

First print



New South Wales

Marketing of Primary Products Amendment Bill 1995

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Marketing of Primary Products Act 1983*:

- (a) to enable the making of a marketing order with respect to the Murray Valley wine grape processing industry without the need for the formal consultation requirements set out in the Act, and
- (b) to specify the matters that may be included in the order, and
- (c) to prevent such an order being extended or a further such order being made, and
- (d) to include savings and transitional provisions.

The Bill also repeals the *Wine Grape Processing Industry Act 1979*.

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 a day to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the *Marketing of Primary Products Act 1983*.

Clause 4 repeals the *Wine Grape Processing Industry Act 1979*.

Schedule 1 Amendments

Marketing order for the Murray Valley wine grape processing industry

Schedule 1 [1] inserts a new Division 6 in Part 5 containing proposed sections 102A–102D.

Proposed section 102A defines certain terms used in the new Division. In particular, *NSW production area* is defined as the area constituted by the local government areas of Wentworth, Balranald and Wakool and the *Victorian production area* is defined as the area in Victoria constituted by the Cities of Mildura and Swan Hill and the Shires of Mildura, Swan Hill and Kerang.

Proposed section 102B enables the Minister to make a marketing order (to have effect for a period of up to 3 years) which establishes a committee either as an interstate body or, if there is no corresponding Victorian committee, as a State body. The committee will have the following functions:

- (a) recommending prices to be paid by processors or wineries to producers for wine grapes grown in the NSW production area based on an analysis of the commodity outlook for the wine industry prepared by the committee,
- (b) fixing minimum terms of payment for wine grapes grown in the NSW production area.

Proposed section 102C prevents the Minister from making a further marketing order dealing with the same matters.

Proposed section 102D states that certain provisions of the Act that would usually apply to marketing orders do not apply to the marketing order made for the purposes of the proposed Division. The matters which those provisions cover include consultation procedures for the making of marketing orders, the contents of marketing orders and the extension of the duration of marketing orders.

Savings and transitional provisions

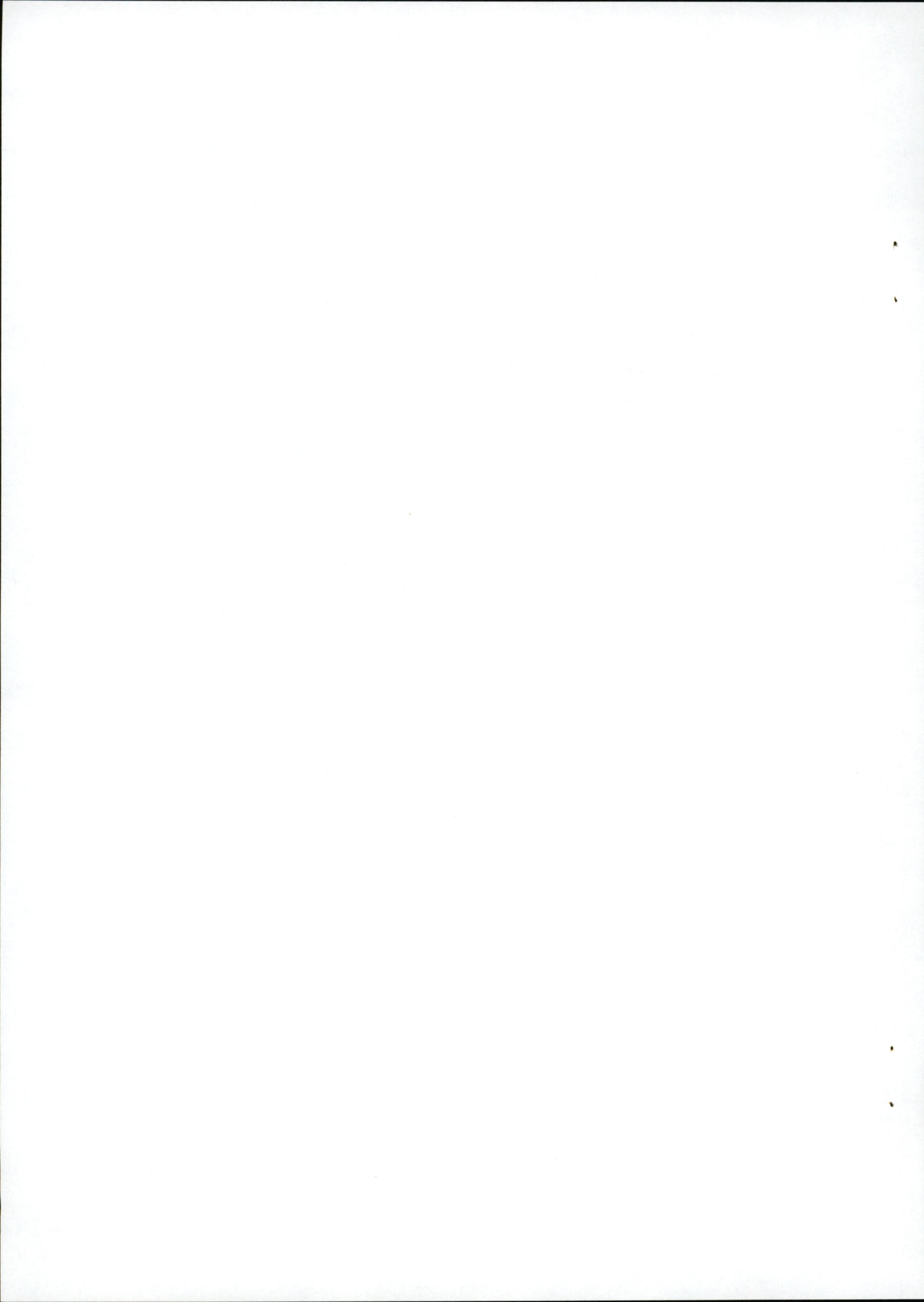
Schedule 1 [2], [3] and [4] contains savings and transitional provisions.

