the first of two stages of amendments required.

These amendments are intended to meet the targets set by the Ministerial Council on Consumer Affairs to make trade measurement legislation throughout Australia uniform. Queensland has project management of the review, and these amendments will be used as a model by other participating States and Territories to amend their own legislation. There has been consultation on the amendments with members of the industry and with Government. The amendments impose little or no financial burden on industry. No objections to the amendments were received by the Office of Fair Trading.

The amendments contained in the Bill will contribute to the deregulation of industry by reducing over-bureaucratic requirements placed on industry whilst retaining the essential requirements of consumer protection. Some of the amendments will remove the regulatory burden of marking weights on agricultural products with consequential cost savings. Members would be aware that the Office of Fair Trading has responsibility for enforcing trade measurement legislation in Queensland. The amendments contained in the Bill will enable some flexibility in enforcement of the legislation.

What changes are being made? A new offence is created in relation to the misuse of class 4 measuring instruments. An offence will be committed when a class 4 measuring instrument is used for a purpose other than a listed purpose. This will ensure that class 4 measuring instruments will not be used for measuring goods that they are not intended to measure. Two new provisions in Part 2 of the Act will give an inspector a discretionary power to grant an owner of a measuring instrument up to 28 days to correct an instrument which does not conform with the requirements of the Act. If the discretion is exercised a person can only be prosecuted if the time allowed has expired and the instrument has not been corrected. The discretion to allow an extended period will only be exercised where the error is in favour of the consumer. If the error is to the detriment of the consumer, the trader will not be given an extended period to correct the instrument but will be required to cease using the instrument until it is repaired.

A new section 7B will require a trader who uses a measuring instrument at premises where items are prepacked to have at least one measuring instrument that is approved for use by the National Standards Commission. Breach of this provision will incur a maximum penalty of \$5,000. The amendments will also require a person who performs batch testing to be the holder of a servicing licence or the employee of a holder of a servicing licence.

A new section 44(2) will allow persons in partnership to be jointly licensed under one servicing or weighbridge licence. This amendment will reduce business costs of all partners being required to obtain an individual licence. The amendments will also allow an inspector to stop and weigh vehicles to determine the net measurement of its load. Currently, an inspector only has power to stop a vehicle but does not have the power to require a driver to allow the vehicle to be weighed. This amendment is only intended to be used to determine the weight of the load; for example, the weight of concrete being delivered to a site. It is not intended to be used to determine whether the vehicle complies with rules relating to road usage.

These amendments will ensure that the Queensland trade measurement legislation will operate more smoothly, and they are the first set of amendments to be made as a result of the national review of trade measurement legislation. Queensland, as the lead agency, is introducing legislation which will form the basis of uniform trade measurement legislation. The Bill will ensure that operational difficulties currently experienced are overcome by simple and effective methods which are cost neutral. I commend the Bill to the House.
