



PRODUCERS' COMMITTEE DIRECTIONS 2009

Given under Section 11.3 of Agricultural Produce Commission Act 1988

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PRODUCERS' COMMITTEE DIRECTIONS 2009

1. AUTHORISATION

These directions -

- (a) are issued under section 11.3 of the Act;
- (b) may be cited as APC Producers' Committee Directions 2009; 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 Chairperson;
- (g) "producer" means a person, partnership or corporate body who produces for sale goods that come within the jurisdiction of a Producers' Committee and who has a history of Fee-for-Service payment on those goods.

4. CONSTITUTION OF A COMMITTEE

- (a) Subject to the Act, a Committee will consist of no less than 5 and no more than 9 eligible producers appointed by the Commission.
- (b) When considering an appointment to a Committee the Commission is to endeavour to make appointments that result in a Committee comprising a balance of skills taking into account industry background, knowledge and experience, and the financial and general management experience of a candidate.
- (c) If the Commission is of the opinion a poll of producers should be held to elect an eligible producer for appointment to a Committee then a poll shall be conducted.
- (d) For the first 3 years of a Committee's operations the Chairperson will be an eligible producer appointed by the Commission in its sole discretion after which Committee members shall nominate one of their number for consideration by the Commission for appointment as Chairperson.
- (e) Each Committee must fill the role of 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 independent contractor; or
 - (iii) entering into a full cost recovery agreement with the Commission to have the services of an APC employee seconded to the Committee.
- (d) 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 prior written approval of the Commission.

5. 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.

6. REMOVAL FROM OFFICE

The Commission may remove a member from office on the ground that that member is mentally or physically incapable of performing the duties of a member, or for incompetence, neglect of duty, misconduct or for a breach of the Commission's Code of Conduct for members or for a breach of these directions.

7. VACATION OF OFFICE

The office of a member becomes vacant if the member -

- (a) dies;
- (b) is absent from 3 consecutive meetings of the Committee 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 6; or
- (f) tenders in writing to the Commission their resignation from office.

8. CASUAL VACANCY

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

9. DISCLOSURE

- (a) A member who has a direct or an indirect pecuniary interest in a matter being considered or about to be considered at a Committee meeting other than an interest held in common with other producers, must as soon as possible after the relevant facts have come to his or her knowledge, disclose his or her interest to the Committee.
- (b) A disclosure under paragraph (a) is to be recorded in the minutes of the meeting of the Committee 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 that 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.

10. MEETINGS

- (a) Subject to these directions a Committee may meet at such times and places as the Committee determines.
- (b) A Committee must meet in person at least once in any period of 12 months.
- (c) Members must meet in person to consider and approve a Committee's annual operating plan and budget.
- (d) A Committee can hold such other 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.
- (e) A special meeting of a Committee may at any time be convened by the Chairperson of the Committee provided 7 days' notice is given or such shorter period as unanimously agreed by members of the Committee.
- (f) Chairperson of a Committee is to preside at any meeting of the Committee 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.
- (g) At a meeting of a Committee, 50% of members and if that number is not a whole number the next whole number shall constitute a quorum.
- (h) At any meeting of a Committee 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.
- (i) A Committee shall cause to be kept written minutes of all its proceedings. Minutes of meetings are to be confirmed by the Committee as soon as possible and signed by the Chairperson as being true and accurate account of the meeting.

11. TRANSACTION OF BUSINESS OUTSIDE COMMITTEE MEETINGS

- (a) A Committee may transact any of its business other than approval of the Committee's annual operating plan and budget by the circulation of papers among all the members of the Committee with a resolution signed or assented to by letter or electronic means of communication, by no less than a simple majority of all members of the Committee holding office as at the effective date of the resolution, valid and effectual as if it had been passed at a meeting of the Committee.
- (b) The effective date of the resolution is the date on which the secretary/executive officer receives the last formal approval required to pass the resolution.
- (c) A resolution approved under paragraph (a) is to be recorded in the minutes of the meetings of the Committee.

12. PROCEDURES OF THE COMMITTEE

Except to the extent that they are prescribed or as set out in these directions, a Committee may determine its own procedures.

13. COMMITTEE RECORDS

All Committee generated correspondence; computer files; financial reports; newsletters; Minutes of meetings plus inward correspondence received, are records of the Commission and must be made available for inspection by the Commission upon request.

14. CODE OF CONDUCT

Each member is required to conduct themselves in accordance with the Code of Conduct prepared by the Commission and issued to Committees from time to time.

15. REMUNERATION AND EXPENSES OF COMMITTEE MEMBERS

Remuneration, travel and other expenses can be claimed by a member of a Committee if the claim –

- (a) relates to attendance at Committee meetings or the carrying out of their official duties; and
- (b) does not exceed the level of remuneration or expenses approved by the Commission; and
- (c) is made within 2 months of incurring an entitlement; and
- (d) if claiming reimbursement of GST, is supported by an original Tax Invoice.

Issued by the Agricultural Produce Commission

P T Wells

CHAIRMAN

Dated 22 July 2009

Schedule

Committee	Year Commenced
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