

DAIRY INDUSTRY (AMENDMENT) BILL 1992

I MOVE THAT THIS BILL BE READ A SECOND TIME.

IN EARLIER YEARS THE DAIRY INDUSTRY HAS TENDED TO BE STRONGLY STATE ORIENTATED. THE INDUSTRY NOW RECOGNISES, HOWEVER, THE NEED TO BE COMPETITIVE ON A NATIONAL BASIS. IN FEBRUARY 1991 A MEETING OF REPRESENTATIVES OF ALL STATE DAIRY FARMER ORGANISATIONS HELD IN BALLARAT REACHED AGREEMENT ON A NUMBER OF PRINCIPLES AFFECTING THE AUSTRALIAN DAIRY INDUSTRY. THEIR DECISIONS HAVE BECOME KNOWN AS THE "BALLARAT AGREEMENT".

THE BALLARAT AGREEMENT PROVIDES, IN PART, THAT LEGISLATION BE SOUGHT IN EACH STATE, SIMILAR TO SECTION 38 OF THE VICTORIAN DAIRY INDUSTRY ACT, TO REQUIRE THAT MILK USED FOR MARKET MILK BE OBTAINED FROM A STATE MILK AUTHORITY. THIS WILL ENSURE THE STABILITY OF THE PRODUCTION SECTOR THROUGHOUT AUSTRALIA.

IT IS STRESSED THAT THE PROPOSALS CONTAINED IN THIS BILL HAVE NOTHING TO DO WITH RESTRICTING INTERSTATE TRADE IN MILK. THE BILL WILL PUT ON THE STATUTE BOOKS OF THIS STATE PROVISIONS WHICH RELATE ONLY TO MILK PRODUCED IN THIS STATE AND WHICH IS TO BE USED AS MARKET MILK EITHER INTERSTATE OR INTRASTATE.

THE BILL PROVIDES THAT THE PROVISIONS WILL NOT COMMENCE UNTIL A DATE TO BE PROCLAIMED. THIS DATE WILL BE DETERMINED WHEN OTHER STATES HAVE ACHIEVED THE SAME END AS THIS STATE'S LEGISLATION.

IN EFFECT THE INTENTION IS TO SHOW THIS STATE'S GOOD FAITH IN THE MATTER AND BE IN THE VANGUARD IN LEGISLATING TO ACHIEVE THE WISHES OF THE DAIRY INDUSTRY THROUGHOUT AUSTRALIA.

CLAUSE 1 OF THE BILL CONTAINS THE SHORT TITLE AND CLAUSE 2 PROVIDES THAT THE PROPOSED ACT IS TO COMMENCE ON PROCLAIMED DAY OR DAYS. CLAUSE 3 PROVIDES THAT THE AMENDMENTS ARE CONTAINED IN SCHEDULE 1.

SCHEDULE 1, ITEM 1 INCLUDES A NEW DEFINITION OF "MILK AUTHORITY" WHICH INCLUDES THE NEW SOUTH WALES DAIRY CORPORATION AND SIMILAR BODIES IN OTHER STATES AND TERRITORIES.

ITEM 2 PROVIDES THAT ONLY MILK PRODUCED IN NEW SOUTH WALES IS TO VEST IN THE CORPORATION. ITEM 3 MAKES A CONSEQUENTIAL AMENDMENT.

ITEM 4 INSERTS A NEW SECTION WHICH MAKES IT AN OFFENCE FOR A PERSON WHO SELLS OR SUPPLIES MILK FOR HUMAN CONSUMPTION AS MILK, OR FOR USE BY HUMANS, AS MILK, UNLESS THE MILK HAS BEEN OBTAINED FROM A MILK AUTHORITY. THE SECTION IS TO APPLY

WHETHER THE MILK IS SOLD OR SUPPLIED FOR CONSUMPTION OR USE WITHIN OR OUTSIDE NEW SOUTH WALES. THE SECTION ALSO PROVIDES A DEFENCE TO SUCH A PROSECUTION IN CERTAIN CIRCUMSTANCES.

ITEM 5 IS TO ENSURE THAT THE CORPORATION HAS POWER TO FIX A PRICE TO BE PAID TO A DAIRY FARMER FOR MILK FOR HUMAN CONSUMPTION WITHIN OR OUTSIDE NEW SOUTH WALES, AS MILK, OR FOR USE BY HUMANS WITHIN OR OUTSIDE NEW SOUTH WALES, AS MILK.

I COMMEND THE BILL.

