

Response to recommendations of the Standing Committee in its review of the Agricultural Produce Commission Amendment Bill 2019

RECOMMENDATION 1

The Minister for Agriculture and Food explain why it is necessary for clause 4(2) of the Agricultural Produce Commission Amendment Bill 2019 to insert the words 'prescribed for the purposes of this definition' into the definition of 'agricultural industry' in section 3(1) of the *Agricultural Produce Commission Act 1988*. This explanation should refer particularly to why the Act, instead of regulations, should not list the agricultural industries which want to be able to form producers' committees, with the list updated (via an amending Act) to include new industries as they arise.

- Allows flexibility
- Allows modern and future industries to be captured without having to amend the Act: e.g. truffled

RECOMMENDATION 2

The Minister for Agriculture and Food explain why clause 15(1) of the Agricultural Produce Commission Amendment Bill 2019 (proposed section 13(1A) of the *Agricultural Produce Commission Act 1988*) delegates the definition of a 'prescribed person' to regulations, rather than prescribing its own definition of that term.

- Use of the word "prescribed" in legislation always means it will be set in regulations
- Allow flexibility as these persons will differ depending on the relevant industry, and so are more appropriately dealt with in regulations.

RECOMMENDATION 3

The Minister for Agriculture and Food explain how, once a particular producer group has indicated that it would like to take advantage of the waiver, refund and reduction measures contemplated in clause 16(2) of the Agricultural Produce Commission Amendment Bill 2019 (proposed section 14(5) of the *Agricultural Produce Commission Act 1988*), the regulations will:

- (a) be drafted
- and
- (b) deliver the measures in a timely way.
- Drafted in consultation with relevant industry, as they are designed specifically to be fit for purpose for the relevant producers
- APC would be discussing the likely substance of the regulations while consulting on a proposal to establish a committee with the relevant producer group. Regulations would need to be developed and finalised in a timely manner to allow the new committee to operate effectively.

RECOMMENDATION 4

The Minister for Agriculture and Food explain why, in clause 26 of the Agricultural Produce Commission Amendment Bill 2019 (proposed section 19C of the *Agricultural Produce Commission Act 1988*), the words 'or is likely to be' should not replace the words 'or may be' in paragraph (d) of the definition of 'relevant record' in order to narrow the scope of the definition.

- Drafting convention
- Similar outcome

RECOMMENDATION 5

The Minister for Agriculture and Food explain how clause 26 of the Agricultural Produce Commission Amendment Bill 2019 (proposed section 19F of the *Agricultural Produce Commission Act 1988*) will achieve an appropriate balance between compelling a person to provide information about compliance with the Act while providing adequate protection against self-incrimination.

- Commission will develop policies as to how compliance will be enacted
- Will include safeguards to ensure persons cannot be unduly compelled