

Serial 81
Trade Measurement Legislation Repeal Bill 2009
Ms Lawrie

A Bill for an Act to repeal the *Trade Measurement Act* and *Trade Measurement Administration Act*, and for related purposes

NORTHERN TERRITORY OF AUSTRALIA

TRADE MEASUREMENT LEGISLATION REPEAL ACT 2009

Act No. [] of 2009

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2009

An Act to repeal the *Trade Measurement Act* and *Trade Measurement Administration Act*, and for related purposes

[Assented to [] 2009]
[Second reading [] 2009]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Trade Measurement Legislation Repeal Act 2009*.

2 Commencement

- (1) Part 4 commences on the day the Administrator's assent to this Act is declared.
- (2) The remaining provisions of this Act commence on 1 July 2010.

3 Definitions

In this Act:

commencement date means 1 July 2010.

Commonwealth Act means the *National Measurement Act 1960* (Cth).

continuing matter means any of the following:

- (a) proceedings mentioned in section 8;
- (b) a disciplinary action mentioned in section 9;
- (c) an appeal mentioned in section 10;
- (d) a seized measuring instrument, record, article or other thing mentioned in section 11;
- (e) an unpaid fee or charge mentioned in section 12;
- (f) anything done or omitted to be done under the repealed Acts in relation to a matter mentioned in paragraphs (a) to (e).

expiry date means the date this Act expires.

information includes document.

National Measurement Institute means the National Measurement Institute as mentioned in section 17 of the Commonwealth Act.

repealed Administration Act means the repealed *Trade Measurement Administration Act* as in force immediately before the commencement date.

repealed Acts means the repealed Principal Act and repealed Administration Act.

repealed Principal Act means the repealed *Trade Measurement Act* as in force immediately before the commencement date.

seized thing, see section 11(1).

4 Words have meanings as in repealed Acts

A word defined in the repealed Acts has the same meaning in this Act.

5 Interpretation Act not affected

Unless the contrary intention appears, this Act does not limit Part III of the *Interpretation Act*.

Part 2 Repeal of Acts

6 Acts repealed

The Acts specified in the Schedule are repealed.

Part 3 Transitional provisions

7 Application of repealed Acts to continuing matters

- (1) Subject to section 8(3), the repealed Acts continue to apply in relation to continuing matters as if this Act had not commenced.
- (2) Without limiting subsection (1):
 - (a) the Superintendent, the Chief Inspector and an inspector may be appointed under the repealed Administration Act; and
 - (b) the appointment of the Superintendent, the Chief Inspector or an inspector, in force immediately before the commencement date under the repealed Administration Act, continues in force until it ends; and
 - (c) the Superintendent may delegate the Superintendent's functions as mentioned in section 5(3) of the repealed Administration Act; and
 - (d) a delegation under section 5(3) of the repealed Administration Act, in force immediately before the commencement date, continues in force until it ends; and
 - (e) the Superintendent may authorise a person to take proceedings for an offence as mentioned in section 11(1) of the repealed Administration Act; and
 - (f) an authorisation under section 11(1) of the repealed Administration Act in force immediately before the commencement date continues in force until it ends.

8 Offences

- (1) This section applies if a person is alleged to have committed an offence against either of the repealed Acts before the commencement date.
- (2) Proceedings for the offence may be started or continued, and the court may hear and decide the proceedings, as if this Act had not commenced.

(3) However, subsection (2) authorises the start of proceedings for the offence only if the proceedings are started within 1 year after the later of the following:

- (a) the date the offence is alleged to have been committed;
- (b) the date the commission of the alleged offence is discovered by an inspector.

9 Disciplinary action against licensees

(1) This section applies if:

- (a) before the commencement date, the licensing authority had served a written notice on a licensee under section 57 of the repealed Principal Act; and
- (b) at the commencement date, the licensing authority had not taken disciplinary action under section 58 of the repealed Principal Act against the licensee.

(2) The licensing authority may take disciplinary action under section 58 of the repealed Principal Act, against the licensee as if this Act had not commenced.

10 Appeals

(1) Subsection (2) applies if:

- (a) immediately before the commencement date, a person had a right of appeal against a decision of the licensing authority under section 59 of the repealed Principal Act; and
- (b) the person had not filed an application for the decision in the appeals tribunal before the commencement date.

