



New South Wales

# Dairy Industry Conference Regulation 2005

under the

Dairy Industry Act 2000

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

IAN MACDONALD, M.L.C.,  
Minister for Primary Industries

## Explanatory note

The object of this Regulation is to remake, with various changes, the provisions of the *Dairy Industry Conference Regulation 1999* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*. This Regulation provides for the following matters:

- (a) the appointment and the terms of office of the members of the New South Wales Dairy Industry Conference,
- (b) the appointment of the Chairperson of the Conference by the Minister,
- (c) the election of the Deputy Chairperson of the Conference by the members of the Conference,
- (d) the vacation of office of members of the Conference,
- (e) the procedure for calling and holding meetings of the Conference.

This Regulation is made under the *Dairy Industry Act 2000*, including sections 8 and 23 (the general regulation-making power).

This Regulation relates to matters of a machinery nature.

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## Dairy Industry Conference Regulation 2005

under the

Dairy Industry Act 2000

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Dairy Industry Conference Regulation 2005*.

#### 2 Commencement

This Regulation commences on 1 September 2005.

**Note** This Regulation replaces the *Dairy Industry Conference Regulation 1999* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

#### 3 Definitions

(1) In this Regulation:

**Chairperson** means the Chairperson of the Conference.

**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.

**Deputy Chairperson** means the Deputy Chairperson of the Conference.

**Director-General** means the Director-General of the Department of Primary Industries.

**distribution sector member** means:

- (a) a member appointed by the Amalgamated Milk Vendors Association Inc. to represent dairy produce merchants who are distributors by vehicle, or
- (b) a member appointed by the Australian Retailers Association to represent dairy produce merchants who are shop distributors.

**meeting of the Conference** means a duly convened meeting of the members.

**member** means a member of the Conference.

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***processor sector member*** means:

- (a) a member appointed by the New South Wales Milk and Dairy Products Association to represent dairy produce merchants processing milk, or
- (b) a member appointed by the New South Wales Milk and Dairy Products Association to represent dairy produce merchants manufacturing dairy products.

***producer sector member*** means a member appointed by the NSW Farmers' Association to represent dairy farmers.

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

- (2) Notes included in this Regulation do not form part of this Regulation.

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## **Part 2 Membership of New South Wales Dairy Industry Conference**

### **4 Membership of Conference**

- (1) The Conference is to consist of 16 members of whom:
  - (a) one is an independent person appointed by the Minister to be the Chairperson of the Conference, and
  - (b) 2 are the members appointed by the Minister under section 7 (1) (b) and (c) of the Act, and
  - (c) one is a person appointed by the Director-General, and
  - (d) 5 are persons appointed by the NSW Farmers' Association to represent dairy farmers, and
  - (e) 4 are persons appointed by the New South Wales Milk and Dairy Products Association to represent dairy produce merchants, and
  - (f) one is a person appointed by the Amalgamated Milk Vendors Association Inc. to represent dairy produce merchants who are distributors by vehicle, and
  - (g) one is a person appointed by the Australian Retailers Association to represent dairy produce merchants who are shop distributors, and
  - (h) one is the General Manager of the Dairy Division of the Food Authority, who is an ex officio member of the Conference under section 7 (2) of the Act.
- (2) The member referred to in subclause (1) (c) is not entitled to vote on any matter considered by the Conference.
- (3) A person is qualified to be appointed as a member by an association referred to in subclause (1) whether or not the person is a member of the association.
- (4) In this clause, a reference to an association includes a reference to an association that is its successor.

### **5 Terms of office of members**

- (1) A member referred to in clause 4 (1) (a) or (b) holds office until replaced by another member appointed by the Minister to be Chairperson or under section 7 (1) (b) or (c) of the Act, as the case may be.
- (2) A member referred to in clause 4 (1) (c) holds office until replaced by another member appointed by the Director-General.

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Part 2 Membership of New South Wales Dairy Industry Conference

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- (3) A member referred to in clause 4 (1) (d), (e), (f) or (g) holds office from the day of the annual meeting following the appointment of the member until the day before the annual meeting in the second year after that appointment.
- (4) A member who ceases to hold office is eligible for re-appointment if otherwise qualified.

