

First print



New South Wales

Farm Produce (Repeal) Bill 1996

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to provide for the repeal of the *Farm Produce Act 1983*, and
 - (b) to continue the Flemington Markets Commercial Services Scheme for transactions involving farm produce entered into before 1 September 1997, and
 - (c) to require claims to be notified before 1 July 1997 to the registrar appointed under that Act if they are to be covered by the indemnity scheme administered under that Act, and
 - (d) to allow savings and transitional regulations to be made in connection with the repeal of that Act.
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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 31 December 1996.

Clause 3 is a formal provision giving effect to the amendment to the *Farm Produce Act 1983* set out in Schedule 1.

Clause 4 provides for the repeal of the *Farm Produce Act 1983* on a day or days appointed by proclamation.

Clause 5 makes savings and transitional provisions.

The exemption (presently provided by the *Farm Produce Regulation 1983*) from certain requirements made by Part 4 of the *Commonwealth Trade Practices Act 1974* is continued for transactions entered into before 1 September 1997 pursuant to the Flemington Markets Commercial Services Scheme.

Claims that may be met pursuant to the indemnity scheme administered by the registrar under the *Farm Produce Act 1983* are limited to those particulars of which are notified to the registrar before 1 July 1997.

A power is conferred for making regulations containing further savings and transitional provisions consequential on the effect of the proposed Act.

Schedule 1 replaces section 3 of the *Farm Produce Act 1983* (which is a redundant description of the way its provisions are arranged) with a provision that declares that Act ceases to have effect on the expiration of 31 December 1996, except to the extent that it applies to and in respect of sales of farm produce effected on or before that date for which payment became or becomes due no later than on 31 January 1997.

