



New South Wales

Rice Marketing Amendment Bill 2007

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

This Bill is cognate with the *Agricultural Industry Services Amendment Bill 2007*.

Overview of Bill

The object of this Bill is to amend the *Rice Marketing Act 1983* (*the principal Act*) so as:

- (a) to prevent the Rice Marketing Board (*the Board*) from giving an approval for the sale or supply of rice to persons outside Australia to more than one authorised buyer of rice (so preserving a “single desk” policy), and
- (b) to create an offence (with a maximum penalty of 2,000 penalty units) of selling or supplying rice to persons outside Australia, and
- (c) to increase the membership of the Board from 5 to 7 members by providing for an additional 2 members to be nominated by the Minister, and
- (d) to require the Chairperson of the Board to be elected from among the Board’s nominated members, and
- (e) to increase, from 1 to 2, the number of nominated members required for a quorum of the Board, and

- (f) to enable the Minister to extend the period within which the Board's annual meeting must be held, and
- (g) to include a provision requiring the principal Act to be reviewed at the end of 2 years after the date of assent to the proposed Act.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 is a formal provision that gives effect to the amendments to the *Rice Marketing Act 1983* set out in Schedule 1.

Clause 4 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendments

Schedule 1 [3] amends section 51A of the principal Act so as to give effect to the object referred to in paragraph (a) above.

Schedule 1 [4] inserts proposed section 51B into the principal Act so as to give effect to the object referred to in paragraph (b) above. **Schedule 1 [6]** amends section 156 of the principal Act to ensure that the maximum penalty that a Local Court can impose for an offence under the new section is 200 penalty units.

Schedule 1 [1] amends section 11 of the principal Act so as to give effect to the object referred to in paragraph (c) above. **Schedule 1 [2]** omits section 12 of the principal Act as a consequence of that amendment.

Schedule 1 [9] inserts proposed clause 8 into Schedule 6 to the principal Act so as to give effect to the object referred to in paragraph (d) above.

Schedule 1 [8] amends clause 2 of Schedule 3 to the principal Act so as to give effect to the object referred to in paragraph (e) above.

Schedule 1 [5] amends section 127 of the principal Act so as to give effect to the object referred to in paragraph (f) above.

Schedule 1 [7] inserts a new section 165 into the principal Act so as to give effect to the object referred to in paragraph (g) above.

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New South Wales

Rice Marketing Amendment Bill 2007

No. , 2007

A Bill for

An Act to amend the *Rice Marketing Act 1983* with respect to the constitution and procedure of the Rice Marketing Board and the sale or supply of rice outside Australia.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Rice Marketing Amendment Act 2007</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5
3 Amendment of Rice Marketing Act 1983 No 176	6
The <i>Rice Marketing Act 1983</i> is amended as set out in Schedule 1.	7
4 Repeal of Act	8
(1) This Act is repealed on the day following the day on which this Act commences.	9 10
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	11 12

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 11 Constitution of board	3
	Omit section 11 (4). Insert instead:	4
	(4) A board is to consist of 3 elected members and 4 nominated members.	5 6
[2]	Section 12 Variation of total number of elected members	7
	Omit the section.	8
[3]	Section 51A Conditions of appointment as authorised buyer	9
	Insert after section 51A (2):	10
	(2A) An approval under subsection (2) may not authorise the sale or supply, during any period, of any commodity purchased by an authorised buyer if:	11 12 13
	(a) another approval under that subsection authorises the sale or supply, during the same period, of the same kind of commodity purchased by some other authorised buyer, and	14 15 16 17
	(b) the board has given a written undertaking to the other authorised buyer that it will not give another approval in respect of the sale or supply of that commodity during that period.	18 19 20 21
[4]	Section 51B	22
	Insert after section 51A:	23
51B	General prohibition on sale or supply of commodities outside Australia	24 25
	(1) A person who sells or supplies any commodity to a person outside Australia is guilty of an offence. Maximum penalty: 2,000 penalty units.	26 27 28
	(2) This section does not apply to the sale or supply of a commodity to a person outside Australia pursuant to a written approval under section 51A (2).	29 30 31
	(3) This section applies only in relation to the sale or supply of rice grown in New South Wales, being the commodity in respect of which the Rice Marketing Board for the State of New South Wales is constituted.	32 33 34 35

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Schedule 1 Amendments

[5] Section 127 Annual meetings of authorities	1
Omit section 127 (2). Insert instead:	2
(2) An authority's annual meeting must be held within 6 months after the end of its financial accounting period or within such further period as may be directed by the Minister.	3 4 5
[6] Section 156 Proceedings for offences	6
Insert "or 51B (1)" after "section 51A (6)" in section 156 (1B).	7
[7] Section 165	8
Insert after section 164:	9
165 Review of Act	10
(1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.	11 12 13
(2) The review is to be undertaken as soon as possible after the period of 2 years from the date of assent to the <i>Rice Marketing Amendment Act 2007</i> .	14 15 16
(3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 2 years.	17 18 19
[8] Schedule 3 Provisions relating to procedure of authorities	20
Omit "one shall in the case of a board be a nominated member" from clause 2 (1).	21 22
Insert instead "at least 2, in the case of a board, must be nominated members".	23

[9] Schedule 6 Special provisions relating to Rice Marketing Board	1
Insert at the end of the Schedule:	2
8 Chairperson of the Board	3
(1) The Chairperson of the Board is to be elected from among the nominated members of the Board.	4 5
(2) This clause commences on the first day after the commencement of the <i>Rice Marketing Amendment Act 2007</i> on which there is a vacancy in the office of Chairperson.	6 7 8