Those provisions:

- (a) enable regulations to be made of a savings and transitional nature
- (b) continue in force determinations of a Wine Grape Processing Industry Negotiating Committee or Joint Negotiating Committee under the *Wine Grape Processing Industry Act 1979* fixing the minimum prices to be paid by processors for wine grapes until a recommendation as to those prices is made pursuant to the new marketing order to be made under proposed Division 6 of Part 5
- (c) terminate the offices of members of Wine Grape Processing Industry Negotiating Committees or Joint Negotiating Committees, Wine Grape Processing Industry Arbitrators and inspectors appointed under the *Wine Grape Processing Industry Act 1979*.

Those provisions will also:

- (a) terminate the offices of members of the Murray Valley Wine Grape Processing Industry Negotiating Committee established under the marketing order made for the purposes of the new Division 6 of Part 5 when that marketing order ceases to have effect or is revoked
- (b) provide for any assets of the Committee in existence on its dissolution to be dealt with in accordance with directions of the Minister.



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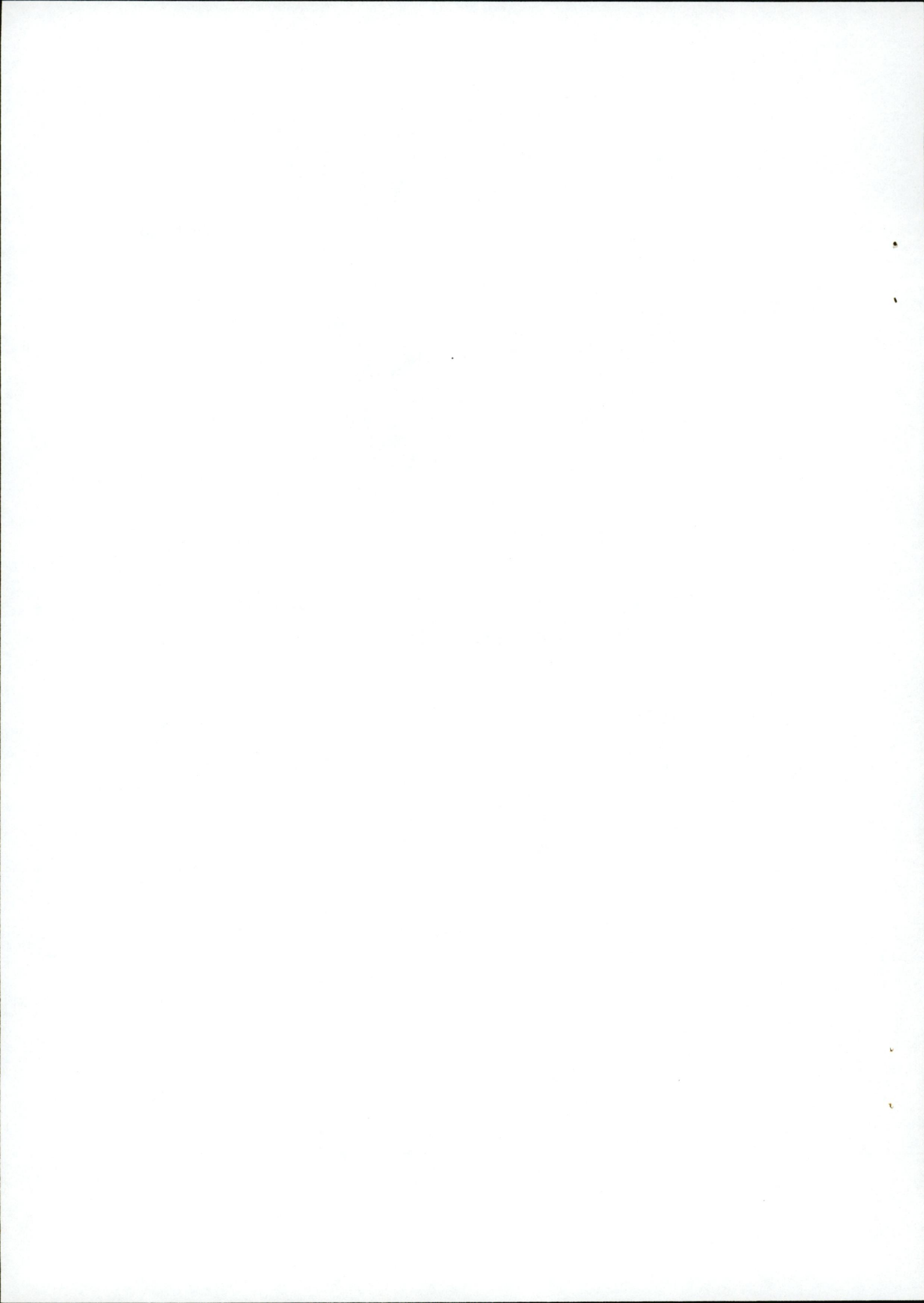


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New South Wales

Marketing of Primary Products Amendment Bill 1995

No. , 1995

A Bill for

An Act to amend the *Marketing of Primary Products Act 1983* with respect to the Murray Valley wine grape processing industry; and to repeal the *Wine Grape Processing Industry Act 1979*.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Marketing of Primary Products Amendment Act 1995*.

2 Commencement

5

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

3 Amendment of Marketing of Primary Products Act 1983 No 176

The *Marketing of Primary Products Act 1983* is amended as set out in Schedule 1.

4 Repeal of Wine Grape Processing Industry Act 1979 No 87

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The *Wine Grape Processing Industry Act 1979* is repealed.

Schedule 1 Amendments

(Section 3)

[1] Part 5, Division 6

Insert after Division 5 of Part 5:

Division 6 Special provisions relating to wine grape marketing orders 5

102A Definitions

In this Division:

NSW production area means the area constituted by the local government areas of Wentworth, Balranald and Wakool. 10

Victorian production area means the area in Victoria constituted by the Cities of Mildura and Swan Hill and the Shires of Mildura, Swan Hill and Kerang.

