

CLAUSE NOTES

Trade Measurement (Repeal) Bill 2010

Part 1 - Preliminary

Clause 1	Short Title The Act is referred to as the <i>Trade Measurement (Repeal) Act 2010</i> .
Clause 2	Commencement The Act commences on the day on which it receives Royal Assent.
Clause 3	Interpretation This clause defines certain words and expressions used in the Act.

Part 2 – Legislation Repealed, Rescinded and Revoked

Clause 4	Legislation Repealed This clause provides for the repeal of the <i>Trade Measurement (Tasmania) Administration Act 1999</i> and the <i>Trade Measurement Act 1999</i> .
Clause 5	Legislation Rescinded This clause rescinds all associated Trade Measurement Regulations.
Clause 6	Legislation Revoked This clause revokes proclamations under the <i>Trade Measurement Act 1999</i> and the <i>Trade Measurement (Tasmania) Administration Act 1999</i> .

Part 3 – Transitional Provisions

Clause 7	Penalty Notices This clause enables the issue and service of an infringement notice under this Act where the alleged offence occurred before its commencement and an infringement notice was not served immediately prior.
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Clause 8	<p>Disciplinary Action</p> <p>This clause enables finalisation of disciplinary action against a licensee. It provides that action may be taken if a notice was served before commencement of this Act and, at the time of commencement disciplinary action was yet to be taken.</p>
Clause 9	<p>Reviews</p> <p>This clause relates to finalisation of reviews. It enables the Magistrates Court (Administrative Appeals Division) to commence or finalise a review of a decision of the trade measurement licensing authority where a person could have started a review, but had not applied to do so before commencement of this Act, or where a person instigated a review and their appeal not finally determined immediately prior.</p>
Clause 10	<p>Seized measuring instruments, records, articles and other things</p> <p>This clause enables trade measurement inspectors to deal with seized items after commencement of this Act. This is subject to allowing the national measurement institute to inspect the thing if required under the new national law.</p>
Clause 11	<p>Unpaid fees</p> <p>This clause provides for the recovery of any unpaid trade measurement fees after the commencement of this Act.</p>
Clause 12	<p>Search warrants</p> <p>This clause enables a search warrant to be issued after the commencement of this Act in relation to a reasonably suspected contravention of a provision of the <i>Trade Measurement Act 1999</i> or the <i>Trade Measurement (Tasmania) Administration Act 1999</i> or the regulations under either Act in or on any premises before commencement of this Act.</p>
Clause 13	<p>Application of repealed Acts</p> <p>This clause makes it clear, for the purposes of the “continuing matters”, that the <i>Trade Measurement Act 1999</i> and the <i>Trade Measurement (Tasmania) Administration Act 1999</i> continue to apply as if they had not been repealed and the Acts and instruments specified in Schedule 1 continue to apply as if they had not been amended.</p>

Clause 14	Reference to repealed Acts <p>This clause provides that any reference in any other Act or instrument to the <i>Trade Measurement Act 1999</i> and the <i>Trade Measurement (Tasmania) Administration Act 1999</i> extends to a reference to Commonwealth trade measurement law (except in so far as the context or subject-matter otherwise indicates or requires).</p>
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Part 4 – Miscellaneous

Clause 15	Provision of register and other information <p>This clause enables the Secretary of the Department of Justice (or any person authorised by the Secretary) to provide certain registers and other information to the National Measurement Institute for the purpose of the administration or enforcement of the Commonwealth trade measurement law.</p>
Clause 16	Relationship to section 16 of the <i>Act Interpretation Act 1931</i> <p>This clause provides that section 16 of the <i>Acts Interpretation Act 1931</i> is not affected by the proposed Act unless otherwise provided by the proposed Act.</p>
Clause 17	Regulations <p>Provides that the Governor may make regulations for the purposes of this Act.</p>
Clause 18	Consequential amendments <p>Provides that Schedule 1 makes consequential amendments to the legislation listed in the Schedule.</p>
Clause 19	Repeal of Act <p>Provides for the repeal of this Act on 1 July 2013.</p>
Clause 20	Administration of Act <p>Provides that, until otherwise ordered under s4 of the <i>Administrative Arrangements Act 1990</i>, administration of the proposed Act is assigned to the Minister for Corrections and Consumer Protection.</p>
Schedule 1	Consequential Amendments <p>Amends the definition of “weighing instrument” in the</p>

	<p><i>Fisheries (Processing and Handling) Rules 2001.</i></p> <p>Amends clause 4 of the <i>Justices Order 2004</i> by omitting paragraphs (z) and (za):</p> <p>(z) <i>Trade Measurement (Tasmania) Administration Act 1999</i></p> <p>(za) <i>Trade Measurement Act 1999.</i></p> <p>.</p>
Schedule 2	<p>Legislation Repealed</p> <p>Repeals the <i>Trade Measurement Act 1999</i> and the <i>Trade Measurement (Tasmania) Administration Act 1999.</i></p>
Schedule 3	<p>Legislation Rescinded</p> <p>Rescinds all associated Trade Measurement Regulations.</p>
Schedule 4	<p>Legislation Revoked</p> <p>Revokes proclamations under the <i>Trade Measurement Act 1999</i> and the <i>Trade Measurement (Tasmania) Administration Act 1999.</i></p>

Further Amendments

Clause 2 AMENDED	<p>Commencement</p> <p>Currently this Act commences on the day on which this Act receives the Royal Assent.</p> <p>The Bill is amended by inserting the following words at the end of clause 2.</p> <p>"but if it does not receive the Royal Assent by 6 September 2010 this Act is taken to have commenced on 6 September 2010."</p> <p>The regulations to the Bill expire on 6 September 2010 under the <i>Subordinate Legislation Act 1992</i>. This amendment will ensure that there is no gap in regulation</p>
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	between the expiry of the regulations to the Act and the date of Royal Assent.
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