



Victoria Government Gazette

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SPECIAL

Agricultural Industry Development Act 1990

MURRAY VALLEY WINE GRAPE INDUSTRY DEVELOPMENT ORDER (VICTORIA)

Citation

1. This Order may be cited as the Murray Valley Wine Grape Industry Development Order (Victoria) 1999.

Order made under the Agricultural Industry Development Act 1990

2. This Order is made under Part 2 of the **Agricultural Industry Development Act 1990**.

Purpose of Order

3. The purpose of this Order is to set up a Committee to collect and administer charges applied to wine grape growers for defined industry functions.

Definitions

4. In this Order:

“*Act*” means the **Agricultural Industry Development Act 1990**

“*Committee*” means the Murray Valley (Victoria) Wine Grape Industry Development Committee.

“*Minister*” means the Minister administering the Act.

“*Production area*” means the areas within the Rural Cities of Mildura and Swan Hill, and the Shire of Gannawarra excluding the former Shire of Cohuna, in Victoria.

“*Murray Valley region*” means the areas within the Rural Cities of Mildura and Swan Hill in Victoria and the Local Government Areas of Wentworth, Balranald and Wakool in New South Wales.

“*Wine grape grower*” means a person, including a partnership, share farming agreement or company, who grows or produces wine grapes in the production area for delivery to wineries, but excluding:

- (a) wineries;
- (b) non-profit public institutions, charitable organisations and community groups; and
- (c) employees of wine grape growers.

“*Wine grapes*” means any variety of grapes grown in the production area and used or intended to be used for processing into wine, must, juice or wine spirit.

“*Wineries*” means all wineries which accept wine grapes from growers in the production area, for use in wine, must, juice or wine spirit production.

Term of Order

5. This Order commences on the day of the date of its publication in the Government Gazette and remains in force for four years from that date. It is renewable for a further period, not exceeding four years, subject to a poll in accordance with the Act.

Establishment of the Committee

6. There will be a “Murray Valley (Victoria) Wine Grape Industry Development Committee”, which will be the successor in law of the Committee established by the Murray Valley Wine Grape Industry Development Order (Victoria) 1994.

Purpose of the Committee

7. To promote the best interests of the Murray Valley wine grape industry through market research and the development of improved vineyard management practices.

Functions of the Committee

8. The Committee functions are to:
- a) support region-specific viticultural research where alternative funding is not available, and the development of improved vineyard management practices;
 - b) obtain, analyse and disseminate market information relevant to the market for wine grapes grown in the production area;
 - c) provide until 30 June 2000 resources to enable the Victorian and Murray Valley Wine Grape Growers Council to better represent the interests of wine grape growers in meetings related to wine grape marketing;

Powers of the Committee

9. The Committee may:
- (a) impose a charge on all wine grape growers for services it provides;
 - (b) delegate any of its functions or powers (other than the power of delegation) to an employee of the Committee;
 - (c) exempt by written notice, either conditionally or unconditionally, a person or class of persons from compliance with some or all of the requirements of this Order.

Members

10. The Committee must consist of members appointed by the Minister, being -
- (a) four voting grower members appointed from a panel of at least six persons nominated by the Victorian and Murray Valley Wine Grape Growers' Council or any other relevant body that in the opinion of the Minister has replaced that body; and
 - (b) two voting non-grower members appointed from a panel of at least four persons nominated by the Victorian and Murray Valley Wine Grape Growers' Council or any other relevant body that in the opinion of the Minister has replaced that body, who possess specialist expertise appropriate to the needs of the wine grape industry in the fields of marketing, industry development or business administration; and
 - (c) one non-voting member nominated by the Secretary of the Department of Natural Resources and Environment who possesses appropriate marketing, policy or industry experience.
11. Members of the Committee may be appointed jointly by the Minister and the New South Wales Minister for Agriculture if similar legislation is made concurrently for the Murray Valley Region in New South Wales.

Chairperson

12. The members of the Committee must elect a voting member of the Committee to be Chairperson of the Committee for a period of 12 months.

Charge Imposed by Committee

13. (a) A charge is payable by wine grape growers at the point and time of sale of wine grapes and is collected by wineries by arrangement with and on behalf of the Committee.
- (b) The charge of \$1.20 per tonne imposed under the Murray Valley Wine Grape Industry Development Order (Victoria) 1994 for wine grapes supplied to wineries in calendar year 1999 shall be paid to the Committee.
- (c) The first charge imposed by the Committee will apply to all wine grapes supplied to wineries in calendar year 2000 and will not exceed the rate of \$1.00 per tonne.
- (d) The charge is payable to the Committee prior to 7th July each year.
- (e) The charge must be reviewed by the Committee at the end of each financial year and must not be varied unless the variation has been approved by a majority of growers present at

the following Annual Meeting of the Committee.

- (f) Any recommendation from the Committee to vary the charge must be notified at least 14 days prior to the annual meeting by means of public notices published in the Sunraysia Daily and Swan Hill Guardian newspapers.
- (g) The charge imposed by the Committee must not at any time during the term of the Order exceed the rate of \$1.50 per tonne of wine grapes.

Distribution of Proceeds of Charge

14. The Committee must apply the proceeds of a charge in accordance with its functions and any funding priorities set out in the Plan of Operation of the Committee.

Meetings

15. (a) The Committee must hold an Annual Meeting in each financial year at which time any variation to a charge must be considered and voted on by growers.
- (b) At the Annual Meeting the Chairperson of the Committee must report to wine grape growers on the operation and finances of the Committee during the previous 12 months.
- (c) The timing of all meetings of the Committee, including the Annual Meeting, is at the discretion of the Committee.

Financial Year

16. The financial year of the Committee is the period from 1 July to 30 June. The first annual report of the Committee is to be a composite report of the operations of the previous Committee (for the period commencing on 1 August 1998 and ending on 16 June 1999) and the operations of the new Committee (for the period commencing on 17 June 1999 and ending on 30 June 1999).

Plan of Operation

17. (a) The Committee must within the first 12 months of its operation submit to the Minister a Plan of Operation which includes the aims and objectives of the Committee's activities during the term of the Order.
- (b) The Plan of Operation must be developed in consultation with all sectors of the wine grape industry in the production area and must be published by the Committee and made available to all wine grape growers.

Voting

18. (a) Voting at a poll shall be on the basis of one vote for each of the following:
- (i) Individual Producer
 - (ii) Company
 - (iii) Partnership
 - (iv) Share farming agreement
- (b) For the purpose of voting at a future poll on the question of the continuation of the Order, a wine grape grower producing wine grapes in the preceding year, or having a contract to supply wine grapes to a winery in the following vintage, is eligible to vote.

Penalty for Contravening the Order

19. A wine grape grower who fails to comply with the requirements of Clause 13 relating to the payment of a charge imposed by the Committee contravenes this Order and is liable to a penalty not exceeding 20 penalty units. One penalty unit is currently \$100.

PATRICK McNAMARA
Minister for Agriculture and Resources

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