



New South Wales

# **Agricultural Industry Services (Murray Valley (NSW) Wine Grape Industry Development Committee) Regulation 1999**

under the

**Agricultural Industry Services Act 1998**

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Agricultural Industry Services Act 1998*.

RICHARD AMERY, M.P.,

Minister for Agriculture.

## **Explanatory note**

The object of this Regulation is to establish the Murray Valley (New South Wales) Wine Grape Industry Development Committee as an agricultural industry services committee.

The Committee is established for growers who grow wine grapes in the Murray Valley region of New South Wales. Wine grapes are any variety of grapes grown for use in processing into wine, must, juice or wine spirit. The Murray Valley region of New South Wales consists of the local government areas of Wentworth, Balranald and Wakool in New South Wales.

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

- (a) to support region-specific wine grape research, or multi-purpose wine grape research where alternative funding is not available, and the development of improved vineyard management practices,

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Explanatory note

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- (b) to obtain and analyse relevant market information and disseminate it to wine grape growers.

The Committee is a continuation of the committee (of the same name) established by order under the *Marketing of Primary Products Act 1983*. That order expires immediately after midnight on 2 June 1999 (see *Marketing of Primary Products (Murray Valley Wine Grape Industry) Special Provisions Act 1998*).

The new Committee will consist of one member appointed by the Director-General of the Department of Agriculture and 2 members elected by the Committee's constituents (ie Murray Valley wine grape growers).

This Regulation is made under the *Agricultural Industry Services Act 1998*, in particular sections 5, 6 and 51 (the general regulation-making power).

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Clause 1                    Agricultural Industry Services (Murray Valley (NSW) Wine Grape Industry Development Committee) Regulation 1999

Part 1                    Preliminary

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## **Agricultural Industry Services (Murray Valley (NSW) Wine Grape Industry Development Committee) Regulation 1999**

### **Part 1      Preliminary**

#### **1    Name of Regulation**

This Regulation is the *Agricultural Industry Services (Murray Valley (NSW) Wine Grape Industry Development Committee) Regulation 1999*.

#### **2    Commencement**

This Regulation commences on 3 June 1999.

#### **3    Definitions**

In this Regulation:

***area of operations*** means the area of operations for which the Committee is constituted, as set out in clause 7.

***Committee*** means the agricultural industry services committee established by this Regulation.

***Marketing Order*** means the *Murray Valley (New South Wales) Wine Grape Industry Marketing Order 1994*, made under the *Marketing of Primary Products Act 1983*, published in Gazette No 76 of 3 June 1994 and as subsequently amended, and as continued in force by the *Marketing of Primary Products (Murray Valley Wine Grape Industry) Special Provisions Act 1998*.

**Note.** The Marketing Order was initially due to expire on 2 June 1998 but was extended so as to remain in force until midnight on 2 June 1999 by the *Marketing of Primary Products (Murray Valley Wine Grape Industry) Special Provisions Act 1998*.

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

#### **4    Notes**

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

## **Part 2      Establishment and functions of Committee**

### **5 Establishment of Committee**

There is established by this Regulation, under section 5 of the Act, an agricultural industry services committee with the corporate name of Murray Valley (New South Wales) Wine Grape Industry Development Committee.

- (2) The Committee is a continuation of the committee established by the Marketing Order.

### **6 Class of primary producers for which Committee is constituted**

The class of primary producers for which the Committee is constituted is growers who grow the commodity for which the Committee is constituted (*wine grape growers*), but does not include the following:

- (a) a winery,
- (b) a non-profit public institution, non-profit charitable organisation or non-profit community group,
- (c) a person who is an employee of a wine grape grower.

### **7 Area of operations**

The area of operations for which the Committee is constituted consists of the local government areas of Wentworth, Balranald and Wakool in New South Wales.

### **8 Commodity for which Committee is constituted**

- (1) The commodity for which the Committee is constituted is wine grapes grown in the area of operations.
- (2) In this clause. *wine grapes* means any variety of grapes grown for use in processing into wine. must, juice or wine spirit.

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### **9 Agricultural industry services of Committee**

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

- (a) to support region-specific wine grape research, or multi-purpose wine grape research where alternative funding is not available, and the development of improved vineyard management practices,
- (b) to obtain and analyse relevant market information and disseminate it to wine grape growers.

## **Part 3 Other provisions relating to Committee**

### **10 Membership of Committee**

The Committee is to consist of 3 members, of whom:

- (a) 2 are to be elected by the Committee's constituents, and
- (b) one is to be appointed by the Director-General.

### **11 Quorum**

The quorum for a meeting of the Committee is 2 of its members.

### **12 Voting entitlements of constituents**

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

### **13 Quorum for meeting of constituents**

The quorum for a meeting of the Committee's constituents is 15 constituents.

### **14 Financial year**

The financial year of the Committee is the year ending on 30 June.

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Part 4                Savings and transitional

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## Part 4            Savings and transitional

### 15    Definitions

In this Part:

*new committee* means the agricultural industry services committee established by this Regulation.

*previous committee* means the committee established by the Marketing Order.

### 16    Appointment of elected members on interim basis

- (1) The Director-General may appoint 2 persons, from a panel of 4 persons nominated by the previous committee before the commencement of this Regulation, as members of the new committee to hold office on an interim basis until the first elections are held for the elected members of the new committee.
- (2) A member appointed under this clause (an *interim member*) ceases to hold office when a member is elected to take his or her place on the new committee.
- (3) If the office of an interim member becomes vacant, under clause 4 of Schedule 1 to the Act, before a member is elected to take his or her place on the new committee, the Director-General may fill the vacancy by appointing any other person as an interim member of the new committee.
- (4) While an interim member holds office, he or she is taken to be an elected member of the new committee.

### 17    Provision of resources to Victorian and Murray Valley Wine Grape Growers' Council Inc

- (1) If the previous committee made any commitment to provide resources to the Victorian and Murray Valley Wine Grape Growers' Council Inc (also known as the Victorian Wine Grape Growers' Council Inc), pursuant to its functions under the Marketing Order, the new committee may provide those resources in accordance with that commitment.
- (2) This clause ceases to have effect on 30 June 2000.



**18 Allocation of rates, fees and charges levied by previous committee**

The new committee may allocate any rate, fee or charge that was payable to the previous committee (and that is payable to the new committee pursuant to section 7 (2) (c) of the Act) to any of the funds established by the new committee under section 27 of the Act.

**19 First annual report**

- (1) The first annual report of the new committee is to be a composite report in respect of the operations of the previous committee (in respect of the period commencing on 1 August 1998 and ending on 2 June 1999) and the operations of the new committee (in respect of the period commencing on 3 June 1999 and ending on 30 June 1999).

**Note.** The financial year of the previous committee consisted of the year commencing on 1 August and ending on 31 July.

- (2) In this clause, *annual report* means the annual report of the new committee under the *Annual Reports (Statutory Bodies) Act 1984*.