

**DAIRY INDUSTRY MARKETING AUTHORITY
(AMENDMENT) ACT, 1980, No. 9**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 9, 1980.

An Act to amend the Dairy Industry Marketing Authority Act, 1979, so as to make further provision with respect to elections to be conducted under that Act, and for other purposes. [Assented to, 2nd April, 1980.]

Dairy Industry Marketing Authority (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short
title.

1. This Act may be cited as the "Dairy Industry Marketing Authority (Amendment) Act, 1980".

Commence-
ment.

2. (1) Except as provided in subsections (2)–(4), this Act shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedule 1 and to Schedule 2, be deemed to have commenced or commence on the day on which that provision or Schedule is deemed to have commenced or commences, as the case may require.

(3) Schedule 1 shall be deemed to have commenced on 24th December, 1979.

(4) Schedule 2 shall commence on the day appointed and notified pursuant to section 2 (2) of the Principal Act.

Principal
Act.

3. The Dairy Industry Marketing Authority Act, 1979, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE ELECTION OF PANELS.

SCHEDULE 2.—FURTHER AMENDMENT TO THE
PRINCIPAL ACT.

Dairy Industry Marketing Authority (Amendment).

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2. Amendment
of Act No.
208, 1979.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTION OF PANELS.

(1) (a) Schedule 2, clause 1 (3)—

Omit "Where", insert instead "Subject to subclause (3A) (c) of this clause, where".

(b) Schedule 2, clause 1 (3A)—

After clause 1 (3), insert :—

(3A) Nothing in subclause (1) or (3) of this clause entitles—

(a) more than one of any number of joint holders of a certificate of registration to vote at an election held pursuant to subclause (1) (b) (i), (d) (i), (e) (i) or (f) (i) of this clause by reason of their being joint holders of that certificate of registration;

(b) any person to vote in an election referred to in paragraph (a) if his name is not required by the regulations to be included in a roll that is to be prepared for that election; or

(c) any person to more than one vote in an election held pursuant to subclause (1) (e) (i) of this clause by reason of his holding

Dairy Industry Marketing Authority (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTION OF PANELS—*continued.*

certificates of registration that were issued or sent to him under the Dairy Industry Act, 1915, and the Dairy Industry Authority Act, 1970, and that relate to the same premises.

(c) Schedule 2, clause 4 (1)—

Omit the subclause.

(2) (a) Schedule 5, clause 15 (1) (c)—

Omit the paragraph, insert instead :—

(c) a person—

- (i) who is the holder of a certificate of registration that is in force after having been issued under section 33 of the Authority Act, being a certificate which specifies that he is authorised to treat raw milk or to receive, treat, deposit and store milk; or
- (ii) who is the holder of a certificate of registration that is in force after having been sent to him under section 5 (2) of the Industry Act by reason of his being a person in whose name premises were registered under that Act as a dairy produce factory, being a certificate bearing an endorsement under section 5c of that Act providing

Dairy Industry Marketing Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTION OF PANELS—*continued.*

that the premises are to be used for
the manufacturing or processing of
dairy products,

shall be eligible to vote at an election held
pursuant to clause 1 (1) (e) (i) of that
Schedule.

(b) Schedule 5, clause 15 (3)—

After clause 15 (2), insert :—

(3) Nothing in subclause (1) or (2) of this clause
entitles—

- (a) more than one of any number of joint holders of a certificate of registration under either of the repealed Acts to vote at an election held pursuant to clause 1 (1) (b) (i), (d) (i), (e) (i) or (f) (i) of Schedule 2 by reason of their being joint holders of that certificate of registration;
 - (b) any person to vote in an election referred to in paragraph (a) if his name is not required by the regulations to be included in a roll that is to be prepared for that election; or
 - (c) any person to more than one vote in an election held pursuant to clause 1 (1) (e) (i) of Schedule 2 by reason of his holding certificates of registration under each of the repealed Acts that relate to the same premises.
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Dairy Industry Marketing Authority (Amendment).

Sec. 5.

SCHEDULE 2.

FURTHER AMENDMENT TO THE PRINCIPAL ACT.

Section 106—

Omit "106 (3)", insert instead "71 (3)".

