

1995—No. 331

**MARKETING OF PRIMARY PRODUCTS ACT 1983—
REGULATION**

(Marketing of Primary Products (Boards and Committees) Regulation 1995)

NEW SOUTH WALES



[Published in Gazette No. 94 of 4 August 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Marketing of Primary Products Act 1983, has been pleased to make the Regulation set forth hereunder.

R. S. Amery
Minister for Agriculture.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Marketing of Primary Products (Boards and Committees) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. (1) In this Regulation:

“the Act” means the Marketing of Primary Products Act 1983.

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

PART 2—GENERAL PROVISIONS FOR BOARDS AND COMMITTEES**Alternate members for elected members**

4. (1) An elected member of a board or committee may appoint an alternate to act in the office of the elected member:

- (a) during the illness of the member, if the illness is likely to prevent the member from attending meetings of the board or committee for at least 4 months; or
- (b) during the absence of the member, if the absence is likely to last for at least 4 months and is the subject of leave granted by the board or committee.

(2) The appointment of an alternate member:

- (a) must be in writing addressed to the secretary to the board or committee; and
- (b) must contain the name, address and period of appointment of the alternate member; and
- (c) must be signed and dated by the elected member.

(3) The board or committee must advise the Minister of any such appointment of an alternate member.

(4) The power of an elected member to appoint a person as an alternate member may be exercised any number of times during the term of office of the elected member.

(5) An elected member may at any time remove from office an alternate member appointed by the elected member.

(6) An alternate member ceases to hold office:

- (a) on being removed from office by the elected member;
- (b) on the elected member ceasing to be a member; or
- (c) on the expiry of the period of the alternate member's appointment,

whichever first occurs.

Common seal of Board or committee

5. (1) The common seal of a board or committee must be kept by the secretary to the board or committee in such place as the board or committee may direct.

(2) The common seal of a board or committee may be affixed to a document only:

- (a) in the presence of at least 2 members of the board or committee and the secretary to the board or committee; and

- (b) with an attestation by the signatures of those members and the secretary of the fact of the affixing of the common seal.

Signing of documents not under seal

6. Any document requiring authentication by a board or committee may be sufficiently authenticated without the common seal of the board or committee if it is signed by:

- (a) at least one member of the board or committee and the secretary to the board or committee; or
(b) at least 2 members of the board or committee.

**PART 3—SPECIAL PROVISIONS FOR PARTICULAR
BOARDS AND COMMITTEES**

**Division 1—Rice Marketing Board for the State of New South
Wales**

**Rice Marketing Board may exempt unsuitable rice from automatic
vesting: sec. 57**

7. For the purposes of section 57 (1) (d) of the Act, sales and purchases or receipts of rice whose quality is such as to make it unsuitable for milling are prescribed as sales and purchases or receipts which the Rice Marketing Board for the State of New South Wales may exempt from the operation of section 56 of the Act.

**Division 2—Wine Grapes Marketing Board for the City of
Griffith and the Shires of Leeton, Carrathool and
Murrumbidgee**

Keeping of records

8. (1) This clause applies only within the area of operations of the Wine Grapes Marketing Board for the City of Griffith and the Shires of Leeton, Carrathool and Murrumbidgee.

(2) Any producer or other person who, in the course of business, receives wine grapes from any other producer or other person:

- (a) must record the following particulars of the receipt:
(i) the name and address of the person from whom the wine grapes were received;

- (ii) the date on which the wine grapes were received;
 - (iii) the quantity of wine grapes received; and
- (b) must keep the record until 31 December following the second anniversary of the date on which the wine grapes were received.

Maximum penalty: 2 penalty units.

PART 4—MISCELLANEOUS

Notice of claim: sec. 59

9. For the purposes of section 59 (3) of the Act:
- (a) the prescribed form for a notice of claim referred to in that subsection is Form 1; and
 - (b) the prescribed particulars to be included in the notice are the particulars required by Form 1.

Duties and liability of certain persons: sec. 151

10. For the purposes of section 151 (3) (b) of the Act (persons in prescribed positions to act honestly and exercise a reasonable degree of care and diligence), the position of secretary to a board or committee is a prescribed position.

Evidentiary provisions: sec. 158

11. For the purposes of section 158 (1) (e) of the Act (certificate purporting to be signed by prescribed officer to be evidence), the prescribed officer of a board or committee is the secretary to the board or committee.

Repeals

12. (1) The following Regulations are repealed:
- (a) Wine Grapes Marketing Board for the Shires of Leeton, Griffith, Carrathool and Murrumbidgee Regulations;
 - (b) Central Coast (N.S.W.) Citrus Marketing Board Regulations;
 - (c) Marketing of Primary Products (Kiwifruit) Regulation 1987;
 - (d) Marketing of Primary Products (Rice Marketing Board) Regulation 1987;
 - (e) Marketing of Primary Products (M.I.A. Citrus Fruit) Regulation 1989.

(2) Any act, matter or thing that, immediately before the repeal of a Regulation referred to in subclause (1), had effect under that Regulation continues to have effect under this Regulation.

SCHEDULE 1—FORMS

(Cl. 9)

Form 1

CLAIM FOR ACCOUNT OF PAYMENT DUE

(Marketing of Primary Products Act 1983—sec.59)

Name of board:

Address:

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Name of claimant:

Address:

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Nature of encumbrance:

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Nature of commodity encumbered:

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Date of delivery of commodity to board:

Name of person whose commodity is encumbered:

Address:

.....

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Name of person having the benefit of the encumbrance:

Address:

.....

Particulars of any loan secured by the encumbrance, including the period of the loan and the period and amounts of instalments payable under the loan:

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Amount due and unpaid under encumbrance:

Date of registration of encumbrance:.....

.....
Signature of claimant

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SCHEDULE 1—FORMS

EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, with minor changes in substance, the provisions of various regulations under the Marketing of Primary Products Act 1983 that relate to marketing boards and committees. The new Regulation deal with the following matters:

- (a) procedural matters relating to the appointment of alternate members, the use of seals and the signing of documents (Part 2);
- (b) a provision enabling the Rice Marketing Board to exempt certain sales of rice from the operation of section 56 of the Act and so to exempt the rice from compulsory vesting in the Board (clause 7);
- (c) a provision requiring records to be kept of wine grapes received in the area of operations of the Wine Grapes Marketing Board for the City of Griffith and the Shires of Leeton, Carrathool and Murrumbidgee (clause 8);
- (d) other matters of a minor nature (Parts 1 and 4).

This Regulation is made under the Marketing of Primary Products Act 1983, including section 163 (the general regulation making power) and sections 57, 59, 151 and 158.

This Regulation comprises or relates to matters of a machinery nature.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
