

Report on Consultation and Public Meetings for Greater Sunraysia Pest Free Area Industry Development Order 2018

March 2018





Contents

- 1. Overview 3**
- 2. Report and Public Meetings 4**
- 3. Attendance at Meetings 4**
- 4. Agenda of Meetings..... 5**
- 5. Issues and Proposed Response 6**
- 7. Process for deciding on the proposed Order..... 9**
- 7.1 Exhibition of the Roll..... 9**
- 8. Further Information 11**

1. OVERVIEW

The Greater Sunraysia Pest Free Area Industry Development Committee (the Committee) collects money from citrus, stone fruit and table grape growers to pay for Queensland Fruit Fly (QFF) management in the Greater Sunraysia area.

The Committee is established by government through the Greater Sunraysia Pest Free Area Industry Development Order 2014 (the existing Order). This Order expires on 9 December 2018.

In November 2017, the three affected industry associations – the Sunraysia Citrus Growers Association, the Swan Hill Summer Fruit Development Association, and the Sunraysia and District sub-group of the Australian Table Grape Association – petitioned the Victorian Minister for Agriculture to make a new Order.

Agriculture Victoria held public meetings with citrus, table grape and stone fruit growers to determine the level of support for the making of the proposed Order. Feedback at all four meetings indicated support for the making of a Greater Sunraysia Pest Free Area Industry Development Order 2018, and creation of a new Committee.

This report provides information about the public meetings held, the issues raised by affected persons, and the response to those issues, including:

- When were the meetings held?
- Who attended the meetings?
- What were the issues raised at the meetings?
- What is the response to these issues?

2. REPORT AND PUBLIC MEETINGS

Agriculture Victoria, in consultation with NSW Department of Primary Industries (DPI), prepared and distributed a report to citrus fruit, stone fruit, table grade producers and other affected persons (including fruit packing companies and rural city councils).

The report included information on the responsibilities of the Committee, challenges for the Committee, proposed changes to the new Order from the existing Order, advantages / disadvantages of the proposed Order, and the process for deciding on the proposed Order. The report also specified the criteria for determining the eligibility to vote, and number of votes, that a producer may cast in the poll.

Public meetings were held with producers and other affected persons in four locations in the Greater Sunraysia area:

Barham	Barham Services Club, Murray Street	Monday 5 February	3:00pm
Swan Hill	Commercial Hotel, Curlewis Street	Monday 5 February	7:15pm
Euston	Euston Club, Nixon Street	Tuesday 6 February	7:15pm
Mildura	The Settlers Hotel, Eighth Street	Wednesday 7 February	7:15pm

These public meetings are a requirement of the *Agricultural Industry Development Act 1990* (the Act). Agriculture Victoria presented the information contained in the report and sought feedback on the support for the process of making a new Order.

3. ATTENDANCE AT MEETINGS

The following official attendees were present at one or more meetings:

Members of the Current Committee

Karen Hensgen – Chair
Michael Tempini – Stone Fruit Industry Representative
Joelene Williams – Stone Fruit Industry Representative
Jeff Scott – Table Grape Industry Representative
Vince DeMaria – Citrus Fruit Industry Representative
Deidre Jaensch – Regional Coordinator

Government Observers of the Current Committee

Bernie Dominiak – NSW Government Observer
Gary D'Arcy – Victorian Government Observer

Agriculture Victoria Representatives

Mara Putnis – Manager, Agriculture Policy

Fern Cadman – Senior Policy Analyst, Agriculture Policy

Hilary Manning – Senior Policy Analyst, Agriculture Policy

Jasmine Edwards – Policy Analyst, Agriculture Policy

Overall Attendance

There was modest attendance from growers at the public consultation. There were approximately half a dozen growers at the first two sessions in Barham and Swan Hill, and around 15 growers at the meetings in Euston and Mildura.

Joelene Williams, the Committee representative for the stone fruit industry, advised that those who had attended the Swan Hill meeting represented a large proportion of the growers in that area.

