

Consumer Credit and Trade Measurement Amendment Bill 2006

Explanatory Notes

General Outline

Short Title

The short title of the Bill is the *Consumer Credit and Trade Measurement Amendment Bill 2006*.

Policy Objectives of the Bill

Credit amendments

The uniform Consumer Credit Code (the Code) is part of a uniform national legislative scheme which applies to most consumer credit products. It is an appendix to the *Consumer Credit (Queensland) Act 1994*, which governs the provision of credit to consumers where its purpose is for personal, domestic or household purposes. The Code sets out rules to govern the transactional aspects of consumer credit business and provides remedies and penalties when those rules are not followed.

The national structure of the Code utilises a template which is held by Queensland. Under the Uniform Consumer Credit Laws Agreement 1993, any amendments to the Code must be made to the Queensland template legislation.

The Code is administered through the Uniform Consumer Credit Code Management Committee (UCCC Management Committee), a national group with representatives from all States and Territories, which reports to the Standing Committee of Officials of Consumer Affairs (SCOCA) and the Ministerial Council on Consumer Affairs (MCCA).

The objectives of the Bill in relation to credit matters are to:

- facilitate the application of the electronic transactions legislation in each State and Territory to the Code;

- ensure that consumer protection is not diminished as a result of a debtor transacting in an electronic environment; and
- extend the sunset clause in relation to the mandatory comparison rate regime in the Code by 1 year to enable a review of that regime to be completed.

Trade Measurement amendments

Trade measurement is an essential component of business infrastructure. It provides a basis for determining value and fair exchange of most goods traded in business transactions throughout the production and supply chain. Trade measurement standards adopted into legislation enable industry to compete on an equitable basis and facilitate fair trading and consumer confidence.

The Queensland *Trade Measurement Act 1990* (the TM Act) is part of a national Uniform Trade Measurement Legislation (UTML) scheme which regulates trade measurement in Australia. Under this national scheme, amendments to the TM Act are made by Queensland and then “mirrored” by the other States and Territories in their equivalent legislation.

The MCCA has established the Trade Measurement Advisory Committee (TMAC) to review the effectiveness and efficiency of the UTML in providing contemporary standards which meet the needs of the marketplace (the MCCA review). The key policy objective of the Bill is to implement recommendations following that review.

The objectives of the Bill in relation to trade measurement matters are to:

- clarify the intention of the legislation that a packer is also liable for short measure;
- prescribe how firewood will be measured when it is sold by volume;
- enable the legislation to address a partnership holding a weighbridge licence; and
- replace the "certificate of suitability" (as a public weighbridge) requirement with a suitability statement on the licence.

Reasons for the Bill

Credit amendments

E-commerce

In the Post Implementation Review of the Code (PIR Review) finalised in 1999, the MCCA recommended the application of the electronic transactions legislation, which at that time was limited to the *Electronic Transactions Act 1999 (Cwth)*, to the Code.

Since then, electronic transactions legislation has been enacted in all States and Territories to mirror the Commonwealth legislation. In Queensland, this legislation is the *Electronic Transactions (Queensland) Act 2001*. The objective of this legislation is to facilitate the use of electronic transactions and promote business and community confidence in the use of electronic transactions.

The application of electronic transactions legislation to the Code is currently uncertain and there are differing views about the extent to which the Code, the nationally uniform electronic transactions legislation and the general law permit the use of electronic communications for credit transactions, dealings and statutory requirements governed by the Code. In addition, a number of States have specifically exempted the Code from their respective electronic transactions legislation due to this uncertainty.

The purpose of the proposed amendments is to facilitate the application of electronic transactions legislation to the Code whilst ensuring that consumer protection is maintained in an electronic environment.

Mandatory comparison rates

On 1 July 2003, mandatory comparison rates (MCR) became compulsory for all fixed term consumer credit. Broadly, the MCR scheme requires:

- all credit advertisements that contain an annual percentage rate to quote a comparison rate; and
- credit providers, “linked providers” and finance brokers to supply consumers with schedules of comparison rates.

The MCCA made a commitment that the MCR provisions would be subject to a three year sunset clause, with a review prior to the sunset date. Pursuant to section 146D of the Code, the MCR provisions will sunset on 30 June 2006.

