



Victoria Government Gazette

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Agriculture Industry Development Act 1990

MURRAY VALLEY CITRUS INDUSTRY DEVELOPMENT ORDER 2012

Citation

1. This Order may be cited as the Murray Valley Citrus Industry Development Order 2012.

Extra-territorial Application of the Order

2. This Order applies extra territorially in New South Wales.

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**;

‘MVCB’ 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, and who is the first seller of the citrus fruit. Where citrus fruit bearing trees are grown by a partnership or under a share-farming agreement, that partnership or the parties to that agreement shall be defined as the producer but does not include a person engaged as an employee on wages, a salary or piece work rates in relation to the production of citrus fruit;

‘Murray Valley production area’ means:

- (a) the Rural City of Mildura, and the Rural City of Swan Hill in Victoria; and
- (b) the Local Government Areas of Balranald, Wentworth and that part of the Shire of Wakool lying west of the Moulamein to Swan Hill road 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 foundation instrument 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.

Members

7. The Board consists of 9 members, including the Chairperson, appointed by the Minister of whom –
 - (a) one shall be nominated by the Minister for Agriculture and Food Security in Victoria;
 - (b) one shall be nominated by the New South Wales Minister for Primary Industries;
 - (c) 4 shall be persons who are producers in the production area and nominated by the Selection Panel established under Clause 9; and
 - (d) 3 shall be persons nominated by the Selection Panel established under Clause 9, who possess specialist expertise appropriate to the needs of the citrus industry.

SPECIAL

8. In nominating persons for the purposes of sub-Clause (7)(c) or (d), the Selection Panel –
- (a) must recommend one nominee to be Chairperson;
 - (b) must give written reasons for each nomination; and
 - (c) 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) three shall be persons nominated by the Sunraysia Citrus Growers Inc. or any other body that, in the opinion of the Minister, has replaced that body;
 - (b) one shall be a person nominated by the Secretary of the Department of Primary Industries, Victoria; and
 - (c) one shall be a person nominated by the Director-General of the Department of Trade & Investment, Regional Infrastructure & Services, New South Wales.
10. (a) The members 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 MVCB must pay the allowances payable to members of the Selection Panel.
 - (c) The Selection Panel shall elect one of its members to be Chairperson of the Selection Panel.

Chairperson of the Board

11. If the Chairperson is absent from a meeting, the members present must elect one of their number to preside for that meeting.

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;
 - (e) to establish and manage funds to compensate producers for costs incurred in controlling or eradicating pests and diseases of citrus fruit; and
 - (f) 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 publications 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 the Board

14. A charge determined in accordance with the Act is payable by producers at the time of delivery of citrus fruit which has been sold to the receiver of the fruit, or by alternative arrangement as agreed to by the Board and a producer.
15. The charge is to be collected by the receiver of the citrus fruit and paid directly to the Board, or collected and paid in accordance with an alternative arrangement agreed to by the Board and a producer.
16. Charges collected by the receiver for payment to the Board are payable on terms determined by the Board.
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.

Meetings

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

Financial Year

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

Powers of Authorised Officer

25. An authorised officer appointed by the Board in accordance with section 50 of the Act may enter and search any premises which the officer reasonably believes are used for, or in any way 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.

Board to maintain Register of Producers

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

Penalty for contravening the Order

27. 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 units.

Dated 18 June 2012

PETER WALSH
Minister for Agriculture and Food Security

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