

# Dairy Industry Conference Regulation 1999

[1999-233]



New South Wales

## Status Information

### Currency of version

Repealed version for 1 July 2000 to 31 August 2005 (accessed 23 December 2024 at 18:08)

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—

- **Note**

The [Dairy Industry Conference Regulation 1999](#) made under the [Dairy Industry Act 1979](#) is on and from 1.7.2000 taken to be a regulation made under the [Dairy Industry Act 2000 No 54](#). See cl 5 (1) of Sch 2 to the [Dairy Industry Act 2000](#).

- **Repeal**

The Regulation was repealed by cl 22 of the [Dairy Industry Conference Regulation 2005 \(478\)](#) (GG No 107 of 26.8.2005, p 5102) with effect from 1.9.2005.

### 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 2005

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New South Wales

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# Dairy Industry Conference Regulation 1999



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Dairy Industry Conference Regulation 1999*.

### 2 Commencement

- (1) This Regulation commences on 28 May 1999, except as provided by subclause (2).
- (2) Clause 37 and Schedule 1 commence on the commencement of Schedule 2 to the *Food Production (Safety) Act 1998*.

### 3 Definitions

In this Regulation:

**Chairperson** means the Chairperson of the Conference.

**dairy produce merchant** means any person:

- (a) who, otherwise than as an employee or a carrier, receives or accepts milk to be supplied to another person, or
- (b) who, otherwise than as an employee, sells milk to another person.

**Deputy Chairperson** means the Deputy Chairperson of the Conference.

**distribution sector member** means:

- (a) a member appointed by the Amalgamated Milk Vendors' Association Inc. to represent dairy produce merchants who are distributors by vehicle, or
- (b) a member appointed by the Australian Retailers' Association to represent dairy produce merchants who are shop distributors.

**meeting of the Conference** means a duly convened meeting of the members.

**member** means a member of the Conference.

**processor sector member** means:

- (a) a member appointed by the New South Wales Milk and Dairy Products Association to represent dairy produce merchants processing milk, or
- (b) a member appointed by the New South Wales Milk and Dairy Products Association to represent dairy produce merchants manufacturing dairy products.

**producer sector member** means a member appointed by the NSW Dairy Farmers' Association to represent dairy farmers.

**the Act** means the *Dairy Industry Act 2000*.

#### 4 Notes

The explanatory note and table of contents do not form part of this Regulation.

## Part 2 Membership of New South Wales Dairy Industry Conference

### 5 Membership of Conference

- (1) The Conference is to consist of 11 members of whom:
  - (a) 2 are members appointed by the Minister under section 7 (1) of the Act, and
  - (b) 4 are persons appointed by the NSW Dairy Farmers' Association to represent dairy farmers, and
  - (c) 2 are persons appointed by the New South Wales Milk and Dairy Products Association to represent dairy produce merchants, and
  - (d) one is a person appointed by the Amalgamated Milk Vendors' Association Inc. to represent dairy produce merchants who are distributors by vehicle, and
  - (e) one is a person appointed by the Australian Retailers' Association to represent dairy produce merchants who are shop distributors, and
  - (f) one is the General Manager of the Dairy Division of Safe Food, made an ex officio member under section 7 (2) of the Act.
- (2) A person is qualified to be appointed as a member by an association referred to in subclause (1) whether or not the person is a member of the association.
- (3) In this clause, a reference to an association includes a reference to an association that is its successor.

### 6 Terms of office of members

- (1) A member referred to in clause 5 (1) (a) holds office until replaced by another member appointed by the Minister under section 7 (1) (b) or (c) of the Act.

- (2) A member referred to in clause 5 (1) (b)-(e) holds office from the day of the annual meeting following the appointment of the member until the day before the annual meeting in the second year after that appointment.
- (3), (4) (Repealed)
- (5) A member who ceases to hold office is eligible for re-appointment if otherwise qualified.

## **7 Appointment of members**

- (1) An association referred to in clause 5 (1) (b)-(e) must, before each annual meeting of the Conference, appoint a member or members to replace any member or members ceasing to hold office on the day before that annual meeting.
- (2) An association must inform the Chairperson in writing of the name and address of each person appointed at least 30 days before the annual meeting of the Conference.

