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New South Wales

# **Dairy Industry Amendment (Trade Practices Exemption) Bill 1998**

## **Explanatory note**

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

### **Overview of Bill**

The object of this Bill is to ensure that, during a 5-year period commencing on 21 July 1998, certain aspects of the current government milk marketing arrangements in New South Wales administered by the Dairy Corporation do not contravene Part IV of the *Trade Practices Act 1974* of the Commonwealth and the Competition Code of New South Wales.

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## 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 giving effect to the amendments to the *Dairy Industry Act 1979* set out in Schedule 1.

**Schedule 1** inserts proposed section 109 into the Principal Act to achieve the object stated above. Proposed section 109 specifically authorises the doing of specified things by, or on behalf of, the Dairy Corporation during a 5-year period commencing on 21 July 1998 that might otherwise contravene Part IV of the *Trade Practices Act 1974* of the Commonwealth and the Competition Code of New South Wales. The proposed section is in essentially the same terms as clause 5 of the *Competition Policy Reform (New South Wales) Regulation 1996*. Section 51 of the *Trade Practices Act 1974* and the Competition Code provide that anything that is authorised by an Act or regulation is to be disregarded in deciding whether a person has contravened Part IV and the Code (which relates to restrictive trade practices).

First print



New South Wales

# Dairy Industry Amendment (Trade Practices Exemption) Bill 1998

## Contents

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	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Dairy Industry Act 1979 No 208	2
 Schedule 1 Amendment	 3

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New South Wales

## Dairy Industry Amendment (Trade Practices Exemption) Bill 1998

No , 1998

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### A Bill for

An Act to amend the *Dairy Industry Act 1979* to ensure that, during a 5-year period commencing on 21 July 1998, certain milk marketing arrangements administered by the New South Wales Dairy Corporation do not contravene the *Trade Practices Act 1974* of the Commonwealth or the Competition Code of New South Wales.

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Dairy Industry Amendment (Trade Practices Exemption) Act 1998*.

**2 Commencement**

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This Act commences on the date of assent.

**3 Amendment of Dairy Industry Act 1979 No 208**

The *Dairy Industry Act 1979* is amended as set out in Schedule 1.



## Schedule 1 Amendment

(Section 3)

### Section 109

Insert after section 108:

#### 109 Trade Practices exemption

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- (1) Anything done by the Corporation, and anything done on its behalf by its employees, agents or other duly authorised persons, during the ***relevant exemption period*** in the course of exercising the following functions conferred or imposed on the Corporation by this Act is specifically authorised by this Act for the purposes of the *Trade Practices Act 1974* of the Commonwealth and the Competition Code of New South Wales: 10
- (a) the delivery to and acceptance by the Corporation of milk vested in the Corporation by this Act (including the determination of the quantities of milk that may be delivered to or will be accepted by the Corporation or the quantities of any such milk for which payment will be made by the Corporation at any particular price), 15 20
  - (b) the allocation, transfer, reduction or cancellation of quotas in relation to any such delivery and acceptance of milk,
  - (c) the appointment of persons as authorised agents of the Corporation. 25
- (2) Things authorised to be done by this section are authorised only to the extent (if any) that they would otherwise contravene Part IV of the *Trade Practices Act 1974* of the Commonwealth and the Competition Code of New South Wales. 30

Dairy Industry Amendment (Trade Practices Exemption) Bill 1998

Schedule 1      Amendment

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(3)    In this section:

*relevant exemption period* means the period of 5 years  
commencing on 21 July 1998.