FIRST PRINT

DAIRY INDUSTRY (AMENDMENT) BILL 1992

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Dairy Industry Act 1979 in order to:

- (a) make it clear that the vesting of milk in the Dairy Corporation by the Act is limited to milk produced in New South Wales; and
- (b) require all milk that is sold or supplied for human consumption or use within or outside the State to be purchased from a Milk Authority (i.e. the Dairy Corporation or a similar statutory authority of a State or Territory); and
- (c) make it clear that the Dairy Corporation may fix the price payable to dairy farmers for milk that is produced within the State but is for human consumption or use outside the State.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 amends the Dairy Industry Act 1979 as set out in Schedule 1.

Schedule 1 (1) inserts a definition of "Milk Authority". The New South Wales Dairy Corporation would be a Milk Authority as would a similar body in another State or a Territory if it is declared by the Minister to be a Milk Authority.

Schedule 1 (2) makes it clear that the statutory vesting of milk in the Dairy Corporation relates to milk produced in New South Wales.

Schedule 1 (3) makes a consequential amendment.

Schedule 1 (4) makes it an offence for a person to sell or supply milk for human consumption or use within or outside New South Wales unless, if there is a Milk Authority in the State or Territory from which the milk was obtained, it was obtained from that Milk Authority.

Dairy Industry (Amendment) 1992

Schedule 1 (5) makes it clear that the provision of the Dairy Industry Act 1979 relating to the price to be paid to a dairy farmer for milk for human consumption or use applies in relation to human consumption or use outside the State and not just to human consumption or use within the State.

FIRST PRINT

DAIRY INDUSTRY (AMENDMENT) BILL 1992

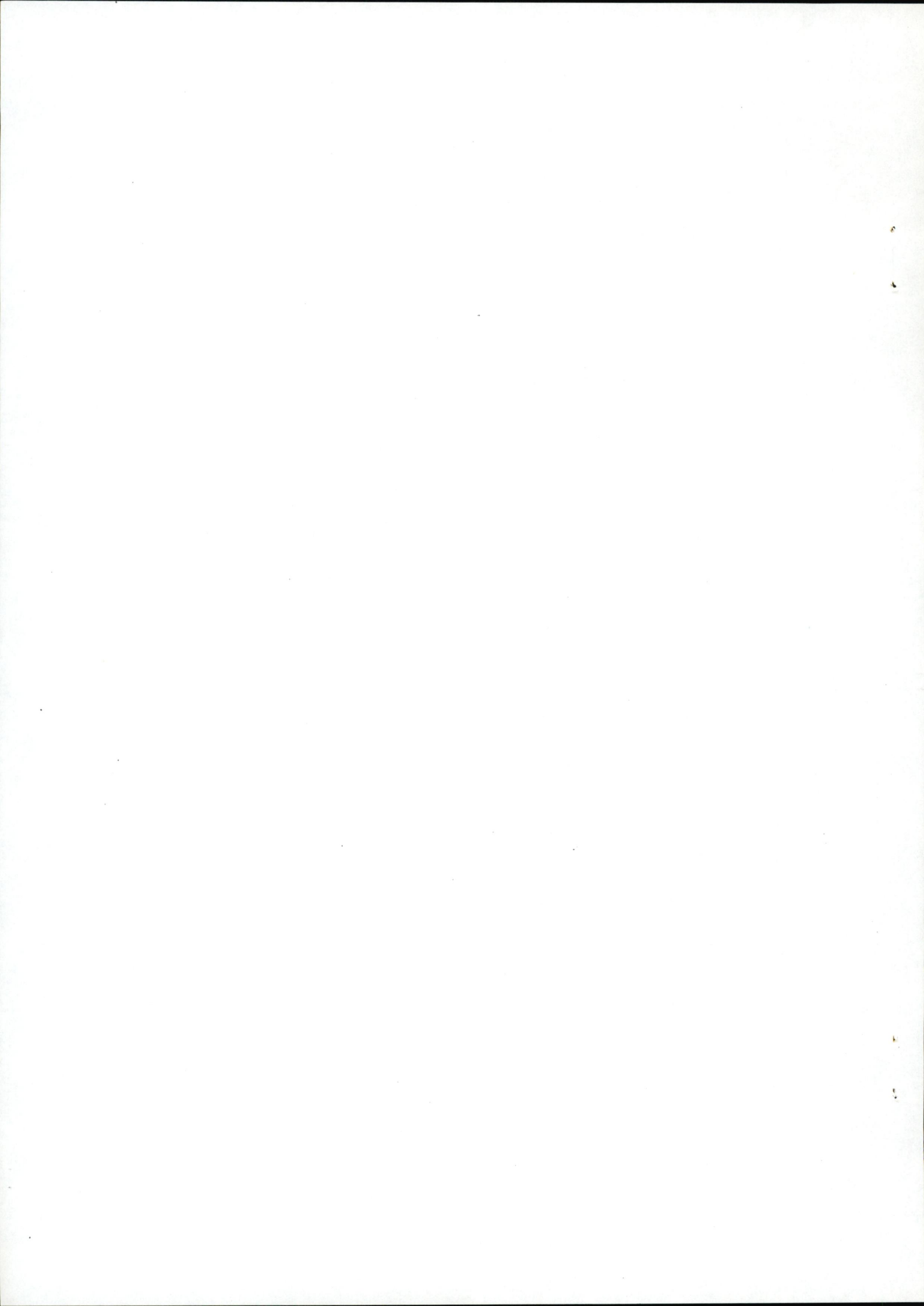
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Dairy Industry Act 1979 No. 208

