

FIRST PRINT

DAIRY INDUSTRY (FURTHER 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:

- (a) to require less information in returns that dairy farmers and others must make to the Dairy Corporation; and
- (b) to repeal all references in the Act to margarine; and
- (c) to enable a person to deliver and sell milk without being registered as a dairy produce merchant; and
- (d) to vary the price fixing powers of the Dairy Corporation; and
- (e) to dispense with certain unused formal procedures for the investigation of complaints by dairy farmers.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day or days to be appointed by proclamation, except Schedule 3.

Schedule 3 is to commence on 1 July 1997 unless an earlier date agreed to by the Minister and the Amalgamated Milk Vendors' Association Inc. is appointed by proclamation.

Clause 3 amends the Dairy Industry Act 1979 as set out in Schedules 1-4.

Dairy Industry (Further Amendment) 1992

SCHEDULE 1—AMENDMENT RELATING TO THE PROVISION OF INFORMATION AND RETURNS

This Schedule enables less information to be required, and fewer returns to be made, in future by dairy farmers and dairy produce merchants.

SCHEDULE 2—AMENDMENTS RELATING TO MARGARINE

This Schedule repeals all references to margarine.

SCHEDULE 3—AMENDMENTS RELATING TO REGISTRATION AND THE FIXING OF PRICES

Schedule 3 (1) exempts from registration as a dairy produce merchant a person who delivers and sells milk by vehicle.

Schedule 3 (2) varies the powers of the Dairy Corporation in relation to the fixing of prices for milk. Price-fixing powers retained include those relating to the minimum price to be paid to dairy farmers for milk and certain wholesale prices to be paid for milk.

Schedule 3 (4) increases from three-monthly periods to six-monthly periods the times at which the Dairy Corporation is required to undertake a review of the prices that it is authorised to fix for milk and dairy products.

Schedule 3 (3), (5), (6) and (7) make consequential amendments.

Schedule 3 (8) precludes any claims for compensation based on cessation of the registration of persons who deliver and sell milk by vehicle.

SCHEDULE 4—AMENDMENT RELATING TO COMPLAINTS

This amendment repeals provisions that require certain formal procedures to be observed in relation to complaints by dairy farmers. Because of an existing informal procedure, the provisions proposed for repeal have not been used.

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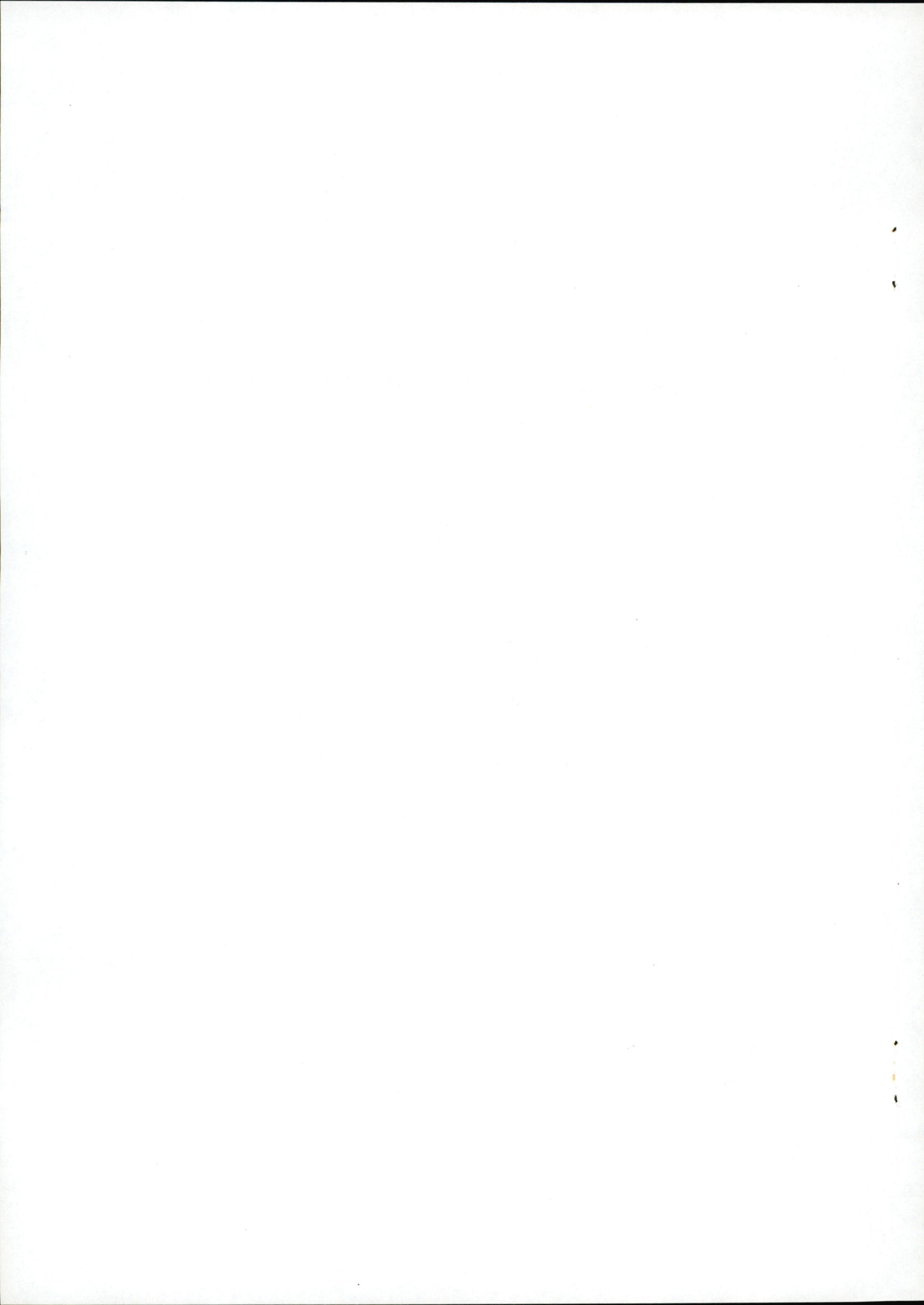
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SCHEDULE 1—AMENDMENT RELATING TO THE PROVISION OF
INFORMATION AND RETURNS

