

FIRST PRINT

**TRADE MEASUREMENT ADMINISTRATION (CHARGES)
AMENDMENT BILL 1991**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

Currently, Schedule 1 to the Trade Measurement Administration Act 1989 sets out the charges that are payable when a measuring instrument is tested and approved under the Trade Measurement Act 1989 by a Government inspector or a private licensee under that Act. (This is known as "verification" or "re-verification" when carried out by an inspector and as "certification" when carried out by a licensee.) The charge in respect of verification/re-verification is payable by the owner of the instrument to the administering authority and in respect of certification is payable to the administering authority by the licensee who carries out the certification.

The object of this Bill is to amend the Act:

- (a) to provide that the regulations are to fix the charges to be paid in respect of each verification/re-verification of a measuring instrument (instead of those charges being fixed by the Act); and
- (b) to remove the requirement in the Act for the payment of a charge by a licensee when the licensee certifies a measuring instrument and instead to empower the making of regulations to require a licensee to pay such a charge and to fix the amount of the charge.

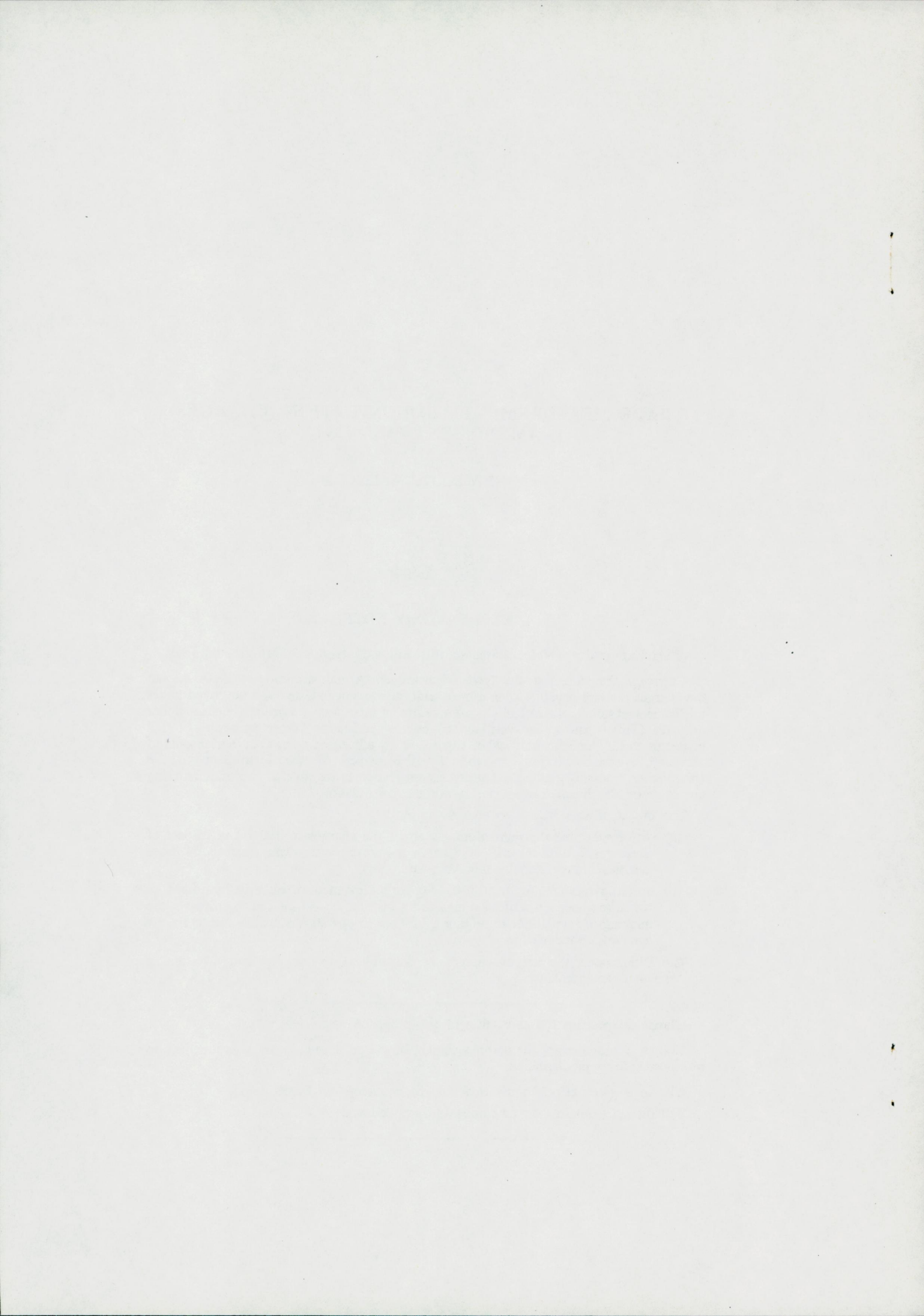
The Bill repeals the list of charges in Schedule 1 to the Act and also makes consequential amendments.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 gives effect to the Schedule of amendments (Schedule 1).

Schedule 1 contains the amendments described above.



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TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Trade Measurement Administration Act 1989 No. 234

SCHEDULE 1—AMENDMENTS

**TRADE MEASUREMENT ADMINISTRATION (CHARGES)
AMENDMENT BILL 1991**

NEW SOUTH WALES



No. , 1991

A BILL FOR

**An Act to amend the Trade Measurement Administration Act 1989 to
make further provision with respect to the charges payable under that Act.**

Trade Measurement Administration (Charges) Amendment 1991

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Trade Measurement Administration (Charges) Amendment Act 1991.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Amendment of Trade Measurement Administration Act 1989 No. 234

3. The Trade Measurement Administration Act 1989 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 10 (**Charge payable in respect of verification or re-verification by inspector**):

From section 10 (1), omit "as specified in Schedule 1", insert instead "as prescribed by the regulations".

