



# Dairy Industry Conference Amendment Regulation 2000

under the

Dairy Industry Act 2000

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Dairy Industry Act 2000*.

RICHARD AMERY, M.P.,  
Minister for Agriculture

## Explanatory note

The object of this Regulation is to amend the *Dairy Industry Conference Regulation 1999*:

- (a) to make consequential amendments resulting from the enactment of the *Dairy Industry Act 2000*, and
- (b) to reduce the total number of members of the New South Wales Dairy Industry Conference (the *Conference*) from 39 members to 11 members and to make consequential reductions to the number of members who may be appointed by industry organisations, and
- (c) to repeal provisions relating to the establishment of an Executive Committee of the Conference, and
- (d) to enable the transaction of Conference business outside meetings or by telephone, and
- (e) to make other consequential amendments and provisions of a savings and transitional nature.

This Regulation is made under the *Dairy Industry Act 2000*, including section 8 and section 23 (the general regulation-making power) and clause 2 (1) of Schedule 2.

**2000 No 337**

Clause 1 Dairy Industry Conference Amendment Regulation 2000

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**Dairy Industry Conference Amendment Regulation  
2000**

**1 Name of Regulation**

This Regulation is the *Dairy Industry Conference Amendment Regulation 2000*.

**2 Commencement**

This Regulation commences on 1 July 2000.

**3 Amendment of Dairy Industry Conference Regulation 1999**

The *Dairy Industry Conference Regulation 1999* is amended as set out in Schedule 1.

**4 Notes**

The explanatory note does not form part of this Regulation.

## Schedule 1 Amendments

(Clause 3)

**[1] Clause 3 Definitions**

Omit “and the Executive Committee” from the definition of *Chairperson*.

**[2] Clause 3, definitions of “country area”, “Executive Committee”, “Executive Director” and “metropolitan area”**

Omit the definitions.

**[3] Clause 3**

Insert in alphabetical order:

*dairy produce merchant* means any person:

- (a) who, otherwise than as an employee or a carrier, receives or accepts milk to be supplied to another person, or
- (b) who, otherwise than as an employee, sells milk to another person.

**[4] Clause 3, definition of “Deputy Chairperson”**

Omit “and the Executive Committee”.

**[5] Clause 3, definition of “distribution sector member”**

Omit “Retail Traders’ Association of New South Wales or The Food Retailers’ Association of New South Wales” from paragraph (b).

Insert instead “Australian Retailers’ Association”.

**[6] Clause 3, definition of “the Act”**

Omit the definition. Insert instead:

*the Act* means the *Dairy Industry Act 2000*.

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Schedule 1 Amendments

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**[7] Clause 5 Membership of Conference**

Omit clause 5 (1). Insert instead:

- (1) The Conference is to consist of 11 members of whom:
  - (a) 2 are members appointed by the Minister under section 7 (1) of the Act, and
  - (b) 4 are persons appointed by the NSW Dairy Farmers' Association to represent dairy farmers, and
  - (c) 2 are persons appointed by the New South Wales Milk and Dairy Products Association to represent dairy produce merchants, and
  - (d) one is a person appointed by the Amalgamated Milk Vendors' Association Inc. to represent dairy produce merchants who are distributors by vehicle, and
  - (e) one is a person appointed by the Australian Retailers' Association to represent dairy produce merchants who are shop distributors, and
  - (f) one is the General Manager of the Dairy Division of Safe Food, made an ex officio member under section 7 (2) of the Act.

**[8] Clause 6 Terms of office of members**

Omit "6B (1) (b) or (c)" from clause 6 (1).  
Insert instead "7 (1) (b) or (c)".

**[9] Clause 6 (2)**

Omit "(b)–(h)". Insert instead "(b)–(e)".

**[10] Clause 6 (3) and (4)**

Omit the subclauses.

**[11] Clause 7 Appointment of members**

Omit "(b)–(h)" from clause 7 (1). Insert instead "(b)–(e)".

**[12] Clause 8 Election and term of office of Chairperson**

Omit “(b)–(h)” wherever occurring. Insert instead “(b)–(e)”.

**[13] Clause 8 (5)**

Omit “, but no person is to hold office as Chairperson for more than 2 consecutive full terms”.

**[14] Clause 9 Election of Deputy Chairperson**

Insert “held in an even numbered year” after “meeting” in clause 9 (1).

