



New South Wales

# Wine Grapes Marketing Board (Reconstitution) Amendment Bill 2007

## Explanatory note

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

This Bill is cognate with the *Agricultural Industry Services Amendment Bill 2007*.

## Overview of Bill

The object of this Bill is to amend the *Wine Grapes Marketing Board (Reconstitution) Act 2003* (*the principal Act*) so as:

- (a) to omit a provision of that Act that requires persons accepting delivery of MIA wine grapes to establish price schedules governing the payments they make in relation to such deliveries, and
- (b) to omit a provision of that Act that guarantees wine growers minimum prices for such deliveries, and
- (c) to postpone the date of repeal of that Act from 1 January 2008 until 1 January 2010.

## 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 that gives effect to the amendments to the *Wine Grapes Marketing Board (Reconstitution) Act 2003* set out in Schedule 1.

**Clause 4** provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

## **Schedule 1      Amendments**

### **Price schedules**

**Schedule 1 [3]** omits section 4 of the principal Act, a section that deals with the provision of price schedules to the Wine Grapes Marketing Board (*the Board*).

**Schedule 1 [6]** omits section 7 of the principal Act, a section that prohibits a person from accepting deliveries of MIA wine grapes unless a price schedule has been provided to the Board.

**Schedule 1 [4]** amends section 5 of the principal Act so as to clarify that the Board's power to set terms and conditions of payment for deliveries of MIA wine grapes does not extend to setting prices.

### **Abolition of minimum prices**

**Schedule 1 [8]** omits section 9 of the principal Act, a section that sets minimum prices for deliveries of MIA wine grapes. Minimum prices are currently set by reference to price schedules (where price schedules have been provided) or by reference to average prices for similar deliveries on the same day (where price schedules have not been provided).

### **Repeal of Act**

**Schedule 1 [11]** amends section 26 of the principal Act so as to postpone the date of its repeal from 1 January 2008 until 1 January 2010.

### **Other matters**

**Schedule 1 [12]** substitutes Schedule 1 to the principal Act. The current Schedule 1, which is now spent, contains the original text of what is now the *Agricultural Industry Services (Wine Grapes Marketing Board) Regulation 2003*. The new Schedule 1 enacts specific provisions of a savings or transitional nature, and enables the regulations to make further such provisions, consequent on the enactment of the proposed Act.

**Schedule 1 [1], [2], [5], [7], [9] and [10]** make minor, consequential or ancillary amendments.

First print



New South Wales

# **Wine Grapes Marketing Board (Reconstitution) Amendment Bill 2007**

## **Contents**

---

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Wine Grapes Marketing Board (Reconstitution) Act 2003 No 100	2
4 Repeal of Act	2
Schedule 1 Amendments	3





New South Wales

# **Wine Grapes Marketing Board (Reconstitution) Amendment Bill 2007**

No. , 2007

---

## **A Bill for**

An Act to amend the *Wine Grapes Marketing Board (Reconstitution) Act 2003* in relation to contracts for the delivery of MIA wine grapes.

---

<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Wine Grapes Marketing Board (Reconstitution) Amendment Act 2007</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6
<b>3 Amendment of Wine Grapes Marketing Board (Reconstitution) Act 2003 No 100</b>	7 8
The <i>Wine Grapes Marketing Board (Reconstitution) Act 2003</i> is amended as set out in Schedule 1.	9 10
<b>4 Repeal of Act</b>	11
(1) This Act is repealed on the day following the day on which this Act commences.	12 13
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	14 15

<b>Schedule 1</b>	<b>Amendments</b>	1
	(Section 3)	2
<b>[1]</b>	<b>Section 3 Definitions</b>	3
	Omit the definition of <i>Board</i> . Insert instead:	4
	<i>Board</i> means the Wine Grapes Marketing Board established by regulations under the <i>Agricultural Industry Services Act 1998</i> .	5 6
<b>[2]</b>	<b>Section 3, definition of “price schedule”</b>	7
	Omit the definition.	8
<b>[3]</b>	<b>Section 4 Price schedules</b>	9
	Omit the section.	10
<b>[4]</b>	<b>Section 5 Board may make order as to terms and conditions of payment</b>	11
	Insert “(but not price)” after “conditions of payment” in section 5 (1) (a).	12
<b>[5]</b>	<b>Section 5 (2)</b>	13
	Omit “the regulation set out in Schedule 1”.	14
	Insert instead “the regulations under the <i>Agricultural Industry Services Act 1998</i> by which the Board is established”.	15 16
<b>[6]</b>	<b>Section 7 Deliveries of MIA wine grapes not to be accepted unless price schedule notified to Board</b>	17 18
	Omit the section.	19
<b>[7]</b>	<b>Section 8 Persons accepting delivery of MIA wine grapes to furnish certain documentation</b>	20 21
	Omit section 8 (c).	22
<b>[8]</b>	<b>Section 9 Minimum price to be paid for MIA wine grapes</b>	23
	Omit the section.	24
<b>[9]</b>	<b>Section 22 Agricultural Industry Services (Wine Grapes Marketing Board) Regulation 2003</b>	25 26
	Omit the section.	27

---

<b>[10] Section 24</b>	1
Insert after section 23:	2
<b>24 Savings, transitional and other provisions</b>	3
Schedule 1 has effect.	4
<b>[11] Section 26 Repeal of Act</b>	5
Omit “2008”. Insert instead “2010”.	6
<b>[12] Schedule 1</b>	7
Omit the Schedule. Insert instead:	8
<b>Schedule 1 Savings, transitional and other provisions</b>	9
	10
	(Section 24) 11
<b>Part 1 General</b>	12
<b>1 Regulations</b>	13
(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:	14
	15
	16
<i>Wine Grapes Marketing Board (Reconstitution) Amendment Act 2007</i>	17
	18
(2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.	19
	20
(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:	21
	22
	23
(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	24
	25
	26
(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.	27
	28
	29

---

<b>Part 2</b>	<b>Provisions consequent on enactment of Wine Grapes Marketing Board (Reconstitution) Amendment Act 2007</b>	1
		2
		3
<b>2</b>	<b>Definition</b>	4
	In this Part, <i>the 2007 amending Act</i> means the <i>Wine Grapes Marketing Board (Reconstitution) Amendment Act 2007</i> .	5
		6
<b>3</b>	<b>Saving of Agricultural Industry Services (Wine Grapes Marketing Board) Regulation 2003</b>	7
		8
	The repeal of section 22, and the substitution of this Schedule, by the 2007 amending Act do not affect the validity or operation of the <i>Agricultural Industry Services (Wine Grapes Marketing Board) Regulation 2003</i> .	9
		10
		11
		12
<b>4</b>	<b>Continued operation of section 9</b>	13
	Section 9, as in force immediately before the date of assent to the 2007 amending Act, continues to have effect in relation to consignments of MIA wine grapes delivered before that date.	14
		15
		16