

National Measurement Amendment Bill 2013

Introduced into the House of Representatives on 20 March 2013

Portfolio: Industry and Innovation

Overview

1.74 This bill seeks to amend the *National Measurement Act 1960* for the stated intention of correcting deficiencies that have been identified in the first two years of operation of the national trade measurement system. In particular, the bill:

- gives trade measurement inspectors a discretion to allow the continued use of measuring instruments for trade or the continued sale of packaged goods where there is a minor technical infringement but no material detriment to any affected person (by giving a notice to remedy);
- enables trade measurement inspectors to enter public areas of business premises during business hours to purchase goods and collect information without having to identify themselves as an inspector;
- gives inspectors the power to give directions to the controller of a business vehicle that is being inspected, including directions to move or drive the vehicle to a specified place, remain in or leave the vehicle or unload or reload the vehicle;
- introduces new offences for those not complying with the new powers and amends existing offences relating to the use and repair of measuring instruments.

Compatibility with human rights

1.75 The bill is accompanied by a detailed eight-page statement of compatibility that states that the bill engages the right to freedom of movement, the right to liberty, the right to privacy and the right to the presumption of innocence.¹ It concludes that the bill is compatible with human rights 'as to the extent that it limits human rights these limitations are reasonable, necessary and proportionate.'

1.76 The committee considers that the statement of compatibility adequately addresses the issues raised in it and provides sufficient justifications for any proposed limitations. The committee considers that any limitation on the right to freedom of movement, by directing a controller of a business vehicle that is to be inspected to move or keep the vehicle in a specified place, is a minor limitation on the right to freedom of movement and has been fully justified in the statement of

1 Articles 12, 9, 17 and 14 of the International Covenant on Civil and Political Rights.

compatibility. The committee does not consider that these provisions give rise to any concerns with the right to liberty.

1.77 The committee also considers that the strict liability offences and reversal of the burden of proof introduced by the bill have been adequately explained and justified in the statement of compatibility.

1.78 The committee considers that the bill does not appear to give rise to human rights concerns.