### 6 Appointment of members

- (1) An association referred to in clause 4 (1) (d), (e), (f) or (g) must, before each annual meeting of the Conference, appoint a member or members to replace any member or members ceasing to hold office on the day before that annual meeting.
- (2) An association must inform the Chairperson in writing of the name and address of each person appointed at least 30 days before the annual meeting of the Conference.

### 7 Election of Deputy Chairperson

- (1) At each annual meeting held in an even numbered year, the members entitled to vote must elect a Deputy Chairperson of the Conference.
- (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 4 (1) (b), (d), (e), (f) or (g) 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 the Food Authority and the member referred to in clause 4 (1) (c)) present at the meeting.
- (5) A member elected as Deputy Chairperson is eligible for re-election for one or more further terms of office as Deputy Chairperson.

### 8 Casual vacancy in office of member appointed by Minister or Director-General

A person holding the office of a member referred to in clause 4 (1) (a), (b) or (c) vacates the office if the person:

- (a) resigns that office by instrument in writing addressed to the Minister or, in the case of a member referred to in clause 4 (1) (c), the Director-General, or

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- (b) dies, or
  - (c) is removed from office by the Minister or, in the case of a member referred to in clause 4 (1) (c), the Director-General.

### **9 Casual vacancy in office of member appointed by association**

- (1) A person holding the office of a member referred to in clause 4 (1) (d), (e), (f) or (g) vacates that office if the person:
  - (a) dies, or
  - (b) becomes a mentally incapacitated person, or
  - (c) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or
  - (d) resigns the office by instrument in writing addressed to the Conference, or
  - (e) being a distribution sector member, a processor sector member or a producer sector member, is found by a resolution of the Conference not to be representing the interests of the distribution, processor or producer sector of the dairy industry, as the case may be.
- (2) If a vacancy occurs in the office of a member referred to in clause 4 (1) (d), (e), (f) or (g) (otherwise than by the expiration of a term of office), the relevant association is to appoint a person to fill the vacancy.
- (3) A person so appointed:
  - (a) is taken to have been appointed by the association under the same provision as that under which the person who vacated office was appointed, and
  - (b) holds office as a member during the unexpired term of the vacated office.
- (4) An association responsible for the appointment of a person to fill a vacancy in the office of a member must inform the Chairperson in writing of the name and address of the person appointed to fill the vacancy not later than 30 days after the vacancy occurs.

### **10 Casual vacancy in office of Deputy Chairperson**

- (1) A person holding office as Deputy Chairperson vacates that office if the person:
  - (a) resigns that office by instrument in writing addressed to the Conference, or

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Part 2 Membership of New South Wales Dairy Industry Conference

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- (b) ceases to be a member, or
  - (c) is appointed to the office of Chairperson.
- (2) If a vacancy occurs in the office of Deputy Chairperson (otherwise than by the expiration of a term of office), the vacancy is to be filled by a member, other than the General Manager of the Dairy Division of the Food Authority or the member referred to in clause 4 (1) (c)), elected at a meeting of the Conference.
- (3) The person filling the vacancy holds office during the unexpired term of the vacated office.

### **11 Default in appointing members**

- (1) If an association fails to appoint a member as required by a provision of this Regulation, the Chairperson must, as soon as is practicable, so advise the Minister.
- (2) The Minister may appoint a person as a member to the vacant office and that person is taken to have been appointed to that office under the provision that required the association to make the appointment.



## **Part 3 Conference meetings**

### **12 Meetings**

- (1) Meetings of the Conference are to be held at such times and in such places as the Conference may determine.
- (2) An annual meeting of the Conference must be held in each calendar year.
- (3) The Conference may delegate to the Chairperson the responsibility of determining the times and places of meetings.

### **13 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.

### **14 Special meetings**

- (1) The Chairperson or the Deputy Chairperson may, if either considers the circumstances warrant such action, convene a meeting of the Conference and determine the time and place of the meeting.
- (2) The Chairperson or Deputy Chairperson must convene a meeting of the Conference if at least 6 members sign a written request for the meeting.

