



New South Wales

# Agricultural Industry Services Amendment Bill 2007

## Explanatory note

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

The *Rice Marketing Amendment Bill 2007* and the *Wine Grapes Marketing Board (Reconstitution) Amendment Bill 2007* are cognate with this Bill.

## Overview of Bill

The object of this Bill is to amend the *Agricultural Industry Services Act 1998* (***the principal Act***) so as:

- (a) to require an agricultural industry services committee's 5-year plan to outline the services it proposes to perform and the rates that will have to be levied to pay for those services, and
  - (b) to enable rates to be collected on behalf of an agricultural industry services committee by persons to whom the committee's constituents deliver produce, and
  - (c) to make it clear that rates levied to fund the provision of particular agricultural industry services may be applied towards the provision of those services only, and
  - (d) to provide that inspectors under that Act do not have to be officers of the Department of Primary Industries, and
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- (e) to enable inspectors under that Act to require primary producers and others to keep certain records, and
- (f) to enact savings and transitional provisions and make other minor, consequential and ancillary amendments.

## 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 *Agricultural Industry Services Act 1998* set out in Schedule 1.

**Clause 4** is a formal provision that gives effect to the consequential amendment to the *Wine Grapes Marketing Board (Reconstitution) Act 2003* set out in Schedule 2.

**Clause 5** 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      Amendment of Agricultural Industry Services Act 1998**

### **5-year plans**

**Schedule 1 [2]** amends section 15 of the principal Act so as to require an agricultural industry services committee's 5-year plan to outline the services it proposes to perform and the rates that will have to be levied to pay for those services.

**Schedule 1 [3]** amends section 23 of the principal Act so as to provide that the rates levied by an agricultural industry services committee must be consistent with the proposals contained in its 5-year plan.

### **Collection of rates**

**Schedule 1 [4]** substitutes section 24 of the principal Act. The new section differs from the old in that it provides that rates that become payable on the delivery of produce may be collected on behalf of the relevant agricultural industry services committee by the person to whom the produce is delivered.

### **Application of rates**

**Schedule 1 [5]** amends section 29 of the principal Act so as to make it clear that rates levied to fund the provision of particular agricultural industry services may be applied towards the provision of those services only.

### **Inspectors**

**Schedule 1 [8]** inserts proposed section 41A into the principal Act. The new section provides that the Minister may appoint any member of the Government Service to be an inspector (rather than a “Departmental inspector” as they are currently called) for the purposes of all or any specified provisions of that Act.

### **Keeping of records**

**Schedule 1 [6]** substitutes section 33 of the principal Act. The new section differs from the old in that it provides that an inspector may require not only the production of information as to whether, and to what extent, a person is a primary producer but also the keeping of records from which such information can be derived.

### **Other matters**

**Schedule 1 [9]** amends Schedule 4 to the principal Act so as to enable the making of regulations of a savings or transitional nature consequent on the enactment of the proposed Act.

**Schedule 1 [10]** amends Schedule 4 to the principal Act so as to enact specific provisions of a savings or transitional nature consequent on the enactment of the proposed Act.

**Schedule 1 [1] and [7]** make minor, consequential or ancillary amendments.

## **Schedule 2      Consequential amendment of Wine Grapes Marketing Board (Reconstitution) Act 2003**

**Schedule 2** amends section 17 of the *Wine Grapes Marketing Board (Reconstitution) Act 2003* as a consequence of the amendments to be made by Schedule 1 [8].