

Report on Proposal for Greater Sunraysia Pest Free Area Industry Development Order 2018

January 2018

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1. OVERVIEW

In August 2014, citrus, stone fruit and table grape growers in the Greater Sunraysia area voted to establish a Greater Sunraysia Pest Free Area Industry Development Committee (the 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). The Order expires this year (10 December 2018).

Growers will decide if the Committee is to continue. This Victorian Government report provide information to help citrus, stone fruit and table grape growers in the Greater Sunraysia area decide whether to support a new Order and continue the Committee.

A new Order (the proposed Order) would be called the Greater Sunraysia Pest Free Area Industry Development Order 2018. The proposed Order is provided at the end of this report (**Attachment 1**). The proposed Order would start on 1 July 2018 and finish on 30 June 2022.

This report covers:

What are Industry Development Committees?

What is the Greater Sunraysia Pest Free Area?

What is the Greater Sunraysia Pest Free Area Industry Development Committee?

What is the proposed Greater Sunraysia Pest Free Area Industry Development Order 2018?

What is the process for deciding if the proposed Order goes ahead?

Growers are invited to the following consultation sessions for further information, to provide feedback on the proposed Order and to ask questions:

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

Growers or other interested people with any questions can contact:

Kevin Cock (Citrus)	0418 502 293	kevincock_26@hotmail.com
Michael Tempini (Stone fruit)	0438 372 927	micktempini@gmail.com
Jeff Scott (Table grapes)	0417 122 086	jeff@atga.net.au
Mara Putnis (Agriculture Victoria)	(03) 8392 7125	mara.d.putnis@ecodev.vic.gov.au

2. INDUSTRY DEVELOPMENT COMMITTEES

The Victorian *Agricultural Industry Development Act 1990* (the Act) allows for industry development committees to be set up.

A committee can collect money from growers to spend on projects that have a collective benefit. This includes activities such as research, marketing and pest and disease control.

A committee is not legally allowed to undertake policy advocacy or lobbying of State or Commonwealth governments. This is done by industry peak bodies.

Committees are established by Ministerial Order. An Order can last for up to four years. The Order describes the functions, powers and obligations of a committee. It includes the growers who must pay a charge and how it is collected.

In recognition that regions extend across State borders, the Victorian and New South Wales (NSW) Governments can establish an 'extra-territorial' committee, so that it can operate across the two states.

There are currently three committees operating under the Act:

- Victorian Strawberry Industry Development Committee (Victoria)
- Murray Valley Wine Grape Industry Development Committee (extra-territorial)
- Greater Sunraysia Pest Free Area Industry Development Committee (extra-territorial).

Agriculture Victoria administers the Act and the NSW Department of Primary Industries (DPI) administers the equivalent NSW legislation, *Agricultural Industry Services Act 1998*. The role of the Victorian and NSW Governments is to establish committees if there is sufficient grower support and ensure requirements under the Act are met. A committee can only be established where it is requested by industry peak bodies and supported by growers.

3. THE GREATER SUNRAYSIA PEST FREE AREA

3.1 Horticultural industries in the Greater Sunraysia area

The Greater Sunraysia area lies along the Murray and Darling Rivers in south west NSW and north west Victoria as shown in Figure 1. It extends down both sides of the Darling River from Pooncarie to Wentworth and along the Murray River to Barham.

Horticultural production is a major activity in the Greater Sunraysia area. The largest horticultural industries are citrus, stone fruit and table grapes. Key statistics for these industries are shown in Table 1. Other horticultural industries in the region include avocados, vegetables and wine grapes.

Table 1 – Summary table grapes, citrus and stone fruit industry information 2016-17

	Citrus ¹	Table grapes ²	Stone fruit ³
Number of growers	134	400	85-95
Production tonnage	147,542	160,000	35,000-50,000
Production value	\$89 million	\$500 million	\$80-\$120 million

3.2 The Greater Sunraysia Pest Free Area

A pest free area (PFA) is a location recognised for its freedom from a pest and disease, such as Queensland Fruit Fly (QFF). PFA status provides growers with increased marketing options and market access, reduced pest management costs and potential higher returns on produce.

