



CODE OF CONDUCT and COMMITTEE MANUAL

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INTRODUCTION

This manual is provided to APC Commissioners and Producers' Committee members as an introduction to the APC, APC producers' committees and a guide to the APC Code of Conduct and roles and responsibilities.

Procedures are to be applied in conjunction with the *Agricultural Produce Commission Act 1988* (the Act), subsidiary and committee relevant Regulations, the Producers' Committee Directions¹ and any APC governance policies.

1 SCOPE

The Code of Conduct and Committee Procedural Manual is applicable to APC Commissioners, Producers' Committee members and APC staff.

2 OVERVIEW OF THE AGRICULTURAL PRODUCE COMMISSION

The Act provides Western Australian agricultural producers with a legal framework to collect funds to provide services to producers of a particular industry.

The Agricultural Produce Commission (APC or the Commission) is the statutory body established to carry out the work of the Act.

The role of the Commission is to:

- Encourage producers of Western Australian agricultural produce to establish producers' committees for the purpose of collecting funds to provide services to producers.
- Undertake collection of FFS and financial administration of funds collected for and on behalf of Producers' Committees
- Direct, coordinate and supervises the functioning and expenditure of funds Producers' Committees to ensure the effective and efficient delivery of services to their producers.
- Dissolve Producers' Committees when necessary.
- Provide other services in relation to the functioning of Producers' Committees as might be necessary from time to time.

FFS funds collected on behalf of Producer Committees may be used for any of a number of services that are prescribed by Section 12.1 of the Act. Producers vote on the services to be provided by a committee at the committee establishment poll.

An annual report on Commission and Producers' Committee activities is required to be prepared and submitted to the Minister for Agriculture and Food, Western Australia. The Minister tables this report in Parliament. The report covers the Commission and APC Producers' Committee activities for the financial year and includes an audit of the Commission financials for the year.

¹ See Appendix 1 – Producers' Committee Directions 2021

APC CODE OF CONDUCT AND ETHICS

All Directions and instructions within this manual, relating to Commission and committee behaviour, constitute the APC Code of Conduct and Ethics.

The following provides specific direction on the APC Code of Conduct and Ethics and applies to all APC commissioners, producers' committee members and staff. The Code must be observed at all times.

Annually all committee members are required to sign the Producers' Committee Code of Conduct, Confidentiality and Conflict of Interest Declaration².

3 THE CODE OF ETHICS

The Code of Ethics sets out minimum standards of conduct and integrity with which all commissioners and committee members, must comply and is expressed through the following principles:

- **Personal integrity**

We act with care and diligence and make decisions that are honest, fair, impartial, timely and consider all relevant information.

- **Relationships with others**

We treat people with respect, courtesy and sensitivity and recognise their interests, rights, safety and welfare.

- **Accountability**

We use the resources of the Commission in a responsible and accountable manner that ensures the efficient, effective, and appropriate use of human, natural, financial and physical resources, property and information.

In addition to the Code of Ethics, commissioners, committee members and employees are also expected to comply with the following Conduct Guide.

4 CONDUCT GUIDE

The behaviour of commissioners and committee members reflect on the public perception of the APC.

4.1 Personal Behaviour

As a commissioner or committee member, you are required to:

- treat members of the public, other FFS payers and colleagues with respect, courtesy, honesty and fairness, and have proper regard for their interests, rights, safety and welfare.
- make decisions fairly, impartially and promptly, giving consideration to all available information, legislation and policies and procedures.
- conscientiously discharge your duties during the prescribed hours of duty that are applicable to you.
- promptly and correctly perform all duties pertaining to your position and any other duties you are lawfully directed to perform.
- be responsible for the careful use of APC property in your possession.
- only give undertakings or take actions within the limits of your delegated authority.
- apply risk management principles to all business processes.
- ensure your instructions to any subordinate employees are both reasonable and ethical.

4.1.1 Social Media

It is important you understand the impact your actions can have on the APC. This includes when you are using social media.

You must not give your personal views in a manner on matters of government policy or administration, or publicly criticise any political party, its actions or its policies, in a manner or forum in which a reasonable person would conclude that those comments or views were representative of the APC or its operations.

4.1.2 Communication and official information

You must avoid giving advice or information on matters outside your area of expertise and avoid taking on a role that is outside the scope of your appointment. Additionally, you are not permitted to give information that is the confidential information of the APC to members of the public which may be valuable to the APC or may be the subject of current contracted research.

4.1.3 Criminal Charges

During your appointment term, should you be charged with a civil or criminal offence you must immediately report the fact and the circumstances relating to the alleged offence to the Chief Executive Officer, APC.

4.1.4 Ethical Standards in research

All commissioners and committee members engaged in or overseeing research are expected to observe high ethical standards in the conduct of that research and, when relevant, to comply with the obligations imposed by the applicable codes of practice.