First print

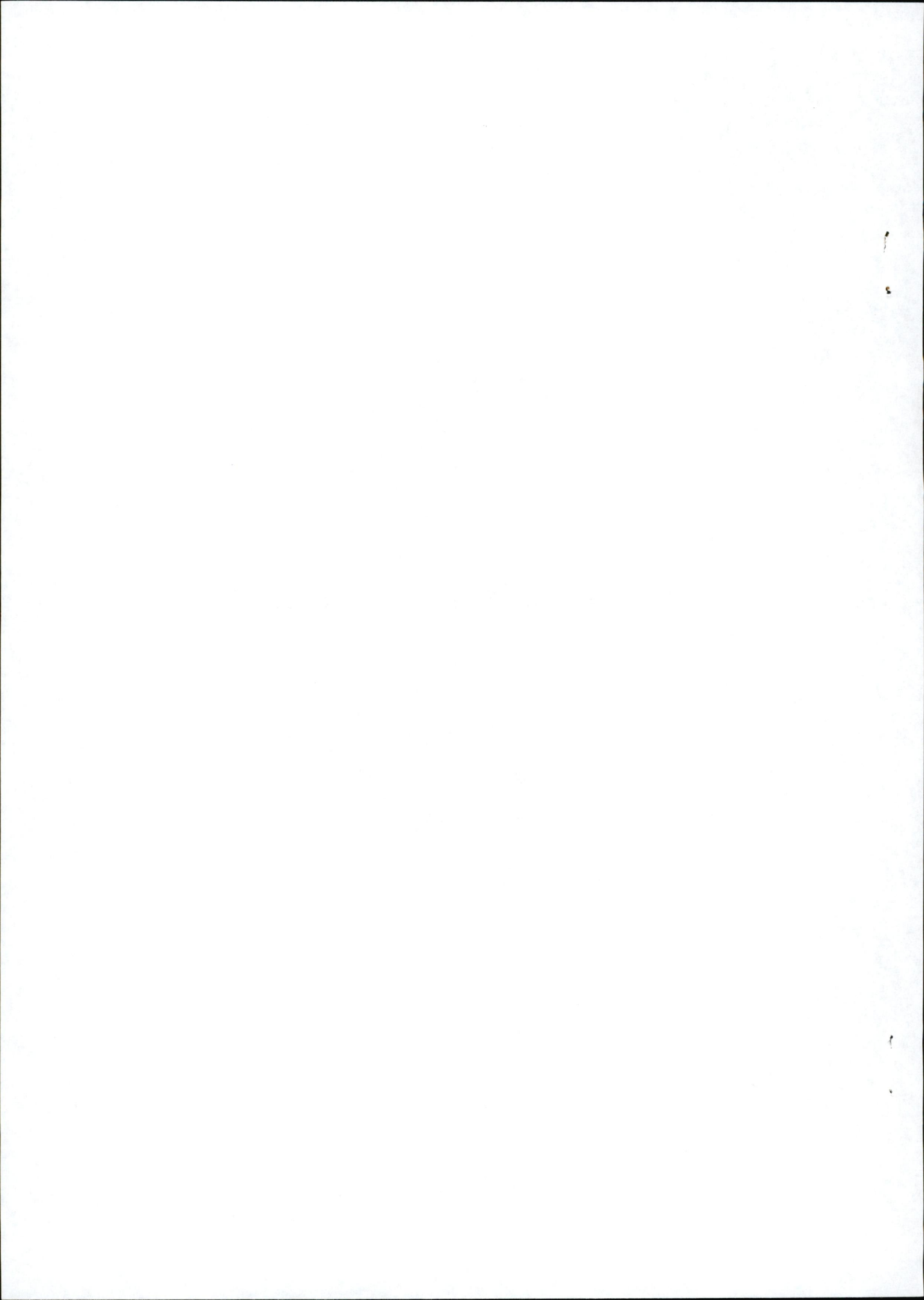


New South Wales

Farm Produce (Repeal) Bill 1996

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New South Wales

Farm Produce (Repeal) Bill 1996

No. , 1996

A Bill for

An Act to limit the application and provide for the repeal of the *Farm Produce Act 1983*, to continue the Flemington Markets Commercial Services Scheme for a limited period, to limit the time for making claims covered by the indemnity scheme under that Act, and to allow the making of savings or transitional regulations as a consequence of that repeal.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Farm Produce (Repeal) Act 1996*.

2 Commencement

This Act commences on 31 December 1996.

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3 Amendment of Farm Produce Act 1983 No 30

The *Farm Produce Act 1983* is amended as set out in Schedule 1.

4 Repeal of Farm Produce Act 1983 No 30

The *Farm Produce Act 1983* is repealed on a day or days to be appointed by proclamation.

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5 Savings and transitional provisions

(1) **Continuation of Flemington Markets Commercial Services Scheme**

Anything done by a person in connection with the making of or the giving of effect to contracts or arrangements, or to the arriving at or the giving of effect to understandings, concerning the marketing of primary produce or the adoption of marketing practices in accordance with the Flemington Markets Commercial Services Scheme 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*, but only if the contracts, arrangements or understandings have been entered into before 1 September 1997. The *Flemington Markets Commercial Services Scheme* is the scheme established by the by-laws published in Gazette No 31 of 15 February 1991 at pages 1253–1265, as amended from time to time.

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(2) **Claims covered by indemnity scheme**

A person may sue on an indemnity furnished under the *Farm Produce Act 1983* to the registrar under that Act or may be reimbursed out of money received by that registrar under such an indemnity despite any repeal effected pursuant to this Act, but only if:

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- (a) notice of particulars of the claim giving rise to the action or reimbursement has been given to the registrar before 1 July 1997, and
- (b) that Act applied to the sale of farm produce to which the claim relates. 5
- (3) **Savings and transitional regulations**
The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the repeal or partial repeal of the *Farm Produce Act 1983* pursuant to section 4 of this Act or the limitation on the operation of that Act imposed by section 3 of that Act. 10
- (4) Any such provision may, if the regulations so provide, take effect on 31 December 1996 or a later date.
- (5) To the extent to which any such provision takes effect on a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as: 15
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication. 20

Farm Produce (Repeal) Bill 1996

Schedule 1 Amendment

Schedule 1 Amendment

(Section 3)

Section 3

Omit the section. Insert instead:

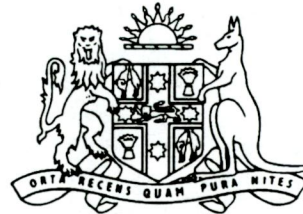
3 Limited application of Act

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This Act ceases to have effect at the expiration of 31 December 1996, except to the extent that it applies to and in respect of farm produce sold by a producer to a farm produce merchant, or sold by a farm produce agent on behalf of a producer, before or on that date and for which payment became or becomes due no later than on 31 January 1997.

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Second print



New South Wales

Farm Produce (Repeal) Bill 1996

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Clerk of the Legislative Assembly.
Legislative Assembly*



New South Wales

Farm Produce (Repeal) Bill 1996

Act No , 1996

An Act to limit the application and provide for the repeal of the *Farm Produce Act 1983*, to continue the Flemington Markets Commercial Services Scheme for a limited period, to limit the time for making claims covered by the indemnity scheme under that Act, and to allow the making of savings or transitional regulations as a consequence of that repeal.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Farm Produce (Repeal) Act 1996*.

2 Commencement

This Act commences on 30 June 1997.

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3 Amendment of Farm Produce Act 1983 No 30

The *Farm Produce Act 1983* is amended as set out in Schedule 1.

4 Repeal of Farm Produce Act 1983 No 30

The *Farm Produce Act 1983* is repealed on a day or days to be appointed by proclamation.