In April 2014, an increasing number of QFF incursions and outbreaks within the Greater Sunraysia area led to the voluntary suspension of the PFA status by the NSW and Victorian Governments in consultation with industry.

Reinstatement of the PFA would require effective management by industry leaders, growers and government to demonstrate that QFF is eradicated within the region.

¹ Data provided by Citrus Australia

² Data provided by Swan Hill Summer Fruits Development Association

³ Data provided by Australian Table Grape Association



Figure 1 – Map of Greater Sunraysia Area

4. THE GREATER SUNRAYSIA PEST FREE AREA INDUSTRY DEVELOPMENT COMMITTEE

4.1 Establishment

Following the loss of the Greater Sunraysia region's PFA status in April 2014, grower associations for citrus, stone fruit and table grape growers in the Greater Sunraysia area petitioned the Victorian Minister for Agriculture to set up a committee to work to regain PFA status.

In August 2014, growers voted in favour of having a committee, which was established by the Greater Sunraysia Pest Free Area Industry Development Order 2014 (the existing Order). The existing Order is extra-territorial, operating across the Greater Sunraysia area in Victoria and NSW. The existing Order expires on 10 December 2018.

4.2 Responsibilities of the Committee

In accordance with the Act, the Committee is responsible for:

- managing the collection of the charge for services
- allocating funds to projects approved by growers
- holding an Annual General Meeting each year
- preparing an annual report of its activities and achievements which is submitted to the Minister for Agriculture, tabled in parliament and made available to growers
- maintaining appropriate records and accounts to meet formal obligation under the Order and the Act.

The Committee is required to develop a Plan of Operations for the life of the Order, and to update the plan each year to cover the remainder of the Committee's term. Activities outlined in the plan include delivering a mass baiting and trapping program, fruit hygiene activities, removal of QFF hotspots, surveillance activities, media and communication programs.

The Committee is also required to develop an annual Action Plan, to be voted on by growers, outlining the particular services to be undertaken in each year. Projects in the current Action Plan include mass trapping, hotspot identification and suppression, and stakeholder relations and promotions.

Further information about the functions and achievements of the Committee can be found at www.pestfreearea.com.au.

4.3 Challenges for the Committee

The Committee was set up to collect and administer charges from citrus, stone fruit and table grape growers in the Greater Sunraysia area to regain and maintain the PFA. Since it was established in 2014, the Committee has been working to address a number of challenges.

4.3.1 Eradication as an objective

The objective of the Committee is to deliver services to eradicate QFF in the Greater Sunraysia area to regain QFF area freedom. However, since the establishment of the Committee in 2014, QFF incursions have reached such a level that this goal may not be achievable in the term of the proposed Order. The draft proposed Order therefore reframes the objective of the Committee as maintaining coordinated QFF management approaches to reduce the incidence of QFF across the Greater Sunraysia area. This is considered a realistic approach to management of QFF that continues to support market access.

4.3.2 Collection of charges

The mechanism to collect charges from stone fruit and table grape growers, by invoicing growers based on information provided by box companies, took some time to establish but is now functioning in most instances. The Committee is following up on outstanding charges from a number of growers, especially in the table grape industry. The Committee has limited authority to compel charge payment from reluctant growers, and this remains a challenge. For the Committee to be able to function effectively, it is important that all growers recognise the collective benefit of QFF management and contribute financially.

4.3.3 Urban management

Some growers are dissatisfied that charges paid by industry are being used to fund urban QFF management activities. These growers argue that urban management could be undertaken by the public, or funded by other sources, such as local government. The rationale for industry to fund these activities is that they have the most interest in effective control of QFF. In addition, urban land owners are not obliged to conduct QFF surveillance, reporting or eradication measures. If QFF outbreaks are left untreated in urban areas, these areas will become QFF hotspots that undermine control efforts in production areas. Moreover, if residents fear penalisation for QFF outbreaks, they may hide the presence of QFF which will impede effective management.