4. Agenda of Meetings

Each meeting opened with an explanation of the purpose of the meeting, presentations by Agriculture Victoria and a member of the current Committee, with the opportunity for questions and general discussion at the end. Stuart Putland, of Putland Consulting, facilitated the meetings in Euston and Mildura.

Agriculture Victoria gave two presentations:

Fern Cadman, from Agriculture Policy, gave a general presentation on the purpose of Industry Development Committees, how the vote is to occur to remake the Committee (if the Minister decides to hold a vote), and some advantages and disadvantages of having an Industry Development Committee (from the perspective of Agriculture Victoria).

Gary D’Arcy, from Biosecurity and Agriculture Services, gave a presentation on the benefits of a coordinated approach to managing fruit fly.

An industry representative also gave a presentation at each meeting. These presentations outlined why growers may wish to vote yes for the Committee continuing for another four years, as well as detailed the achievements of the current Committee over the last four years and how it has overcome operational challenges.

Michael Tempini, the Committee representative for the stone fruit industry, presented in Barham and Swan Hill.

Jeff Scott, Chair of the Australian Table Grape Association, presented in Euston.

Kevin Cock, Chair of the Sunraysia Citrus Growers Inc, presented in Mildura.

5. ISSUES AND PROPOSED RESPONSE

Feedback at all four meetings indicated support for the making of a Greater Sunraysia Pest Free Area Industry Development Order 2018, and creation of a new Committee.

While there were general concerns expressed about the process of making the Order, and what changes could be made to the Order, much of the feedback centred on the issues relating to what practical actions could be undertaken to manage Queensland Fruit Fly.

Concerns about the process and making of the Order included:

- Can growers who have not paid charges be excluded from voting on the Committees' proposed Queensland Fruit Fly management projects?
- In addition to collecting charges directly from producers, can the Order also enable the Committee to work with box manufacturers to collect the charge on its behalf?
- Could the Committee proceed without an independent chair?
- Why aren't other industries affected by Queensland Fruit Fly in the Greater Sunraysia Area contributing to the Committee's activities?
- The Mildura Rural City Council (and other rural and shire councils in the area) should have a greater role in fruit fly management;
- The Committee needs clarity on its debt collection powers and responsibility for enforcement of debts.

Can growers who have not paid charges be excluded from voting on the Committees' proposed Queensland Fruit Fly management projects?

This is not possible under the Act. Section 47(3) of the Act provides that a recommended action plan and certain resolutions must be put to a general meeting of the producers of the commodity who will be liable to pay the charge, but it does not extend to qualify that eligibility based on the payment of that charge.

As such, there is no change to the proposed Order.

Agriculture Victoria advises that, if certain producers are not paying charges for which they are liable, then enforcement action should be considered. Agriculture Victoria has also noted this to be considered in potential future legislative changes to the Act.

In addition to collecting charges directly from producers, can the Order also enable the Committee to work with box manufacturers to collect the charge on its behalf?

Both Agriculture Victoria and industry representatives on the current Committee agree that the collection of charges from box manufacturers has not worked previously. This is the reason for the change to collection directly from producers (as per Schedule 1 of the proposed Order).

As such, there is no change to the proposed Order.

Could the Committee proceed without an independent chair?

While it is legally possible to elect the Chair from among the industry-nominated members of the Committee, Agriculture Victoria's view is that it would be more advantageous to retain an independent Chair. This is for the following reasons:

- The Greater Sunraysia Pest Free Area Industry Development Committee is the only Industry Development Committee which brings together three different horticultural industries. As such, an independent Chair provides impartiality between the three industries;
- An independent Chair provides equality within the Committee, enabling each industry to be equally represented (with two members per industry association);
- An independent Chair, selected through a public expression of interest as per the selection of the current Chair (in 2016), could bring a high level of governance expertise;
- The current Committee supports the continuation of an independent Chair.

