

[Act 1998 No 28]



New South Wales

Dairy Industry Amendment (Trade Practices Exemption) Bill 1998

Explanatory note

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

Overview of Bill

The object of this Bill is to ensure that, during a 5-year period commencing on 21 July 1998, certain aspects of the current government milk marketing arrangements in New South Wales administered by the Dairy Corporation do not contravene Part IV of the *Trade Practices Act 1974* of the Commonwealth and the Competition Code of New South Wales.

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 the date of assent to the proposed Act.

Clause 3 is a formal provision giving effect to the amendments to the *Dairy Industry, Act 1979* set out in Schedule 1.

Schedule 1 inserts proposed section 109 into the Principal Act to achieve the object stated above. Proposed section 109 specifically authorises the doing of specified things by, or on behalf of, the Dairy Corporation during a 5-year period commencing on 21 July 1998 that might otherwise contravene Part IV of the *Trade Practices Act 1974* of the Commonwealth and the Competition Code of New South Wales. The proposed section is in essentially the same terms as clause 5 of the *Competition Policy Reform (New South Wales) Regulation 1996*. Section 51 of the *Trade Practices Act 1974* and the Competition Code provide that anything that is authorised by an Act or regulation is to be disregarded in deciding whether a person has contravened Part IV and the Code (which relates to restrictive trade practices).