102B Making of marketing order 15

(1) The Minister may, for the purposes of this Division, make a marketing order that deals with any or all of the following matters:

(a) the establishment of a Murray Valley Wine Grape Processing Industry Negotiating Committee, the membership of the Committee and the appointment of members, 20

(b) the establishment of the Committee as an interstate committee, if a similar body having similar functions has been established under Victorian legislation for the Victorian production area, 25

(c) if a similar body having similar functions has been established under Victorian legislation for the Victorian production area, enabling the Committee to exercise any functions conferred on it by or under the Victorian legislation, 30

Marketing of Primary Products Amendment Bill 1995

Schedule 1 Amendments

- (d) the establishment of the Committee as a committee having functions that relate solely to the NSW production area, if such a body has not been established in Victoria,
 - (e) enabling the Committee to recommend prices to be paid by processors or wineries to producers for wine grapes grown in the NSW production area based on analysis of the commodity outlook for the wine industry as prepared by the Committee and to fix minimum terms of payment for wine grapes grown in the NSW production area (including times for payment and interest penalties for late payments),
 - (f) empowering the Committee to liaise and meet with any other bodies that have similar purposes,
 - (g) the procedure of the Committee,
 - (h) the financial year of the Committee,
 - (i) the funding of the Committee by wine grape producers and wine grape processors or wineries and other bodies involved in the industry,
 - (j) any matter that may be included in the order under a provision of Divisions 2–4 except a provision referred to in section 102D (1),
 - (k) making provision for or with respect to all acts, matters and things that are necessary or expedient to be done in connection with any of the matters specified in paragraphs (a)–(j).
- (2) The marketing order is to state the period, not exceeding 3 years, for which it is to be in force.

102C Prohibition on making of further marketing orders 30

The Minister must not make a further marketing order (whether or not for the purposes of this Division) that deals with any of the matters referred to in section 102B after the first such order has been made for the purposes of this Division. 35

102D Application of other provisions to marketing orders made for the purposes of this Division

- (1) A marketing order made for the purposes of this Division is taken to be a marketing order made under this Part. However, sections 77–82, 85, 86, 91 (2) and (3) and 93 do not apply to a marketing order made for the purposes of this Division. 5
- (2) In the application of the other provisions of this Part to a marketing order made for the purposes of this Division:
- (a) wine grapes grown in the NSW production area are taken to be a commodity, and 10
- (b) a reference in those provisions to the relevant committee is to be read as a reference to the committee established under the marketing order.

[2] Schedule 4 Savings, transitional and other provisions 15

Insert before clause 1:

Part 1 Preliminary

1A Savings and transitional regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts: 20
- Marketing of Primary Products Amendment Act 1995*
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or from a later date. 25
- (3) To the extent to which any such provision takes effect from 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 30

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- (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.

Part 2 Provisions consequent on enactment of this Act 5

[3] Schedule 4

Omit "Schedule" from clause 1. Insert instead "Part".

[4] Schedule 4

Omit clause 9. Insert instead: 10

Part 3 Provisions consequent on enactment of Marketing of Primary Products Amendment Act 1995

9 Definition

In this Part, *the 1979 Act* means the *Wine Grape Processing Industry Act 1979*. 15

10 Determinations of Wine Grape Processing Industry Negotiating Committees

- (1) The last determination of a Negotiating Committee or a Joint Negotiating Committee made or deemed to have been made under section 14 of the 1979 Act before its repeal continues in force until a recommendation is made under a marketing order made for the purposes of Division 6 of Part 5 as to the prices to be paid by processors or wineries for wine grapes. 20
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- (2) The provisions of the 1979 Act relating to the effect and enforcement of determinations under section 14 of that Act continue in force during the period for which any such determination is continued in force by subclause (1) as if the 1979 Act had not been repealed. 30

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- (3) In this clause, *determination* means a determination as to the minimum prices to be paid by processors (within the meaning of the 1979 Act) for wine grapes.

