

THE RICE MARKETING BOARD FOR THE STATE OF NEW SOUTH WALES



AGENCY INFORMATION GUIDE - *GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 (NSW)*

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AGENCY INFORMATION GUIDE

This Information Guide has been produced by the Rice Marketing Board for the State of New South Wales ('the Board') in accordance with Section 20 of the *Government Information (Public Access) Act 2009* (GIPA Act). The Board is an agency for the purposes of the GIPA Act.

The purpose of this document is to provide members of the public with information concerning:

- The structure and functions of the Board;
- The way in which the functions of the Board affect members of the public;
- The avenues available to the public to participate in the exercise of the Board's functions;
- The type of information available from the Board and how this information is made available.

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1. About the Board

1.1. Structure and functions of the Board

The Board consists of three elected Members and four nominated Members. One general election is held for the three positions. Anyone may stand for election and must be nominated by six NSW rice growers who are eligible to vote in the election. The NSW Department of Primary Industries is responsible for the nomination and selection process of the four nominated Board Members.

The Board employs a Board Secretary and a part-time administration officer.

The Chair is responsible for leadership of the Board including:

- Facilitating the effective functioning of the Board including management of conduct, frequency and length of Board meetings;
- Communicating the views of the Board, in conjunction with the Board's Secretary, to the Board's stakeholders and to the public;
- Facilitating proper information flow to the Board;
- Setting the tone for the Board, including the establishment of a common purpose;
- Chairing Board meetings efficiently and shaping the agenda in relation to goals, strategy, budget and executive performance;
- Encouraging contributions by all Board Members and seeking consensus when making decisions;
- Motivating Board Members and where appropriate dealing with underperformance;
- Overseeing the process for appraising Board Members individually and the Board as a whole; and
- Overseeing negotiations for the Board Secretary's appointment and evaluating their performance.

In the absence of the Chair, the Deputy Chair assumes the role that otherwise would be performed by the Chair.

The role of the Board Secretary is to provide analysis, opinion and recommendations on a range of matters impacting the Board. In addition, the Secretary co-ordinates meetings, prepares and circulates meeting papers and minutes of meetings, prepares monthly and annual financial statements, prepares the Annual Report, manages all contracts and consultants, performs the annual crop audit, investigates potential breaches of the *Rice Marketing Act 1983 (NSW)*, maintains all records, handles enquiries and correspondence and ensures adherence to all statutory requirements regarding Board matters.

There are three committees of the Board, who make recommendations and provide advice to the Board:

a. Authorised Buyer Licensing Committee

Comprised of the four nominated members, the role of the Authorised Buyer Licensing Committee is to give consideration to confidential and commercial-in-confidence matters that are brought before the Board. The functions of this Committee include giving consideration to applications for Authorised Buyer Licences, reviewing annual returns from Authorised Buyers, attending to issues raised by or in relation to Authorised Buyers, annually reviewing the performance of the Sole and Exclusive Export Licence holder and considering any other commercial-in-confidence matters that arise.

b. Governance, Nominations and Remunerations Committee

The Governance, Nominations and Remunerations Committee reviews Board governance arrangements and decision-making processes to ensure they are aligned with recognised good corporate governance and advises on nominations and remuneration, to ensure that the Board is supported in the effective and efficient exercise of its role and functions.

c. Audit and Risk Committee

The Audit and Risk Committee oversees the engagement and methodology of the external auditors, reviews and monitors the risk profile of the Board, monitors the audit process, reviews the completeness and accuracy of the Financial Statements prior to consideration and approval by the Board, and reviews emerging risks to ensure they are appropriately addressed.

1.2. The Board's purpose

The objects of the Board as gazetted by the NSW Governor on 23 May 2009 are:

- To encourage the development of a competitive domestic market for rice;
- To ensure the best possible returns from rice sold outside Australia based on the quality differentials or attributes of Australian grown rice; and
- To liaise with and represent the interests of all NSW rice growers in relation to the Board's functions and objects.

The *Rice Marketing Act 1983 (NSW)* states that the NSW Governor may declare that the commodity rice is divested from the producers and is absolutely vested in and is the property of the Board (s. 56). The Board licenses Authorised Buyers to trade NSW rice in the domestic market, and also licenses one sole and exclusive export licence holder to export NSW rice. The NSW Department of Primary Industries reviews vesting at least every five years, to investigate if it continues to yield net benefits to the NSW rice industry and the general community.