In October 2004, the SCOCA gave approval to the UCCC Management Committee to proceed with a review of the MCR scheme by an

independent consultant (MCR review). The MCR review must follow the Council of Australian Government *Principles and Guidelines for National Standard Setting and Regulatory Action by Ministerial Councils and Standard-setting Bodies* to the satisfaction of the Office of Regulation Review. The MCR review consists of a two stage process, the first being the public release of a consultation paper followed by the drafting of a 'Decision Making' Regulatory Impact Statement (RIS).

The projected timeframe for the MCR review initially scheduled completion of consultation as 30 September 2005 with the RIS to be provided to the SCOCA/MCCA in January 2006. Due to delay in the consultation phase, the estimated completion date for the MCR review is now such that the SCOCA and MCCA will not receive, and have time to consider, the final report before the sunset date - 30 June 2006.

It is therefore necessary to extend the sunset clause by 1 year to enable the review to be finalised and its recommendations to be considered.

Trade Measurement amendments

The MCCA review of the UTML has recommended a number of amendments and the Bill will facilitate their adoption into the Act. Once the Bill has been passed by the Queensland Parliament, it would be used as the model by the other States and Territories participating in the UTML scheme to amend their own legislation.

Achieving the Objectives

Credit amendments

The aim of the Bill is to ensure that the wording of the Code permits electronic credit transactions, such as issuing contracts and providing notifications. The generic electronic transactions legislation, which has been enacted by all States and Territories, will be the primary medium by which this will be achieved. The Bill will facilitate the application of electronic transactions legislation to the Code by:

- confirming the application of each jurisdiction's electronic transactions legislation to the Code;
- standardising current provisions that make incomplete and inconsistent reference to electronic communications in the Code; and
- removing provisions that would not permit electronic communications.

The Bill will ensure that consumers of credit are protected in an electronic environment by:

- ensuring that the protections available under the Code are not compromised for consumers transacting in an electronic environment;
- preventing the rules that govern the receipt and attribution of electronic communications under general electronic transactions legislation to be altered by agreement to reflect the increased risk to consumers; and
- allowing some transactions, documents or information to be excluded from being electronically communicated in the interests of consumers.

The extension of the sunset clause in relation to the mandatory comparison rate regime can only occur by amending the Code.

Trade Measurement amendments

The Bill contains a number of amendments to the TM Act as well as minor amendments to the *Trade Measurement Administration Act 1990* which is also administered by the Department. The amendments are required to implement the recommendations from the MCCA review which will ensure that these Acts continue to operate in the manner intended.

Administrative Costs

Any financial impact from the development and implementation of activities or initiatives in the Bill will be met from the Department's existing budget allocations.

Fundamental Legislative Principles

It may be considered that the proposed new section 164A(3) of the Code infringes Fundamental Legislative Principles, in particular that it may be regarded as what is generally referred to as a “Henry VIII” clause.

The proposed new section will allow a regulation to exempt a specified transaction, document or information, or specified class of transaction, document or information from being provided electronically.

The exemption is placed in the regulation as a safety net provision offering additional consumer protection. Electronic communication and transacting is still developing. At this point in time, the proposed regulation would

exempt such material as a notice setting out particulars of the change in the terms of the credit contract under section 56(1)(a) of the Code; a default notice under sections 80(1) and (2) of the Code; a notice of intention to repossess under section 156(1) of the Code; and instruments on which duty is only charged if they are in hard copy.

As consumers become more sophisticated in the use of electronic communication and transacting, it is anticipated that the provisions could be removed. The provisions relating to duty are likely to be subject to change in the future. Therefore, the exemption is somewhat in the nature of a transitional provision. It is difficult to predict the time when the provisions may not be necessary and therefore to provide for “sunsetting” of the regulation making ability. It will, of course, be subject to the usual 10 year sunset rule for all regulations.

In addition, the Code is part of a nationally uniform scheme. It can take a significant period of time to gain formal agreement of all jurisdictions due to State/Territory and national procedural requirements. It may be necessary to extend the list described above where consumer detriment is identified and to minimize the detriment, amendment of the regulation, rather than the Code itself, would be the quicker option in the national context.

It should be noted that there was public consultation on the draft Bill and the draft Regulation. The only comment in relation to this issue was regarding guarantees, as a result of which the provision was made more specific.

