



# Victoria Government Gazette

No. S 192 Monday 18 December 2000  
By Authority, Victorian Government Printer

**SPECIAL**

## Agricultural Industry Development Act 1990

### NOTICE

I, Keith Hamilton, Minister for Agriculture, direct that on 8 January 2001, a poll of wine grape producers in Greater Victoria be held on the question of whether a Greater Victoria Wine Grape Industry Order should be made.

### Draft Greater Victoria Wine Grape Industry Development Order 2001

#### Citation

1. This Order may be cited as the Greater Victoria Wine Grape Industry Development Order 2001.

#### 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 producers for defined industry functions.

#### Definitions

4. In this Order:

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

“**Committee**” means the Greater Victoria Wine Grape Industry Development Committee;

“**Greater Victoria**” means the production area covered by this Order;

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

“**Production area**” means all of Victoria excluding the areas within:

- (a) the Rural Cities of Mildura and Swan Hill; and
- (b) the Shire of Gannawarra excluding the former Shire of Cohuna; and
- (c) the former Shire of Oxley.

“**Wine grape producer**” means a person, including a partnership, share farming agreement, syndicate or company, who grows or produces wine grapes on an area greater than 0.4 hectares in the production area for production of wine or delivery to wineries;

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

“**Wineries**” means all wineries, which accept wine grapes from producers in the production area, for use in wine, must 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 “Greater Victoria Wine Grape Industry Development Committee”.

#### Members

7. The Committee must consist of members appointed by the Minister, being –
  - (a) one voting producer member from the Gippsland, Western (including that part of the North West Zone not included in the Murray Valley Wine Grape Industry Development Order (Victoria) 1999), Central, Port Phillip and North East zones for every 10,000 tonnes, or part thereof, of grapes produced in the zone; and

- (b) two voting non-producer members appointed from a panel of at least four persons nominated, 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 voting member nominated by the Secretary of the Department of Natural Resources and Environment who possesses appropriate marketing, policy or industry experience.
8. The Victorian Wine Industry Association or any other relevant body that, in the opinion of the Minister, has replaced that body must seek nominations for Committee membership from wine grape producers in all wine grape production areas covered by this Order and provide recommendations to the Minister on nominees for appointment as producer and non-producer members. The nominees will not be required to be in any way affiliated with the VWIA.

**Chairperson**

9. 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.

**Functions of the Committee**

10. The Committee functions are to:
- (a) support work to control pests and diseases within the State of Victoria;
  - (b) support region-specific viticultural research and extension, where alternative funding is not available, for the development of improved vineyard management practices; and
  - (c) obtain, analyse and disseminate industry statistics relevant to the market for wine grapes grown in the production area.

**Powers of the Committee**

11. The Committee may:
- (a) impose a charge on all wine grape producers 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.

**Plan of Operation**

12. The Committee must within the first 12 months of its operation produce a Plan of Operation to establish the goals and objectives of the Committee for the term of the Order. This Plan will provide the basis for the development of projects and will include indicators against which the performance of the Committee may be measured.
13. In determining the goals and objectives to be included in a Plan of Operation, the Committee must have regard to any plans or priorities which have been adopted by the Victorian Wine Industry Association.
14. The Plan of Operation must be published by the Committee and made available to producers on request.

**Charge Imposed by Committee**

15. A charge is payable by wine grape producers at the point and time of delivery of wine grapes to a winery for wine production and is collected by the winery by arrangement with and on behalf of the Committee.
16. The first charge imposed by the Committee will apply to all wine grapes supplied to wineries in the 2000/01 financial year and will be at a uniform rate of \$3.02 per tonne.
17. The charge is payable to the Committee prior to 30 June each year.
18. The charge imposed by the Committee must not at any time during the term of the Order exceed the uniform rate of \$5.00 per tonne of wine grapes.

**Procedure for determining the charge**

19. The charge for services provided by the Committee for the following financial year must be based on budgeted projects, financial reserves and projected production of wine grapes, each of which must be approved by a majority of votes cast by producers in person or by proxy at a general meeting of producers.
20. Recommendations of the Committee on projects and financial reserves for the following year must be notified in writing to all producers at least 14 days prior to the general meeting.
21. Recommendations of the Committee on each proposed project must include details of the project objectives and methodology, project duration and outputs and a budget specifying the proportion of the total project cost to be funded from the compulsory charge.
22. The recommendation of the Committee on the financial reserves must include reasons for the retention of funds raised from the compulsory charge.

**Distribution of Proceeds of Charge**

23. The Committee must apply the proceeds of a charge in accordance with its functions, the Plan of Operation and the projects approved by producers at the Annual General Meeting or other general meeting.

**Payment into Funds**

24. The Committee must establish a financial accounting system which has:
  - (a) a general fund; and
  - (b) a project fund for each project that is approved by producers.
25. The Committee must pay into a Committee's project fund all charges, fees and other money received by the Committee in connection with that project.
26. The Committee must pay into the Committee's general fund:
  - (a) all money received by the Committee that is not required to be paid into a project fund, and
  - (b) all interest received in respect of the investment of money belonging to the general and project funds.

**Payment from Funds**

27. The Committee must pay from a Committee's fund:
  - (a) all money paid on account of the Committee or otherwise required to meet the Committee's expenditure in connection with that fund, and
  - (b) such part of the remuneration (including allowances) of the members and staff of the Committee as are referable to that fund.