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SCHEDULE 3—AMENDMENTS RELATING TO REGISTRATION AND THE
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SCHEDULE 4—AMENDMENT RELATING TO COMPLAINTS



DAIRY INDUSTRY (FURTHER AMENDMENT) BILL 1992

NEW SOUTH WALES



No. , 1992

A BILL FOR

An Act to amend the Dairy Industry Act 1979 in order to dispense with certain administrative procedures, repeal provisions relating to margarine and discontinue certain price-fixing powers; and for other purposes.

Dairy Industry (Further Amendment) 1992

The Legislature of New South Wales enacts:

Short title

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

5 Commencement

2. (1) This Act commences on a day or days appointed by proclamation, except as provided by this section.

(2) Schedule 3, and section 3 in its application to that Schedule, commence on 1 July 1997, unless an earlier day is appointed by proclamation.

(3) A day earlier than 1 July 1997 for the commencement of Schedule 3, and of section 3 in its application to that Schedule, is not to be appointed unless the Minister has first certified to the Governor that the day has been agreed to by the Minister and the Amalgamated Milk Vendors' Association Inc.

Amendment of Dairy Industry Act 1979 No. 208

3. The Dairy Industry Act 1979 is amended as set out in Schedules 1-4.

**SCHEDULE 1—AMENDMENT RELATING TO THE
PROVISION OF INFORMATION AND RETURNS**

(Sec. 3)

Section 10 (Directions in the interests of health etc.):

After section 10 (1), insert:

(1A) The functions conferred or imposed by subsection (1) (f) may be exercised only to the extent that is reasonably necessary in order to ensure that, as far as practicable, the Corporation:

- (a) is able to account accurately for the use of milk; or
- (b) has available such information as may be appropriate for the fixing of prices for milk.

*Dairy Industry (Further Amendment) 1992***SCHEDULE 2—AMENDMENTS RELATING TO MARGARINE**
(Sec. 3)