Consultation

Community

Credit amendments

E-commerce

Extensive consultation was undertaken at a national level with industry and community groups during the initial developmental process of the Code. In developing the PIR Review of the Code, input was received from a Technical Reference Group comprising business, consumer, legal and academic experts in relation to the market, legal, financial and consumer impacts of the Code.

Following approval by the MCCA of the recommendations of the PIR Review, the UCCC Management Committee commenced drafting of the amendments. The UCCC Management Committee was assisted in this process by a reference group comprising specialists in the Code as well as electronic transactions regulation.

In July 2004, the MCCA approved the release of the e-commerce consultation package (Consultation Package) to go out to public consultation. The Consultation Package consisted of consultation drafts of the Bill and Regulations prepared by the Office of the Victorian Parliamentary Counsel, together with an explanatory paper.

The Consultation Package was released on 23 July 2004 and submissions closed on 3 September 2004. Submissions were received from industry representatives, consumer advocates, legal academics, law societies, legal firms and financial counselors.

As foreshadowed during the consultation process, the national Code website (www.creditcode.gov.au) was updated in December 2004 to advise stakeholders (by e-mailed link) of the proposed changes to the consultation draft of the Bill and Regulations as a result of the submissions. No responses were received from stakeholders about the proposed changes.

Mandatory comparison rates

The proposed extension of the regime was specifically raised with stakeholders at the recent 15th Annual Credit Law Conference in 2005 where it appeared to be accepted as the most viable solution. Stakeholders are aware of the MCR review and should understand that it is necessary to allow time for consultation as well as consideration of the review.

To ensure that stakeholders, particularly credit providers were advised of the amendment in the Bill extending the sunset clause, the UCCC Management Committee posted information on the national Code website and advised stakeholders (by email with a link to the website).

Trade Measurement amendments

Community consultation has been undertaken through the release of issue specific consultation papers and through direct discussions with industry representatives. Stakeholders either support the proposed amendments or have no concerns with them.

Government

Credit amendments

All Queensland Government Departments have been consulted on the proposed amendments including the Department of the Premier and Cabinet, Queensland Treasury, and the Business Policy Unit of the Department of State Development and Innovation. No concerns have been raised in relation to the proposed amendments.

All State revenue agencies were consulted in relation to duty impacts of the electronic transaction amendments and the proposals were amended to address their issues.

The finalised version of the Bill has received support from the State and Territory Ministers for Fair Trading and Consumer Affairs through the MCCA process.

Trade Measurement amendments

All Queensland Government Departments have been consulted on the proposed amendments including the Department of the Premier and Cabinet, Queensland Treasury, and the Business Policy Unit of the Department of State Development and Innovation. No concerns have been raised in relation to the proposed amendments.

Notes on Provisions

Part 1 Preliminary

Clause 1 sets out the short title of the Bill.

Clause 2 provides that the Bill, except for section 5, commences on a date fixed by proclamation. Section 5 commences on assent.

Part 2 Amendment Of Consumer Credit Code

Clause 3 provides that the Act amends the *Consumer Credit Code*, an appendix to the *Consumer Credit (Queensland) Act 1994*.

Clause 4 amends section 17 of the Code so that an alteration after the contract has been made can be agreed to in writing. As a result of clause 8 below, “in writing” can be by electronic means in accordance with the laws of Queensland in relation to electronic transactions.

Clause 5 extends the sunset provision in relation to the mandatory comparison regime by one year, from 3 years to 4 years or such earlier date as is prescribed by regulation.

Clause 6 amends section sections 162(1)(a) and 162(2) to extend the legibility and language requirements to mortgages. At the Code’s inception there was a concern that mortgages were too complex to conform to legibility and language requirements. This concern is no longer regarded as valid and mortgages are now to comply with these requirements.

A new section 162(1A) is inserted to provide for the legibility and language requirements of documents transmitted by electronic communication and the requirements of section 162(1) are therefore limited to paper based transactions.

Clause 7 repeals section 163(3) of the Code as this will no longer be required as a result of the amendments in this Bill relating to electronic communication.

Clause 8 inserts a new section 164A. In general, it confirms that the uniform electronic transactions legislation applies to the Code.

Section 164A(1) confirms that credit contracts, mortgages or guarantees may be formed electronically under the electronic transactions legislation.

Section 164A(2) confirms that the general electronic transactions legislation applies to the Code. An example and note are included to direct attention to the provisions of the *Electronic Transactions Act 2001* when interpreting the Code’s provisions.

