

Mutual Recognition (Victoria) Bill

EXPLANATORY MEMORANDUM

Clause 1 sets out the purpose of the Act which is to adopt the Mutual Recognition Act 1992 of the Commonwealth.

Clause 2 provides for the Act to come into operation on a day or days to be proclaimed.

Clause 3 defines the “**Commonwealth Act**” as the Mutual Recognition Act 1992 of the Commonwealth.

Clause 4 section 4 (1) adopts the Commonwealth Act as originally enacted, or with any amendments made before the enactment of the Mutual Recognition (Victoria) Act.

Section 4 (2) states that the adoption is for five years commencing from the day the Victorian Act commences. However, the adoption does not include any provisions within the Commonwealth Act which have not come into effect on the commencement of the Victorian Act.

Clause 5 refers to section 15 of the Commonwealth Act which enables a State Act or regulation to declare that the Commonwealth Act does not apply to specified goods or does not affect the operation of specified laws. Such an exemption must be substantially for the purpose of protecting the health and safety of persons in the State or for preventing, minimising or regulating environmental pollution in the State and may not operate for a period exceeding, or periods exceeding in the aggregate, 12 months.

Clause 6 expires on the fifth anniversary of the day on which it commences.