4.1.5 Discrimination

The APC is committed to the promotion of a non-discriminatory and harassment-free environment for all employees, as outlined in the Equal Opportunity Act 1984. It is unlawful to discriminate on any of the grounds mentioned in the Act.

4.1.6 Harassment in the workplace

Sexual and racial harassment are unlawful. Harassment includes any unwelcome behaviour, offensive or insulting comments or actions, which do not need to be repeated to be deemed harassment – they may involve a single incident.

“Race” includes someone’s colour, descent, ethnic or national origin or nationality, and may comprise two or more distinct races.

Sexual harassment can include unwelcome physical touching, hugging or kissing, sexually explicit pictures, emails or texts, or intrusive questions about a person's private life or body.

Commissioners, committee members or employees causing, instructing, inducing, helping or permitting another to discriminate or harass is unlawful, and under the Equal Opportunity Act is considered the same as doing it themselves.

4.1.7 Workplace bullying

Workplace bullying can be defined as repeated unreasonable or inappropriate behaviour directed towards a worker, or group of workers, which creates a risk to health and safety. All commissioners committee members and employees should be able to work in an environment free of bullying and commissioners and committee members have a responsibility to ensure employees are not bullied.

4.2 Confidentiality

Commissioners and committee members may have access to private and confidential information relating to both the activities, undertakings and business of the APC and its FFS payers, research partners and collaborators.

Commissioners and committee members must maintain confidentiality by not discussing, releasing or otherwise making available to any unauthorised persons (unless it is necessary and proper to do so in the normal course of day-to-day duties) any information or document containing confidential information of the APC or concerning the APC's FFS payers, research partners and collaborators.

Commissioners and committee members must also respect the confidentiality of information and not use it to assist in pursuing a private interest (including in relation to any future employment) for themselves, or any family member, friend, or associate. Nor must they use it to cause, or seek to cause, a detriment to the APC or any other person.

4.2.1 Confidentiality in Committee Discussions

Confidentiality is also central to committee decision making, allowing for frank and robust discussions with the understanding that the discussion is confidential and that committee members viewpoints are respected. It is impossible for a committee to operate effectively if committee members do not trust and respect the discussion and decision-making process.

The Commission collects and administers a wide diversity of information on a range of industries. This information is collected to enable and assist the provision of services by the APC producers' committees. The APC requires that this confidential and sensitive information is protected by the appropriate access and circulation requirements and is treated in an ethical manner.

The Commission requires that committee members sign a confidentiality and conflict of interest declaration annually.

What is included in the definition of confidential for APC purposes?

- Committee discussions or information used in committee discussions, whether the discussion is in person, at a meeting or via digital or electronic means of any type.
- Information and data which in any way relates to producers and their business.

The following are the basis of confidentiality requirements:

- Confidential records must not be left unsecured in places where they may be seen/accessed by non-committee members.
- Members must not misuse information obtained in the course of committee meetings, discussions or duties for direct or indirect gain, or to do harm to the industry, committee members, other people or the committee.
- Members must not divulge or distribute confidential or sensitive information. If members are uncertain as to the sensitivity or confidentiality of information, they must seek direction from their Chair.

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- The public may use Freedom of Information provisions to obtain details of all personal information held about themselves and request that information be corrected or updated as required.

Confidentiality obligations continue after termination of the appointment or employment relationship.

4.3 Fraudulent or Corrupt behaviour

Fraudulent and corrupt behaviour can have serious consequences for the APC. It can cause disruption to day-to-day operations and service delivery and a bad public image. Fraudulent and corrupt behaviour can also cause a loss of confidence from the general public and prospective employees receive a negative message about the APC.

Fraud, in a general sense, is any practice that involves deceit or other dishonest means by which a benefit is obtained. In practice it can take many forms including:

- misappropriation of funds.
- theft of APC assets, including information.
- using significant time at work for private purposes.
- taking unrecorded leave; and
- obtaining employment under false pretenses by falsely claiming to have the required qualifications.

Corruption is generally any conduct where, in return for some benefit, a person does or neglects to do an act in contravention of his or her public duties. It can also involve behaviour where there is no overt benefit provided or a benefit is provided to another person. Corruption may occur in many forms including:

- receiving or offering bribes
- releasing confidential information in exchange for personal gain
- engaging in significant conflicts of interest where an APC commissioner, committee member or employee is putting their own self-interest before that of the Commission.
- favouring one tenderer over another
- abusing power or function to obtain or confer a benefit or cause a detriment to any other person.

Every commissioner, committee member and employee have a responsibility not to act corruptly or fraudulently, to actively prevent and detect potential fraud, and to immediately report any evidence of corrupt or fraudulent activity.