4.3.4 Industry coverage

QFF affects a number of industries beyond citrus, stone fruit and table groups. These industries, including avocados, some vegetables and wine grapes, also benefit from the Committee's services. These industries are not covered by the existing Order and have not been included in the proposed Order. The Committee is the first under the Act to bring together multiple industries. This has been challenging. It is suggested that the proposed Order maintain its current focus on citrus, stone fruit and table grapes, and that inclusion of additional industries be considered separately. This would provide the time to work with other industries.

5. THE PROPOSED GREATER SUNRAYSIA PEST FREE AREA INDUSTRY DEVELOPMENT ORDER

The Sunraysia Citrus Growers, the Swan Hill Summer Fruits Development Association and the Australian Table Grape Association have petitioned the Minister for Agriculture to make a new Greater Sunraysia Pest Free Area Industry Development Order 2018.

Agriculture Victoria has prepared this report, and the attached draft Order (**Attachment 1**), to assist growers make a decision about whether to support the proposed Order.

This section outlines:

- features of the proposed Order
- differences between the proposed Order and the existing Order
- advantages of the proposed Order
- disadvantages of the proposed Order
- alternative options to the proposed Order for industry collaboration.

5.1 Features of the proposed Order

5.1.1 Establishment of the Committee

The proposed Order would establish an Industry Development Committee known as the Greater Sunraysia Pest Free Area Industry Development Committee.

5.1.2 Term of Order and Committee

The proposed Order would have a start date of 1 July 2018 and an end date of 30 June 2022. Ordinarily, a new Order would commence when the current Order expires. However, as the existing Order expires shortly after the 2018 Victorian election, the proposed commencement is July 2018 to ensure the required processes to establish a new Order and Committee are completed prior to the Victorian election and caretaker period. If not completed by this time, key Ministerial and Cabinet decisions may not be made and the future of the Committee could be uncertain for many months after the expiry of the current Order.

5.1.3 Structure of the Committee

The structure of the proposed Committee is the same as the current Committee. It would consist of seven members:

- two people nominated by the Sunraysia Citrus Growers
- two people nominated by the Swan Hill Summer Fruits Development Association
- two people nominated by the Sunraysia and District sub-group of the Australian Table Grape Association

- an independent Chairperson selected by the Minister for Agriculture who cannot be a member of any of the organisations represented on the Committee.

5.1.4 Quantum and application of charge

The initial charge to growers under the proposed Order would be \$3.00 per tonne of citrus, stone fruit or table grapes. This is the same as the current charge. Growers should consider whether this is adequate or should be increased to enable further QFF management activities.

The charge would be reviewed annually by growers at the Annual General Meeting. The upper limit in the proposed Order is \$3.50 per tonne. Again, growers should consider whether this is adequate and are encouraged to provide feedback.

Under the proposed Order, growers will have to pay a charge if they grow, or have grown on their behalf:

- at least 150 citrus fruit bearing trees; or
- at least 1000kg of stone fruit; or
- at least 1000kg of table grapes.

At a rate of \$3.00 per tonne, based on tonnage rates included in Section 3.1, the quantum of charge revenue would be approximately \$1 million.

Growers will have the option to seek an exemption from the charge if they believe they have not benefited from the services of the Committee (refer clause 18-23 of the proposed Order). This clause is included following a legal challenge to a previous Order by two growers who successfully argued they should not have to pay because they did not receive a benefit.

5.1.5 Voting

As with the current Order, the number of votes growers receive in the proposed new Order is determined by the hectares of land used to grow citrus, stone fruit or table grapes. For growers with multiple commodities on their property, voting entitlement is based on the amount of all those commodities. Further information on voting is detailed in section 6.4.

5.2 Differences between the proposed Order and the existing Order

5.2.1 Objective

The function of the Committee established by the current Order is to eradicate QFF in the Greater Sunraysia area to enable the reinstatement of QFF area freedom. However, QFF incursions have reached such a level that this goal may not be achievable in the term of the proposed Order.

Given this, clause 3 of the proposed Order revises the objective of the Committee as maintaining coordinated QFF management approaches to reduce the incidence of QFF across the Greater Sunraysia area.

