

***Milk Authority Repeal  
Bill 2000***

**EXPLANATORY MEMORANDUM**

Circulated by authority of  
Gary Humphries MLA  
Treasurer  
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## **EXPLANATORY MEMORANDUM**

### ***The Milk Authority (Repeal) Bill 2000***

#### ***Outline***

The primary legislation governing the actions of the Milk Authority of the ACT is the *Milk Authority Act 1971*.

Following passage of the *Milk Authority Amendment Act 1999* in response to deregulation of the Milk Industry, the role of the Milk Authority of the ACT will become redundant after 30 June 2000 by which time the Authority's bulk milk supply contracts will have expired. The Authority uses the proceeds of these contracts to fund its operations.

The provision of information and reports relating to the Authority are prescribed in the Act.

#### ***Objectives***

To repeal the Milk Authority Act 1971 on 1 July 2000 to coincide with the deregulation of the milk industry.

Assets and liabilities may be transferred to the Territory.

There are no significant cost or revenue implications.

## **THE BILL**

### **PART 1 - PRELIMINARY**

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|----------|--|
| Clause 1 | <b>Name of Act</b><br>States the name of the Bill. The title will assist quick location of the Act having regard to the matters it deals with. |
| Clause 2 | <b>Commencement</b><br>Sets the dates of commencement of the provisions  |
| Clause 3 | <b>Definitions</b><br>Provides definitions for terms with specific meanings used in this Act.  |

### **PART 2 – REPEAL AND TRANSITIONAL PROVISIONS**

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|-----------------|--|
| Clause 4        | <b>Repeal</b><br>Simply repeals the Act  |
| Clause 5        | <b>Continuation of offices of secretary and assistant secretary for certain purposes</b>   |
| Subclause (1)   | Sets out the functions that the Secretary and Assistant Secretary must continue post the repeal of the Act.  |
| Sub-clause 1(a) | Provides for the Secretary and Assistant to prepare the Annual Report.   |
| Sub-clause 1(b) | Provides for the Secretary and Assistant to prepare annual financial statements.   |
| Subclause 1(c)  | Ensures that the Authority has staff in existence for the purposes of complying with the Financial Management Act 1996 including Annual financial statements, audit of annual financial statements and tabling of the annual financial statements. |
| Sub-clause (2)  | Allows the Secretary and Assistance Secretary the necessary powers to complete Sub-clause (1).   |
| Sub-clause (3)  | Provides for the Authority to report in accordance with annual report Government Agencies Act 1995 and also provides for the Authority to implement any directions from the Minister.  |
| Sub-clause (4)  | Provides for the Authority to report in accordance with the Financial Management Act 1996.   |
| Sub-clause (5)  | Allows for the current Secretary and Assistant Secretary to remain.  |

- Clause 6**                      **Protection of members, secretary and assistant secretary of the authority**  
This is to ensure that the above mentioned will not be held liable for anything done in good faith for the Authority.
- Clause 7**                      **Abolition of the Authority and continued offices**  
States that the offices of the secretary and assistant secretary are abolished up to 6 months following the repeal or on Gazettal.

### ***PART 3 – TRANSFER OF ASSETS AND LIABILITIES***

- Clause 8**                      **Transfer of assets and liabilities**  
Provides for the assets and liabilities held by the Authority, to be transferred to the Territory.
- Clause 9**                      **Proceedings and evidence**  
Provides that proceedings that would otherwise for this Act be rightly commenced against the Milk Authority may legitimately be tried against the Territory.

### ***PART 4 – MISCELLANEOUS***

- Clause 10**                    **Regulation making power**  
Provides that regulations may be drafted if required as a result of this Act.
- Clause 11**                    **Expiry of this Act**  
Provides for the Act to cease 6 months after it commences.