4.3.1 Public Interest Disclosure

The Commission is supportive of any person seeking to make a public interest disclosure which relates to the Agricultural Produce Commission and has procedures for handling public interest disclosures.

The Commission's Public Interest Disclosure officer is the Chief Executive Officer and can be contacted on the contact details as provided in this document.

The Public Interest Disclosure procedures and forms can be obtained by contacting the Commission on contact details as provided in this document.

4.3.2 Use of APC Resources

Commissioners and committee members may have access to, and use, a range of APC resources to carry out their duties. APC may include, but are not limited to, credit cards, motor vehicles, computers, software, photocopiers, mobile telephones, laptops and tablets, printers, other office equipment and employees' time. These resources should never be used for private commercial or financial gain, or for party political work.

4.3.3 Corporate Purchasing Cards and incurring expenditure

APC officers who incur expenses must be authorised incurring officers, as provided for in the Financial Management Act 2006 and Treasurer's Instruction 304.

Where credit cards are required for business, each corporate credit card is issued to an individual employee and responsibility for its appropriate use rests with that person. Credit card expenditure should be used as per the DPIRD credit card policy as adopted by the APC.

4.4 Record Keeping and Use of Information

Generally, all original records are deemed to be part of the APC's corporate records, i.e., identified to be significant records, should be registered, and form part of the official APC record keeping system.

All commissioners and committee members are responsible for the proper recording and maintenance of public records under their control and are required to ensure, to the best of their knowledge and ability, the accurate and proper documentation of each business transaction or event.

All Commissioners and committee members should have a clear understanding of what constitutes a public record and should make themselves aware of the procedures that must be followed to ensure the record is properly managed and maintained from the moment of its creation. Commissioners and committee members should note the issues about the security and accessibility of the information contained within the document as well as decisions about its retention and disposal.

4.5 Freedom of information

The *Freedom of Information Act 1992* (FOI) was introduced to help people gain access to documents and to check personal information in documents.

The FOI Act places strict time limits on providing responses. Should a commissioner or committee member receive a request for information held by the Committee the request should be directed to the committee Chair and then to the CEO of the Commission.

A person who conceals, destroys or disposes of a document or part of a document or is knowingly involved in such an act in order to prevent the Department from giving access to that document or part of it, whether or not an application has been made, commits an offence under the FOI Act.

Further information about Freedom of Information can be found on the Office of the Information Commissioner's [website](#).

4.6 Conflicts of Interest, Gifts and Benefits

Conflict of interest (COI) is always a controversial and tricky matter. Rather be on the conservative side or ask for assistance from the committee Chair or the Commission if there is any question in your mind as to COI. Sometimes a perceived COI can be as damaging as an actual conflict of interest.

A COI within an APC committee is when a member's personal, other business interests or loyalties conflict with the professional business of the committee. This conflict has the potential to compromise or bias the decision-making process and ultimately the decisions of the committee.

A COI when not managed, can lead to the abuse (real, perceived or potential) of the trust that people have in the committee or the Commission.

To be a voting member on an APC producers' committee one must be a producer within that particular industry. This is to maintain and ensure the representation and interests of producers. This is accepted and acknowledged as an inherent possible perceived conflict for all committee members and is not required to be notified/recorded.

However, sometimes a conflict might fall outside of this definition, in which case a COI must be declared, recorded and managed.

COI's fall into categories:

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- REAL - a reasonable person would believe that judgment is likely to be compromised/ judgement is acknowledged by the member as compromised.
 - POTENTIAL - situation may develop into a real COI.
 - PERCEIVED - without access to all information (freely available or confidential) an assumption could be made that judgment is, or is likely, to be compromised.

They can also be standing (long-term) or ephemeral, relating to a specific matter with which the committee is dealing.

Conflicts of interest can arise when:

- A member stands to make a gain (financial or otherwise) from a committee decision. This excludes an entitlement or gain that is shared in common with other members in the industry. This is sometimes referred to as an 'Interest in common'.
- A member's spouse, children or near relative stand to make a gain (financial or otherwise). This excludes an entitlement to gain that is shared in common with other members in the industry.
- A member holds membership of another organisation likely to benefit from, or be affected by, a committee decision. If a member of an APC Committee is a member of an industry body, and the committee determines that no conflict of interest is present (or can be suitably managed) it is essential that that committee member maintain the highest standards of integrity, both in their thinking and actions when addressing committee issues.
- A member's spouse, children or near relative or close associates are members of an organisation affected by committee decisions.

Annually when committee membership changes all members sign a declaration of understanding of conflicts of interest and confidentiality, including an undertaking to abide by ethical practices on conflicts of interest and confidentiality².

A further disclosure of any standing (long-term) conflicts of interest must also be completed (and reviewed annually) if these exist³. Once such a conflict of interest is declared, a management solution must be agreed and implemented.