Section 164A(3) provides for regulations to be made to exempt specified transactions, documents or information from being made, given or provided by electronic communication. It is intended, for example, to

exempt certain documents which require duty to be paid on the hard copy from being formed electronically and particularly important documents for consumers such as a notice to repossess.

Clause 9 amends section 171(2)(a) to include electronic communication as a means by which credit providers can attempt to give a notice or other document.

Clauses 10(1) and 10(2) amend sections 172(1)(a)(ii) and (b)(ii) of the Code to require consent to be provided in accordance with section 172(1A) before notice can be given by electronic communication.

Clause 10(3) inserts a new subsection (1A) to provide that a debtor, mortgagor or guarantor's consent to the giving of documents by electronic communication must be by a specific positive election in writing after being informed of the matters set out in paragraphs (a) to (c).

Clause 10(4) is a minor amendment which removes the reference to "consumer lessee" in section 172(2) as it is not required since it is already covered by section 155(1)(c).

Clauses 10(5) and (6) insert a note at the foot of sections 172(2) and (3) respectively to confirm that a nominated address may be an electronic address.

Clause 10(7) inserts new subsections (3A) to (3F) after section 172(3).

Subsection (3A) confirms that a person who nominates an address under section 172(2)(a) or (3)(a) may by notice in writing change the nominated address or cancel the nomination. This provision is not limited to electronic addresses.

Subsection (3B) enables notices or other documents to be made available on the credit provider's website or similar facility for retrieval by the debtor, mortgagor or guarantor. For this to be effective, the debtor, mortgagor or guarantor must be informed by electronic communication that the information is available on the credit provider's information system. In addition, the debtor, mortgagor or guarantor must have consented in accordance with the new subsection (3C), and must be given the ability to retrieve the information by electronic communication.

Subsection (3C) provides that to receive notices or other documents in accordance with subsection (3B) a person must make a specific positive election in writing consenting to this. The person must first have been informed of the matters set out in paragraphs (a) to (c). This form of consent is the same as that provided for in new section 172(1A).

Subsection (3D) provides that if a notice or other document is given in accordance with the process outlined in subsection (3B), then the requirements of paragraphs (a) and (b) must be met with respect to that notice or document. These requirements include that it must be in a format that can be printed and saved and it was reasonable to expect that at the time it was sent or made available, that the intended recipient would be able to print the notice or document and save it to an electronic file.

Subsection (3E) confirms that a nomination or consent under section 172 ceases to have effect if it is cancelled or withdrawn by the person who made it.

Subsection (3F) provides for regulations to be made for, or with respect to, the electronic retention of documents and electronic access to those documents by the relevant debtor, mortgagor or guarantor.

Clause 11 amends section 173(1) to insert a new section 173(1)(c) and add sections 173(1)(d) and 173(1)(e). The existing rule by which notice of a facsimile transmission is given is retained in section 173(1)(c). Section 173(1)(d) sets out the rule by which a notice or document provided in accordance with the process for electronic communications set out in section 172(3B) is taken to be given. Section 173(1)(e) sets out the rules by which notices and documents provided by electronic communication, other than that covered by subsections (1)(c) and (d), will be taken to have been provided. In both sections 173(1)(d) and 173(1)(e) notice is taken to be given when the electronic communication enters the information system of the debtor.

Clause 11 also inserts a new section 173(3) which confirms that section 173(1) has effect despite the rules relating to receipt that are provided for in general electronic transactions legislation. In particular, this has the effect of preventing the rules in section 173(1) being altered by mutual agreement. Alteration of the rules is allowed under the general electronic transactions legislation, but there is a concern that this will not provide sufficient consumer protection in the context of the Code. For example, credit providers could shift the time of receipt from entry into the consumer's information system to exit from the credit provider's system.

Clause 12 inserts a new section 173A which sets out the rules by which an originator is bound by an electronic communication. This will occur in accordance with the Electronic Funds Transfer Code of Conduct (EFT Code) where the purported originator and addressee have agreed to the EFT Code applying to the electronic communication and, under the EFT Code, the originator is bound. In any other case, the originator will be

bound if the electronic communication was sent by the purported originator or with their purported authority.

Section 173A(2) provides that subsection (1) does not affect the operation of section 176 which deals with the conduct of agents and related matters.

