



# Victoria Government Gazette

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**SPECIAL**

## **Agricultural Industry Development Act 1990**

### VICTORIAN STRAWBERRY INDUSTRY DEVELOPMENT ORDER

#### **Citation**

1. This Order may be cited as the Victorian Strawberry Industry Development Order 2000. Order made under the **Agricultural Industry Development Act 1990**
2. This Order is made under Part 2 of the **Agricultural Industry Development Act 1990**.

#### **Purposes of Order**

3. The purposes of this Order are to set up a Committee to –
  - (a) carry out or fund promotion of strawberries grown in the State of Victoria, and
  - (b) carry out or fund research and development into the production, pest and disease control, post harvest handling, plant breeding and variety evaluation of strawberries and advise growers about the research findings.

#### **Definitions**

4. In this Order:
  - “**Act**” means the **Agricultural Industry Development Act 1990**
  - “**Committee**” means the Victorian Strawberry Industry Development Committee.
  - “**Grower**” means:
    - (a) a person by whom, or on whose behalf, strawberries are commercially grown or produced in the State of Victoria, or a person who purchases strawberry runners for resale to commercial strawberry growers in the state of Victoria; and
    - (b) where strawberries are commercially grown or produced in the state of Victoria by a partnership or under a share farming agreement, the partnership or the parties to that agreement – but does not include a person engaged as an employee on wages, a salary or piece work rates.
  - “**Minister**” means the Minister administering the Act.
  - “**Production area**” means the state of Victoria.
  - “**Runners**” means, strawberry rootlings that are produced by strawberry runner growers for sale to strawberry growers.
  - “**Strawberries**” means any variety of strawberry grown or produced for sale for fresh consumption or processing.
  - “**Strawberry runner growers**” means all strawberry runner growers producing and supplying strawberry runners used by Victorian strawberry growers for the purpose of producing fresh, frozen, and processed strawberries.

#### **Term of Order**

5. This Order commences on the day of the date of its publication in the Government Gazette and remains in force until 30 November 2002.

#### **Establishment of Committee**

6. There shall be a “Victorian Strawberry Industry Development Committee” which shall be the successor in law of the Committee established by Victorian Strawberry Industry Development Order 1996.

#### **Members**

7. The Committee must consist of seven members appointed by the Minister being –
  - (a) four voting grower members nominated by the Victorian Strawberry Growers’ Association or any other relevant body that, in the opinion of the Minister, has replaced that body; and

- (b) two voting non-grower members nominated by the Victorian Strawberry Growers' Association 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 strawberry industry in the fields of promotion, marketing, industry development or business administration; and
- (c) one voting member nominated by the Secretary of the Department of Natural Resources and Environment.

**Chairperson**

- 8. The voting members of the Committee must elect a voting member of the Committee to be Chairperson of the Committee for a period of 12 months. The Chairperson must not be an office bearer of the Victorian Strawberry Growers Association.

**Functions of Committee**

- 9. The Committee may –
  - (a) carry out or fund promotion of strawberries grown in the state of Victoria; and
  - (b) carry out or fund research and development into the production, pest and disease control, post harvest handling, plant breeding and variety evaluation of strawberries and advise growers about research findings.

**Powers of Committee**

- 10. The Committee may –
  - (a) impose a charge on all growers for services it provides;
  - (b) delegate any of its powers, duties or functions (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**

- 11. 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.
- 12. 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 Strawberry Growers' Association.
- 13. The Plan of Operation must be published by the Committee and made available to growers on request.

**Charge Imposed by Committee**

- 14. A charge for services provided by the Committee is payable by strawberry growers at the point and time of purchase of strawberry runners, and is to be collected by strawberry runner growers or their agents by arrangement with and on behalf of the Committee.
- 15. The first charge imposed by the Committee shall be at the uniform rate of \$11.00 per 1000 strawberry runners and will remain in force until 30 April 2001.
- 16. A charge imposed by the Committee must not at any time during the term of the Order exceed the rate of \$16 per 1,000 runners.

**Procedure for determining the charge**

- 17. The charge for services provided by the Committee for the remainder of the 2000/2001 financial year and for subsequent financial years must be based on budgeted projects, financial reserves and projected purchases of strawberry runners, each of which must be approved by a majority of votes cast by growers in person or by proxy at the Annual Meeting or other general meeting of the Committee.

18. Recommendations of the Committee on projects and financial reserves for the following year must be notified in writing to all growers at least 14 days prior to the Annual General Meeting or general meeting.
19. 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.
20. 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**

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

#### **Payment into Funds**

22. 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 growers.
23. 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.
24. 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**

25. 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**

26. 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 growers, 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 growers 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 growers at least 14 days prior to the general meeting.
27. In granting such an approval, the growers may impose conditions on the transfer and the Committee must comply with the requirements imposed by the conditions of the approval.

#### **Voting**

28. For the purposes of voting in accordance with sections 17 and 26 of this Order, growers shall be allocated votes as follows.

Total number of runners purchased by grower in previous financial year	Number of votes
Less than 20,000	1
20,000 – 75,000	2
75,001 – 150,000	3
Greater than 150,000	4

29. For the purpose of voting at a future poll on the question of the continuation of the Order, a grower who grew or produced strawberries in the preceding year is eligible to vote and each grower shall be allocated one vote.

**Meetings**

30. The Committee must hold an Annual Meeting in each financial year.
- (a) At the Annual Meeting the Chairperson of the Committee must report to growers on the operation and finances of the Committee during the previous 12 months, and provide growers with a copy of the latest Annual Report and Plan of Operation.
- (b) The timing of all meetings of the Committee, including the Annual General Meeting, is at the discretion of the Committee.

**Financial Year**

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

**Penalty for Contravening the Order**

32. A grower who fails to comply with the requirements of Clause 14 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.

KEITH HAMILTON  
Minister for Agriculture

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**Education Act 1958**

NOTICE OF MAKING OF ORDER UNDER SECTION 13

An Order of the Minister for Education was made on 20 July 2000 under section 13(1) of the **Education Act 1958** constituting a school council for a State school at Parkhill Drive, Berwick, proposed to be called Timbarra Primary School.

MARY DELAHUNTY  
Minister for Education

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