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5 Savings and transitional provisions

(1) **Continuation of Flemington Markets Commercial Services Scheme**

Anything done by a person in connection with the making of or the giving of effect to contracts or arrangements, or to the arriving at or the giving of effect to understandings, concerning the marketing of primary produce or the adoption of marketing practices in accordance with the Flemington Markets Commercial Services Scheme 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*, but only if the contracts, arrangements or understandings have been entered into before 1 September 1997. The *Flemington Markets Commercial Services Scheme* is the scheme established by the by-laws published in Gazette No 31 of 15 February 1991 at pages 1253–1265, as amended from time to time.

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(2) **Claims covered by indemnity scheme**

A person may sue on an indemnity furnished under the *Farm Produce Act 1983* to the registrar under that Act or may be reimbursed out of money received by that registrar under such an indemnity despite any repeal effected pursuant to this Act, but only if:

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- (a) notice of particulars of the claim giving rise to the action or reimbursement has been given to the registrar before 1 January 1998, and
- (b) that Act applied to the sale of farm produce to which the claim relates. 5
- (3) **Savings and transitional regulations**
The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the repeal or partial repeal of the *Farm Produce Act 1983* pursuant to section 4 of this Act or the limitation on the operation of that Act imposed by section 3 of that Act. 10
- (4) Any such provision may, if the regulations so provide, take effect on 30 June 1997 or a later date.
- (5) To the extent to which any such provision takes effect on a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as: 15
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication. 20

Farm Produce (Repeal) Bill 1996

Schedule 1 Amendment

Schedule 1 Amendment

(Section 3)

Section 3

Omit the section. Insert instead:

3 Limited application of Act

5

This Act ceases to have effect at the expiration of 30 June 1997, except to the extent that it applies to and in respect of farm produce sold by a producer to a farm produce merchant, or sold by a farm produce agent on behalf of a producer, before or on that date and for which payment became or becomes due no later than on 31 July 1997.

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New South Wales

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New South Wales

Farm Produce (Repeal) Act 1996 No 134

Act No 134, 1996

An Act to limit the application and provide for the repeal of the *Farm Produce Act 1983*, to continue the Flemington Markets Commercial Services Scheme for a limited period, to limit the time for making claims covered by the indemnity scheme under that Act, and to allow the making of savings or transitional regulations as a consequence of that repeal. [Assented to 16 December 1996]

The Legislature of New South Wales enacts:**1 Name of Act**

This Act is the *Farm Produce (Repeal) Act 1996*.

2 Commencement

This Act commences on 30 June 1997.

3 Amendment of Farm Produce Act 1983 No 30

The *Farm Produce Act 1983* is amended as set out in Schedule 1.

4 Repeal of Farm Produce Act 1983 No 30

The *Farm Produce Act 1983* is repealed on a day or days to be appointed by proclamation.

5 Savings and transitional provisions

- (1) **Continuation of Flemington Markets Commercial Services Scheme**
Anything done by a person in connection with the making of or the giving of effect to contracts or arrangements, or to the arriving at or the giving of effect to understandings, concerning the marketing of primary produce or the adoption of marketing practices in accordance with the Flemington Markets Commercial Services Scheme 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*, but only if the contracts, arrangements or understandings have been entered into before 1 September 1997. The ***Flemington Markets Commercial Services Scheme*** is the scheme established by the by-laws published in Gazette No 31 of 15 February 1991 at pages 1253–1265, as amended from time to time.
- (2) **Claims covered by indemnity scheme**
A person may sue on an indemnity furnished under the *Farm Produce Act 1983* to the registrar under that Act or may be reimbursed out of money received by that registrar under such an indemnity despite any repeal effected pursuant to this Act, but only if:

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- (a) notice of particulars of the claim giving rise to the action or reimbursement has been given to the registrar before 1 January 1998, and
- (b) that Act applied to the sale of farm produce to which the claim relates.
- (3) **Savings and transitional regulations**
The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the repeal or partial repeal of the *Farm Produce Act 1983* pursuant to section 4 of this Act or the limitation on the operation of that Act imposed by section 3 of that Act.
- (4) Any such provision may, if the regulations so provide, take effect on 30 June 1997 or a later date.
- (5) To the extent to which any such provision takes effect on a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Schedule 1 Amendment

(Section 3)

Section 3

Omit the section. Insert instead:

3 Limited application of Act

This Act ceases to have effect at the expiration of 30 June 1997, except to the extent that it applies to and in respect of farm produce sold by a producer to a farm produce merchant, or sold by a farm produce agent on behalf of a producer, before or on that date and for which payment became or becomes due no later than on 31 July 1997.

[Minister's second reading speech made in—
Legislative Assembly on 30 October 1996
Legislative Council on 20 November 1996]

BY AUTHORITY

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