11 Wine Grape Processing Industry Negotiating Committees under repealed Act

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- (1) A Negotiating Committee or a Joint Negotiating Committee constituted under the 1979 Act and in existence immediately before the repeal of that Act is dissolved on that repeal.

- (2) A person who held office as a member of such a Committee immediately before the repeal of the 1979 Act ceases to hold office on that repeal.

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- (3) A person who so ceases to hold office is not entitled to any remuneration or compensation because of the loss of that office.

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12 Wine Grape Processing Industry Arbitrator and inspectors under repealed Act

- (1) A person holding office as an Arbitrator or inspector within the meaning of the 1979 Act immediately before the repeal of that Act ceases to hold office on that repeal.

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- (2) A person who so ceases to hold office is not entitled to any remuneration or compensation because of the loss of that office.

13 Wine Grape Processing Industry Negotiating Committee under this Act

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- (1) A Negotiating Committee established under a marketing order made for the purposes of Division 6 of Part 5 and in existence immediately before the order ceases to have effect or is revoked is dissolved when the order ceases to have effect or is revoked.

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Schedule 1 Amendments

- (2) A person who held office as a member of such a Committee immediately before the Committee was dissolved ceases to hold office on the dissolution of the Committee.
- (3) A person who so ceases to hold office is not entitled to any remuneration or compensation because of the loss of that office. 5
- (4) Any assets of the Committee existing immediately before its dissolution are to be dealt with in accordance with the directions of the Minister. 10



New South Wales

Marketing of Primary Products Amendment Act 1995 No 42

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New South Wales

Marketing of Primary Products Amendment Act 1995 No 42

Act No 42, 1995

An Act to amend the *Marketing of Primary Products Act 1983* with respect to the Murray Valley wine grape processing industry; and to repeal the *Wine Grape Processing Industry Act 1979*. [Assented to 26 October 1995]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Marketing of Primary Products Amendment Act 1995*.

2 Commencement

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

3 Amendment of Marketing of Primary Products Act 1983 No 176

The *Marketing of Primary Products Act 1983* is amended as set out in Schedule 1.

4 Repeal of Wine Grape Processing Industry Act 1979 No 87

The *Wine Grape Processing Industry Act 1979* is repealed.

Schedule 1 Amendments

(Section 3)

[1] Part 5, Division 6

Insert after Division 5 of Part 5:

Division 6 Special provisions relating to wine grape marketing orders

102A Definitions

In this Division:

NSW production area means the area constituted by the local government areas of Wentworth, Balranald and Wakool.

Victorian production area means the area in Victoria constituted by the Cities of Mildura and Swan Hill and the Shires of Mildura, Swan Hill and Kerang.

102B Making of marketing order

- (1) The Minister may, for the purposes of this Division, make a marketing order that deals with any or all of the following matters:
 - (a) the establishment of a Murray Valley Wine Grape Processing Industry Negotiating Committee, the membership of the Committee and the appointment of members,
 - (b) the establishment of the Committee as an interstate committee, if a similar body having similar functions has been established under Victorian legislation for the Victorian production area,
 - (c) if a similar body having similar functions has been established under Victorian legislation for the Victorian production area, enabling the Committee to exercise any functions conferred on it by or under the Victorian legislation,

- (d) the establishment of the Committee as a committee having functions that relate solely to the NSW production area, if such a body has not been established in Victoria,
 - (e) enabling the Committee to recommend prices to be paid by processors or wineries to producers for wine grapes grown in the NSW production area based on analysis of the commodity outlook for the wine industry as prepared by the Committee and to fix minimum terms of payment for wine grapes grown in the NSW production area (including times for payment and interest penalties for late payments),
 - (f) empowering the Committee to liaise and meet with any other bodies that have similar purposes,
 - (g) the procedure of the Committee,
 - (h) the financial year of the Committee,
 - (i) the funding of the Committee by wine grape producers and wine grape processors or wineries and other bodies involved in the industry,
 - (j) any matter that may be included in the order under a provision of Divisions 2-4 except a provision referred to in section 102D (1),
 - (k) making provision for or with respect to all acts, matters and things that are necessary or expedient to be done in connection with any of the matters specified in paragraphs (a)-(j).
- (2) The marketing order is to state the period, not exceeding 3 years, for which it is to be in force.