SCHEDULE 1—AMENDMENTS



DAIRY INDUSTRY (AMENDMENT) BILL 1992

NEW SOUTH WALES



No. , 1992

A BILL FOR

An Act to amend the Dairy Industry Act 1979 with respect to the vesting in the New South Wales Dairy Corporation of milk produced in the State and the price to be paid to dairy farmers for milk; to require certain purchases of milk to be made only from the New South Wales Dairy Corporation or its equivalent in another State; and for other purposes.

Dairy Industry (Amendment) 1992

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Dairy Industry (Amendment) Act 1992.

5 Commencement

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

Amendment of Dairy Industry Act 1979 No. 208

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

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SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 4 (**Definitions**):

After the definition of "milk" in section 4 (1), insert:

"Milk Authority" means:

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(a) the Corporation; or

(b) any similar authority of another State or a Territory declared by the Minister, by order published in the Gazette, to be a Milk Authority for the purposes of this Act;

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(2) Section 21 (**All milk supplied for consumption or use to vest in the Corporation**):

(a) After "Milk" in section 21 (1), insert "produced in New South Wales and".

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(b) After "New South Wales" wherever occurring in section 21 (1), insert "or elsewhere".

(3) Section 25 (**Delivery and acceptance of milk**):

After "New South Wales" wherever occurring in section 25 (5), insert "or elsewhere".

Dairy Industry (Amendment) 1992

SCHEDULE 1—AMENDMENTS—*continued*

(4) Section 32B:

After section 32A, insert:

Acquisition of milk for sale or supply for human consumption or use 5

32B. (1) A person who sells or supplies milk for human consumption as milk, or for use by humans, as milk, is guilty of an offence against this Act unless the milk was obtained from a Milk Authority.

(2) It is a defence to a prosecution for an offence under this section if it is established: 10

(a) that, at the time of the alleged offence, there was no Milk Authority in the State in which the milk was obtained; or

(b) that the sale or supply was authorised by the Corporation; or 15

(c) that the seller or supplier did not know, or had no reason to suspect, that the milk was not obtained from a Milk Authority.

(3) This section applies whether the milk is sold or supplied for consumption or use within or outside New South Wales. 20

(5) Section 54 (**Price for milk to be fixed by Corporation**):

After "milk" in section 54 (1) (a), insert "for human consumption within or outside New South Wales, as milk, or for use by humans within or outside New South Wales, as milk". 25