To meet the Board's first object, to encourage the development of a competitive domestic market for rice, the Board:

- Reviews licence holders' annual returns;
- Regularly reviews the fee schedule for authorised buyers;
- Meets with Authorised Buyers on a regular basis;
- Provides information to rice growers and buyers, for example on the provision of rice seed supplies; and
- Manages an annual audit of the NSW rice crop to ensure compliance with the *Rice Marketing Act 1983 (NSW)*.

The Sole and Exclusive Export Licence grants approval to sell and supply rice outside of Australia. The current holder of this licence is Ricegrowers Limited, trading as SunRice (SunRice). SunRice pays a fee to the Board for the licence.

To meet the Board's second object, to ensure the best possible returns from rice sold outside Australia based on the quality differentials or attributes of Australian grown rice, the Board:

- assesses the performance of the export licence holder through an annual report on its business performance;
- Refers the calculation of the main benefits of vesting, the export price premium and freight scale advantage, to be verified by an independent consultant;

- Conducts annual crop audits to ensure that all NSW grown rice is sold to an Authorised Buyer;
- Monitors rice exports to ensure they are consistent with the *Rice Marketing Act 1983*; and
- Reports to the Board's stakeholders and Government through a report appended to the Board's Annual Report.

To meet the Board's third object, to liaise with and represent the interests of all NSW rice growers in relation to the Board's functions and objects, the Board:

- Attends Ricegrowers' Association of Australia (RGA) branch meetings;
- Attends other regional rice meetings;
- Attends rice field days;
- Supports industry activities including RGA Conferences and rice field days;
- Provides information on the Board's website, including annual reports, news updates, Board policies and the Charters of the Board and its Committees;
- Communicates with the President and Executive Director of RGA on issues relevant to the industry;
- Provides regular articles in the RGA newsletter;
- Invites all NSW rice growers to the Annual Meeting held every November;
- Conducts democratic elections in accordance with the *Rice Marketing Act 1983 (NSW)* and *Rice Marketing Regulation 2015*;
- Monitors AgriFutures Australia on the use of rice research and development levies; and
- Provides support to NSW rice industries' development activities.

1.3. Legislation

The Board is constituted under the *Rice Marketing Act 1983*. The *Rice Marketing Regulation* provides further instruction on matters pertaining to the Board.

The Board is subject to the direction of the Minister for Agriculture and Western New South Wales.

Further information on the Board's structure and functions is available in the Board and Committee Charters, accessible on the Board's website <https://www.rmbnsw.org.au>.

2. How the Board engages with the public

2.1. Service functions

The Board has is a non-voting member of the RGA Central Executive, a council of grower representatives from the Murray and Riverina. The Board also participates in a range of rice industry activities across NSW, including rice grower meetings, conferences and rice field days.

2.2 Regulatory or enforcement functions

Under s.52 of the *Rice Marketing Act 1983 (NSW)*, rice is divested from NSW rice producers and is the property of the Board. The Board then licenses its agents to buy NSW rice in the domestic market. There are currently fourteen Authorised Buyers Licence ("ABL") agents, and SunRice is the Board's sole agent for the export of NSW rice.

Applications for an Authorised Buyer Licence are available from the Board's website <https://www.rmbnsw.org.au> or by contacting the Board Secretary on (02) 6953 3200 or email: secretary@rmbnsw.org.au.

2.3 Revenue functions

The Board's main sources of income are licence fees from Authorised Buyers and the Sole and Exclusive Export Licence fee.

2.4 Administrative functions

The Board Secretary is responsible for the Board's administrative functions and may be contacted by the public during business hours for enquiries concerning the NSW rice industry.

The Board supports the principles of open government and encourages stakeholders and the general public to participate by:

- Contacting the Board Secretary to discuss or provide input into any aspect of the Board's policy and functions;
- Discussing issues with a Board Member at a rice industry meeting, conference or field day. Rice industry meetings, conferences and field days are advertised on the Ricegrowers' Association of Australia website at www.rga.org.au; and
- Preparing a submission on the next review of vesting, to the NSW Department of Primary Industries.

The Board stores its information primarily in electronic records. Some paper-based records also exist.

3 The Board's information and how to access it

The Board is committed to the principle of open and transparent government. The Board will make as much information as possible publicly available unless there is an overriding public interest against disclosure.