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Part 3 Conference meetings

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- (3) If the Chairperson or Deputy Chairperson does not convene a meeting within 14 days after the Chairperson or Deputy Chairperson receives such a request, the members who signed the request may convene a meeting at such time and place as they determine.

### 15 Notice of meetings

- (1) The Chairperson or Secretary (if any) of the Conference is to send by post to each member of the Conference:
  - (a) a notice of the time and place of each meeting of the Conference, and
  - (b) a copy of the agenda for the meeting.
- (2) The notice must designate the type of meeting to be held.
- (3) The notice is to be sent:
  - (a) in the case of an annual or ordinary meeting—at least 14 days before the meeting, and
  - (b) in the case of a special meeting—at least 7 days before the meeting.
- (4) The copy of the agenda for a meeting is to be sent at least 7 days before the meeting.

### 16 Quorum

The quorum for a meeting of the Conference is 9 members.

### 17 Presiding member

- (1) The Chairperson or, in the absence of the Chairperson, the Deputy Chairperson is to preside at a meeting of the Conference.
- (2) In the absence of both the Chairperson and the Deputy Chairperson, another member (being a member who is entitled to vote) elected to chair the meeting by the members present and entitled to vote is to preside at a meeting of the Conference.
- (3) The Chairperson, Deputy Chairperson or any other person has a deliberative but not a casting vote if presiding at a meeting of the Conference.

### 18 Submission of business and motions

- (1) Business and motions may be submitted to the Conference by any of the following:
  - (a) an association referred to in clause 4 (1),
  - (b) a member,

- (c) the Minister,
  - (d) the Food Authority,
  - (e) the Secretary (if any) of the Conference, on behalf of any other person who may submit business or motions under this subclause.
- (2) Motions may:
- (a) be forwarded in writing to the Chairperson or Secretary (if any) of the Conference for placing on the agenda for the next meeting of the Conference, or
  - (b) be moved at a meeting of the Conference.

**19 Decisions of Conference**

- (1) All decisions of the Conference are to be by way of resolution on motion.
- (2) A motion proposing that the Minister recommend to the Governor an amendment to this Regulation is lost unless at least a majority of members who are entitled to vote vote in favour of the motion.
- (3) Any other motion is lost unless at least 8 members vote in favour of the motion.

**20 Conduct of Conference business**

- (1) The Conference may manage its own affairs and may make such By-laws (consistent with this Regulation and the Act) as it considers necessary for the management of the Conference.
- (2) The Chairperson is to sign the minutes for each meeting of the Conference and any documents required to be signed on behalf of the Conference.
- (3) The Chairperson, jointly with the Secretary (if any) of the Conference, is responsible for the safe custody of all documents, securities and funds of the Conference.
- (4) If the Chairperson is unable to attend to the duties of that office, the Deputy Chairperson is to attend to those duties and, in any such case, the Deputy Chairperson is, for all purposes, taken to be the Chairperson.
- (5) Except where otherwise specifically provided in this Regulation, the conduct of business at meetings of the Conference is to be as determined from time to time by the Conference.

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Clause 21 Dairy Industry Conference Regulation 2005

Part 4 Miscellaneous

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### Part 4 Miscellaneous

#### 21 Regularity of proceedings

- (1) Failure to give notice of a meeting of the Conference does not invalidate the proceedings of the meeting.
- (2) Any communication required to be sent to a member of the Conference may be sent to the member at the last address notified to the Chairperson or Secretary (if any) of the Conference by the member.

#### 22 Repeal

The *Dairy Industry Conference Regulation 1999* is repealed.

#### 23 Savings and transitional provisions

- (1) The Conference constituted under the *Dairy Industry Conference Regulation 1999* immediately before its repeal is taken to be the Conference constituted under this Regulation and is taken to have been validly constituted under this Regulation until it is constituted in accordance with the provisions of clause 4.
- (2) Any act, matter or thing that, immediately before the repeal of the *Dairy Industry Conference Regulation 1999*, had effect under that Regulation is taken to have effect under this Regulation.

BY AUTHORITY

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