(2) Sections 11, 12:

Omit the sections, insert instead:

Charges payable by licensee in respect of certification

11. (1) The regulations may make provision for or with respect to requiring a licensee to pay a charge to the administering authority when the licensee certifies a measuring instrument under the Principal Act.

(2) It is a condition of a licensee's licence that the licensee pay any charge payable by the licensee under the regulations made for the purposes of this section.

(3) The charges authorised to be imposed under this section are for the purpose of meeting the costs of administering this Act and the Principal Act and are in addition to any other fee or charge that a licensee is required to pay by or under this Act or the Principal Act.

Regulations prescribing charges

12. (1) For the purpose of the prescription of charges under sections 10 and 11 (and without limiting those sections), the

Trade Measurement Administration (Charges) Amendment 1991

SCHEDULE 1—AMENDMENTS—*continued*

regulations may make provision for or with respect to any of the following:

- (a) prescribing different charges for different types or classes of measuring instruments;
- (b) prescribing different charges depending on the nature and circumstances of verification, re-verification or certification;
- (c) prescribing the periods for which and the times by which the charges must be paid;
- (d) requiring the submission by the persons liable to pay charges of returns as to the number and nature of measuring instruments verified, re-verified or certified during a specified period;
- (e) requiring any such return to be verified by statutory declaration;
- (f) providing for the reduction of, waiver of or exemption from payment of the prescribed charges in specified circumstances.

(2) Regulations made for the purposes of section 11 need not require the payment of a charge for each and every certification of a measuring instrument and may, for example, provide that no charge, or a reduced charge, is payable in respect of any subsequent certification of the same measuring instrument during a specified period.

(3) For the purposes of sections 10 and 11 (and the regulations under those sections), the marking of a measuring instrument with an inspector's mark or a licensee's mark pursuant to the provisions of the regulations under the Principal Act concerning batch testing is to be regarded as constituting the verification or certification, as appropriate, of the instrument concerned.

- (3) Section 14 (**Recovery of unpaid fees and charges**):

After "under this Part", insert "(or the regulations under this Part)".

- (4) Schedule 1 (**Charges**):

Omit the Schedule.



**TRADE MEASUREMENT ADMINISTRATION (CHARGES)
AMENDMENT ACT 1991 No. 51**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Trade Measurement Administration Act 1989 No. 234

SCHEDULE 1—AMENDMENTS



**TRADE MEASUREMENT ADMINISTRATION (CHARGES)
AMENDMENT ACT 1991 No. 51**

NEW SOUTH WALES



Act No. 51, 1991

An Act to amend the Trade Measurement Administration Act 1989 to make further provision with respect to the charges payable under that Act. [Assented to 11 December 1991]

Trade Measurement Administration (Charges) Amendment 1991

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Trade Measurement Administration (Charges) Amendment Act 1991.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Amendment of Trade Measurement Administration Act 1989 No. 234

3. The Trade Measurement Administration Act 1989 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 10 (**Charge payable in respect of verification or re-verification by inspector**):

From section 10 (1), omit "as specified in Schedule 1", insert instead "as prescribed by the regulations".

(2) Sections 11, 12:

Omit the sections, insert instead:

Charges payable by licensee in respect of certification

11. (1) The regulations may make provision for or with respect to requiring a licensee to pay a charge to the administering authority when the licensee certifies a measuring instrument under the Principal Act.

(2) It is a condition of a licensee's licence that the licensee pay any charge payable by the licensee under the regulations made for the purposes of this section.

(3) The charges authorised to be imposed under this section are for the purpose of meeting the costs of administering this Act and the Principal Act and are in addition to any other fee or charge that a licensee is required to pay by or under this Act or the Principal Act.

Regulations prescribing charges

12. (1) For the purpose of the prescription of charges under sections 10 and 11 (and without limiting those sections), the

Trade Measurement Administration (Charges) Amendment 1991

SCHEDULE 1—AMENDMENTS—*continued*

regulations may make provision for or with respect to any of the following:

- (a) prescribing different charges for different types or classes of measuring instruments;
- (b) prescribing different charges depending on the nature and circumstances of verification, re-verification or certification;
- (c) prescribing the periods for which and the times by which the charges must be paid;
- (d) requiring the submission by the persons liable to pay charges of returns as to the number and nature of measuring instruments verified, re-verified or certified during a specified period;
- (e) requiring any such return to be verified by statutory declaration;
- (f) providing for the reduction of, waiver of or exemption from payment of the prescribed charges in specified circumstances.

(2) Regulations made for the purposes of section 11 need not require the payment of a charge for each and every certification of a measuring instrument and may, for example, provide that no charge, or a reduced charge, is payable in respect of any subsequent certification of the same measuring instrument during a specified period.

(3) For the purposes of sections 10 and 11 (and the regulations under those sections), the marking of a measuring instrument with an inspector's mark or a licensee's mark pursuant to the provisions of the regulations under the Principal Act concerning batch testing is to be regarded as constituting the verification or certification, as appropriate, of the instrument concerned.

(3) Section 14 (**Recovery of unpaid fees and charges**):

After "under this Part", insert "(or the regulations under this Part)".

Trade Measurement Administration (Charges) Amendment 1991

SCHEDULE 1—AMENDMENTS—*continued*

- (4) Schedule 1 (**Charges**):
Omit the Schedule.

[*Minister's second reading speech made in—
Legislative Assembly on 2 July 1991
Legislative Council on 3 December 1991*]