Agriculture Victoria recognises that the election of a Chair from among the industry-nominated members of the Committee may provide a sense of empowerment to the members, but also believe this empowerment could similarly be achieved through industry involvement in any future selection process of the Committee Chair.

As such, there is no change to the proposed Order.

Why aren't other industries affected by Queensland Fruit Fly in the Greater Sunraysia Area contributing to the Committee's activities?

The largest horticultural industries in the Greater Sunraysia Production Area are the citrus, stone fruit and table grape industries, which are already included in the proposed Order. These three industries remain the three largest horticultural industries in the Greater Sunraysia Production Area, as per the information provided by industry on the number of growers, production tonnage and production value for 2016-17 included in Agriculture Victoria's January 2018 consultation report on the proposed Order. The other industries are generally smaller in production size, are not predominantly located in the Greater Sunraysia Production Area, do not export to the same extent, or do not have as clear industry representation.

The current Committee was established at the request of the citrus, stone fruit and table grape industries. For other industries to be part of the Committee and charge collection process, representatives from these other industries would need to petition the Victorian Minister for Agriculture. Further engagement is required with these other industries to determine their interest in being included in the Order and/or working with the citrus, stone fruit and table grape industries on the Committee.

In light of this, a minor amendment was made to Clause 14 of the proposed Order, to more explicitly provide the Committee with the power to engage with other fruit and vegetable production industries potentially affected by Queensland Fruit Fly.

The Mildura Rural City Council (and other rural and shire councils in the area) should have a greater role in fruit fly management

Industry raised concerns that rural city councils and shire councils in the Greater Sunraysia Production Area have not adequately engaged with the Committee in the management of Queensland Fruit Fly, and that these councils should have a greater role in, or be more strongly aware of the importance of, the management of Queensland Fruit Fly.

It could be possible to include a Local Government Observer(s) on the Committee in addition to the Victorian and NSW Government Observers. However, this may not achieve the desired outcome and may be impractical due to the number of local councils in the area.

The current Committee has a current workplan that includes the creation of a subcommittee to facilitate ongoing communication, cooperation, feedback and sustainable management options between the Committee and the six local councils.

As such, there is no change to the proposed Order.

The Committee needs clarity on its debt collection powers and responsibility for enforcement of debts

The Committee has the power to impose charges on citrus, stone fruit and table grape producers for the provision of services relating to coordinated Queensland Fruit Fly management to reduce Queensland Fruit Fly across the Greater Sunraysia Production Area. The charge is currently set at \$3.00 per tonne, and is collected upon direct receipt of an invoice from the Committee (for stone fruit and table grapes), or when fruit is sold by a producer to a packing facility or is packed by a producer in its own packing facility (for citrus).

Agriculture Victoria understands that charge collection has been challenging for the current Committee, and that a significant number of producers continue to not pay the charges. This limits the Committee's ability to provide services to manage Queensland Fruit Fly across the Greater Sunraysia Production Area.

Agriculture Victoria is working with the current Committee to ensure comprehensive charge collection, as the effective operation of the Committee is integral to empowering industry to take the lead on fruit fly control programs in the Greater Sunraysia Production Area.

A minor change has been made to Clause 17 to clarify that charges are *due and payable* upon receipt of an invoice from the Committee as specified in Schedule 1 of the proposed Order.

Other Issues

Some growers raised concerns about the short timeframe for written submissions, the lack of publicisation of the consultation, and the lack of wide distribution of the report. In response, Agriculture Victoria extended this timeframe from 16 February 2018 to 28 February 2018, further publicised the report through various online channels, and further distributed the report to industry associations, rural city councils and fruit packing companies.

7. PROCESS FOR DECIDING ON THE PROPOSED ORDER

The Victorian Minister for Agriculture will now consider any written submissions made during this consultation, as well as this report on the public meetings.

