

Agricultural Industry Services (Wine Grapes Marketing Board) Regulation 2003 (2004 SI 1)

[2004-1]



New South Wales

Status Information

Currency of version

Repealed version for 1 January 2004 to 31 August 2009 (accessed 5 December 2024 at 13:27)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2009.

- **Note**

Sec 22 of the [Wine Grapes Marketing Board \(Reconstitution\) Act 2003](#) provides that Sch 1 ([Agricultural Industry Services \(Wine Grapes Marketing Board\) Regulation 2003](#)) to that Act is taken to be, and has effect as, a regulation made under the [Agricultural Industry Services Act 1998](#). Cl 14 (6) of Sch 4 to the [Agricultural Industry Services Act 1998](#) further provides that, for the purposes of sec 10 of the [Subordinate Legislation Act 1989](#), the regulation is taken to have been published on 1.1.2004.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 September 2009

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Contents

Part 1 Preliminary	3
1 Name of Regulation	3
2 Definitions	3
Part 2 Establishment and functions of Board	3
3 Establishment of Board	3
4 Class of primary producers for which Board is constituted	4
5 Area of operations of Board	4
6 Commodity for which Board is constituted	4
7 Agricultural industry services of Board	4
Part 3 Other provisions relating to Board	5
8 Membership of Board	5
9 Quorum for meeting of Board	5
10 Voting entitlements of constituents	5
11 Quorum for meeting of constituents	5
12 Financial year	5

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Agricultural Industry Services (Wine Grapes Marketing Board) Regulation 2003*.

2 Definitions

In this Regulation:

area of operations, in relation to the Board, means the area of operations for which the Board is constituted, as set out in clause 5.

Board means the agricultural industry services committee established by this Regulation.

former Board means the Wine Grapes Marketing Board, as constituted under the *Marketing of Primary Products Act 1983* immediately before the commencement of this Regulation.

MIA wine grapes means any variety of grapes grown within the Board's area of operations for use for processing into wine, must, juice or wine spirit.

the Act means the *Agricultural Industry Services Act 1998*.

wine grape grower means a grower that belongs to the class of primary producers referred to in clause 4.

winery means a processor that processes MIA wine grapes within the Board's area of operations.

Part 2 Establishment and functions of Board

3 Establishment of Board

(1) There is established by this Regulation an agricultural industry services committee

with the corporate name of the Wine Grapes Marketing Board.

(2) The Board is a continuation of the former Board.

4 Class of primary producers for which Board is constituted

For any calendar year, the class of primary producers for which the Board is constituted includes all growers within the Board's area of operations who, during the previous calendar year, harvested more than 20 tonnes of MIA wine grapes, but does not include:

- (a) in the case of a corporation:
 - (i) a grower that is also a winery, or
 - (ii) a grower in which a winery has a controlling interest, or
- (b) in the case of an individual:
 - (i) a grower who is also a winery, or
 - (ii) a grower who is a director of a corporation that is a winery and who (as a grower) supplies the winery with all of the MIA wine grapes that he or she harvests.

5 Area of operations of Board

The area of operations for which the Board is constituted consists of the City of Griffith and the local government areas of Carrathool, Leeton and Murrumbidgee.

6 Commodity for which Board is constituted

The commodity for which the Board is constituted is MIA wine grapes.

7 Agricultural industry services of Board

The agricultural industry services for which the Board is constituted are as follows:

- (a) the development of a code of conduct for contract negotiations between wine grape growers and wineries,
- (b) the development of draft contract provisions with respect to the sale of MIA wine grapes to wineries, including provisions with respect to:
 - (i) the prices to be paid by wineries, and
 - (ii) the terms and conditions of payment to be observed by wineries,in relation to MIA wine grapes delivered to them by wine grape growers,
- (c) the promotion of private contracts for the sale of MIA wine grapes to wineries by wine grape growers,
- (d) the collection and dissemination of market and industry information, including the

production and publication of indicator prices for MIA wine grapes grown in the Board's area of operations,

- (e) the conduct of research and development into plant health in relation to wine grapes,
- (f) the provision of education and training in relation to wine grape production and marketing,
- (g) the promotion (in association with organisations representing wineries) of wine made from MIA wine grapes,
- (h) the promotion of regional industry, including regional wine-making, within the Board's area of operations,
- (i) the representation of the wine grape industry in relation to the matters referred to in paragraphs (a)–(h).

Part 3 Other provisions relating to Board

8 Membership of Board

- (1) The Board is to consist of 7 members, of whom:
 - (a) five are to be elected by the Board's constituents, and
 - (b) two are to be appointed by the elected members.
- (2) If there are insufficient eligible nominees for election under subclause (1) (a), additional members are to be appointed by the elected members to make up the insufficiency.

9 Quorum for meeting of Board

The quorum for a meeting of the Board is 4 of its members.

10 Voting entitlements of constituents

The voting entitlements for the Board's constituents for both polls and elections is one vote per constituent.

11 Quorum for meeting of constituents

The quorum for a meeting of the Board's constituents is 30 constituents.

12 Financial year

The financial year of the Board is the year ending on 31 December.