

**AGRICULTURAL PRODUCE COMMISSION ACT 1988**

**DIRECTIONS**

In accordance with section 11.3 of the *Agricultural Produce Commission Act 1988*  
Directions for APC Producers' Committees are issued effective as of 28<sup>th</sup> May 2021  
and replacing all previous Committee Directions as follows

**PRODUCERS' COMMITTEE DIRECTIONS 2021**

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## **1. AUTHORISATION**

These directions -

- (a) are issued under section 11.3 of the Act;
- (b) may be cited as the APC Producers' Committee Directions 2021; and
- (c) replace all previous directions.

## **2. COMMENCEMENT**

These directions come into operation on the day on which they are published in the Government Gazette.

## **3. INTERPRETATION**

In these directions, unless the contrary intention appears -

- (a) "Act" means the Agricultural Produce Commission Act 1988;
- (b) "APC" and "Commission" means the Agricultural Produce Commission established under section 4 of the Act;
- (c) "Committee" means a producers' committee;
- (d) "producers' committee" means the producers' committees established under section 11 of the Act as set out in the Schedule;
- (e) "eligible producer" means a person who is a producer, or the sole nominated representative of a partnership or the nominee of a corporate body that is a producer;
- (f) "member" means a member of a committee and includes the Chair;
- (g) "producer" means a person, partnership or corporate body who produces for sale goods that come within the jurisdiction of a producers' committee.

## **4. PROCEDURES OF THE COMMITTEE**

Except to the extent that they are prescribed or set out in these directions, the APC Code of Conduct and Committee Manual or any APC Policies, a committee may determine its own procedures.

## **5. CODE OF CONDUCT AND ETHICS**

Producers' committee members and employees are required to conduct themselves in accordance with the APC Code of Conduct and Ethics as included in the APC Code of Conduct and Committee Manual.

A breach of the APC Code of Conduct and Ethics is grounds for removal from a committee as per section 8 of these Directions.

## **6. CONSTITUTION OF A COMMITTEE**

- (a) Subject to the Act, a committee will consist of sufficient eligible producers to allow the committee to operate effectively and efficiently.
- (b) The Commission has final authority on appointments or removals from committees.
- (c) For the first 3 years of a committee's operations the Chairperson will be an eligible producer appointed by the Commission in consultation with the committee after which committee members shall nominate one of their number to the Commission for the Commission's endorsement of their appointment as Chairperson.

- (d) Each committee must appoint a secretary/executive officer. A committee can fill the role of secretary/executive officer by –
  - (i) appointing one of its own number to the role;
  - (ii) engaging the services of a suitably qualified contractor; or
  - (iii) entering into a cost recovery agreement with the Commission to have a Commission employee seconded to the committee.
- (f) A person who is the secretary/executive officer of an organisation that provides services on behalf of a committee pursuant to section 12(1)(m) of the Act can only fill the role of secretary/executive officer of the committee with the approval of the Commission.

## **7. TERM OF MEMBER**

- (a) A person holds the office of member for such term, not exceeding 3 years, as fixed by the Commission.
- (b) A retiring member, if an eligible producer, can be reappointed for successive terms.

## **8. REMOVAL FROM A COMMITTEE**

The Commission may remove a member from a committee on the grounds that the member

- (a) is mentally or physically incapable of performing the duties of a member,
- (b) is or has been incompetent in their duties as a member
- (c) has neglected their duty
- (d) has engaged in misconduct
- (e) for a breach of the Commission’s Code of Conduct and Ethics
- (f) for a breach of Commission policies, including Confidentiality and Conflict of Interest
- (g) for a breach of these Directions

The Commission can suspend a member from office whilst an investigation is being undertaken into a matter that may be a ground, or grounds, to remove a member from office.

## **9. VACANCIES ON A COMMITTEE**

The position of a member becomes vacant if the member -

- (a) dies;
- (b) is absent from 3 consecutive committee meetings without the prior approval of the committee;
- (c) is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy;
- (d) ceases to be an eligible producer;
- (e) is removed from office by the Commission under direction 8; or
- (f) tenders in writing to the Commission their resignation from the committee.

## **10. CASUAL VACANCY**

- (a) Where the position of a member becomes vacant other than by the passing of time, the Commission may appoint an eligible producer to fill the vacancy.