A Committee is also required to request a response from members, at each Committee meeting, as to whether any direct, indirect or possible perceived conflict of interest exists for matters on the meeting's agenda. The members' response to be recorded in the committee's Minutes of the meeting, and the agreed management solution for the declared conflict to be recorded and applied.

A record of all of the above declarations is to be retained by the committee and become a permanent record of the operations of the committee.

Once a member has declared a conflict of interest, they shall not, unless the meeting otherwise determines, and that determination is recorded in the minutes of the meeting:

- Be present during any deliberation by the producers' committee with respect to that matter, whether making a determination or not.
- Take part in any decision or determination of the committee with respect to that matter.

4.6.1 Gifts and benefits

The receipt of gifts, or other non-monetary benefits, including rewards or offers of hospitality, can place a commissioner or committee member in a position of actual, perceived or potential conflict of interest. This is particularly relevant where commissioners or committee members are involved in procurement or the awarding of grants.

As a general rule, commissioners and committee members should not accept gifts or benefits:

² See Appendix 3 - Committee Confidentiality and Conflict of Interest Declaration

³ See Appendix 4 – Committee Conflict of Interest (Standing) Disclosure

- which could give the appearance of a conflict of interest with their duties (past, present or future).
- which are given with the objective of securing, or returning, favour or preferment.
- which involve the transfer of monies, regardless of value, e.g., cash or loans.

In circumstances where a gift is offered and it is appropriate to accept, all such gifts become 'public property' as defined by section 3 of the [Financial Management Act 2006](#).

4.6.2 Related party disclosure

The APC must disclose certain related party relationships and related party transactions together with information associated with those transactions in its general-purpose financial statements, to comply with Australian Accounting Standard AASB 124 Related Party Disclosures.

Related parties include the Department's key management personnel (Commissioners and the CEO), their close family members, and any entities that they or any of their close family members control or jointly control.

5 GETTING ADVICE ON THE CODE OF CONDUCT

If members are uncertain on any requirement contained within the Code of Conduct, they should seek direction from the Commission or the Chair of their APC producers' committee.

If staff or producers' committee members believe that the Code has been breached in any manner whatsoever or are aware of any unethical conduct which is likely to breach the code this should be reported to the Commission by email to apcmanager@dpird.wa.gov.au.

The Public Sector Commission monitors compliance with the WA Public Sector Code of Ethics and applicable codes of conduct. The Commissioner may report any public sector bodies found to be in breach of the codes to their relevant Minister and to Parliament.

5.1 Reporting suspected breaches

If a commissioner, committee member or employee suspects the Code of Conduct (or related APC policy) has been breached, they should report the suspicion.

Commissioners, committee members or employees reporting a suspected breach of the Code of Conduct (or related APC policy) should consider the different reporting mechanisms to decide on the most appropriate method to report the breach. Depending on the issue, this may include:

- Discussing the matter with a supervisor or manager
- Speaking to the CEO or Commission Chair, where the matter may involve reporting to the Corruption and Crime Commission or Public Sector Commission
- Reporting to the Public Information Disclosure (PID) Officer.

Employees who report a suspected breach of the Code of Conduct should respect that any investigation will be treated confidentially. Employees will not be disadvantaged for reporting suspected breaches in good faith.

5.2 CONSEQUENCES OF BREACHING OF THE CODE OF CONDUCT

The Producers' Committee Directions 2021 includes that a breach of the Code by producers' committee members to be grounds for removal from a committee⁴.

⁴ See Appendix 1 - Producers' Committee Directions 2021 – sec8.

COMMITTEE PROCEDURAL MANUAL



6 APC ROLES AND RESPONSIBILITIES

6.1 Minister

The Minister responsible for the APC is the Minister for Agriculture and Food.

The authority of the Minister to give directions to the APC is contained within the Act.

Members of producers' committees are required to acknowledge and respect the legitimate interests of the Premier and the Minister for Agriculture and Food, concerning the Commission and any committee's role and operations within Western Australian agriculture.

6.2 Commission

The Commission is made up of four Commissioners. Ideally members possess a mix of agricultural, financial, business and governance experience. The Minister appoints all members, including the Chair.

Commissioners are appointed for period of up to three years. At the expiry of tenure, positions are advertised and if they wish Commissioners can reapply for a further term.

6.3 APC Operations Team

The operations team aids committees in:

- the observance of the Act and statutory requirements.
- correct procedure in relation to expenditure and remuneration.
- financial administration for APC producers' committees.
- accountability standards.
- maintaining proper internal controls and management information systems; and
- other services as might be required for the effective and efficient operation of producers' committees.

Commission staff are always available to committees to assist with queries and concerns which producers' committees may have. Contact details are provided at the end of this manual.