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 2nd April, 1980.*





DAIRY INDUSTRY MARKETING AUTHORITY (AMENDMENT) BILL, 1980

EXPLANATORY NOTE

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

The objects of this Bill are to amend the Dairy Industry Marketing Authority Act, 1979, so as to—

- (a) provide that certain holders of certificates of registration under the Dairy Industry Authority Act, 1970, who are occupiers of milk stores, may vote for persons who are to constitute a panel from which a part-time member of the proposed Dairy Industry Marketing Authority (the "Marketing Authority") is to be appointed to represent milk processors (Schedule 1 (2) (a));
 - (b) provide that if any member of the Marketing Authority vacates his office 6 months or more before his term of office is due to expire, a person may be appointed to the vacant office in accordance with the same procedures as govern the appointment of the member who vacated that office (Schedule 1 (1) (c));
 - (c) clarify the provisions governing the eligibility of certain persons to elect panels from which certain of the members of the Marketing Authority are to be appointed (Schedule 1 (1) (b) and (2) (b)); and
 - (d) make other provisions of a minor nature.
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**DAIRY INDUSTRY MARKETING AUTHORITY
(AMENDMENT) BILL, 1980**

No. , 1980.

A BILL FOR

An Act to amend the Dairy Industry Marketing Authority Act, 1979, so as to make further provision with respect to elections to be conducted under that Act, and for other purposes.

[MR DAY—27 *February*, 1980.]

Dairy Industry Marketing Authority (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

- 5 **1.** This Act may be cited as the “Dairy Industry Marketing Authority (Amendment) Act, 1980”. Short
title.
- 2.** (1) Except as provided in subsections (2)–(4), this Act shall commence on the date of assent to this Act. Commence-
ment.
- (2) Section 5 shall, in its application to a provision of
10 Schedule 1 and to Schedule 2, be deemed to have commenced or commence on the day on which that provision or Schedule is deemed to have commenced or commences, as the case may require.
- (3) Schedule 1 shall be deemed to have commenced on
15 24th December, 1979.
- (4) Schedule 2 shall commence on the day appointed and notified pursuant to section 2 (2) of the Principal Act.
- 3.** The Dairy Industry Marketing Authority Act, 1979, is referred to in this Act as the Principal Act. Principal
Act.
- 20 **4.** This Act contains the following Schedules :— Schedules.
- SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE ELECTION OF PANELS.**
- SCHEDULE 2.—FURTHER AMENDMENT TO THE
PRINCIPAL ACT.**

Dairy Industry Marketing Authority (Amendment).

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2. Amendment
of Act No.
208, 1979.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTION OF PANELS.

5

(1) (a) Schedule 2, clause 1 (3)—

Omit “Where”, insert instead “Subject to subclause (3A) (c) of this clause, where”.

(b) Schedule 2, clause 1 (3A)—

10

After clause 1 (3), insert :—

(3A) Nothing in subclause (1) or (3) of this clause entitles—

15

(a) more than one of any number of joint holders of a certificate of registration to vote at an election held pursuant to subclause (1) (b) (i), (d) (i), (e) (i) or (f) (i) of this clause by reason of their being joint holders of that certificate of registration;

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(b) any person to vote in an election referred to in paragraph (a) if his name is not required by the regulations to be included in a roll that is to be prepared for that election; or

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(c) any person to more than one vote in an election held pursuant to subclause (1) (e) (i) of this clause by reason of his holding

Dairy Industry Marketing Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTION OF PANELS—*continued.*

5 certificates of registration that were issued
or sent to him under the Dairy Industry
Act, 1915, and the Dairy Industry
Authority Act, 1970, and that relate to the
same premises.

(c) Schedule 2, clause 4 (1)—

10 Omit the subclause.

(2) (a) Schedule 5, clause 15 (1) (c)—

Omit the paragraph, insert instead :—

(c) a person—

15 (i) who is the holder of a certificate of
registration that is in force after hav-
ing been issued under section 33 of
the Authority Act, being a certificate
which specifies that he is authorised
20 to treat raw milk or to receive, treat,
deposit and store milk; or

25 (ii) who is the holder of a certificate of
registration that is in force after
having been sent to him under section
5 (2) of the Industry Act by reason
of his being a person in whose name
premises were registered under that
Act as a dairy produce factory, being
a certificate bearing an endorsement
under section 5c of that Act providing

Dairy Industry Marketing Authority (Amendment).

SCHEDULE 2. Sec. 5.

FURTHER AMENDMENT TO THE PRINCIPAL ACT.

Section 106—

Omit "106 (3)", insert instead "71 (3)".

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980

(20c)