**Internal transfer between funds**

28. If at any time during a financial year the Committee recommends that a new project be undertaken or anticipates that payments from a project fund will exceed the amount approved by producers, money held by the Committee in any of its funds may be transferred to any other of the Committee's funds, or to a new project fund for a new approved project, only if approved by a majority of votes cast by producers in person or by proxy at a general meeting of the Committee. Recommendations of the Committee on such transfers must be notified in writing to all producers at least 14 days prior to the general meeting.
29. In granting such an approval, the producers may impose conditions on the transfer and the Committee must comply with the requirements imposed by the conditions of the approval.

**Voting**

30. Voting at the 2001 poll shall be on the basis of one vote for each wine grape producer.
31. Voting in a future poll on the question of the continuation of the Order shall be on the following weighted-voting basis for each wine grape producer:

<b>Total wine grape production area per wine grape producer</b>	<b>Votes per producers</b>
Between 0.4 and 10 hectares	1
Between 10 and 15 hectares	2
Between 15 and 20 hectares	3
Between 20 and 25 hectares	4
25 hectares or more	5

32. 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 on an area greater than 0.4 hectares in the preceding year, or having a contract to supply wine grapes from an area greater than 0.4 hectares to a winery in the following vintage, is eligible to vote.
33. Voting at general meetings held in calendar year 2001 in accordance with Clauses 19 and 28 of the Order shall be on the basis of one vote for each wine grape producer.
34. Voting at general meetings held after 31 December 2001 in accordance with Clauses 19 and 28 of the Order shall be on the weighted-voting basis specified in Clause 31.

#### **Meetings**

35. The Committee must hold at least one general meeting of wine grape producers in each financial year.

#### **Financial Year**

36. The financial year of the Committee is the period from 1 July to 30 June.

#### **Penalty for Contravening the Order**

36. A wine grape producer who fails to comply with the requirements of Clause 15 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.

Submissions on the proposed Order are invited from persons ineligible to vote in the poll or other persons. Submissions should reach Mr Stuart Holland, Senior Analyst, Plant Industries, Department of Natural Resources and Environment, PO Box 500, East Melbourne, 3002 by 25 January 2001.

KEITH HAMILTON  
Minister for Agriculture

#### **Flora and Fauna Guarantee Act 1988** **NOTICE OF DECISION UNDER** **SECTION 16**

In accordance with section 16 of the **Flora and Fauna Guarantee Act 1988**, I have considered the final recommendations of the Scientific Advisory Committee as advertised during the weeks of 21 – 25 July 1997, 10 – 14 August 1998, 9 – 13 November 1998 and 19 – 23 June 2000 in “The Age” newspaper, “The Weekly Times” newspaper and various local newspapers, and in the Government Gazette on 24 July 1997, 13 August 1998, 3 December 1998 and 29 June 2000.

I have decided, after considering the comments of the Victorian Catchment Management Council, to recommend to the Governor in Council that:

- the taxa and communities of flora and fauna recommended for listing by the Scientific Advisory Committee be added to the list of taxa and communities of flora and fauna which are threatened; and
- the potentially threatening processes recommended for listing by the Scientific Advisory Committee be added to the list of potentially threatening processes.

My reasons for this decision are the same as those advertised in the final recommendations of the Scientific Advisory Committee.

Dated 14 December 2000

SHERRYL GARBUTT MP  
Minister for Environment and Conservation







**Gazette Services**

The *Victorian Government Gazette* (VGG) is published by The Craftsman Press Pty. Ltd. for the State of Victoria and is produced in three editions.

**VGG General** is published each Thursday and provides information regarding Acts of Parliament and their effective date of operation; Government notices; requests for tenders; as well as contracts accepted. Private Notices are also published.

**VGG Special** is published any day when required for urgent or special Government notices. VGG Special is made available automatically to subscribers of VGG General.

**VGG Periodical** is published when required and includes specialised information eg. Medical, Dental, Pharmacist's Registers, etc.

**Subscriptions**

VGG is available by three subscription services:

The Victoria Government Gazette

General and Special — \$170.00 each year

General, Special and Periodical — \$227.00 each year

Periodical — \$113.00 each year.

Subscriptions are payable in advance and accepted for a period of one year. All subscriptions are on a firm basis and refunds will not be given.

All payments should be made payable to

The Craftsman Press Pty. Ltd.

**Subscription enquiries:**

The Craftsman Press Pty. Ltd.

125 Highbury Road, Burwood Vic 3125

Telephone: (03) 9926 1233

Fax (03) 9926 1292

The Victoria Government Gazette is published by  
The Craftsman Press Pty. Ltd. with the authority of the  
Government Printer for the State of Victoria

© State of Victoria 2000

ISSN 0819-5471

This publication is copyright. No parts may be reproduced  
by any process except in accordance with the provisions of  
the Copyright Act.

Products and services advertised in this publication are not  
endorsed by The Craftsman Press Pty. Ltd. or the State of  
Victoria and neither of them accepts any responsibility for  
the content or the quality of reproduction. The Craftsman  
Press Pty. Ltd. reserves the right to reject any advertising  
material it considers unsuitable for government  
publication.

Address all inquiries to the Government Printer for the  
State of Victoria

Government Information and Communications Branch

Department of Premier and Cabinet

Level 3, 356 Collins Street

Melbourne 3000

Victoria Australia

**Subscriptions**

The Craftsman Press Pty. Ltd.

125 Highbury Road, Burwood

Victoria, Australia 3125

Telephone enquiries: (03) 9926 1233

Facsimile (03) 9926 1292

**Retail Sales**

Information Victoria Bookshop

356 Collins Street Melbourne 3000.

Telephone enquiries 1300 366 356

City Graphics

Level 1, 520 Bourke Street

Melbourne 3000

Telephone enquiries (03) 9600 0977

**Price Code A**