If the Minister is satisfied that there is sufficient support for the proposed Order, she may ask growers to vote on whether to proceed with the proposed Order. The vote would be undertaken by the Victorian Electoral Commission by a postal ballot of all eligible growers (Victorian and NSW).

Growers would vote 'YES' or 'NO' on the question:

“Do you agree that the Greater Sunraysia Pest Free Area Industry Development Order 2018 should be made for four years under the Agricultural Industry Development Act (1990) of Victoria?”

The vote is likely to be conducted in April 2018 and finalised in May 2018.

Voting is compulsory for eligible citrus, stone fruit and table grape growers registered on the roll of growers (see eligibility to vote). The result of the vote will be determined by a majority of valid votes counted, either for or against.

If the result of the vote on whether to make the proposed Order is 'yes' and the Minister decides to make a new Order, processes under the Act will be followed to dissolve the current Order and Committee, and commence the new Order and Committee for a further four years.

If the result of the vote is 'no', the existing Order and Committee will continue until their natural expiry in December 2018.

7.1 Exhibition of the Roll

The roll will be available for growers to inspect to ensure their details are accurate. The roll will be available during business hours from 4 to 11 April 2018 at the following locations:

- Victorian Electoral Commission, Level 11, 530 Collins Street, Melbourne, Victoria 3000
- Agriculture Victoria, Swan Hill Office, 324 Campbell Street, Swan Hill, Victoria 3585
- Agriculture Victoria, Mildura Office, Corner Koorlong Avenue and Eleventh Street, Irymple, Victoria 3498

- Agriculture Victoria, Kerang Office, 26 Wellington Street, Kerang, Victoria 3579
- NSW Department of Primary Industries, Dareton Research Station, 1998 Silvery City Highway, Dareton, NSW 2717
- Mildura Rural City Council, 105 Madden Ave, Mildura, Victoria 3200
- Swan Hill Rural City Council, Swan Hill Region Information Centre, Cnr McCrae & Curlewis Streets, Swan Hill, Victoria 3535
- Gannawarra Shire Council, Patchell Plaza, 47 Victoria St, Kerang, Victoria 3579
- Balranald Shire Council, 70 Market Street, Balranald NSW 2715
- Wentworth Shire Council, 26-28 Adelaide Street, Wentworth NSW 2648
- Murray River Council, 15 Murray St, Barham, NSW 2732

It is the responsibility of each grower to ensure that he or she is registered on the roll and listed correctly.

All citrus, stone fruit and table grape producers, including partnerships, share-farming agreements, syndicates or companies, who grew or produced citrus, stone fruit or table grapes in 2016-2017 financial year in the Greater Sunraysia area would be eligible to vote. Please note the following extract from the current Order:

'Producer' means a person who grows, or on whose behalf is grown, in the Sunraysia Production Area in a Financial Year:

(a) citrus fruit from at least 150 citrus fruit bearing trees; or

(b) at least 1,000 kg of stone fruit; or

(c) at least 1,000 kg of table grapes,

whether by a sole proprietor, partnership, trust, corporation, under a share-farming agreement or any other legal structure.

Growers with:

- less than 10 hectares, will receive one vote
- between 10 – 20 hectares, will receive two votes
- between 20 – 30 hectares, will receive three votes
- between 30 – 40 hectares, will receive 4 votes and
- more than 40 hectares, will receive five votes.

To receive multiple votes, producers are required to provide a statutory declaration to the Victorian Government stating the number of hectares of land on which you grow your fruit. This statutory declaration will be available to complete at all places in which the roll is exhibited and can be

counter-signed by a range of witness, including a Justice of the Peace, Pharmacist, Police Officer or Public Servant.

If a producer does not provide a statutory declaration of his or her land size, he or she will automatically receive one vote.

8. FURTHER INFORMATION

For further information, please contact Mara Putnis, Manager, Agriculture Industry Development, on (03) 8392 7125 or mara.d.putnis@ecodev.vic.gov.au.