Section 173(A)(3) confirms that section 173A has effect despite the rules relating to attribution that are provided for in general electronic transactions legislation. In particular, this has the effect of preventing the rules in section 173(1) being altered by mutual agreement. Alteration of the rules is allowed under the general electronic transactions legislation, but there is a concern that this will not provide sufficient consumer protection in the context of the Code. For example, there is the risk that consumers may face unfair provisions such as credit providers shifting responsibility for the fraudulent sending of notices.

Clause 13 amends Schedule 2 to insert definitions for “**electronic communication**” and “**information system**”. These definitions replicate general electronic transactions legislation definitions.

Part 3 Amendment Of Trade Measurement Act 1990

Clause 14 provides that part 3 amends the *Trade Measurement Act 1990*.

Clause 15

(1) provides definitions of:

“firewood” - New provisions will determine how firewood is to be measured when sold by volume. The definition of physical aspects of ‘firewood’ will provide greater certainty on compliance with the measurement process;

“pack” – The definition applies in the context of deciding who has packed a prepacked article. It is designed to remove any doubt about who is obliged to comply with the relevant provisions of the Act;

“use” –The definition will provide greater certainty in determining the circumstances when a measuring instrument is being ‘used’ for trade, and it will remove any doubt about when associated obligations under the Act apply; and

“weighbridge suitability statement” - Under new provisions of the Act, the suitability statement will be integral to a weighbridge licence. The definition will provide certainty to the meaning of the term when it is repeated in the various new provisions;

(2) Amendment to the definition of “class 4 measuring instrument” is a minor change which improves the drafting style of the provisions; and

(3) Amendment to the definition of “sell” is a minor change which improves the drafting style and clarifies the intended scope of the term.

Clause 16 amends section 7(4) to provide that where a person is complying with a written notice regarding a measuring instrument which was being used in contravention of requirements, the person may not be prosecuted for an offence against the section while complying with the notice. This clarifies the original intent of the provision.

Clause 17 amends section 7A (which lists the permitted uses of class 4 measuring instruments) to ensure capture of all freight scales and enable the provisions to keep pace with changing freight capacities and techniques such as use of larger containers.

Clause 18 amends section 7B (which requires the use of an approved measuring instrument for pre-packed articles) by utilising the term ‘approved pattern’. The term is already defined in section 3 of the Act which includes reference to the *National Measurement Act 1960 (Cwth)*. The amendment ensures a consistent approach to drafting and removes superfluous information.

Clause 19 amends section 8(5) to provide that where a person is complying with a written notice regarding a measuring instrument which was being used in contravention of requirements, the person may not be prosecuted for an offence against the section while complying with the notice. This complements the amendment of section 7(4) by clause 16 and also clarifies the original intent of the provision.

Clause 20 amends section 9 (which holds a supplier of an incorrect measuring instrument guilty of an offence) by inserting a new subsection 9(2A) which provides that (subject to the defence in 9(3)(b)) it does not matter whether the person who used the measuring instrument purchased it or took it on lease, hire or loan for trade. This clarifies the intent that the supplier is guilty if they knew an incorrect instrument they have supplied would be used for trade.

Clause 20 also makes a technical amendment to remove the third mention of 'trade' in section 9(2) as it is unnecessary.

Clause 21 replaces section 23 to provide more certainty as to when a person using a measuring instrument is guilty of an offence for misleading another party about the measurement and price calculation of an article.

Clause 22 inserts a new section 25A to address the sale of firewood by volume. Until now, the provisions have been silent on a method of calculating the quantity of firewood when it is sold by volume. Referencing 'stacked' wood rather than 'thrown' wood, which is an unreliable method of measurement, provides for consistently accurate measurements and a 'level playing field' for suppliers. The new provision does not restrict firewood sold by mass or per load.

Clause 23 amends section 44, which relates to the granting of licences to applicants, in three respects. In particular, subsection 44(1)(b) provides that upon application, the licensing authority may grant a public weighbridge licence. One amendment restricts this to a licence for a single weighbridge. In the context of new provisions which provide for the licence to incorporate the 'certificate of suitability', in future a licence may only include one weighbridge.

Secondly, clause 23 amends section 44 to allow for a partnership to hold a licence. Until now, the licensing provisions have been silent on this business arrangement.

Thirdly, clause 23 amends section 44(3) to rectify a minor drafting issue.