6.4 APC producers' committees

A producers' committee⁵ relative to a particular produce/industry is established by the Commission in accordance with the Act, at the request of a representative body for the producers/industry. Committees:

- are established to identify and provide services that are requested and/ or required by producers; and
- which will aid producers to improve their prosperity and / or sustainability.

The Commission gives Directions with respect to the constitution, membership, terms, proceedings and any incidental related matters of a producers' committees. These Directions are issued under Section 11.3 of the Act and are contained in the 'Producers' Committee Directions 2021⁶.

For a committee to be efficient and effective it should have the following, and in appointing members to committees the Commission strives to achieve this:

- an appropriate mix of skills and business experience.
- a readiness to seek professional advice when required and the ability to put that advice to constructive use.
- the ability to operate as a team.
- an established process to regularly review the performance of the Committee.
- agreed procedures to ensure that meetings are effective and efficiently managed.
- a constructive relationship with the FFS paying producers', the Commission, other APC producers' committees, the FFS paying producers' communities and peak industry bodies.
- a desire and willingness to work towards the common goal and good of the producers' community.
- an understanding of the Agricultural Produce Commission Act 1988.
- a long-term perspective, anticipate and respond to changes in the external environment.
- a customer focus – be aware of FFS paying producers, the community and government opinion and expectations and needs; balance the demands of different stakeholders.
- high standards of financial accountability; and
- an ethical approach to its business.

⁵ See also Appendix 8 – APC Producers' Committee Overview

⁶ See Appendix 1 – APC Producers' Committee Directions 2021

7 APPOINTMENT TO PRODUCERS' COMMITTEES

Subject to the Act, and from nominations received, when a new producers' committee is formed the Commission either appoints producers or conducts an election poll to determine the members on the committee. The Commission, either appoints the inaugural Chair or requests that the members nominate a member to fill this position, whichever is deemed more appropriate.

A member holds office for a term as fixed by the Commission, generally three years, with terms expiring at the end of May in a given year. At the expiration of a members' term of office, a call for nominations for vacant positions is advertised in a statewide newspaper or suitable local/industry paper⁷ and where appropriate social media and associated mediums are also used.

Committees are also encouraged to carry out their own process amongst producers to identify any producers who might be interested in joining a committee. In general, unless a committee has instituted a process to the contrary, a member whose term of office has expired may re-nominate for appointment on the committee. The Commission retains final approval in appointment or removal of members to / from committees.

If the Commission, through discussion with a committee, is of the opinion that a poll of producers should be held to elect committee members then a poll can be conducted.

A person who is the Chair, president, vice-president or treasurer of an organization that provides services on behalf of the producers' committee, pursuant to section 12 of the Act, is not eligible to be elected Chair of the committee unless permission has been given by the Commission.

A person who is secretary/executive officer of an organization that provides services on behalf of the producers' committee, pursuant to section 12 of the Act, is not eligible to be appointed secretary to the Committee except with approval of the Commission.

A secretary/executive officer of the producers' committee will not hold voting / executive powers and will act under the direction of the Chair and the committee.

7.1.1 Public Sector Employees on Committees

If a public sector employee is appointed to a committee, the reasons should be documented in Committee/Commission Minutes.

Public sector employees on committees have the same fiduciary responsibilities as other committee members but are not entitled to receive remuneration additional to their salaries.

Public sector employees appointed to Western Australian Government boards and committees need to be mindful of the potential for conflict of interest between their duties as a government officer and their duties as a committee member. This is particularly so if the employee's department reports to the same Minister as the Board on which he/she is serving.

Difficulties may arise when the employee:

- is required to provide advice to the Minister on advice or recommendations given to the Minister by the Committee.
- has duties involving the supervision, making of recommendations, providing ministerial advice etc. in relation to the Committee and its affairs.
- is expected within his/her department to act as a conduit to the Minister concerning the board and its affairs - an activity which could put the official in breach of his or her duty of confidentiality to the board; or
- acts, or assumed to act in a way which is consistent, or assumed to be consistent, with the Minister's wishes – this could be seen as undermining the independence of the board.

⁷ See Appendix 7 – Nomination form for an APC Producers' Committee

8 PRODUCERS' COMMITTEE ROLES AND RESPONSIBILITIES

8.1 Role of the Chair

For established Producers' Committees, the chair is appointed by the Committee.

