

Agricultural Industry Development Act 1990
MURRAY VALLEY WINE GRAPE INDUSTRY DEVELOPMENT
(EXTRATERRITORIAL) ORDER 2020

Citation

1. This Order may be cited as the Murray Valley Wine Grape Industry Development (ExtraTerritorial) Order 2020.

Extra-territorial Application of the Order

2. This Order applies extra-territorially to the production area of New South Wales (NSW).

Order made under the Agricultural Industry Development Act 1990

3. This Order is made under Part 2 of the **Agricultural Industry Development Act 1990**.

Purpose of Order

4. The purpose of this Order is to set up a Committee to perform functions, provide services and exercise powers as specified in Clauses 9 and 10.

Definitions

5. In this Order:

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

‘**Charge**’ means a charge payable under Clause 14.

‘**Committee**’ means the Murray Valley Wine Grape Industry Development Committee.

‘**Corresponding Act**’ means the **Agricultural Industry Services Act 1998** (NSW).

‘**Financial year**’ means the period of 12 months ending on 30 June.

‘**Minister**’ means the Minister administering the Act.

‘**Production area**’ means the areas within the Rural Cities of Mildura and Swan Hill, and the Shire of Gannawarra in Victoria and the Local Government Areas of Wentworth, Balranald and Wakool.

‘**Wakool**’ means for the purposes of this Order, the part of the local government area of Murray River that consists of the local government area of Wakool as constituted immediately before the commencement of the Local Government (Council Amalgamations) Proclamation 2016 in New South Wales, shown in Schedule 1.

‘**Wine grape grower**’ means a natural person who, or a partnership, share farming agreement or company which, grows wine grapes in the production area for delivery to a winery, but does not include wine grapes produced by:

- (a) a vineyard owned or leased by a winery for its own use; or
- (b) a vineyard owned, leased or otherwise operated by a winery for supply to another winery;
- (c) a non-profit public institution, charitable organisation or community group.

‘**Wine grapes**’ means any variety of grapes grown in the production area and used or intended to be used for processing into wine, must, juice or wine spirit.

‘**Wineries**’ means all wineries which accept wine grapes for use in wine, must, juice or wine spirit production.

Term of Order

6. This Order commences on the day it becomes a recognised Order under the corresponding Act and remains in force for four years from that date.

Commodity, Area and Producers to which Order Applies

7. The commodity, area and producers to which this Order applies are wine grapes, the production area and the wine grape growers.

Establishment of the Committee

8. There will be a Committee known as the Murray Valley Wine Grape Industry Development Committee.

Functions and Services

9. The Committee's functions and services include:
- (a) to carry out or fund viticultural research that has the potential to improve best-practice vineyard management;
 - (b) to implement, fund or promote technology and information transfer to improve adoption of best-practice vineyard management;
 - (c) to implement, fund or promote programs that assist wine grape growers in business management and in the production, marketing and selling of wine grapes or wine produced from wine grapes;
 - (d) to implement, fund or promote programs that are designed to improve supply-chain management of wine grapes or wine produced from wine grapes;
 - (e) to implement, fund or promote programs that assist wine grape growers in managing the consequences of drought and climate change;
 - (f) to implement, fund or promote processes and programs associated with bio-security relating to wine grapes or wine produced from wine grapes;
 - (g) to carry out, implement, fund or promote national initiatives and programs in the areas of research and development, pest and disease control, vine health, regulations and legislation relating to wine grapes or wine produced from wine grapes;
 - (h) to implement, fund or promote measures to ensure the accuracy and management of the wine grape grower database for the production area;
 - (i) to establish and manage a general fund and project funds for the purposes of the Act.

Powers of the Committee

10. The Committee may:
- (a) impose a charge on wine grape growers 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.

Members

11. The Committee consists of members appointed by the Minister, being:
- (a) five wine grape grower members from the production area appointed from a panel of at least six persons nominated by the Murray Valley Winegrowers Incorporated or any other relevant body that in the opinion of the Minister has replaced that body; and
 - (b) two non-grower members appointed from a panel of at least three persons nominated by the Murray Valley Winegrowers Incorporated 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 wine grape industry in the fields of winemaking, viticulture, marketing, industry development or business administration.