5.2.2 Point of charge collection for table grape and stone fruit growers

Under the current Order, the charge collection point for stone fruit and table grapes is when a producer acquires boxes from a box supplier for packing. The proposed Order revises the charge collection point for stone fruit and table grapes to be on receipt of a direct invoice from the Committee. This change reflects current Committee practices.

5.3 Advantages of the proposed Order

5.3.1 Coordinated charge collection

- The framework for charge collection established by the proposed Order would enable the three industries to collectively plan and deliver QFF surveillance and suppression programs.
- A reliable source of industry funds would also help the industries to leverage funding from other sources. For example, the current Committee has received funding from the Victorian Government.
- The proposed Order would provide a regional source of funding for regional activities. It would be difficult to otherwise use national levies to pay for regional activities.

5.3.2 Coordinated grower led activity

- A grower committee representing the three industries would be better able to collaboratively work towards managing QFF than the industries could individually.
- Growers would be responsible for determining the best technologies and techniques to use and where and when to focus surveillance and suppression efforts.
- A grower committee would help industry to deal with emerging issues in an efficient and timely manner.

5.3.3 Market access

- While it has not delivered eradication, the current management activities delivered by the Committee, as well as the governance established by the Committee, have provided some level of assurance to international trading partners that QFF is managed.
- The current management approach also provides some benefit for management of other fruit fly species that exist in the Greater Sunraysia area.

5.4 Disadvantages of the proposed Order

5.4.1 Decision making and equality

- It may be difficult to achieve consensus across the three industries on the type of activities the money collected should be spent on.
- There is a risk that a committee may provide services in the interest of a minority who are vocal or have the time to participate rather than services which benefit all in the industry.

5.4.2 Governance and administrative burden

- The Act and the proposed new Order have high governance standards. Complying with these standards imposes a burden on Committee members.
- A proportion of revenue collected through charge arrangements is spent on administrative requirements imposed by the Act and proposed new Order, such as statutory reporting, audit and administrative procedures.

5.4.3 Collecting charges

- The Order includes the option for growers to be exempted from paying charges if they do not receive a benefit. This is difficult for the Committee to implement in practice. It could also reduce the capacity of the Committee to raise funds for agreed projects.
- The Committee has limited capacity to obtain charges from growers who do not want to pay.
- Current charge collection arrangements impose a burden on voluntary third party collectors (e.g. box companies). The Committee's capacity to collect charges may be impaired if the third party declines or is unable to support charge collection arrangements into the future.

5.5 Alternatives to the proposed Order

Two alternative options for industry to collectively act to manage QFF are described below.

5.5.1 Coordination of existing associations

The Sunraysia Citrus Growers, the Swan Hill Summer Fruits Development Association and the Australian Table Grape Association could collectively work together to collect charges and deliver services. This could occur independently of government. This approach would not require compliance with the Act, or the level of governance associated with an Industry Development Committee. One implication of this approach is that government officers would not provide support as they do for an Industry Development Committee.

5.5.2 Establishment of a new, multi-industry association

Industries in the Greater Sunraysia area could establish a new multi-industry association or body to collect charges and deliver services. The grains industry 'Birchip Cropping Group' is an example of a location based multi-industry association that effectively collects funds to deliver services, in the absence of legislation. Benefits of this approach are reduced governance obligations and reliance on government coordination, increased industry ownership and greater flexibility for industry.

6. PROCESS FOR DECIDING ON THE PROPOSED ORDER

6.1 Report and written submissions

This report will be distributed to all to citrus, stone fruit and table grape growers in the Greater Sunraysia area. It will also be provided to interested third parties, such as box companies.

For questions or comments on the proposed Order, or to make a formal submission, please contact Mara Putnis on (03) 8392 7125 or mara.d.putnis@ecodev.vic.gov.au.

Written submissions must be received by 16 February 2017.

6.2 Public meetings

Public meetings to discuss the proposed new Order are being held at the following locations:

- **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

6.3 Vote on the proposed Order

After the consultation, the Victorian Minister for Agriculture 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 March 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.

