

[Act 2000 No 54]



New South Wales

## Dairy Industry Bill 2000

### Explanatory note

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

#### Overview of Bill

The objects of this Bill are as follows:

- (a) to constitute the New South Wales Dairy Industry Conference (the **Conference**), a body currently constituted under the *Dairy Industry Act 1979*,
  - (b) to set out specific functions of Safe Food Production NSW (**Safe Food**) relating to the dairy industry, in addition to its food safety functions under the *Food Production (Safety) Act 1998*,
  - (c) to exclude the payment of compensation in respect of the deregulation of the dairy industry,
  - (d) to repeal, for the purpose of the deregulation of the dairy industry, provisions of the *Dairy Industry Act 1979* relating to the regulation of milk prices and other regulatory controls and to provide for the ultimate repeal of that Act on and from 1 January 2001,
  - (e) to make consequential amendments to the *Food Production (Safety) Act 1998*, including amendments relating to licence fees and other matters,
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- (f) to make consequential amendments to other Acts,
- (g) to make consequential provision of a savings and transitional nature.

## Outline of provisions

### **Part 1 Preliminary**

**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 or days to be appointed by proclamation.

**Clause 3** defines certain words and expressions used in the proposed Act.

### **Part 2 The New South Wales Dairy Industry Conference**

**Clause 4** constitutes the Conference and specifies that it is not, and does not represent, the Crown.

**Clause 5** confers functions on the Conference, including carrying out investigations or inquiries into the general policies of Safe Food with respect to the dairy industry and consulting with Safe Food on food safety schemes relating to the dairy industry.

**Clause 6** requires the Minister to consider any reports or advice furnished by the Conference and enables the Minister to forward them to Safe Food and give directions to Safe Food in respect of matters raised by them.

**Clause 7** sets out the members of the Conference. The members are to include one person representing the consumers of milk and dairy products and one person representing employees in the dairy industry, as well as the number of members to be prescribed by regulations. The General Manager of the Dairy Division of Safe Food is to be an ex officio member.

**Clause 8** enables regulations to be made as to the constitution and procedure of the Conference.

**Clause 9** enables the Conference to employ staff and engage consultants and contractors. The power is subject to the Minister's power to approve the number of persons who may be employed or engaged.

**Clause 10** enables Safe Food to make grants to the Conference to pay the remuneration of its staff, consultants and contractors and the fees payable to the Chairperson for attending meetings. The Conference may also enter into arrangements with persons or organisations involved with the dairy industry to make contributions to the other costs and expenses of the Conference.

### **Part 3 Dairy industry functions of Safe Food**

**Clause 11** sets out general services that may be provided by Safe Food in relation to the dairy industry. They include establishing and maintaining laboratories and carrying out research into matters related to milk and dairy products, carrying out examinations, tests and analyses of milk or dairy products, publishing reports and information and promoting and encouraging the production, use, sale or consumption of milk and dairy products.

**Clause 12** confers on Safe Food power to enter into agreements for the use of trade marks of which it is registered proprietor and to establish a committee for the purpose of furnishing advice with respect to the promotion and encouragement of the production, supply, use, sale or consumption of milk and dairy products.

**Clause 13** permits fees or charges for the supply of a service, product or commodity or the furnishing of information by Safe Food to be fixed by regulation or by Safe Food if there is no such regulation.

### **Part 4 Provisions relating to deregulation of dairy industry**

**Clause 14** excludes compensation from being payable for deregulation of the dairy industry by or on behalf of the Crown. Compensation for deregulation means compensation because of the enactment or operation of the proposed Act (including the repeal of provisions of the *Dairy Industry Act 1979*), or the implementation, operation, cancellation or variation, of any scheme under section 9 (1) (g) of the *Dairy Industry Act 1979* (that is, a quota scheme), or for any consequence of any such matter or because of any statement or conduct relating to any such matter or to the deregulation of the dairy industry in connection with any such matter.

### **Part 5 Financial matters**

**Clause 15** requires money received by Safe Food under the proposed Act, the *Dairy Industry Act 1979* or from interests in private corporations, to be used for the purposes of carrying out Safe Food's functions under the proposed Act or in connection with any food safety scheme relating to the dairy industry.

**Clause 16** requires money received by Safe Food under the proposed Act, or appropriated for the purposes of Safe Food under the proposed Act, to go to form a fund out of which may be paid the expenses of the Conference and all expenses of Safe Food in carrying out its functions under the proposed Act.

**Clause 17** makes any charge, fee or money due to Safe Food under the proposed Act recoverable by Safe Food as a debt.

## **Part 6 Miscellaneous**

**Clause 18** provides that the proposed Act binds the Crown.

**Clause 19** requires proceedings for offences under the proposed Act to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

**Clause 20** enables proceedings for offences to be laid or taken in the name of Safe Food by the Chief Executive Officer or another officer authorised to do so by Safe Food.

**Clause 21** provides that any summons, writ or other proceeding to be served on Safe Food under the proposed Act may be served by being served on the Chief Executive Officer.

**Clause 22** provides for certain evidentiary matters.

**Clause 23** contains the general regulation-making power and enables regulations to be made for or with respect to the form of instruments for the proposed Act and the functions of Safe Food.

**Clause 24** repeals the *Dairy Industry Act 1979* on and from 1 January 2001.

**Clause 25** gives effect to the amendments to other Acts set out in Schedule 1.

**Clause 26** gives effect to the savings and transitional provisions set out in Schedule 2.

## Schedules

**Schedule 1** makes consequential amendments to certain Acts, including the following amendments:

- (a) amendments to the *Dairy Industry Act 1979* to repeal provisions superseded by the proposed Act and to insert a provision rendering the remaining provisions of that Act, including provisions relating to the vesting of milk and price setting, inoperative unless a proclamation is made by the Governor giving them effect,
- (b) amendments to the *Food Production (Safety) Act 1998* to insert definitions previously contained in the *Dairy Industry Act 1979*, to enable Safe Food to form or participate in the formation of private corporations, to acquire interests in such corporations and to sell or dispose of such interests, to provide for the funding of such interests in private corporations, to enable Safe Food to delegate functions to such corporations, to confer functions on the Advisory Committee relating to operational and funding requirements of Safe Food, to enable food safety schemes to contain provisions relating to the collection of fees and charges on behalf of Safe Food and licence conditions relating to the collection of such fees and charges and the passing on of the costs of fees and charges, to extend the matters that may be covered by a licence fee and other fees or charges under a food safety scheme and for other purposes.

**Schedule 2** contains savings and transitional provisions consequent on the enactment of the proposed Act.