Clause 24 amends section 45 (which provides grounds for refusing an application for a licence) to cover a partnership situation to complement the amendment in clause 23.

Clause 24 also amends section 45 by replacing the requirement for a "certificate of suitability" as a public weighbridge with a requirement that a licence must be refused if the weighbridge is not suitable for use as a public weighbridge. This will rationalise documentation requirements and administrative processes.

Clause 25 amends section 50 (which places conditions on the operation of all public weighbridge licences) in three ways. Firstly, it amends section (1)(a) to complement the amendment in clause 24 which requires that suitability of a weighbridge for use as a public weighbridge is part of the licence requirement.

Secondly, clause 25 inserts new subsection 50(1)(ab) to ensure that a weighbridge can be physically identified for determining suitability and approval for a licence.

Finally, section 50(1)(b) which restricts operation of the weighbridge to the licensee or an employee, is amended to again provide for physical identification of the weighbridge in question.

Clause 26 inserts new sections 52A and 52B.

The new section 52A addresses the continuation of the suitability statement for a public weighbridge in certain circumstances. Section 52B states the action which may be taken if the administering authority decides a public weighbridge is no longer suitable for use as a public weighbridge.

Clause 27 amends section 54(2) (which provides that a licence is not transferable) to complement the amendments which allow for a partnership to hold a licence. The amendment limits the prohibition on transferability in this situation by reference to the new section 54B inserted by clause 28 (see below).

Clause 28 inserts new sections 54A to 54D as follows.

The new section 54A deals with the effect of the relocation of a licensed weighbridge. These provisions are required to take account of the suitability statement being part of the licence. In particular, relocation of a weighbridge involves disassembly and re-assembly of the weighing equipment and structural supports, so a fresh process of assessing the suitability and accuracy of the weighbridge would be required. Consequently, the existing licence must be surrendered after relocation.

The new section 54B relates to an application to change licence holders due to a change of partnership. These provisions complement the other amendments which allow for a partnership to hold a licence.

The new section 54C allows for the continuation of a licence before an application to change the membership of a partnership holding a weighbridge licence is decided by the licensing authority.

Finally, the new section 54D allows a licensee under a servicing licence to apply for an amendment to a condition of the licence which specifies the class or classes of measuring instruments which may be certified by the licensee. This corrects a minor drafting issue.

Clause 29 amends section 56 (which provides grounds for disciplinary action against a licensee) by inserting a new section 56(2) to allow for

disciplinary action to be taken on the same grounds when a partnership holds a licence.

Clause 30 amends section 59, (which provides rights of appeal against a decision of the licensing authority) to provide rights of appeal in relation to (i) an amendment of a licence as well as the existing right to appeal a refusal of an application for a licence (through amendment of section 59(1)(a); and (ii) in relation to a decision to cancel a licence because the weighbridge is no longer suitable as a public weighbridge (through the insertion of a new subclause (ae)).

Clause 31 amends section 80 (which provides the Governor in Council with a power to make a regulation about different matters under the Act) in particular, by replacing section 80(2)(n) to reflect the changes described previously to the manner in which suitability of weighbridges is handled. Clause 31 also inserts a new section 80(2)(v) to allow regulations to be made about the approval of forms for use under the Act.

Clause 32 inserts a new Part 9 to the Act to provide transitional arrangements for introduction of the amendments which address:

- replacing the requirement for a separate "certificate of suitability" as a public weighbridge with a suitability statement which becomes part of the licence;
- providing for expiry of the weighbridge suitability statement for a weighbridge licence to align with expiry of the former "certificate of suitability" for each weighbridge; and
- clarifying provision for a separate licence (including a suitability statement) with a separate fee for each weighbridge location as opposed to one licence potentially covering a number of weighbridge locations and separate "certificates of suitability" and certification fees for each of those locations.

Part 4 Amendment of Trade Measurement Administration Act 1990

Clause 33 provides that this part amends part 3 of the *Trade Measurement Administration Act 1990* which provides for the prescription and recovery

of fees and charges such as for trade measurement licensing, testing and inspections.

Clause 34 amends section 10 of the *Trade Measurement Administration Act 1990* (which provides for prescription of fees and charges) to reflect the new provisions in the TM Act replacing the requirement for a separate "certificate of suitability" as a public weighbridge with a suitability statement which becomes part of the licence.