

## **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

This Bill is cognate with the *Agricultural Industry Services Amendment Bill 2007*.

Overview of Bill

The object of this Bill is to amend the *Wine Grapes Marketing Board (Reconstitution) Act 2003* (**the principal Act**) so as:

(a) to omit a provision of that Act that requires persons accepting delivery of MIA wine grapes to establish price schedules governing the payments they make in relation to such deliveries, and

(b) to omit a provision of that Act that guarantees wine growers minimum prices for such deliveries, and

(c) to postpone the date of repeal of that Act from 1 January 2008 until 1 January 2010.

Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Clause 3** is a formal provision that gives effect to the amendments to the *Wine Grapes Marketing Board (Reconstitution) Act 2003* set out in Schedule 1.

**Clause 4** provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

## **Schedule 1 Amendments**

### **Price schedules**

**Schedule 1 [3]** omits section 4 of the principal Act, a section that deals with the provision of price schedules to the Wine Grapes Marketing Board (**the Board**).

**Schedule 1 [6]** omits section 7 of the principal Act, a section that prohibits a person from accepting deliveries of MIA wine grapes unless a price schedule has been provided to the Board.

**Schedule 1 [4]** amends section 5 of the principal Act so as to clarify that the Board's power to set terms and conditions of payment for deliveries of MIA wine grapes does not extend to setting prices.

### **Abolition of minimum prices**

**Schedule 1 [8]** omits section 9 of the principal Act, a section that sets minimum prices for deliveries of MIA wine grapes. Minimum prices are currently set by reference to price schedules (where price schedules have been provided) or by reference to average prices for similar deliveries on the same day (where price schedules have not been provided).

### **Repeal of Act**

**Schedule 1 [11]** amends section 26 of the principal Act so as to postpone the date of its repeal from 1 January 2008 until 1 January 2010.

### **Other matters**

**Schedule 1 [12]** substitutes Schedule 1 to the principal Act. The current Schedule 1, which is now spent, contains the original text of what is now the *Agricultural Industry Services (Wine Grapes Marketing Board) Regulation 2003*. The new Schedule 1 enacts specific provisions of a savings or transitional nature, and enables the regulations to make further such provisions, consequent on the enactment of the proposed Act.

**Schedule 1 [1], [2], [5], [7], [9] and [10]** make minor, consequential or ancillary amendments.