



1 June 2021

Bill Loizides
General Manager
Legal Metrology
National Measurement Institute
By email: Bill.Loizides@measurement.gov.au

Dear Bill,

Consultation on National Measurement Law Review

The Australian Hotels Association welcomes the opportunity to continue to contribute to the National Measurement Law Review. Our members are directly affected as traders of products captured by the National Measurements systems and indirectly affected but directly accountable as purchasers and users of batch approved vessels, jiggers and electronic dispensers that are also captured by the National Measurements framework.

Measurement Law Review

The Measurement Law Review is identifying aspects of Australia's measurement framework that can be modernised, streamlined or simplified.

Review objectives

In considering Australia's measurement framework, the review has 4 objectives:

1. developing and advancing measurement activities that support Australia and its economy
2. strengthening strategic measurement capabilities
3. supporting confidence in measurement—domestically and internationally
4. promoting innovation through a modern approach to measurement infrastructure.

Terms of Reference

The Department of Industry, Innovation and Science (the department) is to undertake a comprehensive thematic review of the legislative framework underpinning Australia's national measurement system. The department is to review the National Measurement Act 1960 (Cth) to ensure the legislative framework must be fit for purpose for current and future opportunities or challenges. It should facilitate innovation and competition, reduce any business uncertainty and transaction costs, and position the regulator to undertake appropriate risk-based enforcement activity.

AHA Comments

The AHA understands the review is to cover the Act, and all subordinate instruments made under the Act. The AHA supports the scope of the review in the context of reducing any business uncertainty and transaction costs. In particular to:

- minimum effective regulation models that could lessen government intervention
- using principles-based legislation to minimise regulatory burden on business
- pathways to support a transparent, proportionate, flexible and risk-based approach to regulation, and
- ensuring that Australia's measurement legislation promotes confidence in Australia's measurement system.

AHA key areas of interest and points

As this review progresses, our key areas of interest include:

- any significant changes to user fees and cost recovery initiatives that have downstream negative cost impacts on our member businesses
- any changes to the scope of transactions based on measurement that include cider or additional liquor and liqueur products
- any changes that would see the inclusion of periodic verification of automatic spirit dispensers
- any changes to compliance and enforcement policies and procedures that moves away from a focus on education and working with businesses at first instance to understand their obligations to a system of heavy-handed enforcement
- consideration of consumer consent for product presentation and service norms, for example, shandy beer (includes lemonade) and alcoholic ginger beer (may include ice and garnish). Consumer consent provides the option to accept the default service product and/or be able to request ice on the side.

The Act has been in force for over 60 years, with beer and certain prescribed spirits required to be sold by reference to measurement:

5.1 Beer, spirits etc must be sold by reference to volume

- (1) *For a sale of each of the following items, the item must be sold at a price determined by reference to volume:*
 - (a) beer;
 - (b) stout;
 - (c) ale;
 - (d) brandy (including armagnac and cognac);
 - (e) gin;
 - (f) rum;
 - (g) vodka;
 - (h) whisky (including whiskey).

Alcoholic ginger beer and other products

The AHA acknowledges alcoholic ginger beer as a product which can be classified as beer. The advice to members is that this product is intended to be served with ice and a lime fruit garnish. Consumer consent provides the option to accept this default service product or be able to request no ice or garnish, or ice and/or garnish on the side.

The AHA does not support the inclusion of volumetric labels on wine glasses into the national measurements system requirements, nor do we support the inclusion of Cider.

The AHA is not supportive of expanding the regulations to include:

- spirits when they are mixed with other spirits or with other alcoholic liquors to produce cocktails
- to any liqueurs
- to any brandy not made from grapes such as cherry brandy or plum brandy which are liqueurs.

The AHA supports the current situation whereby there are no verification periods for alcohol dispensers. It is the responsibility of a person who sells alcohol to determine how regularly their alcohol dispensers should be verified. Any move in this space would add direct costs onto our businesses.

Conclusion

The industry strongly supports the objects of the Act specifically the establishment of a national system of units and standards of measurement of physical quantities; and for the uniform use of those uniform units and standards of measurement throughout Australia. It is the view of the AHA that the scope of the current legislation as it pertains to our membership and their industry sectors is sufficiently broad and fit for purpose.

The AHA supports a compliance framework that seeks to increase awareness and education within the hospitality sector to the requirements. To that end we support an inspection regime that is respectful, informative and provides our members with an opportunity to improve their practices should any unintentional breaches occur without taking a heavy-handed approach.

The AHA strongly supports the Responsible Service of Alcohol within our venues and to achieve this we understand that the correct and accurate measurement of alcohol dispensation is critical. Through correct measurement practices both the venue and the consumer can have confidence in the number of standard drinks being consumed and responsible service is greatly assisted.

The AHA welcomes the continuing opportunity to provide input into the Measurement Law Review and welcomes further consultation during and upon completion of the review to consider any recommendations.

Yours faithfully



STEPHEN FERGUSON
NATIONAL CEO