



Victoria Government Gazette

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Agricultural Industry Development Act 1990

I, Bob Cameron, Minister for Agriculture, direct that on 4 June 2004, a poll of citrus producers in the Murray Valley region of Victoria be held on the question of whether Murray Valley citrus producers agree to the proposal to reconstitute the Murray Valley Citrus Marketing Board under the **Agricultural Industry Development Act (1990)** of Victoria with extra-territorial operation in the Murray Valley region of NSW.

MURRAY VALLEY CITRUS INDUSTRY DEVELOPMENT ORDER 2004

Citation

1. This Order may be cited as the Murray Valley Citrus Industry Development Order 2004.

Extra-territorial Application of the Order

2. This Order applies extra territorially to New South Wales¹.

Purpose of Order

3. The purpose of this Order is to set up a Committee, to be known as the Murray Valley Citrus Board, to collect and administer charges applied to citrus fruit producers in the Murray Valley production area for defined industry functions.

Definitions

4. In this Order:

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

“**Board**” means the Committee established under clause 6 known as the Murray Valley Citrus Board;

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

“**producer**” means a person by whom, or on whose behalf, at least 150 citrus fruit bearing trees are grown in the Murray Valley production area.

“**Murray Valley production area**” means:

- (a) Shire of Campaspe, Shire of Delatite excluding the former City of Benalla and the former Shire of Mansfield, Shire of Gannawarra, City of Greater Shepparton excluding that part which was part of the former Shire of Violet Town, Shire of Indigo, that part of the Shire of Loddon represented by the former Shire of Gordon, Rural City of Mildura, that part of the Shire of Moira represented by the former Shire of Nathalia; and the Rural Cities of Swan Hill, Wangaratta and Wodonga in Victoria; and
- (b) the Local Government Areas of Balranald, Murray, Wakool and Wentworth in New South Wales.

“**citrus fruit**” means oranges, grapefruit and mandarins.

Commencement and Term of Order

5. This Order comes into operation on the day it becomes a recognised Order under the **Agricultural Industry Services Act 1998** of New South Wales and remains in force for four years from that date.

Establishment of the Committee

6. There is established a Committee to be known as the Murray Valley Citrus Board.

SPECIAL

Members

7. The Board consists of 9 members appointed by the Minister of whom—
 - (a) one shall be nominated by the Minister;
 - (b) one shall be nominated by the New South Wales Minister for Agriculture;
 - (c) 4 shall be persons who are producers nominated by the selection panel established under clause 9; and
 - (d) 3 shall be persons nominated by the selection panel established under clause 9.
8. In nominating persons for the purposes of sub-clause (7)(b) or (c), the selection panel—
 - (a) must give written reasons for each nomination; and
 - (b) so far as possible, must ensure that all regions of the Murray Valley production area are represented.

Selection Panel

9. The Selection Panel shall consist of 5 persons appointed by the Minister of whom—
 - (a) 2 shall be persons nominated by the Sunraysia Citrus Growers Inc. or any other body that, in the opinion of the Ministers, has replaced that body;
 - (b) one shall be a person nominated by the Mid-Murray Citrus Growers Inc. or any other body that, in the opinion of the Ministers, has replaced that body; and one shall be a person nominated by the Secretary of the Department of Primary Industries, Victoria, and one shall be a person nominated by the Director-General of the Department of Agriculture and Fisheries, New South Wales.
10.
 - (a) The members and Chairperson of the selection panel shall be appointed for such period and on such terms and conditions, including payment of allowances, as the Minister determines.
 - (b) The Board must pay the allowances payable to members of the selection panel.
 - (c) The Secretary of the Department of Primary Industries, Victoria, shall appoint one of the members to be Chairperson of the selection panel.

Chairperson and Deputy Chairperson of the Board

11. The Chairperson and Deputy Chairperson of the Board must be elected by the Board from the members for such period as the Board determines.