## **8 Election and term of office of Chairperson**

- (1) At each annual meeting held in an even numbered year, the members must elect a Chairperson from among the members referred to in clause 5 (1) (b)-(e).
- (2) The Chairperson is to assume office at the conclusion of the annual meeting and hold office until the conclusion of the next annual meeting at which a Chairperson is required to be elected.
- (3) A member referred to in clause 5 (1) (b)-(e) may be nominated for the office of Chairperson by any member.
- (4) If there is more than one nomination, an election is to be conducted, in accordance with the directions of the person presiding at the meeting, by secret ballot according to a preferential system of voting among the members present at the meeting.
- (5) A member elected as Chairperson is eligible for re-election for a further term of office as Chairperson.

## **9 Election of Deputy Chairperson**

- (1) At each annual meeting held in an even numbered year, the members must elect a Deputy Chairperson of the Conference.
- (2) The Deputy Chairperson is to assume office at the conclusion of the annual general meeting and hold office until the conclusion of the next annual general meeting at which a Deputy Chairperson is required to be elected.
- (3) A member referred to in clause 5 (1) (b)-(e) may be nominated for the office of Deputy Chairperson by any member.

- (4) If there is more than one nomination, an election is to be conducted, in accordance with the directions of the person presiding at the meeting, by secret ballot according to a preferential system of voting among the members (other than the General Manager of the Dairy Division of Safe Food) present at the meeting.
- (5) A member elected as Deputy Chairperson is eligible for re-election for a further term of office as Deputy Chairperson.

**10 (Repealed)**

**11 Casual vacancy in office of member**

- (1) A member vacates office if the member:
  - (a) dies, or
  - (b) becomes a mentally incapacitated person, or
  - (c) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or
  - (d) resigns the office by instrument in writing addressed to the Conference, or
  - (e) being a distribution sector member, a processor sector member or a producer sector member, is found by a resolution of the Conference not to be representing the interests of the distribution, processor or producer sector of the dairy industry, as the case may be.
- (2) If a vacancy occurs in the office of a member appointed by an association (otherwise than by the expiration of a term of office), the association is to appoint a person to fill the vacancy.
- (3) A person so appointed:
  - (a) is taken to have been appointed by the association under the same provision as that under which the person who vacated office was appointed, and
  - (b) holds office as a member during the unexpired term of the vacated office.
- (4) An association responsible for the appointment of a person to fill a vacancy in the office of a member must inform the Chairperson in writing of the name and address of the person appointed to fill the vacancy not later than 30 days after the vacancy occurs.

**12 Casual vacancy in office of Chairperson**

- (1) A person holding office as Chairperson vacates that office if the person:

- (a) resigns that office by instrument in writing addressed to the Conference, or
  - (b) ceases to be a member.
- (2) If a vacancy occurs in the office of Chairperson (otherwise than by the expiration of a term of office), the Deputy Chairperson is to be Chairperson until the next meeting of the Conference.
- (3) The vacancy is to be filled by the members electing a Chairperson from among the members referred to in clause 5 (1) (b)-(e) at the next meeting of the Conference.
- (4) The person filling the vacancy holds office during the unexpired term of the vacated office.

### **13 Casual vacancy in office of Deputy Chairperson**

- (1) A person holding office as Deputy Chairperson vacates that office if the person:
- (a) resigns that office by instrument in writing addressed to the Conference, or
  - (b) ceases to be a member, or
  - (c) is elected to the office of Chairperson.
- (2) If a vacancy occurs in the office of Deputy Chairperson (otherwise than by the expiration of a term of office), the vacancy is to be filled by a member, other than the General Manager of the Dairy Division of Safe Food, elected at a meeting.
- (3), (4) (Repealed)
- (5) The person filling the vacancy holds office during the unexpired term of the vacated office.

### **14 Default in appointing members**

- (1) If an association fails to appoint a member as required by a provision of this Regulation, the Chairperson must, as soon as is practicable, so advise the Minister.
- (2) The Minister may appoint a person as a member to the vacant office and that person is taken to have been appointed to that office under the provision that required the association to make the appointment.

## **Part 3 Conference meetings**

### **15 Meetings**

- (1) Meetings of the Conference are to be held at such times and in such places as the Conference may determine.
- (2) An annual meeting of the Conference must be held in each calendar year.



- (3) (Repealed)
- (4) The Conference may delegate to the Chairperson the responsibility of determining the times and places of meetings.