Observers

12. The Minister may seek one nomination from the Secretary of the Department of Jobs, Precincts and Regions and one nomination from the New South Wales Department of Primary Industries for an officer of these Departments to attend meetings of the Committee as observers and act as the first point of contact between the Committee and respective state governments.

Chairperson

13. The members of the Committee must elect a member of the Committee to be Chairperson of the Committee for a period of 12 months.

Charge Imposed by Committee

14. (a) A charge is payable by wine grape growers at the point and time of sale of wine grapes and is collected by wineries by arrangement with and on behalf of the Committee.
- (b) The first charge imposed by the Committee will be \$1.50 per tonne and shall apply to all wine grapes supplied to wineries in the financial year during which it is imposed.
- (c) The rate of each charge imposed by the Committee after the first charge must not exceed the rate of \$2.00 per tonne during the term of the Order, and will be \$1.50 per tonne unless varied with the approval of a majority of wine grape growers at an annual general meeting.
- (d) The charge is payable to the Committee prior to 7 July each financial year.

Exemption

15. The Committee may exempt a wine grape grower from liability to pay charges (or part thereof) in a particular financial year, if the Committee is satisfied that the wine grape grower will not (or did not) benefit from some or all of the services provided by the Committee in that financial year.
16. (a) A wine grape grower may apply for an exemption under Clause 15 by notice in writing to the Committee.
- (b) Subject to Clause 16(c), an application under Clause 16(a) must be made within six months from and at least four weeks before the start of the financial year to which the application relates.
- (c) The Committee may extend the time for a wine grape grower to make an application under Clause 16(a) in relation to a financial year if, before the end of the financial year, the wine grape grower advises the Committee that the wine grape grower wishes to make an application in respect of that financial year.
17. An application under Clause 16(a) must set out information in support of the wine grape grower's claim that the wine grape grower will not (or did not) benefit from the services provided by the Committee in the relevant financial year. The Committee may at any time before determining the application request further information or evidence from the wine grape grower.
18. The Committee must notify the wine grape grower in writing of the Committee's decision whether or not to grant an exemption under Clause 15.
19. Prior to the determination of an application under Clause 16(a), the wine grape grower must pay the charges for the financial year to which the application relates from time to time as they become payable under Clause 14.
20. If an exemption is granted under Clause 15 after any or all of the charges for the financial year have been paid by or on behalf of the wine grape grower, then unless otherwise agreed to by the wine grape grower, the Committee must refund such charges within ten business days of receiving written notice from the wine grape grower enclosing evidence of the amount of the refund claimed.

Application of Charges

21. The Committee must apply the proceeds of a charge for the purposes of its functions and services and in accordance with any funding priorities set out in action plans or project plans approved by a majority of wine grape growers as required under the Act.

Meetings

22. (a) The Committee must hold an annual general meeting in each financial year at which any variation to a charge must be considered and voted on by wine grape growers.
- (b) At the annual general meeting, the Chairperson of the Committee must report to wine grape growers on the operation and finances of the Committee during the previous 12 months.
- (c) The timing of all meetings of the Committee, including the annual general meeting, is at the discretion of the Committee.

Plan of Operations

23. The plans of operations submitted by the Committee to the Minister must, in addition to requirements under the Act, be developed in consultation with all sectors of the wine grape industry in the production area and be published by the Committee and made available to all wine grape growers.