The Chair leads and directs the committee making a significant contribution to committee performance and decision making. The Chair:

- Mentors, mediates and listens to make sure varied opinions are expressed and considered, balancing discussion to encourage healthy, rigorous debate against too much conformity.
- Leads and steers conversations and discussions with sensitivity and purpose, helping members to be curious and open to new ideas and concepts, whilst encouraging diversity of thought so that a comprehensive perspective can be achieved in relation to specific issues and risks.
- Motivates to achieve a well-functioning, capable and resourceful committee where the best possible outcome for the committee and the industry can be achieved.
- Engages, is approachable, responsive and provides transparency - developing trust between the Chair, committee members and committee helpers.
- Operationally, the Chair is responsible for:
 - Setting the committee agenda.
 - Facilitating the flow of information and discussion.
 - Conducting committee meetings and other business.
 - Ensuring the committee operates effectively.
 - Inducting and supporting committee members.
 - Casting a deciding vote where decisions are split (see Committee directions)
 - Ensuring that the committee keeps focused on strategic issues and overall performance and does not get caught up on operational issues.
 - Must be fully conversant with the business of the committee and ensure compliance with all legal and statutory obligations; and
 - Ensure that procedures are in place to ensure compliance with the committee's legislative obligations and any Acts which apply to the Commission.

These Acts include:

- *Financial Managements Act, 2006,*
- *Public Sector Management Act 1994,*
- *Occupational Safety & Health Act 1984,*
- *Equal Opportunity Act 1984,*
- *Freedom of Information Act 1992,*
- *Industrial Relations Act 1979,*
- *State Records Act 2000,*
- *Public Interest Disclosure Act 2003,*
- *Corruption, Crime and Misconduct Act 2003,*
- *Disability Services Act 1993*

8.2 Role of Committee Members

Committee members (including the Chair) are in a position of trust. The decisions and undertakings of their committee may affect the rights, welfare or entitlements of their FFS paying producers and the greater industry or community.

Every member of an APC producers' committee has a duty to promote the interests of all their FFS paying producers and is required to observe the APC Code of Conduct and Ethics.

Sound and wise decisions by a committee can only be based upon a full and informed discussion of varying and possibly conflicting views and considerations. It is to be expected within this wide range of views that inevitably there will be differences in the opinions, approaches and philosophies of the committee members. But the predominant element which each individual must bear in mind is the promotion of the interests of the industry in which it operates (Reference: based on judgment by Sir Laurence Street in the Supreme Court of NSW "Bennetts v. Board of Fire Commissioners").

Like, the Chair, members need to show leadership by being open, honest and accountable and working with their committee to ensure that these principles are present in all committee operations.

Committee membership requires more than just being present in meetings, it is about understanding and supporting the common purpose and objectives of the committee. Members must be committed to working with other members to achieve positive outcomes, understanding the need for discussion and being open to diverse opinions and proposals.

Interrogative discussion is vitally important, but maintaining perspective and respect for other members is just as important.

As a committee, once a responsible and lawful majority decision is reached, all members should support this decision.

A committee member (including the Chair) must:

- Be familiar with the Act, the APC Committee Directions and with members' legal and statutory obligations.
- Actively consider, monitor and interrogate the annual budget and financial statements, including the appropriateness and application of the Fee for Service charge rates.
- Participate actively in the consideration, approval and progress of projects or activities undertaken by the committee.
- Provide feedback to and receive feedback from producers. Share producer and industry feedback and comments with the committee. Develop and maintain networks and communication with producers.
- Read all meeting papers, ask for more information or clarification if required, become familiar with relevant legislation and policies, and attend as many meetings as possible.
- Take an interest in all issues before the committee, ask questions, raise objections and debate opposing views, be objective, understand enough to form an opinion on every issue before the committee and to make conscientious and informed decisions.
- Develop an understanding of the physical, political and social environment in which the committee operates.
- Work constructively and cooperatively with other members, FFS paying producers, the Commission and related committees and bodies.
- Express concerns to the Chair or Commission should a decision or action appear to be contrary to the committee's duty, or any Commission policy.
- Respect the committee decision making process and, once a decision has been judiciously arrived at, support that decision.
- Exercise reasonable skill and care in carrying out duties and making decisions.

8.3 Legal Responsibilities of Committee members

Members of committees are also subject to a range of statutory and legal obligations. It is essential that committee members become familiar with their legal duties and responsibilities under Common Law, which applies to all Government boards and Committees.

Under the Criminal Law, members of Western Australian Government boards and committees are included in the definition of public officers (s.85 of the Criminal Code). For example, it is a criminal offence for a board member to:

- bribe another public officer, or to receive a bribe.
- act corruptly; or
- falsify, destroy, alter or damage any record (Criminal Code, Sections 82, 83 & 85).

8.4 Legal liability

A person who is or was a member of the Commission or a producers' committee, or an officer or employee of the Commission or producers' committee is not personally liable for any act done or omitted to be done in good faith by the Commission or a producers' committee or by him/her acting as a member of the Commission or producers' committee or as an officer or employee of the Commission or a producers' committee. (Agricultural Produce Commission Act 1988, section 24).

8.5 Removal from office

The Commission may remove a member from office on the grounds that the person.

