

[Act 1995 No 42]



New South Wales

Marketing of Primary Products Amendment bill 1995

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Marketing of Primary Products Act 1983*:

- (a) to enable the making of a marketing order with respect to the Murray Valley wine grape processing industry without the need for the formal consultation requirements set out in the Act, and
- (b) to specify the matters that may be included in the order, and
- (c) to prevent such an order being extended or a further such order being made, and
- (d) to include savings and transitional provisions.

The Bill also repeals the *Wine Grape Processing Industry Act 1979*.

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 a day to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the *Marketing of Primary Products Act 1983*.

Clause 4 repeals the *Wine Grape Processing Industry Act 1979*.

Schedule 1 Amendments

Marketing order for the Murray Valley wine grape processing industry

Schedule 1 [1] inserts a new Division 6 in Part 5 containing proposed sections 102A–102D.

Proposed section 102A defines certain terms used in the new Division. In particular, *NSW production area* is defined as the area constituted by the local government areas of Wentworth, Balranald and Wakool and the *Victorian production area* is defined as the area in Victoria constituted by the Cities of Mildura and Swan Hill and the Shires of Mildura, Swan Hill and Kerang.

Proposed section 102B enables the Minister to make a marketing order (to have effect for a period of up to 3 years) which establishes a committee either as an interstate body or, if there is no corresponding Victorian committee, as a State body. The committee will have the following functions:

- (a) recommending prices to be paid by processors or wineries to producers for wine grapes grown in the NSW production area based on an analysis of the commodity outlook for the wine industry prepared by the committee,
- (b) fixing minimum terms of payment for wine grapes grown in the NSW production area.

Proposed section 102C prevents the Minister from making a further marketing order dealing with the same matters.

Proposed section 102D states that certain provisions of the Act that would usually apply to marketing orders do not apply to the marketing order made for the purposes of the proposed Division. The matters which those provisions cover include consultation procedures for the making of marketing orders, the contents of marketing orders and the extension of the duration of marketing orders.

Savings and transitional provisions

Schedule 1 [2], [3] and [4] contains savings and transitional provisions.

Those provisions:

- (a) enable regulations to be made of a savings and transitional nature
- (b) continue in force determinations of a Wine Grape Processing Industry Negotiating Committee or Joint Negotiating Committee under the *Wine Grape Processing Industry Act 1979* fixing the minimum prices to be paid by processors for wine grapes until a recommendation as to those prices is made pursuant to the new marketing order to be made under proposed Division 6 of Part 5
- (c) terminate the offices of members of Wine Grape Processing Industry Negotiating Committees or Joint Negotiating Committees, Wine Grape Processing Industry Arbitrators and inspectors appointed under the *Wine Grape Processing Industry Act 1979*.

Those provisions will also:

- (a) terminate the offices of members of the Murray Valley Wine Grape Processing Industry Negotiating Committee established under the marketing order made for the purposes of the new Division 6 of Part 5 when that marketing order ceases to have effect or is revoked
- (b) provide for any assets of the Committee in existence on its dissolution to be dealt with in accordance with directions of the Minister.