DAIRY INDUSTRY (AMENDMENT) ACT 1992 No. 28

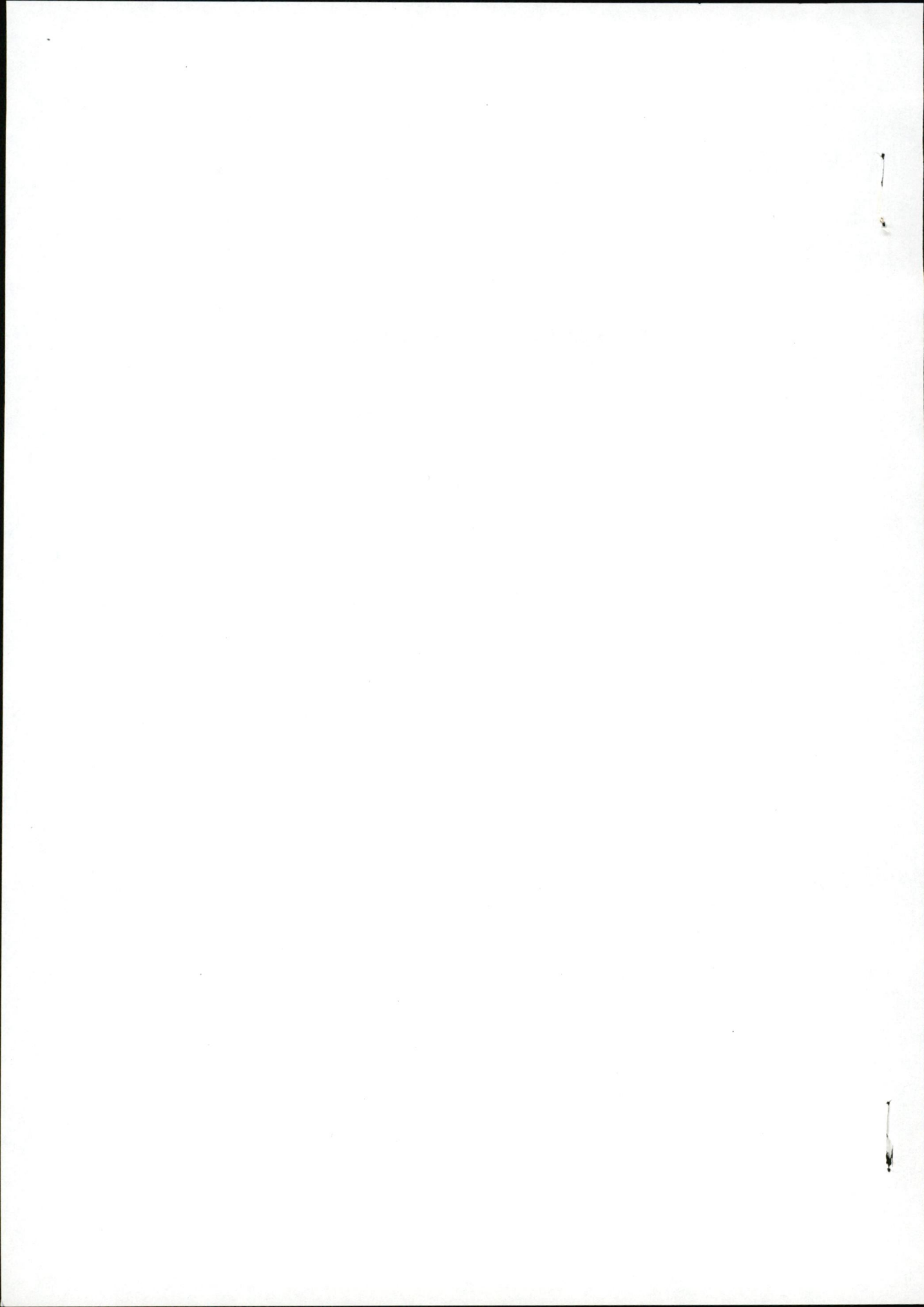
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Dairy Industry Act 1979 No. 208

SCHEDULE 1—AMENDMENTS



DAIRY INDUSTRY (AMENDMENT) ACT 1992 No. 28

NEW SOUTH WALES



Act No. 28, 1992

An Act to amend the Dairy Industry Act 1979 with respect to the vesting in the New South Wales Dairy Corporation of milk produced in the State and the price to be paid to dairy farmers for milk; to require certain purchases of milk to be made only from the New South Wales Dairy Corporation or its equivalent in another State; and for other purposes.
[Assented to 18 May 1992]

Dairy Industry (Amendment) Act 1992 No. 28

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Dairy Industry (Amendment) Act 1992.

Commencement

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

Amendment of Dairy Industry Act 1979 No. 208

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

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 4 (**Definitions**):

After the definition of "milk" in section 4 (1), insert:

"Milk Authority" means:

- (a) the Corporation; or
- (b) any similar authority of another State or a Territory declared by the Minister, by order published in the Gazette, to be a Milk Authority for the purposes of this Act;

(2) Section 21 (**All milk supplied for consumption or use to vest in the Corporation**):

- (a) After "Milk" in section 21 (1), insert "produced in New South Wales and".
- (b) After "New South Wales" wherever occurring in section 21 (1), insert "or elsewhere".

(3) Section 25 (**Delivery and acceptance of milk**):

After "New South Wales" wherever occurring in section 25 (5), insert "or elsewhere".

Dairy Industry (Amendment) Act 1992 No. 28

SCHEDULE 1—AMENDMENTS—*continued*

(4) Section 32B:

After section 32A, insert:

Acquisition of milk for sale or supply for human consumption or use

32B. (1) A person who sells or supplies milk for human consumption as milk, or for use by humans, as milk, is guilty of an offence against this Act unless the milk was obtained from a Milk Authority.

(2) It is a defence to a prosecution for an offence under this section if it is established:

- (a) that, at the time of the alleged offence, there was no Milk Authority in the State in which the milk was obtained; or
- (b) that the sale or supply was authorised by the Corporation; or
- (c) that the seller or supplier did not know, or had no reason to suspect, that the milk was not obtained from a Milk Authority.

(3) This section applies whether the milk is sold or supplied for consumption or use within or outside New South Wales.

(5) Section 54 (**Price for milk to be fixed by Corporation**):

After “milk” in section 54 (1) (a), insert “for human consumption within or outside New South Wales, as milk, or for use by humans within or outside New South Wales, as milk”.

[*Minister's second reading speech made in—
Legislative Assembly on 7 May 1992
Legislative Council on 7 May 1992*]