Functions of the Board

12.
 - (1) The functions of the Board are to:
 - (a) plan, fund and facilitate the conduct of citrus research and development services;
 - (b) facilitate the adoption and commercialisation of the results of citrus research and development services;
 - (c) plan, fund and facilitate the conduct of market development services; and
 - (d) plan, fund and facilitate the conduct of citrus pest and disease management or control measures to increase or maintain access of citrus fruit to domestic and export markets; and
 - (e) to establish and manage a general fund and project funds for the purposes of the Act.
 - (2) In this clause, research and development means:
 - (a) research in relation to methods of growing, harvesting or otherwise producing citrus products or the handling, storing, transporting or processing of citrus products; or
 - (b) the collation and dissemination of information to the citrus industry to encourage the adoption of scientific and technological developments; or

- (c) the publication of reports, periodicals, books and papers containing scientific, technical or economic information.
- (3) In this clause, market development means:
 - (a) research in relation to methods of marketing citrus products; or
 - (b) collection and analysis of data to forecast the seasonal supply and demand for citrus products; or
 - (c) collection and analysis of data on the quality, quantity and price of citrus products in domestic and export markets; or
 - (d) quality assurance services to improve the quality and food safety of citrus products;
 - (e) generic promotion of citrus fruit in domestic and export markets; or
 - (f) the dissemination of market information to the citrus industry, and the publication of reports, periodicals books and papers containing market information.

Powers of the Board

13. The Board may:
- (a) impose a charge on all producers for services it provides;
 - (b) delegate any of its functions or powers (other than the power of delegation) to an employee of the Board;
 - (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.

Charge imposed by Board

14. A charge determined in accordance with the Act is payable by producers at the time of delivery of citrus fruit to an approved receiver or at the time of sale of citrus fruit.
15. The charge must be collected by the approved receiver on behalf of the Board or, by written notification of the Board to the producer and approved receiver, must be paid by the producer direct to the Board.
16. Charges collected by an approved receiver are payable to the Board prior to 28 days following the end of the month of delivery of citrus fruit to the approved receiver.
17. Charges paid by a producer direct to the Board are payable on terms determined by the Board.
18. The charge imposed by the Board must not at any time during the term of the Order exceed the rate of \$7.00 per tonne of citrus fruit.
19. The charge in the first year of the Order shall be \$5.50 per tonne of citrus fruit or an amount not exceeding \$7.00 per tonne which is approved at a general meeting in accordance with Division 3 of Part 3 of the Act.

Voting

20. Voting in a future poll on the question of the continuation of the Order shall be on the basis of one vote for each producer.
21. For the purpose of voting at a future poll on the question of the continuation of the Order, a producer who grew at least 150 citrus fruit bearing trees in the preceding year is eligible to vote.
22. Voting at general meetings in accordance with section 39A and Division 3 of Part 3 of the Act shall be on the basis of one vote for each producer.

Board to maintain Register of Producers

23. The Board must compile and maintain a register of producers and their voting entitlements.

24. The Board must keep its register of producers available for public inspection at its office, free of charge, during its ordinary business hours.

Meetings

25. The Board must hold at least one general meeting of producers in each financial year.

Financial Year

26. The financial year of the Board is the period from 1 July to 30 June.

Powers of Authorised Officer

27. An authorised officer appointed by the Board may enter and search any premises which the officer reasonably believes are used for, or in any connected with the production or processing of citrus fruit. At the premises the authorised officer may—
- (a) require the person apparently in charge to produce any books or other things that may contain information to determine charges due to be paid to the Board and voting entitlements of producers;
 - (b) inspect and take copies of, or extracts from, any such books or things; and
 - (c) require information from any person in relation to charges paid or due to be paid to the Board and voting entitlements.

Penalty for contravening the Order

28. A producer who fails to comply with the requirements of Clauses 14 and 15 relating to the payment of a charge imposed by the Board contravenes this Order and is liable to a penalty not exceeding 20 penalty unitsⁱⁱ.

Submissions on the proposed Order are invited from persons ineligible to vote in the poll. Submissions should reach Stuart Holland, Policy Manager, Plant Industries, Department of Primary Industries, PO Box 500 East Melbourne, 3002 by 31 May 2004.

BOB CAMERON
Minister for Agriculture

Dated 11 May 2004

Note:

This Order should be read in conjunction with the Agricultural Industry Development Act 1990 (Victoria)

- i This Order does not come into effect unless the Minister under a corresponding Act has declared the Order to be a recognised Order (see clause 5).
 - ii One penalty unit is currently \$100.
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