**15A Transaction of business outside meetings or by telephone**

- (1) The Conference may, if it thinks fit, transact any of its business by the circulation of papers among all members of the Conference for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Conference.
- (2) The Conference may, if it thinks fit, transact any of its business at a meeting at which the members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purpose of:
  - (a) the approval of a resolution under subclause (1), or
  - (b) a meeting held in accordance with subclause (2),the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Conference.
- (4) A resolution approved under subclause (1) is to be recorded in the minutes of the meetings of the Conference.
- (5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

**16 Special meetings**

- (1) The Chairperson or the Deputy Chairperson may, if either considers the circumstances warrant such action, convene a meeting of the Conference and determine the time and place of the meeting.
- (2) The Chairperson or Deputy Chairperson must convene a meeting of the Conference if at least 6 members sign a written request for the meeting.
- (3) If the Chairperson or Deputy Chairperson does not convene a meeting within 7 days after the Chairperson or Deputy Chairperson receives such a request, the members who signed the request may convene a meeting at such time and place as they determine.

**17 Notice of meetings**

- (1) The Chairperson or Secretary (if any) of the Conference is to send by post to each

member of the Conference:

- (a) a notice of the time and place of each meeting of the Conference, and
- (b) a copy of the agenda for the meeting.

(2) The notice must designate the type of meeting to be held.

(3) The notice is to be sent:

- (a) in the case of an annual or ordinary meeting—at least 14 days before the meeting, and
- (b) in the case of a special meeting—at least 7 days before the meeting.

(4) The copy of the agenda for a meeting is to be sent at least 7 days before the meeting.

### **18 Quorum**

The quorum for a meeting of the Conference is 6 members.

### **19 Presiding member**

- (1) The Chairperson or, in the absence of the Chairperson, the Deputy Chairperson is to preside at a meeting of the Conference.
- (2) In the absence of both the Chairperson and the Deputy Chairperson, another member elected to chair the meeting by the members present is to preside at a meeting of the Conference.
- (3) The Chairperson, or the Deputy Chairperson, or any other person, has a deliberative but not a casting vote if presiding at a meeting of the Conference.
- (4), (5) (Repealed)

### **20 Submission of business and motions**

- (1) Business and motions may be submitted to the Conference by any of the following:
  - (a) the Chairperson,
  - (b) (Repealed)
  - (c) an association referred to in clause 5 (1),
  - (d) a member,
  - (e) the Minister,
  - (f) Safe Food,
  - (g) the Secretary (if any) of the Conference, on behalf of any other person who may

submit business or motions under this subclause.

(2) Motions may:

- (a) be forwarded in writing to the Chairperson or Secretary (if any) of the Conference for placing on the agenda for the next meeting of the Conference, or
- (b) be moved at a meeting of the Conference, or
- (c) be moved as provided in clause 22.

## **21 Decisions of Conference**

- (1) All decisions of the Conference are to be by way of resolution on motion.
- (2) A motion proposing that the Minister recommend to the Governor an amendment to this Regulation is lost unless at least a majority of members who are entitled to vote vote in favour of the motion.
- (3) Any other motion is lost unless at least 5 members vote in favour of the motion.

## **22 (Repealed)**

## **23 Conduct of Conference business**

- (1) The Conference may manage its own affairs and may make such By-laws (consistent with this Regulation and the Act) as it considers necessary for the management of the Conference.
- (2) The Chairperson is to sign the minutes for each meeting of the Conference and any documents required to be signed on behalf of the Conference.
- (3) The Chairperson, jointly with the Secretary (if any) of the Conference, is responsible for the safe custody of all documents, securities and funds of the Conference.
- (4) If the Chairperson is unable to attend to the duties of that office, the Deputy Chairperson is to attend to those duties and, in any such case, the Deputy Chairperson is, for all purposes, taken to be the Chairperson.
- (5) Except where otherwise specifically provided in this Regulation, the conduct of business at meetings of the Conference is to be as determined from time to time by the Conference.

## **Parts 4, 5**

## **24-34 (Repealed)**

## Part 6 Miscellaneous

### 35 Regularity of proceedings

- (1) Failure to give notice of a meeting of the Conference does not invalidate the proceedings of the meeting.
- (2) Any communication required to be sent to a member of the Conference may be sent to the member at the last address notified to the Chairperson or Secretary (if any) of the Conference by the member.

### 36 Repeal

- (1) The *Dairy Industry Conference Regulation 1994* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Dairy Industry Conference Regulation 1994*, had effect under that Regulation is taken to have effect under this Regulation.

### 37 Amendments

This Regulation is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Clause 37)

### [1] Clauses 9 (2) and (3), 13 (2) and (4), 27 (1), 31 (4) and 33 (2)

Omit "General Manager" wherever occurring.

Insert instead "Chief Executive Officer of Safe Food".

### [2] Clauses 20 (1) (f) and 32 (1) (f)

Omit "the Corporation" wherever occurring.

Insert instead "Safe Food".