- is mentally or physically incapable of performing the duties of member.
- for incompetence
- for misconduct
- for neglect of duty
- for a breach of the Producers' Committee Directions
- for a breach of the Commission's Code of Conduct and Ethics
- for a breach of Commission policies.

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.

8.6 Vacation of office

The office of a member becomes vacant if the member:

- dies.
- is absent from four consecutive meetings of the producers' committee without the permission of the Chair.
- is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy; or
- tenders in writing to the Commission their resignation from the office.

Where the office of a member of the producers' committee becomes vacant during a member's term of office the Commission, if the Committee agrees, may fill the vacancy. The person is appointed for the balance of the term of the member being replaced.

9 PRODUCERS' COMMITTEE FUNCTIONS

In relation to the agricultural produce for which the producers' committee is established, services which were approved at the committee establishment poll, and subject to Section 12.3 of the Act and any direction given by the Commission, the producers' committee may provide and manage anyone, or more, of the service functions.

A Producers' committees may NOT provide any service, or charge for any service, not included in the functions approved for that particular producers' committee, unless a poll of producers is conducted, and the poll is in favour of the proposal (Act, Section 12.3).

Service Functions of Section 12.1 of the APC Act

- a. advertise and promote the agricultural produce.
- b. control or develop the means of controlling pests and diseases if there is a likelihood of those pests or diseases affecting the quality or volume of output of the agricultural produce.
- c. conduct research in relation to any matter, if in the opinion of the producers' committees that research is of advantage to producers of the agricultural produce.
- d. conduct educational or instructional programs relating to the production of agricultural produce.
- e. develop and expand markets for the agricultural produce in Western Australia and elsewhere.
- f. establish a voluntary insurance scheme for the benefit of producers of the agricultural produce including insurance relating to crops.
- g. undertake and provide market forecasting for the agricultural produce.
- h. establish systems of inspection for the agricultural produce for the purpose of quality control or pest and disease control.
- i. formulate schemes for declaring producers of the agricultural produce to be accredited producers.
- j. establish systems to facilitate inspection of grading, packaging and storage of the horticultural produce including weight and uniformity (including uniformity of ripeness) within packages.
- k. support, with or without grant of financial aid, and whether or not initiated by the committee or the Commissions, any scheme or activity which in the committee's opinion is capable of assisting in the promotion or sale of the agricultural produce.
- l. provide such other services for the agricultural produce as may be prescribed.
 - la. establish a compensation scheme for the benefit of producers whose agricultural produce is destroyed as a result of action taken to control a pest or disease of that produce; and
- m. arrange for the provision of all or any of the services or the exercise of any of the functions referred to in paragraphs (a) to (la) in whole or in part by another person or organisation or in conjunction with the Commission or any other person or organisation.

10 FEE FOR SERVICE (FFS) CHARGE

Section 14 of the Act allows for the imposition of a charge for providing a service which a producers' committee is authorised to provide to / on behalf of growers. This Fee for Service (FFS) charge is not a levy (tax). Section 90 of the Commonwealth Constitution of Australia bars the States from imposing any tax that would be considered to be of a customs or excise nature.

FFS charges apply to ALL commodities covered by a producers' committee, including (where relevant) produce sent to the eastern states and direct exports to overseas clients.

10.1.1 Setting the FFS Charge

In accordance with Sections 12 and 14 of the Act, the producers' committee determines the cost or estimated cost of providing the services which the producers' committees is authorised to provide. In determining this cost the producers' committee must take into consideration the growers' economic environment and their ability to pay the FFS charge.



The Commission requires committees to observe the following in the setting of FFS in order for the committees to remain within the abilities of the Act, and the accepted definition of an FFS.

- a) **A service must be identified and agreed** – this is done through consultation by the committee with growers / producers.
To assist in this process the Commission advertises each year on behalf of committees, requesting expressions of interest for projects which can be funded by FFS. Proposals submitted to the Commission are provided to committees for the Committee to then consult with producers on the provision of services.
- b) **The cost of providing a service is identified**, taking into account:
 - that the provision of the service can / will be efficient i.e., the required outcome will be achieved at an appropriate level of quality for an appropriate cost which equals value for money.
 - a generic collection of a fee providing a pool of funds which is then suited to services is not a 'fee for service'. There must be a clear correlation between 'service' provided and 'fee' charged.

Benefits provided should be consistent with the level of fee paid by a producer. The FFS paid by producers can vary greatly depending on their size – sometimes only a few dollars are

paid, sometimes many thousands of dollars. Producers should derive value in line with the FFS charge paid.

- c) **Confirm authority:** the service to be provided must relate to a service function under the Act (Section 12.1) which the committee is eligible to provide.
- d) **Review the committee financial standing** (current funds available vs what is required for the provision of identified services for the given year).
- e) **Identify / recommend the FFS charge** for the year being budgeted for.

