

Agricultural Industry Services Amendment (Interstate Arrangements) Act 2002

As at 1 July 2004

Long Title

An Act to amend the *Agricultural Industry Services Act 1998* to make provision for committees established under that Act or the corresponding Act of Victoria or another State or Territory to represent the interests of producers of agricultural commodities in New South Wales and elsewhere; to repeal the *Murray Valley Citrus Marketing Act 1989* ; and for other purposes.

1 Name of Act

This Act is the *Agricultural Industry Services Amendment (Interstate Arrangements) Act 2002* .

2 Commencement

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by this section.
- (2) Section 4 commences on the date of assent.
- (3) Section 5 and Schedule 1 [6] commence on 1 July 2004, unless commenced sooner by proclamation.

3 Amendment of Agricultural Industry Services Act 1998 No 45

The *Agricultural Industry Services Act 1998* is amended as set out in Schedule 1.

4 (Repealed)

5 Repeal of Murray Valley Citrus Marketing Act 1989 No 155

The *Murray Valley Citrus Marketing Act 1989* is repealed.

Schedule 1

[1]-[5] (Repealed)

[6] Schedule 4

Insert after Part 2:

Part 3 - Provisions consequent on enactment of Agricultural Industry Services Amendment (Interstate Arrangements) Act 2002

10 Definitions In this Part:

Murray Valley production area means the total production area within the meaning of the repealed Act.

new committee means:

- (a) a committee established by a recognised foundation instrument of Victoria (as referred to in Part 3A of this Act) to provide for citrus fruit grown or produced in the Murray Valley production area, or
- (b) a committee established by a foundation regulation under this Act referred to

in section 32C (1) to provide for citrus fruit grown or produced in the Murray Valley production area, or
(c) a committee established by a foundation regulation under this Act to provide for citrus fruit grown or produced in that part of the Murray Valley production area that is in New South Wales,
whichever is first established.

old Board means the Murray Valley Citrus Marketing Board established under the repealed Act.

repealed Act means the *Murray Valley Citrus Marketing Act 1989*.

transitional period means the period beginning on the commencement of this Part and ending on the day that is 4 years after the commencement of the instrument establishing the new committee.

11 Transitional

(1) On the commencement of this Part:

(a) the old Board is abolished and the new committee is the successor in law of the old Board, and

(b) the members of the old Board become the first members of the new committee and those members remain in office as members of the new committee for 12 months (or such longer period not exceeding the transitional period as the Minister determines).

(2) Despite the repeal of the *Murray Valley Citrus Marketing Act 1989* :

(a) a person who, immediately before that repeal, was an approved receiver under that Act continues for the transitional period to be an approved receiver for citrus fruit grown or produced in that part of the Murray Valley production area that is in New South Wales for the purposes of the instrument establishing the new committee relating to citrus fruit and for receiving charges payable by primary producers of citrus fruit referred to in that instrument, and

(b) an approved receiver referred to in paragraph (a) must make payments to the new committee:

(i) of amounts deducted in the transitional period from the proceeds of sale of citrus fruit that was delivered to the approved receiver before that repeal, and

(ii) of the charges payable to the new committee that have been deducted by the approved receiver in the transitional period, and

(c) on and from that repeal, unless the context otherwise requires, a reference in any other Act, in any instrument made under an Act or in any document to the old Board is to be a reference to the new committee.

12 Special powers of new committee

(1) The new committee may appoint, by instrument in writing, a person who purchases or receives citrus fruit grown or produced in the Murray Valley production area specified in the instrument establishing the new committee as an approved receiver for the term of the transitional period.

(2) The new committee must cause a list of approved receivers to be published at least once in each year in a newspaper circulating generally in the production area specified in the instrument establishing the new committee.

(3) The new committee must keep a list of approved receivers available for inspection at its office.

13 Duties of approved receivers

(1) An approved receiver must pay to the new committee the charges payable to the new committee that have been deducted by the approved receiver from the proceeds of the sale of citrus fruit delivered to the approved receiver in the transitional period.

Maximum penalty: 50 penalty units.

(2) An approved receiver must comply with any written instructions issued by the new committee relating to information to be submitted to the new committee about the amount of citrus fruit received, packed and processed by the approved receiver and the payments made to the new committee under subclause (1).

Maximum penalty: 50 penalty units.

Historical notes

Table of Acts *Agricultural Industry Services Amendment (Interstate Arrangements) Act 2002 No 81* . Second reading speech made: Legislative Assembly, 17.9.2002; Legislative Council, 23.10.2002. Assented to 29.10.2002. Date of commencement (except secs 4 and 5 and Sch 1 [6]), 31.1.2003, sec 2 (1) and GG No 33 of 31.1.2003, p 592; date of commencement of sec 4, assent, sec 2 (2); date of commencement of sec 5 and Sch 1 [6], 1.7.2004, sec 2 (3). This Act has been amended as follows:

Law (Miscellaneous Provisions) Act 2003 . Assented to 22.7.2003. Date of commencement of Sch 3, assent, sec 2 (1).

Table of amendments

03 No 40, Sch 3.

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