



New South Wales

Marketing of Primary Products Amendment (Rice Marketing Board) Act 1998 No 23

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Marketing of Primary Products Amendment (Rice Marketing Board) Act 1998 No 23

Act No 23, 1998

An Act to amend the *Marketing of Primary Products Act 1983* to make further provision with respect to the functions of the Rice Marketing Board constituted under that Act; and for other purposes. [Assented to 3 June 1998]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Marketing of Primary Products Amendment (Rice Marketing Board) Act 1998*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Marketing of Primary Products Act 1983 No 176

The *Marketing of Primary Products Act 1983* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Part 3, Division 5

Omit “Wine Grapes Marketing Board” from the heading to the Division.

Insert instead “certain boards”.

[2] Section 67B

Insert after section 67A:

67B Special provisions relating to Rice Marketing Board

Schedule 6 has effect.

[3] Schedule 4 Savings, transitional and other provisions

Insert at the end of clause 1A (1):

Marketing of Primary Products Amendment (Rice Marketing Board) Act 1998

[4] Schedule 4, Part 6

Insert after Part 5:

Part 6 Provisions consequent on enactment of Marketing of Primary Products Amendment (Rice Marketing Board) Act 1998

16 Previous appointments, agreements and exemptions not affected

Except as specifically provided in Schedule 6, no provision of that Schedule applies to, or affects the validity or duration of

- (a) any appointment made, or
- (b) any agreement entered into or renewed, or
- (c) any exemption granted,

before the commencement of the provision concerned.

[5] Schedule 6

Insert after Schedule 5:

Schedule 6 Special provisions relating to Rice Marketing Board

(Section 67B)

Part 1 Preliminary

1 Purpose of Schedule

The purpose of this Schedule is to make further provision with respect to the exercise of functions by the Rice Marketing Board for the State of New South Wales as a marketing board under Part 3 of this Act.

2 Definitions

In this Schedule:

Board means the Rice Marketing Board for the State of New South Wales constituted as a board under this Act.

3 Application

- (1) This Act (other than this Schedule) and, in particular, Part 3 of this Act, have effect subject to this Schedule.
- (2) The provisions of this Act (other than this Schedule) that apply with respect to the Board apply with such modifications as are necessary for the purposes of this Schedule and with such modifications (if any) as may be prescribed by the regulations.

Part 2 General functions of Board

4 Appointment of authorised agents and buyers

- (1) A person appointed as:
 - (a) an authorised agent by an order of the Board under section 50 (1), or

- (b) an authorised buyer by an order of the Board under section 51 (1),

may exercise the functions of authorised agent or authorised buyer (as the case may be) for such term (not exceeding 4 years) as may be specified in the order, unless the order is rescinded before the expiration of that term.

- (2) The unexpired term of an order under section 50 (1) or 51 (1) may, by written agreement between the Board and the appointee, be extended by one year:

- (a) in the case of an order specifying a term of one year or less:

- (i) at any one time before the expiration of the term, and

- (ii) on the first (and each subsequent) anniversary of the date on which the term is extended under subparagraph (i), and

- (b) in the case of an order specifying a term exceeding one year—on the first (and each subsequent) anniversary of the date of the order,

unless the order is sooner rescinded.

- (3) A fresh agreement is required for each extension.

- (4) An order of the Board under section 50 (1) or 51 (1) is not to be rescinded unless the Minister approves of the proposed rescission.

5 Agreements between Board and authorised agent or buyer

- (1) An agreement that the Board enters into under section 50 (4) with an authorised agent, or section 51 (4) with an authorised buyer, may be for such term (not exceeding 4 years) as is specified in the agreement.

- (2) The unexpired term of an agreement under section 50 (4) or 51 (4) may, by further written agreement between the parties, be extended by one year:
 - (a) in the case of an agreement specifying a term of one year or less:
 - (i) at any one time before the expiration of the term, and
 - (ii) on the first (and each subsequent) anniversary of the date on which the term is extended under subparagraph (i), and
 - (b) in the case of an agreement specifying a term exceeding one year—on the first (and each subsequent) anniversary of the date of the agreement,unless the agreement is sooner terminated.
- (3) A fresh further agreement is required for each extension.
- (4) An agreement under section 50 (4) or 51 (4) is not to be terminated unless the Minister approves of the proposed termination.

6 Exemption by Board

- (1) An exemption granted by the Board under section 57 may be granted for such term (not exceeding 4 years) as may be specified in the instrument of exemption.
- (2) The unexpired term of an exemption granted under section 57 may be extended by one year:
 - (a) in the case of an exemption granted for a term of one year or less:
 - (i) at any one time before the expiration of the term, and
 - (ii) on the first (and each subsequent) anniversary of the date on which an extension is granted under subparagraph (i), and

- (b) in the case of an exemption granted for a term exceeding one year—on the first (and each subsequent) anniversary of the date of the granting of the exemption,

unless the exemption is sooner revoked.

- (3) The Board is to grant any such extension by notification published in the Gazette or in a newspaper circulating in the area of the Board, or by a notice in writing to the exempted producer.
- (4) Despite section 57 (3), an exemption granted by the Board under section 57 is not to be revoked unless the Minister approves of the proposed revocation.
- (5) Subclause (4) extends to apply to and in respect of the exemption granted by means of the Notice of Exemption signed for and on behalf of the Board by its Chairman and Secretary on 10 February 1998 and published in Gazette No 52 of 13 March 1998 at page 1537.

7 Specific authorisation for section 51 of Trade Practices Act 1974 (Cth) and Competition Code

Without affecting the generality of section 164 (Authorisations for section 51 of Trade Practices Act 1974 (Cth) and Competition Code), the following are, up to and including 31 January 2004, specifically authorised by this Act for the purposes of section 51 of the *Trade Practices Act 1974* of the Commonwealth and the *Competition Code of New South Wales*:

- (a) anything done, by or on behalf of the Board or any appointee of the Board under Part 3, in the exercise of any function in accordance with that Part or this Schedule, and
- (b) anything done under any agreement or arrangement entered into by or with the Board under Part 3 or this Schedule, and

- (c) anything done under the agreement made on 17 December 1985 between the Board and Ricegrowers' Co-operative Limited (relating to the whole of the annual New South Wales rice crop), as renewed and in force from time to time.

[Minister's second reading speech made in—
Legislative Assembly on 20 May 1998
Legislative Council on 27 May 1998]