- (b) A person appointed under paragraph (a) holds office for the balance of the term of the member whose place he or she takes.
- (c) A committee can continue to operate notwithstanding the existence of one or more casual vacancies.

## **11. REMUNERATION AND EXPENSES OF COMMITTEE MEMBERS**

Remuneration, travel and other expenses can be claimed by a committee member if the claim

- (a) relates to attendance at committee meetings
- (b) relates to attendance at an external meeting or event approved by the committee as part of carrying out of their official duties
- (c) relates to carrying out their official duties; and
- (d) does not exceed the level of remuneration or expenses approved by the Commission; and
- (e) is made within 2 months of incurring an entitlement; and
- (f) if claiming reimbursement of expenditure, is supported by a tax invoice.

## **12. CONFLICT OF INTEREST DISCLOSURE**

- (a) A member who has a direct or indirect interest in a matter being considered or about to be considered by the committee, other than an interest held in common with other producers, must as soon as possible after the relevant facts have come to their knowledge, disclose their interest to the committee.
- (b) A disclosure under paragraph (a) is to be recorded in the committee meeting minutes and the member must not, unless the meeting otherwise determines –
  - (i) be present during any deliberation of the committee with respect to that matter; or
  - (ii) take part in any decision of the committee with respect to the matter.
- (c) For the purpose of the making of a determination under paragraph (b) the member who has made a disclosure under paragraph (a) must not –
  - (i) be present during any deliberation by the committee for the purpose of making that determination; or
  - (ii) take part in the making by the committee of that determination.

## **13. MEETINGS**

- (a) Subject to these directions a committee may meet at such times and places as the committee determines.
- (b) At a committee meeting, 50% of members, and if that number is not a whole number the next whole number, shall constitute a quorum.
- (c) The Chairperson of a committee is to preside at any committee meeting at which he or she is present and, in the absence of the Chairperson, the members present are to elect one of their number to preside.
- (d) At any committee meeting the member presiding has a deliberative vote, and in the case of an equal number of votes being cast for and against any question, has a casting vote.
- (e) A committee must meet in person at least once in any period of 12 months.
- (f) Members must meet in person to consider and approve a committee's annual services, service charges and budget.

- (g) A committee must submit its recommendation on services to be provided, cost of those services and budget to the Commission annually.
- (h) A committee can hold meetings using any technology that gives members as a whole a reasonable opportunity to participate in the meeting and allows the parties present to hear and be heard by each other person present.
- (i) A special meeting of a committee may be convened at any time by the committee Chairperson provided 7 days' notice, or such shorter period as unanimously agreed by committee members, is given.
- (j) A committee will keep written minutes of all its proceedings. Minutes of meetings are to be confirmed as being a true and accurate account of the meeting by the committee at the latest at the next committee meeting. The record of any decision made must include the reason/s for the decision made.

#### **14. TRANSACTION OF BUSINESS OUTSIDE COMMITTEE MEETINGS**

- (a) A committee may transact any of its business other than consideration and approval of the annual committee services, service charge and budget, by the circulation of papers among the members.
- (b) The effective date of a circular resolution is the date on which, by a simple majority, the last formal approval required to pass /deny the resolution is received.
- (c) A resolution approved under paragraph (a) is to be recorded in the committee meeting minutes and is as valid and effectual as if it had been passed at a meeting of the committee.

#### **15. COMMITTEE RECORDS**

All committee correspondence (including electronic); computer files and data; financial reports; newsletters; Minutes of meetings, are records of the Commission and must be kept securely and made available to the Commission upon request.

Issued by the Agricultural Produce Commission  
W Ryan, CHAIR  
Dated

#### **16. SCHEDULE**

<b>Producers' Committee</b>	<b>Year Commenced</b>
APC Avocado Producers' Committee	1995
APC Beekeepers Producers' Committee	2003
APC Carnarvon Banana Producers' Committee	1999
APC Egg Producers' Committee	2002
APC Kununurra Crop Pest Control Producers' Committee	1997
APC Pome, Citrus & Stone Fruit Producers' Committee	1994
APC Potato Producers' Committee	2001
APC Pork Producers' Committee	2002
APC Strawberry Producers' Committee	1996
APC Table Grape Producers' Committee	1991
APC Vegetable Producers' Committee	2005
APC Wine Producers' Committee	2015