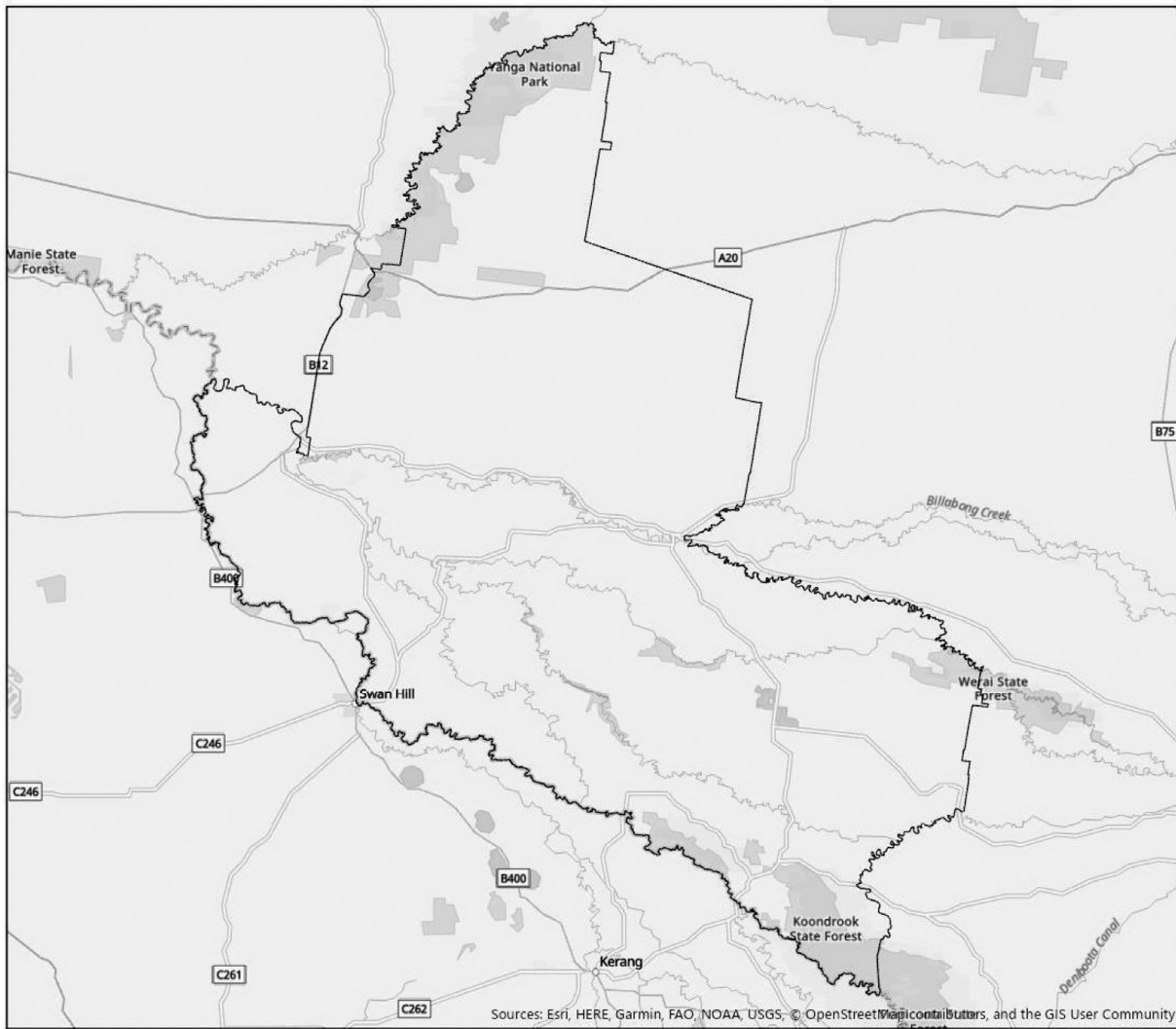
Voting

24. (a) Voting at a poll and voting at general meetings for the purposes of section 39A and Division 3 of Part 3 of the Act, shall be on the basis of one vote for each wine grape grower.
- (b) A wine grape grower producing wine grapes in a financial year is eligible to vote on the question of the continuation of this Order in any poll in the next financial year.

Penalty for Contravening the Order

25. person who fails to comply with any provision in this Order is liable to a penalty not exceeding 20 penalty units.

Schedule – Wakool



Dated 27 October 2020

JACLYN SYMES MP
Minister for Agriculture