

THE RICE MARKETING BOARD FOR THE STATE OF NEW SOUTH WALES



COMPLIANCE AND ENFORCEMENT POLICY

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Background

Under Section 56 of the *Rice Marketing Act 1983* ('the Act'), all rice grown in NSW is divested from the producers and becomes vested in and the property of the Rice Marketing Board for the state of New South Wales ('The Board'). An exemption applies under Section 57 of the Act for authorised buyers that are licensed by the Board.

The Board currently has ten authorised buyers of rice as listed on the website www.rmbnsw.org.au. An authorised buyer is authorised to purchase rice, on the authorised buyer's own account, from a producer of NSW rice. Section 51 of the Act outlines the conditions of appointment of an authorised buyer.

The conditions of appointment of an authorised buyer include a condition prohibiting, except with the Board's written approval, any sale or supply to persons outside Australia of any commodity purchased by the authorised buyer. The Board has licensed one of the authorised buyers as the Sole and Exclusive Exporter of NSW rice.

Purpose of policy

The purpose of this policy is to outline the Board's approach to compliance with the requirements and enforcement of the rules contained in the Act:

1. For growers of NSW rice to sell only to an Authorised Buyer;
2. For authorised buyers; and
3. For those who export NSW rice, other than the holder of the Sole and Exclusive Export Licence.

Definitions

"Commodity" means a primary product, grade or class of a primary product, declared to be a product by a proclamation in force under Part 2 or Part 4 of the Act.

"Primary product" includes any grain or cereal produced in New South Wales.

"Rice" means the commodity rice in its original unprocessed form.

Offences

A NSW rice grower who supplies, sells or delivers any of the NSW rice vested in the Board to a person other than the Board or an authorised agent or authorised

buyer, is guilty of an offence (Section 60(2) of the Act). Maximum penalty is 200 units (Section 155(2) of the Act).

A person who buys or receives any of the NSW rice that is supplied, sold or delivered, is guilty of an offence (Section 60(3) of the Act). Maximum penalty 200 units (Section 155(2) of the Act).

An authorised buyer who contravenes a condition of appointment is guilty of an offence. Maximum penalty 2,000 units (Section 51A(5) of the Act).

An authorised buyer who sells or supplies NSW rice in contravention of a condition of appointment is guilty of an offence. Maximum penalty 2,000 units (Section 51A(6) of the Act).

A person who sells or supplies NSW rice to a person outside Australia is guilty of an offence. Maximum penalty 2,000 units (Section 51B(1) of the Act).

The current amount payable for an individual who has been found guilty of an offence in NSW is \$110 per unit.

Compliance strategies

The Board has two primary methods for initiating investigation of compliance with the Act, through an annual crop audit and by examination of export records.

For information about the Crop Audit, please refer to the Crop Auditing Policy.

The Board has access to export records and each month it examines rice exports for potential breaches of the Act.

Enforcement strategies

The Board is committed to ensuring that enforcement actions are consistent, fair and based on best practice.

On identification of a potential breach, the Board will contact the potential offender for more information, at all times maintaining a professional attitude.

Documentary evidence may be obtained. Section 137 of the Act allows the Board, by notice in writing, to require a person to furnish such information relating to any primary product as specified in the notice. A notice to furnish information under Section 137 may be provided requiring production of information.

Section 138(1) of the Act provides that a member of the police force or an authorised person may enter any premises where they have reasonable grounds

to believe that any of the NSW rice is stored, or any accounts, documents, books or papers are kept.

An authorised person, under Section 138(6) of the Act, may:

- search for and inspect the NSW rice;
- demand production of accounts, documents, books or papers relating to the NSW rice;
- search for, inspect, take extracts from and make copies of any accounts, documents, books or papers relating to the NSW rice;
- take possession of and remove any of the NSW rice that the authorised person reasonably suspects is the property of the Board; and
- make any enquiry that the authorised person considers necessary relating to any of the NSW rice.

The Board may seek legal assistance or the assistance of the Police Force at any time during an investigation.

The Compliance and Enforcement process has been documented for the information of the Board.

Further information

For further information concerning the Board's Compliance and Enforcement Policy, please contact:

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