The Minister for Agriculture will give consideration to the vote result and any submissions on this report in deciding whether to make an Order that establishes the Committee for a four year term from 1 July 2018 to 31 June 2022.

6.4 Eligibility to vote

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, you are required to provide a statutory declaration to the Victorian Government stating the number of hectares of land on which you grow your fruit. If you do not provide a statutory declaration of your land size, you will automatically receive one vote.

A template is provided at **Attachment 2** and must be sent to:

Attn: Mara Putnis
Agriculture Victoria
Level 26, 1 Spring Street
Melbourne Victoria 3000

Statutory declarations may be signed by a range of witnesses, including a Justice of the Peace, Pharmacist, Police Officer or Public Servant. You may take your form to any DEDJTR office to have it signed, or to the industry consultation meetings where there will be people available to witness your declarations.

Agriculture Victoria has prepared a provisional roll of citrus, stone fruit and table grape growers eligible to vote, based on information provided by the Sunraysia Citrus Growers, the Swan Hill Summer Fruits Development Association and the Australian Table Grape Association.

The roll will be available for growers to inspect to ensure their details are accurate. The roll will be available during business hours from 1 February 2018 to 28 February 2018 at the following locations:

- 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
- Victorian Electoral Commission, Level 11, 530 Collins Street, Melbourne, Victoria 3000

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

6.5 What happens to the existing Order?

If the result of the vote on whether to make the proposed Order is 'yes' and the Minister agrees 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. This process will take place in June and July 2018.

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

6.6 Further Information

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

Agricultural Industry Development Act 1990

PROPOSED GREATER SUNRAYSLIA PEST FREE AREA INDUSTRY DEVELOPMENT ORDER 2018

Citation

1 This Order may be cited as the Greater Sunraysia Pest Free Area Industry Development Order 2018.

Extra-territorial application of the Order

2 Once adopted under the NSW Act, this Order applies extra-territorially in New South Wales.

Purpose of Order

3 The purpose of this Order is to establish a Committee, to be known as the Greater Sunraysia Pest Free Area Industry Development Committee, to collect and administer charges applied to citrus fruit, stone fruit and table grape producers in the Greater Sunraysia production area in return for the provision of specified services relating to coordinated Queensland fruit fly (QFF) management to reduce QFF across the Greater Sunraysia area.

Definitions

4 In this Order:

‘**Act**’ means the **Agricultural Industry Development Act 1990** (Vic.);

‘**Charges**’ has the meaning given in Clause 14;

‘**citrus fruit**’ means any variety of citrus fruit, including (but not limited to) oranges, grapefruit, mandarins, lemons, tangelos and all hybrids of those fruit;

‘**Code of Practice**’ means the Code of Practice for the Management of Queensland Fruit Fly as modified, supplemented or replaced from time to time;

‘**Commencement Date**’ means the day on which the Order becomes a recognised foundation instrument under the NSW Act;

‘**Committee**’ means the Committee established under Clause 5 known as the Greater Sunraysia Pest Free Area Industry Development Committee;

‘**End Date**’ means the day that is four years from the Commencement Date;

‘**Exemption**’ has the meaning given in Clause 18;

‘**Financial Year**’ means:

- (a) for the first year during the Term, the period from the Commencement Date to 30 June 2015;
- (b) subject to paragraph (c), for each subsequent year during the Term, the period from 1 July to 30 June; and
- (c) for the final year during the Term, the period from 1 July to the End Date.

‘**Minister**’ means the Minister administering the Act;

‘**NSW Act**’ means the **Agricultural Industry Services Act 1998** (NSW);

‘**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;

‘**Services**’ has the meaning given in Clause 12;

‘**stone fruit**’ means any variety of stone fruit, including (but not limited to) nectarines, apricots, peaches, plums and all hybrids of those fruit;

‘**Sunraysia Production Area**’ means the area defined in Schedule 1 of this Order;

‘**table grapes**’ means any variety of grapes unless they are used or intended to be used for processing into wine, must, juice or wine spirit; and

‘**Term**’ means the period from the Commencement Date to the End Date.