(2) The person may file an application for the decision in the appeals tribunal, and the tribunal may hear and determine the appeal under the repealed Acts, as if this Act had not commenced.

(3) Subsection (4) applies if:

- (a) before the commencement date, a person had filed an application in the appeals tribunal under section 59 of the repealed Principal Act for an appeal against a decision of the licensing authority; and
- (b) the tribunal had not finally determined the appeal before the commencement date.

- (4) The appeals tribunal may hear and determine, or continue to hear and determine, the decision under the repealed Acts as if this Act had not commenced.

11 Seized things

- (1) This section applies if, before the commencement date, an inspector had seized any of the following things (a **seized thing**):
- (a) a measuring instrument, or records concerning a measuring instrument or its use, under section 61(1) of the repealed Principal Act;
 - (b) an article or other thing under section 62(2) of the repealed Principal Act.
- (2) The inspector may retain, return, or dispose of the seized thing under the repealed Principal Act as if this Act had not commenced.
- (3) Subsection (2) is subject to section 13(3).

12 Unpaid fees and charges

- (1) This section applies if, immediately before the commencement date, a fee or charge payable under either of the repealed Acts had not been paid within the period prescribed under either of the repealed Acts for payment of the fee or charge.
- (2) The fee or charge may be recovered by the Territory as a debt.

13 Disclosure of information about continuing matters

- (1) This section applies to information obtained by the Superintendent about a continuing matter.
- (2) The Superintendent may disclose the information to the National Measurement Institute for the administration or enforcement of the Commonwealth Act.
- (3) If the information relates to a seized thing, the Superintendent may allow the National Measurement Institute to inspect the thing for the administration or enforcement of the Commonwealth Act.
- (4) This section applies despite any other Act.

Part 4 Miscellaneous matters

14 Transfer of registers and information

- (1) This section applies to:
 - (a) the register of the prescribed particulars relating to licences mentioned in section 47 of the *Trade Measurement Act*, and
 - (b) information obtained by the Superintendent as the administering authority or Commissioner as the licensing authority.
- (2) For the administration or enforcement of the Commonwealth Act:
 - (a) the Superintendent may transfer information to the National Measurement Institute; and
 - (b) the Commissioner may transfer the register and information to the National Measurement Institute.

15 Regulations

- (1) The Administrator may make regulations under this Act.
- (2) The regulations may make provision about a matter for which:
 - (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of the repealed Acts to the Commonwealth Act; and
 - (b) this Act does not make provision or sufficient provision.
- (3) A regulation may have retrospective operation to a date not earlier than the commencement date.
- (4) However, to the extent a regulation has retrospective operation, it does not operate to the disadvantage of a person (other than the Territory or a Territory authority) by decreasing the person's rights or imposing liabilities on the person.

16 Expiry of Act

- (1) This Act expires on 1 July 2011.
- (2) The expiry of this Act does not affect the continuation of a legal proceeding.

Part 5 Consequential amendment of Motor Vehicles Act**17 Act amended**

This Part amends the *Motor Vehicles Act*.

18 Amendment of section 61 (Determination of mass of vehicle)

Section 61(d)

omit, substitute

(d) on a weighbridge that has been verified under section 18GG of the *National Measurement Act 1960* (Cth); or

19 Amendment of section 63 (Testing weighing machines)**(1) Section 63(2)(a)**

omit, substitute

(a) in respect of a weighing machine that is a weighbridge – the weighbridge must be tested by a servicing licensee or trade measurement inspector under the *National Measurement Act 1960* (Cth);

(2) Section 63(3)(a)

omit, substitute

(a) where the certificate relates to a weighing machine that is a weighbridge – is a servicing licensee or trade measurement inspector under the *National Measurement Act 1960* (Cth); or

Schedule Acts repealed

section 6

<i>Trade Measurement Act 1990</i>	Act No. 40 of 1990
<i>Trade Measurement Amendment Act 2003</i>	Act No. 5 of 2003
<i>Trade Measurement Administration Act 1990</i>	Act No. 41 of 1990
<i>Trade Measurement Administration Amendment Act 1995</i>	Act No. 34 of 1995
<i>Trade Measurement Administration Amendment Act 2003</i>	Act No. 6 of 2003