- (1) The whole Act:
Omit “milk, dairy products and margarine” wherever occurring, insert instead “milk and dairy products”. 5
- (2) The whole Act:
Omit “milk, dairy products or margarine” wherever occurring, insert instead “milk or dairy products”.
- (3) The whole Act:
Omit “milk, dairy product or margarine” wherever occurring, insert instead “milk or dairy product”. 10
- (4) Section 4 (**Definitions**):
(a) From section 4 (1), omit “or margarine” wherever occurring.
(b) From section 4 (1), omit the definition of “margarine”.
- (5) Section 8 (**Principal responsibility**): 15
From section 8 (b), omit “and margarine”.
- (6) Section 10 (**Directions in the interests of health etc.**):
(a) From section 10 (1) (b), omit “milk, a dairy product or margarine”, insert instead “milk or a dairy product”.
(b) From section 10 (1) (c), (e) and (f), omit “any dairy product or margarine” wherever occurring, insert instead “any dairy product”. 20
- (7) Section 11 (**Directions to take remedial measures**):
From section 11 (1) (f) and (g), omit “milk, those dairy products or margarine” wherever occurring, insert instead “milk or those dairy products”. 25
- (8) Section 15 (**Taking of samples**):
Omit “or margarine” wherever occurring.
- (9) Section 20 (**Powers of certain authorised officers**):
(a) From section 20 (2) (a) (ii), (b), (c), (e) (i) (a) and (e) (ii) (b), omit “of dairy products or margarine” wherever occurring, insert instead “of dairy products”. 30
(b) From section 20 (2) (a), omit “dairy products, margarine”, insert instead “dairy products”.

Dairy Industry (Further Amendment) 1992

SCHEDULE 2—AMENDMENTS RELATING TO MARGARINE—
continued

- 5 (c) From section 20 (2) (c) (e) (i) (a) and (e) (ii) (b), omit “dairy product, margarine” wherever occurring, insert instead “dairy product”.
- (10) Part 4, heading:
Omit “, DAIRY PRODUCTS AND MARGARINE”, insert instead “AND DAIRY PRODUCTS”.
- 10 (11) Section 83 (**Inspection of vehicles**):
From section 83 (1), omit the definition of “margarine”.
- (12) Section 99A (**Fees for testing etc. by Corporation**):
From section 99A (3) (a), omit “, a New South Wales dairy product or New South Wales margarine”, insert instead “or a New South Wales dairy product”.
- 15 (13) Section 103 (**Regulations**):
From section 103 (4), omit “cream, dairy products or margarine”, insert instead “cream or dairy products”.

SCHEDULE 3—AMENDMENTS RELATING TO
REGISTRATION AND THE FIXING OF PRICES

(Sec. 3)

20

- (1) Section 32B:
After section 32A, insert:
Deregulation of delivery of milk by vehicle etc.
32B. From the commencement of this section and despite any other provision of this Act, a person who delivers milk by vehicle and who sells milk so delivered is not required to hold a certificate of registration as a dairy produce merchant authorising the person to do so.
- 25
- 30 (2) Section 54 (**Certain prices for milk to be fixed by Corporation**):
(a) Omit section 54 (1) (b), (d), (d1) and (e).
(b) Omit section 54 (2) (b).

Dairy Industry (Further Amendment) 1992

**SCHEDULE 3—AMENDMENTS RELATING TO REGISTRATION
AND THE FIXING OF PRICES—*continued***

- (c) From section 54 (2) (c), omit “, different maximum retail prices, different minimum and maximum retail prices or different fixed retail prices under subsection (1) (c), (d), (d1) or (e) respectively”, insert instead “under subsection (1) (c)”. 5
- (d) Omit section 54 (2) (c) (iii).
- (3) **Section 56 (Prescribed provisions for fixing prices):** 10
Omit section 56 (2).
- (4) **Section 57 (Periodic review of prices):**
- (a) From section 57 (1) (a), omit “March, June, September and December”, insert instead “March and September”.
- (b) Omit section 57 (2).
- (c) From section 57 (3), omit “any such review in relation to any other price”, insert instead “a review of a price”. 15
- (5) **Section 58 (Notification of prices):**
From section 58 (1), omit “Subject to section 59, an”, insert instead “An”.
- (6) **Section 59 (Special provisions with respect to retail price of certain milk):** 20
Omit the section.
- (7) **Section 60A (Offences):**
Omit section 60A (1).
- (8) **Schedule 5 (Savings and transitional provisions):** 25
At the end of Schedule 5, insert:
Dairy Industry (Further Amendment) Act 1992
Compensation not available in certain cases
20. (1) Compensation is not payable to any person on the basis of: 30
- (a) cessation, because of section 32B, of the registration of persons who deliver milk by vehicle and sell milk so delivered; or
- (b) any consequences of that cessation.

Dairy Industry (Further Amendment) 1992

**SCHEDULE 3—AMENDMENTS RELATING TO REGISTRATION
AND THE FIXING OF PRICES—*continued***

5 (2) This clause does not imply that, but for this clause,
 there would be any basis for a claim for compensation as a
 result of an amendment of this or any other Act.

SCHEDULE 4—AMENDMENT RELATING TO COMPLAINTS

(Sec. 3)

Part 8, Division 2 (Investigation of Complaints by Dairymen):
Omit the Division.