Establishment of the Committee

5 There is hereby established a Committee to be known as the Greater Sunraysia Pest Free Area Industry Development Committee.

Members

6 The Committee will consist of 7 members appointed by the Minister, comprising:

- (a) two persons nominated by the Sunraysia Citrus Growers Inc. or any other body that, in the opinion of the Minister, has replaced that body;
 - (b) two persons nominated by the Swan Hill Summer Fruits Development Association or any other body that, in the opinion of the Minister, has replaced that body;
 - (c) two persons nominated by the Sunraysia and District sub-group of the Australian Table Grape Association or any other body that, in the opinion of the Minister, has replaced that body; and
 - (d) a Chairperson appointed in accordance with Clause 9.
- 7 In nominating persons for the purposes of Clauses 6(a), (b) or (c), the nominating organisations must provide written confirmation that each of their nominated persons is an authorised delegate of that organisation.
- 8 Subject to the Act, the members of the Committee will be appointed on such terms and conditions as the Minister determines.

Chairperson of the Committee

- 9 The Minister will appoint an independent person as Chairperson of the Committee, being a person who is not a member of any of the organisations described in Clauses 6(a), (b) or (c), and who is not a public servant within the meaning of the **Public Sector Management Act 1990** (Vic.).

Observers

- 10 The Minister may seek one nomination from each of the Secretary to the Department of Environment and Primary Industries and the Director General of New South Wales Trade and Investment, as Departmental Officers to attend meetings of the Committee as observers and act as the first point of contact between the Committee and the Victorian and New South Wales Governments, respectively.

Committee's operations

- 11 The Committee may conduct its operations in the way it sees fit, including by appointing an executive officer.

Services

- 12 The functions of the Committee are to oversee the collection and judicious management of the Charges, and to provide services necessary or desirable for obtaining or maintaining certification as to Queensland Fruit Fly in respect of the Sunraysia Production Area under the Code of Practice (Services).
- 13 The Committee may enter into a contract or other arrangement for the delivery of any part of the Services, with any other person or entity which the Committee has determined is fit and proper to deliver the relevant Services in an efficient and effective manner.

Imposition of Charges

- 14 The Committee may impose charges as set out in this Order on Producers for the provision of the Services (Charges).

Amount of Charges

- 15 The amount of the Charges will be:
- (a) the amount specified in Schedule 2 of this Order for the first Financial Year during the Term; or
 - (b) for each subsequent Financial Year during the Term, an amount that is:
 - i. no more than the maximum amount specified in Schedule 2 of this Order; and
 - ii. contained in the Committee's recommended action plan and agreed to by the Producers at a general meeting in accordance with Division 3 of Part 3 of the Act.

Payment of Charges

- 16 Subject to Clauses 18 to 23, the Charges are payable by Producers:
- (a) at the points of collection specified in Schedule 2 of this Order; or
 - (b) directly to the Committee on terms agreed to by the Committee.
- 17 A receiver who collects Charges on behalf of a Producer in accordance with Clause 16(a) must:
- (a) pay such Charges to the Committee within a reasonable period determined by the Committee;
 - (b) keep proper records of all transactions relating to the collection of the Charges; and
 - (c) accompany payment of those Charges to the Committee with a statement setting out the Producer on whose behalf Charges are being paid and the quantity of citrus fruit or number of boxes for packing stone fruit or table grapes (as the case may be) for which the Charges are being paid on behalf of that Producer.

Exemption of Charges

- 18 The Committee may exempt a Producer from liability to pay the Charge in a particular Financial Year, if the Committee is satisfied that the Producer will not (or did not) benefit from the Services provided in that Financial Year (Exemption).

