Amendments to be moved on behalf of the Government

(Circulated by authority of the Minister for Agriculture, Fisheries and Forestry, the Hon Peter McGauran MP)
AMENDMENTS TO THE WHEAT MARKETING AMENDMENT BILL 2007

OUTLINE

The proposed Government amendments would amend provisions of the *Wheat Marketing Act 1989* (the Act) and the *Wheat Marketing Amendment Bill 2007* (the Bill). The amendments provide further clarity to the implementation timeframes outlined in the Bill.

The key elements of the changes are:

- The requirement for at least one, but no more than two, members of the Export Wheat Commission to have substantial experience or knowledge and significant standing in export wheat production. This is in addition to the requirement for at least one, but no more than two members to have substantial experience or knowledge and significant standing in grain production already included in the Bill;

- The proposed power of the Minister to change the designated company, which commences on 1 March 2008, to have a sunset date of 30 June 2008;

- To specify that if AWB (International) Ltd or any related company is the ‘Designated Company’ under the Act after 30 June 2008 then the veto power in section 57(3B) will not apply; and

- Schedule 4 to the Bill, relating to the deregulation of exports in bags and containers and the QA scheme, will come into effect 60 days from the date the Bill receives the Royal Assent.

FINANCIAL IMPACT STATEMENT

The proposed amendments are not expected to have any impact on Commonwealth expenditure.
NOTES ON AMENDMENTS

Amendment (1)
This amendment provides for Schedule 2 of the Bill, which relates to the deregulation of exports in bags and containers and the introduction of a quality assurance scheme, to commence 60 days after the Bill receives the Royal Assent instead of on a date set by proclamation. This amendment will make sure these changes are put in place as soon as possible to provide certainty for exporters and growers relating to the 2007-08 harvest.

Amendment (2)
This amendment changes the timeframe within which the Minister may exercise his powers provided for in Section 3AA of the Bill to change the entity declared as the ‘designated company’ for the purposes of holding the export privilege. This power will still commence on 1 March 2008 but the ability for the Minister to exercise it will sunset after 30 June 2008. If the Minister has made a declaration before 30 June 2008 then it will survive beyond 30 June 2008.

This will provide the Minister with a clear timeframe within which to consider and make a declaration for a new designated company, while giving industry certainty over the timing for the designation process. It will also provide any new company that is made the designated company with certainty about its tenure as the single desk operator.

Amendment (3)
This amendment provides that if AWB (International) Ltd (AWBI), as current Nominated Company B under the Act (or any other entity related to AWB Ltd), is the designated company from 1 July 2008 the bulk veto power will no longer apply. This effectively removes any possibility that the bulk veto power could revert to AWBI once the Minister’s temporary veto powers sunset after 30 June 2008.

Amendment (4)
This is a consequential amendment due to the additional of a further item to the list of skills the Minister must have regard to in appointing members to the Commission. This change requires subsection 6(3)(m) to end in a semi colon and not a full stop.

Amendment (5)
This amendment adds an extra item onto the list of skills the Minister must have regard to in appointing members to the Commission. This being substantial experience or knowledge and significant standing in export grain production.

Amendment (6)
Amends the requirement in Schedule 5 Item 32 subsection 6(4) of the Bill for at least one, but no more than two, members of the Export Wheat Commission to have substantial experience or knowledge and significant standing in grain production to add an identical requirement for member(s) with export wheat production skills.

This change will more closely align the necessary skill requirements of the Commission to make sure that it has at least one member with grain production knowledge and experience and at least one member with specific export wheat production knowledge and experience.