**[15] Clause 9 (2)–(5)**

Omit clause 9 (2)–(4). Insert instead:

- (2) The Deputy Chairperson is to assume office at the conclusion of the annual general meeting and hold office until the conclusion of the next annual general meeting at which a Deputy Chairperson is required to be elected.
- (3) A member referred to in clause 5 (1) (b)–(e) may be nominated for the office of Deputy Chairperson by any member.
- (4) If there is more than one nomination, an election is to be conducted, in accordance with the directions of the person presiding at the meeting, by secret ballot according to a preferential system of voting among the members (other than the General Manager of the Dairy Division of Safe Food) present at the meeting.
- (5) A member elected as Deputy Chairperson is eligible for re-election for a further term of office as Deputy Chairperson.

**[16] Clause 10 Appointment of member referred to in clause 5 (1) (i)**

Omit the clause.

**[17] Clause 12 Casual vacancy in office of Chairperson**

Omit “(b)–(h)” from clause 12 (3). Insert instead “(b)–(e)”.

**[18] Clause 13 Casual vacancy in office of Deputy Chairperson**

Omit “of the Executive Committee” from clause 13 (1) (b).

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#### Schedule 1 Amendments

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**[19] Clause 13 (2)**

Omit “of the Executive Committee, other than the Chief Executive Officer of Safe Food, elected at a meeting of the Executive Committee”.

Insert instead “, other than the General Manager of the Dairy Division of Safe Food, elected at a meeting”.

**[20] Clause 13 (3) and (4)**

Omit the subclauses.

**[21] Clause 15 Meetings**

Omit “the month of April, May, June or July” from clause 15 (2).

Insert instead “each calendar year”.

**[22] Clause 15 (3)**

Omit the subclause.

**[23] Clause 15 (4)**

Omit “or to the Executive Committee”.

**[24] Clause 15A**

Insert after clause 15:

**15A Transaction of business outside meetings or by telephone**

- (1) The Conference may, if it thinks fit, transact any of its business by the circulation of papers among all members of the Conference for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Conference.
- (2) The Conference may, if it thinks fit, transact any of its business at a meeting at which the members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.

- (3) For the purpose of:
  - (a) the approval of a resolution under subclause (1), or
  - (b) a meeting held in accordance with subclause (2),the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Conference.
- (4) A resolution approved under subclause (1) is to be recorded in the minutes of the meetings of the Conference.
- (5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

**[25] Clause 16 Special meetings**

Omit “Executive Committee” from clause 16 (1).  
Insert instead “Deputy Chairperson”.

**[26] Clause 16 (2) and (3)**

Omit “Executive Committee” wherever occurring.  
Insert instead “Chairperson or Deputy Chairperson”.

**[27] Clause 16 (2)**

Omit “26”. Insert instead “6”.

**[28] Clause 16 (3)**

Omit “it”. Insert instead “the Chairperson or Deputy Chairperson”.

**[29] Clause 17 Notice of meetings**

Omit “Executive Director” from clause 17 (1).  
Insert instead “Chairperson or Secretary (if any) of the Conference”.

**[30] Clause 17 (3) (a)**

Omit “28”. Insert instead “14”.

**[31] Clause 18 Quorum**

Omit “26”. Insert instead “6”.

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Schedule 1 Amendments

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**[32] Clause 19 Presiding member**

Omit clause 19 (3)–(5). Insert instead:

- (3) The Chairperson, or the Deputy Chairperson, or any other person, has a deliberative but not a casting vote if presiding at a meeting of the Conference.

**[33] Clause 20 Submission of business and motions**

Omit clause 20 (1) (b).

**[34] Clause 20 (1) (g)**

Insert after clause 20 (1) (f):

- (g) the Secretary (if any) of the Conference, on behalf of any other person who may submit business or motions under this subclause.

**[35] Clause 20 (2) (a)**

Omit “Executive Director”.

Insert instead “Chairperson or Secretary (if any) of the Conference”.

**[36] Clause 21 Decisions of Conference**

Omit “26 members” from clause 21 (2).

Insert instead “a majority of members who are entitled to vote”.

**[37] Clause 21 (3)**

Omit “23”. Insert instead “5”.

**[38] Clause 22 Decisions between Conference meetings**

Omit the clause.

**[39] Clause 23 Conduct of Conference business**

Omit “Executive Director” from clause 23 (3).

Insert instead “Secretary (if any) of the Conference”.



**[40] Part 4 Membership of Executive Committee**

Omit the Part.

**[41] Part 5 Executive Committee meetings**

Omit the Part.

**[42] Clause 35 Regularity of proceedings**

Omit “or the Executive Committee” wherever occurring.

**[43] Clause 35 (2)**

Omit “to the Executive Director”.

Insert instead “to the Chairperson or Secretary (if any) of the Conference”.