The Board's information includes:

- Agendas, meeting papers and minutes of meetings;
- Annual Reports including Financial Statements;
- Annual Report to Rice Growers on the performance of the Board against its objects;
- Consultants reports, including the annual verification of the export price premium and freight scale advantage;
- Board and Committee Charters;
- Board Policies;
- Communications Plan;
- Historic information relating to the Capital Equity Rollover Scheme;
- Statistical information on rice crops since 1951;
- Annual returns of Authorised Buyer Licence holders;
- Annual Crop audits;
- Monthly reviews of rice exports from Australia;
- Financial accounts;
- NSW Electoral Commission reports on Board Member elections;
- Multicultural Plans;
- Market research reports;
- Media statements;
- Presentations at Annual Meetings;

- Independent review of RMB Governance Arrangements 2017-18;
- Independent review of the viability of developing the rice industry outside the Murray and Riverina Regions 2017-18;
- GIPA disclosure log.

Some information held by the Board is not made publicly available on the basis of an overriding public interest against disclosure. This information includes meeting papers and minutes, legal advice, commercial-in-confidence documents and other documents identified at meetings.

There are four ways that members of the public can access government information held by the Board:

3.1 Open Access Information

Open Access Information is information that the Board must release to the public to help foster responsible and representative government that is open, accountable, fair and equitable. This information is free of charge and is publicly available on the Board's website at <https://www.rmbnsw.org.au> and includes:

- Information about the Board contained in any document tabled in Parliament by or on behalf of the Board;
- Policy documents that are related to its functions and are likely to affect members of the public;
- Disclosure log of Formal Access Applications that may be of general public interest;
- Other government information as may be prescribed by the GIPA Regulations as open access information.

Information that is open access information includes annual reports, policies, and the GIPA Disclosure Log.

The Board has awarded one contract over \$150,000 in value, in 2021-22. The contract is the Sole and Exclusive Export Licence issued to Ricegrowers Limited trading as SunRice. The value paid to consultants is reported in the Board's Annual Report each year.

For further information please contact the Board Secretary by emailing secretary@rmbnsw.org.au, phoning 02 6953 3200, through the website contact page or by sending a letter to PO Box 151, Leeton, NSW 2705.

3.2 Proactively released information

Under s. 7(7) of the GIPA Act, the Board must review its program to release information at least annually. The Board and the Committees review information for release at the end of each meeting. Any information released is usually free of charge and is published on the Board's website at <https://www.rmbnsw.org.au>. There may be a nominal charge if resources are required to compile the information requested.

You may suggest that information be proactively disclosed by contacting the Board Secretary by email to secretary@rmbnsw.org.au, by phoning 02 6953 3200 during regular business hours or by mail to PO Box 151, Leeton, NSW 2705.

Proactively released information includes the Board's Charter, Committee Charters, Communications Plan, and Annual Reports to NSW Rice Growers.

3.3 Informally released information

Members of the public can request information from the Board on any topic of interest. If the information is held by the Board and is clearly in the public interest to disclose, the request may be treated as an informal GIPA application and may be supplied free of charge.

You may make an informal request for information by contacting the Board Secretary by email to secretary@rmbnsw.org.au or through the website contact.

3.4 Formal Access Applications

A request for information held by the Board may be made through a formal access application. To make a request, an access application must:

- Be in writing and be addressed to the Board;
- Clearly indicate that it is a formal access application made under the GIPA Act;
- Be accompanied by a payment of \$30 application fee;
- Provide a postal or email address for correspondence; and
- Include such information as is reasonably necessary for the information applied for to be identified.

You may make an on-line application for information using the access application form on the Board's website at <https://www.rmbnsw.org.au>, by emailing the Secretary at secretary@rmbnsw.org.au or by mailing your application to the Board at PO Box 151, Leeton, NSW, 2705.

Some information held by the Board is not made publicly available on the basis of an overriding public interest against disclosure. This information includes meeting papers and minutes, legal advice, commercial-in-confidence documents and other documents identified at meetings.

4 Fees payable

An application fee of \$30 applies to formal access applications, plus \$30 hourly processing fees may apply in accordance with section 64 of the GIPA Act. You may be entitled to a 50% discount in the processing charge in accordance with section 65 of the GIPA Act, if the Board is satisfied that you are suffering financial hardship.

5 Feedback and questions

For further information relating to the disclosure of government information held by the Board, please contact:

The Secretary
The Rice Marketing Board for the State of New South Wales
PO Box 151 Leeton NSW 2705

Telephone: (02 6953 3200
E-mail: secretary@rmbnsw.org.au

6 Document Control

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