



New South Wales

Marketing of Primary Products Amendment Regulation 2009

under the

Rice Marketing Act 1983

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rice Marketing Act 1983*.

IAN MACDONALD, MLC
Minister for Primary Industries

Explanatory note

The object of this Regulation is to amend the *Marketing of Primary Products Regulation 2005*:

- (a) to rename that Regulation as the *Rice Marketing Regulation 2005*, and
- (b) to revise the qualifications that a producer of rice must have to vote in a poll or election, and
- (c) to allow each of the parties to a share-farming agreement to vote in a poll or election.

This Regulation is made under the *Rice Marketing Act 1983*, including sections 39, 40, 101, 102 and 163 (the general regulation-making power).

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Clause 1 Marketing of Primary Products Amendment Regulation 2009

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Rice Marketing Act 1983

1 Name of Regulation

This Regulation is the *Marketing of Primary Products Amendment Regulation 2009*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Marketing of Primary Products Regulation 2005

[1] Clause 1 Name of Regulation

Omit “*Marketing of Primary Products Regulation 2005*”.

Insert instead “*Rice Marketing Regulation 2005*”.

[2] Clause 3 Definitions

Omit “and Schedule 1” from the definition of *prescribed qualifications* in clause 3 (1).

[3] Clause 3 (1), definition of “the Act”

Omit the definition. Insert instead:

the Act means the *Rice Marketing Act 1983*.

[4] Clause 4

Omit the clause. Insert instead:

4 Prescribed qualifications

A producer of rice has the prescribed qualifications to vote at a poll or election if:

- (a) the producer has delivered rice, grown in New South Wales, to an authorised buyer at any time in the calendar year in which the poll or election is held, or in the 3 calendar years immediately preceding that year, or
- (b) the producer has sown rice in New South Wales, at any time in the 4 calendar years immediately preceding the year in which the poll or election is held, for the purpose of growing or producing rice for sale.

[5] Clause 10 Qualifications for voting

Omit clause 10 (2). Insert instead:

- (2) This clause does not entitle a person (whether in his or her own capacity or in his or her capacity as the representative of some other person) to vote more than once in any poll.

[6] Clause 12 Enrolment of representatives

Omit clause 12 (5). Insert instead:

- (5) In this clause, a reference to a partnership includes a reference to any group of persons who, in the opinion of the returning officer,

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are engaged in a single enterprise in the growing or production for sale of a primary product, but does not include the parties to a share-farming agreement.

[7] Clause 38 Qualifications for voting

Omit clause 38 (2). Insert instead:

- (2) This clause does not entitle a person (whether in his or her own capacity or in his or her capacity as the representative of some other person) to vote more than once in any election.

[8] Clause 40 Enrolment of representatives

Omit clause 40 (5). Insert instead:

- (5) In this clause, a reference to a partnership includes a reference to any group of persons who, in the opinion of the returning officer, are engaged in a single enterprise in the growing or production for sale of a primary product, but does not include the parties to a share-farming agreement.

[9] Schedule 1 Qualifications for voting

Omit the Schedule.