102C Prohibition on making of further marketing orders

The Minister must not make a further marketing order (whether or not for the purposes of this Division) that deals with any of the matters referred to in section 102B after the first such order has been made for the purposes of this Division.

102D Application of other provisions to marketing orders made for the purposes of this Division

- (1) A marketing order made for the purposes of this Division is taken to be a marketing order made under this Part. However, sections 77–82, 85, 86, 91 (2) and (3) and 93 do not apply to a marketing order made for the purposes of this Division.
- (2) In the application of the other provisions of this Part to a marketing order made for the purposes of this Division:
 - (a) wine grapes grown in the NSW production area are taken to be a commodity, and
 - (b) a reference in those provisions to the relevant committee is to be read as a reference to the committee established under the marketing order.

[2] Schedule 4 Savings, transitional and other provisions

Insert before clause 1:

Part 1 Preliminary

1A Savings and transitional regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

Marketing of Primary Products Amendment Act 1995
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or from a later date.
- (3) To the extent to which any such provision takes effect from 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.

Part 2 Provisions consequent on enactment of this Act

[3] Schedule 4

Omit "Schedule" from clause 1. Insert instead "Part".

[4] Schedule 4

Omit clause 9. Insert instead:

Part 3 Provisions consequent on enactment of Marketing of Primary Products Amendment Act 1995

9 Definition

In this Part, *the 1979 Act* means the *Wine Grape Processing Industry Act 1979*.

10 Determinations of Wine Grape Processing Industry Negotiating Committees

- (1) The last determination of a Negotiating Committee or a Joint Negotiating Committee made or deemed to have been made under section 14 of the 1979 Act before its repeal continues in force until a recommendation is made under a marketing order made for the purposes of Division 6 of Part 5 as to the prices to be paid by processors or wineries for wine grapes.
- (2) The provisions of the 1979 Act relating to the effect and enforcement of determinations under section 14 of that Act continue in force during the period for which any such determination is continued in force by subclause (1) as if the 1979 Act had not been repealed.

- (3) In this clause, *determination* means a determination as to the minimum prices to be paid by processors (within the meaning of the 1979 Act) for wine grapes.

11 Wine Grape Processing Industry Negotiating Committees under repealed Act

- (1) A Negotiating Committee or a Joint Negotiating Committee constituted under the 1979 Act and in existence immediately before the repeal of that Act is dissolved on that repeal.
- (2) A person who held office as a member of such a Committee immediately before the repeal of the 1979 Act ceases to hold office on that repeal.
- (3) A person who so ceases to hold office is not entitled to any remuneration or compensation because of the loss of that office.

12 Wine Grape Processing Industry Arbitrator and inspectors under repealed Act

- (1) A person holding office as an Arbitrator or inspector within the meaning of the 1979 Act immediately before the repeal of that Act ceases to hold office on that repeal.
- (2) A person who so ceases to hold office is not entitled to any remuneration or compensation because of the loss of that office.

13 Wine Grape Processing Industry Negotiating Committee under this Act

- (1) A Negotiating Committee established under a marketing order made for the purposes of Division 6 of Part 5 and in existence immediately before the order ceases to have effect or is revoked is dissolved when the order ceases to have effect or is revoked.

Schedule 1 Amendments

- (2) A person who held office as a member of such a Committee immediately before the Committee was dissolved ceases to hold office on the dissolution of the Committee.
- (3) A person who so ceases to hold office is not entitled to any remuneration or compensation because of the loss of that office.
- (4) Any assets of the Committee existing immediately before its dissolution are to be dealt with in accordance with the directions of the Minister.

[Minister's second reading speech made in—
Legislative Assembly on 20 September 1995
Legislative Council on 18 October 1995]

BY AUTHORITY