

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.09 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Trade Measurement Repeal Bill 2009. The purpose of this bill is to provide for the repeal of the Trade Measurement Act 1989 and the Trade Measurement Administration Act 1989 on 1 July 2010, and for the necessary transitional arrangements for the regulation of trade measurement to transfer from New South Wales to the Commonwealth. This is the result of the agreement made by the Council of Australian Governments [COAG] in April 2007 for the Commonwealth to assume full responsibility for national trade measurement from 1 July 2010. Currently, the New South Wales trade measurement legislation is subject to the Agreement for Uniform Trade Measurement Legislation and Administration, for which Queensland is the lead jurisdiction. From 1 July 2010 trade measurement will be regulated in every jurisdiction by the Commonwealth through the National Measurement Institute under the National Measurement Act 1960. This Act has been amended by the Commonwealth to include the trade measurement requirements that were provided for in the uniform legislation.

Before summarising the main provisions of the bill, I shall outline some matters to assist members with their consideration of this bill, including the aim of trade measurement, the main functions and services provided for in the New South Wales uniform legislation, and informal consultation between the jurisdictions on the development of the proposed transition bills. The aim of the New South Wales trade measurement legislation is to ensure a fair market for both traders and consumers of goods sold by measurement. Consumers should get what they paid for and traders should supply no more or less than they are paid for. The New South Wales trade measurement requirements create a level playing field for both consumers and industry, and provide them with confidence in the accuracy of measurements, reduced disputation, and protection of consumers and other market participants from fraud.

New South Wales was the first State in Australia to introduce trade measurement legislation in the form of the 1832 Weights and Measures Act. One hundred and seventy-seven years later, trade measurement continues to impact on the day-to-day lives of the consumers and businesses of New South Wales. Government inspectors and private licensees continue to check the accuracy of measuring instruments, such as the shop scales used at the corner store, petrol bowsers or beverage dispensers used at the local pub. It is estimated that in a modern national economy the annual value of goods sold by measurement is about 50 per cent of gross domestic product [GDP]. For the 2007-08 year this represented about \$172 billion of New South Wales gross State product, which is equivalent to the gross domestic product measure, according to the Australian Bureau of Statistics.

The current New South Wales uniform legislation makes arrangements for the approval and use of measuring instruments for trade; labelling and measurement requirements for pre-packaged products, for example, those in supermarkets or hardware stores; requirements for the sale of goods by measurement, for instance, requirements for the sale of firewood by volume; licensing public weighbridges and the businesses that certify, service and repair measuring instruments used for trade; offences, penalties and government inspectors who check that the trade measurement requirements are complied with; the maintenance and verification of the reference standards of measurement, for example, length, weight and volume held by New South Wales Fair Trading; and the use of those reference standards to check the measurement standards used by the inspectors, certifiers and industry.

I advise members of the House that arrangements have been made to ensure that trade measurement services in New South Wales will be maintained after the transfer to the Commonwealth national system. As part of the Council of Australian Governments' April 2007 agreement the Commonwealth made a commitment to ensure the maintenance of existing service standards under the new national system. The Commonwealth has worked with representatives from all jurisdictions to develop an agreed set of indicators and statistics to monitor service levels before and after the transition date to ensure that high-level services are maintained. The Commonwealth's trade measurement legislation is ready for the commencement of Commonwealth administration on 1 July 2010. This means the Commonwealth now has the legal capacity to provide the service continuity to all jurisdictions from that date.

The Commonwealth legislation also deals with certain transitional issues under schedule 2 of the Commonwealth's National Measurement Amendment Act. This will allow for continuity in the transition from New South Wales and other jurisdictions to the Commonwealth national system. For example, part 3 of that schedule enables the Commonwealth to recognise verification marks made by an inspector or servicing licensee, under the New South Wales uniform legislation, on a measuring instrument before the transition date. With this background in place, I now outline the main provisions of the bill.

In dealing with the transition arrangements for the New South Wales uniform legislation, the provisions of the bill aim to achieve five outcomes. The bill provides for the repeal of the New South Wales legislation, as the Commonwealth trade measurement legislation will replace it. The bill deals with continuing matters and offences. These are matters that have arisen under the administration of the New South Wales legislation, before the commencement of the Commonwealth legislation, and are required to be dealt with under the New South Wales legislation. The bill includes a definition of "continuing matters", which covers penalty notices, disciplinary action against licensees, a person's right of appeal to the Administrative Decisions Tribunal for the review of a decision made by the licensing authority, anything seized under the legislation, such as a measuring instrument or pre-packaged product, and fees or charges or issuing of a search warrant in relation to an investigation of an alleged offence under the legislation.

The bill makes arrangements for the disclosure or provision of information to the Commonwealth in relation to a "continuing matter" or other matter in connection with the administration of the New South Wales legislation. The bill provides for consequential amendments to other legislation arising from the repeal of the New South Wales legislation. The bill proposes some minor amendments to section 9A of the Fair Trading Act, which deals with arrangements for information sharing between agencies. These amendments aim to ensure the section 9A arrangements can be used to facilitate information sharing between agencies under the Council of Australian Governments national reforms, which involve New South Wales Fair Trading, such as the national trade measurement reforms.

The Commonwealth has indicated that it regards this information transfer and other transitional arrangements as critical to the establishment of the Commonwealth national system. The Commonwealth has requested that States and Territories provide this information by March 2010 in order for systems to be put in place for the commencement and operation of their legislation on 1 July. The amendments to the Fair Trading Act would allow the necessary information to be provided to the Commonwealth in time to ensure the continuity of the trade measurement regulation in New South Wales. I remind members also that any information provided to the Commonwealth would be subject to confidentiality and the Commonwealth privacy laws. While the bill will commence when the Commonwealth legislation starts on 1 July 2010, the provisions, which relate to information disclosure and supply arrangements, and the section 9A amendments will commence on the date of assent to assist the Commonwealth system set-up.

Finally, I acknowledge the trade measurement services that have been provided to New South Wales by the staff of the Measurement and Technical Branch of New South Wales Fair Trading, together with the regional inspectors and all other officers in Fair Trading who have assisted with the regulation of trade measurement and its transfer to the Commonwealth. Their work continues a fine tradition of government officials delivering these services, dating back to the First Fleet. I add that in 2008 the Fair Trading Measurement Standards Laboratory was accredited by the National Association of Testing Authorities, which accreditation is recognised internationally. The laboratory's functions include the maintenance of the measurement standards for New South Wales and ensuring the accuracy of the standards used by inspectors and licensees when checking measuring instruments such as shop scales.

The Commonwealth has also recognised that the technical expertise and experience of trade measurement staff in New South Wales and the other jurisdictions is crucial to the successful operation of the new national system. It is for that reason that the Commonwealth has provided an offer of employment to all existing trade measurement staff in all the jurisdictions to transfer to the National Measurement Institute to help maintain the continuity of services. The bill before the House is part of the legislative arrangements that will facilitate the move to the new national system and a continuity of trade measurement services for consumers, businesses and government in New South Wales. I commend the bill to the House.