

# Trade Measurement (Administration) Bill

## EXPLANATORY MEMORANDUM

This Bill is cognate with the Trade Measurement Bill 1995.

The object of this Bill is to make provision for the administration in Victoria of the proposed **Trade Measurement Act 1995** as part of uniform trade measurement legislation throughout Australia.

### PART 1—PRELIMINARY

*Clause 1* specifies the purpose of the proposed Act.

*Clause 2* provides for the commencement of the proposed Act.

*Clause 3* contains definitions used in the proposed Act.

*Clause 4* requires the proposed Act to be read and construed as one with the **Trade Measurement Act 1995**.

### PART 2—ADMINISTRATION

*Clause 5* provides for the appointment of a Director.

*Clause 6* states that the Director is the administering authority and the licensing authority.

*Clause 7* states that subject to general direction and control of the Minister, the Director has the administration of the proposed Act and the **Trade Measurement Act 1995**.

*Clause 8* authorises the Director to hold an appointment and exercise functions under the National Measurement Regulations of the Commonwealth.

*Clause 9* provides the powers of the Director.

### PART 3—FEES AND CHARGES

*Clause 10* requires a licensee who certifies a measuring instrument to pay a fee to the administering authority.

*Clause 11* empowers the making of regulations to prescribe other fees and charges.

*Clause 12* provides for the recovery of unpaid fees and charges as a debt due to the Crown.

### PART 4—GENERAL

*Clause 13* prevents double jeopardy where a person commits the same offence under both the Principal Act and a law of another State or Territory or of the Commonwealth.

*Clause 14* provides that the Administrative Appeals Tribunal is to be the appeals tribunal for appeals under the Principal Act.

*Clause 15* provides for the issue to inspectors of certificates of authority.

*Clause 16* provides for the issue of search warrants.

*Clause 17* provides for the manner in which documents may be served.

*Clause 18* empowers an authorised officer to infringement notices.

*Clause 19* provides for the form of infringement notices.

*Clause 20* enables an authorised officer to withdraw an infringement notice.

*Clause 21* states the maximum penalty for an infringement notice.

*Clause 22* states the time period in which an infringement notice must be paid to prevent the initiation of further proceedings and the recording of a conviction.

*Clause 23* states that an infringement notice must not prejudice further proceedings.

*Clause 24* provides that proceedings for an offence under the proposed act or the Principal Act may be instituted within three years after the offence is committed or (in the case of certain offences under the Principal Act in relation to the packaging of articles) within one year after the offence is detected, whichever is later.

*Clause 25* is a general regulation making power.

#### **PART 5—REPEAL AND CONSEQUENTIALS**

*Clause 26* repeals the **Weights and Measures Act 1958** and provides savings provisions under that Act.

*Clause 27* provides transitional arrangements.

*Clause 28* makes consequential amendments.