The Parliament of the
Commonwealth of Australia

THE SENATE

Wheat Marketing Amendment Bill 2007

(Amendments to be moved by Senator O’Brien on behalf of the Opposition in committee of the whole)

(1) Clause 2, page 2 (cell at table item 4, column 2), omit the cell, substitute:

The day on which this Act receives the Royal Assent.

[commencement]

(2) Schedule 1, item 2, page 3 (line 12), omit “request”, substitute “require”.

[requirement to produce documents]

(3) Schedule 1, item 2, page 3 (line 17), omit “Request”, substitute “Requirement to produce information and documents”.

[requirement to produce documents]

(4) Schedule 1, item 2, page 3 (line 18), omit “request”, substitute “require”.

[requirement to produce documents]

(5) Schedule 1, item 2, page 4 (line 10), omit “Request”, substitute “Requirement to produce report”.

[requirement to produce report]

(6) Schedule 1, item 2, page 4 (line 11), omit “request”, substitute “require”.

[requirement to produce report]

(7) Schedule 1, item 2, page 4 (after line 17), after section 5DB, insert:

5DBA  Failure to produce information, documents or a report

If a person fails to produce information, documents or a report in accordance with section 5DA or 5DB, as the case may be, the person is guilty of an offence.

Penalty: (a) in the case of a natural person—600 penalty units; or

(b) in the case of a body corporate—5,000 penalty units.

[requirement to produce information etc ]

(8) Schedule 1, item 2, page 6 (after line 5), after subsection 5DC(9), insert:
Presentation of report to Parliament

(9A) The Minister must cause the whole of a report presented to him or her in accordance with this section to be tabled in each House of the Parliament within 5 sitting days of that House after receiving the report.

[reports to be tabled]

(9) Schedule 3, item 2, page 8 (after line 21), after subsection 3AA(5), insert:

Limitation on declaration

(5A) The Minister must not make a declaration in accordance with this section unless:
(a) the Minister has caused a poll to be conducted of all growers who have paid a wheat export charge as defined in the Wheat Marketing Act 1989 since July 2002; and
(b) the poll finds that 51 per cent or more of growers are in support of declaring the specified company; and
(c) such further conditions as the Minister considers appropriate.

(5B) The poll required to be conducted by subsection (5A) is to be conducted by the Australian Electoral Commission in accordance with that Commission’s recommendations for the fair conduct of such a poll.

[designated company must have majority grower support]

(10) Schedule 4, items 1 and 2, page 13 (lines 5 to 13), TO BE OPPOSED.

[quality assurance]

(11) Schedule 4, items 9 to 13, page 14 (lines 9 to 19), TO BE OPPOSED.

[quality assurance]

(12) Schedule 5, page 29 (after line 1), after item 54, insert:

54A After subsection 60(1)

Insert:

(1A) If the Minister does not agree in writing in accordance with subsection (1), the Minister must provide a written statement of particulars and reasons specifying the ground or grounds on which agreement was not given.

(1B) A copy of the Minister’s decision in relation to consent, and the written statement of particulars and reasons, if applicable, must be supplied to:
(a) the Chairperson of the Commission; and
(b) the person who made the application to export wheat under section 57.

(1C) The Minister must cause a copy of his decision in relation to consent given in accordance with subsection (1) and a statement of particulars and reasons in accordance with subsection (1A), if applicable, to be tabled in each House of the Parliament within 5 sitting days of that House after the Minister makes a decision in relation to consent.

[reasons for refusal of consent]

(13) Schedule 5, page 29 (after line 9), after item 57, insert:

57A After subsection 62(2)

Insert:
(2A) If the Minister gives a notice in accordance with subsection (1), the Minister must provide a written statement of particulars and reasons specifying the ground or grounds on which the notice was given.

(2B) A copy of the notice in accordance with subsection (1) and the written statement of particulars and reasons in accordance with subsection (2A) must be supplied to:

(a) the Chairperson of the Commission; and
(b) the person who made the application to export wheat under section 57.

(2C) The Minister must cause a copy of a notice given in accordance with subsection (1) and a written statement of particulars and reasons in accordance with subsection (2A) to be tabled in each House of the Parliament within 5 sitting days of that House after the notice is given.

[limitation of veto power]