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Agricultural Industry Development Act 1990 (Vic.)

NOTICE OF CONTINUATION OF THE NORTHERN VICTORIAN FRESH TOMATO INDUSTRY DEVELOPMENT ORDER 2008

I, Peter Walsh, Minister for Agriculture and Food Security, pursuant to sections 9(7) and 10(1) (b) of the **Agricultural Industry Development Act 1990 (Vic.)** hereby notify that a majority of votes cast in a valid poll were in favour of the continuation of the Northern Victorian Fresh Tomato Industry Development Order 2008. I thereby direct that the Order be continued for a further four years. I also effect a minor alteration to clause 16 of the Order to revise the date from 2012 to 2016.

PETER WALSH

Minister for Agriculture and Food Security

Agricultural Industry Development Act 1990

NORTHERN VICTORIAN FRESH TOMATO INDUSTRY DEVELOPMENT ORDER 2008

Citation

1. This Order may be cited as the Northern Victorian Fresh Tomato Industry Development Order 2008.

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 research into the breeding, production, handling or marketing of fresh tomatoes; and
 - (b) facilitate domestic and export marketing of fresh tomatoes.

Definitions

4. In this Order

‘Act’ means the **Agricultural Industry Development Act 1990**.

‘Committee’ means the Northern Victorian Fresh Tomato Industry Development Committee.

‘Container’ means a new fibre board, fibre-board composite or styrene foam container of 10 kilogram capacity for the packaging of fresh tomatoes.

‘Fresh tomatoes’ means field tomatoes grown or produced for sale for fresh consumption. It does not include hydroponically grown or glasshouse grown fresh tomatoes.

‘Grower’ means –

- (a) a person by whom, or on whose behalf, fresh tomatoes are commercially grown or produced in the production area for sale; and
- (b) where fresh tomatoes are commercially grown or produced in the production area for sale 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.

‘Packaging manufacturers’ means all manufacturers or suppliers of cartons used by northern Victorian tomato growers for the sale of fresh tomatoes.

‘Production area’ means the areas within the Shires of Campaspe, Greater Bendigo, Greater Shepparton, Loddon, Moira and Strathbogie.

SPECIAL

Term of Order

5. This Order commences on 27 August 2008 or the day of the date of its publication in the Government Gazette whichever is the later, and remains in force for four years from that date.

Establishment of Committee

6. There shall be a 'Northern Victorian Fresh Tomato Industry Development Committee', which shall be the successor in law of the Committee established by the Northern Victorian Fresh Tomato Industry Development Order 2004.

Members

7. The Committee shall consist of seven members appointed by the Minister being –
 - (a) five voting grower members nominated by the Northern Victorian Fresh Tomato Growers' Association or any other relevant body that, in the opinion of the Minister, has replaced that body; and
 - (b) one voting non-grower member nominated by the Northern Victorian Fresh Tomato 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 fresh tomato industry in the fields of industry development, business administration, marketing or promotion; and
 - (c) one voting member nominated by the Secretary of the Department of Primary Industries Victoria.

Chairperson

8. The members of the Committee must elect a 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 Northern Victorian Fresh Tomato Growers' Association.

Functions of Committee

9. The Committee may –
 - (a) carry out or fund research into the breeding, production, handling or marketing of fresh tomatoes and advise growers about research findings; and
 - (b) facilitate the domestic and export marketing of fresh tomatoes grown in the production area.

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. In developing the Plan of Operations required under section 45 of the Act, the Committee must have regard to any plans or priorities which have been adopted by the Northern Victorian Fresh Tomato Growers' Association.

Charge Imposed by Committee

12. A charge for services provided by the Committee is payable by growers at the point and time of purchase of containers from packaging manufacturers, and is to be collected by packaging manufacturers by arrangement with and on behalf of the Committee.
13. The first charge imposed by the Committee shall be at the uniform rate of three cents per container and shall remain in force until the end of the financial year during which it was imposed.

14. The charge is to be forwarded by the carton manufacturers to the Committee as soon as practicable after each annual tomato harvest.
15. A charge imposed by the Committee must not at any time during the term of the Order exceed the rate of five cents per container.

Voting

16. Voting at the 2016 poll on the question of the continuation of the Order, as well as voting at General Meetings shall be on the following weighted basis: growers shall be allocated one vote for each 100,000 (or part thereof) containers purchased in the previous financial year, subject to no grower having more than four votes in total. A grower who grew or produced fresh tomatoes for sale in the preceding year is eligible to vote.

Meetings

17. The Committee must hold an Annual General Meeting in each financial year.

Financial Year

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

Penalty for Contravening the Order

19. A person who fails to comply with the requirement 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.

Dated 25 July 2012

PETER WALSH
Minister for Agriculture and Food Security

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