- 19 (1) A producer may apply for an Exemption by notice in writing to the Committee (Application).
(2) Subject to Clause 19(3), an Application must be made at least four weeks before the start of each Financial Year during the Term.
(3) The Committee may extend the time for the making of an Application if, before the end of the Financial Year, a Producer advises the Committee that the Producer wishes to make an Application in respect of that Financial Year.
- 20 An Application must set out information in support of the Producer's claim that the Producer will not (or did not) benefit from the Services provided in the relevant Financial Year. The Committee may at any time before determining the Application request further information or evidence from the Producer.
- 21 The Committee must notify the Producer in writing of the Committee's decision whether or not to grant the Exemption for that Financial Year.
- 22 Prior to the determination of an Application, the Producer must pay the Charges for the Financial Year to which the Application relates from time to time as they become payable under Clause 16.
- 23 If an exemption is granted under Clause 18 after any or all of the Charges for the Financial Year have been paid by or on behalf of the Producer, then unless otherwise agreed to by the Producer the Committee must refund such Charges within ten business days of receiving written notice from the Producer enclosing evidence of the amount of the refund claimed.

Voting

- 24 In a future poll on the question of the continuation of the Order, and at general meetings in accordance with section 39A and Division 3 of Part 3 of the Act, Producers will be entitled to the number of votes specified in Schedule 2 of this Order.

Annual General Meeting

- 25 The Committee must hold at least one general meeting of Producers each Financial Year.

Register of Producers

- 26 The Committee must compile and maintain a register of all Producers and their voting entitlements.

Penalties

- 27 A person who fails to comply with any provision of this Order is liable to a penalty not exceeding 20 penalty units.

Plan of operations

- 28 The Committee must, within 12 months of the Commencement Date, submit to the Minister a plan of its intended operations during the Term and update that plan with each annual report it submits to the Minister to cover the remainder of the Term.
- 29 The plan of operations must be developed in consultation with all Producers, and copies made available to all Producers.

Date **TBC**

Jaala Pulford
Minister for Agriculture

Schedule 1 – Definition of Sunraysia Production Area

Victoria:

Means the part of Victoria described in Schedule 2 of the Order declaring Restricted Areas in Northern Victoria for the Control of Queensland Fruit Fly made on 3 September 2007.

New South Wales:

Means the portion of New South Wales described in Schedule 1 of the Plant Diseases (NSW Greater Sunraysia Pest Free Area and Fruit Fly Outbreak and Suspension Areas) Order 2018.

Schedule 2 – Charges and voting rights

Commodity	Charge for the first Financial Year	Maximum Charge	Point of collection of Charges
Citrus fruit	\$3 per tonne	\$3.50 per tonne	When citrus fruit is: (a) sold by a Producer to a packing facility; or (b) packed by a Producer in its own packing facility.
Stone fruit	\$3 per tonne (\$0.03 per 10 kg box)	\$3.50 per tonne (\$0.035 per 10 kg box)	Upon direct receipt of an invoice from the Committee.
Table grapes	\$3 per tonne (\$0.03 per 10 kg box)	\$3.50 per tonne (\$0.035 per 10 kg box)	Upon direct receipt of an invoice from the Committee.

Based on hectares of land in which citrus fruit, stone fruit, table grapes or a combination of these are grown by the producer within the GSPFA	Number of votes per producer
Less than 10 hectares	1
10 to less than 20 hectares	2
20 to less than 30 hectares	3
30 to less than 40 hectares	4
40 or more hectares	5

Statutory Declaration

I, _____
[full name]

of _____
[address]

_____, do solemnly and sincerely declare that:-
[occupation]

I have _____ ha of land in which citrus, stone fruit and/or table
[<10, 10-40, >40]
grapes are grown within the Greater Sunraysia Pest Free Area.

I acknowledge that this declaration is true and correct, and I make it with the understanding and belief that a person who makes a false declaration is liable to the penalties of perjury.

Declared at _____

this _____ day of _____ 20_____

.....
Signature of person making this declaration
[to be signed in front of an authorised witness]

Before me,

.....
Signature of Authorised Witness

The authorised witness must print or stamp his or her name, address and title under section 107A of the *Evidence (Miscellaneous Provisions) Act 1958* (as of 1 January 2010), (previously *Evidence Act 1958*), (eg. Justice of the Peace, Pharmacist, Police Officer, Court Registrar, Bank Manager, Medical Practitioner, Dentist, Public Servant)