Once this process has been completed and a budget is submitted to the Commission for approval, this budget must include:

- A recommendation from the committee on the FFS to be charged for the coming financial year.
- A statement from the committee that the FFS being recommended has been reviewed and that this review has included:
 - consultation with growers / producers on services to be provided.
 - consultation with growers / producers on proposed FFS charge to provide services.
 - each service to be provided has been reviewed against those which the committee is able to provide under the Section 12.1 service functions of the Act and has been found to meet at least one of those functions; and
 - the FFS charge being recommended to the Commission relates to the cost of providing the services which the committee will be providing in the budget under request / review.

The Commission may endorse the FFS change and progress for the approval of the Minister. Following Ministerial approval, a notice of FFS charges is published in the Government Gazette and Committee related newspapers/publications.

The FFS is payable in accordance with the relevant subsidiary regulations⁸ under the Act.

FFS non-compliance or delayed remittance limits the abilities of committees to efficiently provide services. The Commission has the responsibility to ensure that FFS payments are collected. The relevant regulations provide the Commission with the abilities to perform this role.

⁸ See Agricultural Produce (Horticultural Industry) Regulations 2001, Agricultural Produce (Beekeeping Industry) Regulations 2003, Agricultural Produce (Pork Production Industry) Regulations 2004, Agricultural Produce (Wine Industry) Regulations 2016

11 PRODUCERS' COMMITTEE MEETINGS AND PROCEDURES

Producers' Committees are required to comply with:

- the Act,
- the *Committee Directions 2021*,
- this APC Code of Conduct and Committee Manual, and
- any APC policies.

Beyond these requirements, producers' committees can determine their own operating procedures.

11.1 Meetings

Meetings may be held at such times and places as the producers' committee determines, however, the Commission requires that the committee meet at least once a year for the purposes of setting the budget for the coming financial year.

A special meeting of the producers' committee may be convened at any time by the committee Chair provided seven days' notice is given or shorter period if unanimously agreed by members.

The committee Chair presides at any meeting of the producers' committee at which the Chair is present, and, in the absence of the Chair, the members present are to elect one of their numbers to preside.

At a meeting of the committee a quorum will be 50% of membership, or plus one if the numbers of members are uneven. At any meeting of the committee the member presiding at the meeting 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.



Helpful Hint

With producers being so busy, and often with multiple commitments, it is a good idea to set up the meetings for the year at the beginning of the year. Likely you might have changes or special meetings during the year, but at least it is clear what time commitment is expected of members and they are able to plan for their other commitments.

11.1.1 Agendas

An agenda outlining the matters before the Committee must be provided in advance of Committee meetings. Items for decision should be supported by meeting papers with sufficient detail that Committee members are suitably informed for the decision.

The Chair makes the final decision on what items are included in an agenda; however, each agenda should include:

- Standard governance items that need to be addressed at each meeting.
 - Attendance
 - Acceptance of agenda
 - Conflicts of interest
 - Notification of confidentiality
- Acceptance of Prior Meeting Minutes / Ratification of circular resolutions
- Business from prior meeting / actions completed.

11.1.2 Participating in committee decisions

Committee members are entitled to all relevant information relating to a matter as well as to be involved in discussions relating to matters. Whilst discussion is a vital part of committee deliberations, there will be times when a unanimous decision cannot be achieved.



As a committee member, remember:

- ✓ Ask questions, but also be prepared to accept the outcome of discussions once they have reached a conclusion. Unanimous decisions are more of a rarity rather than a rule.
- ✓ Allow everyone the opportunity to put their thoughts forward.
- ✓ Respect everyone's opinions.
- ✓ Accept that all members are working with you to reach a constructive and satisfactory outcome.
- ✓ Do not agree to a motion if you are unclear as to what you are agreeing to.
- ✓ If you do not agree with a motion, you do not have to agree – your non-agreement can be recorded if you wish.

11.1.3 Decision-making during meetings

Motions can be the starting point for a matter under discussion. They can be made in writing as part of an agenda item or put forward during the course of the meeting discussion. The motion must be put forward by a member of the committee and seconded by a member for discussion. Once approved, a motion becomes a resolution.

11.1.4 Record of Meetings

Minutes are the official record of committee meetings and are the documents which will be referred to for an understanding and corroboration of committee decisions and deliberations. They are also a reference for the committee as to what and why decisions were taken.

APC committees are subject to Freedom of Information (FoI) applications, with Minutes forming the primary, and most requested, documents of the committee.

The producers' committee must securely keep Minutes of all its meetings, clearly detailing any decision made by the producers' committee with an account of the decision-making process. Minutes should be:

- Accurate and fact based – opinions not included.
- Objective.
- Concise – the full discussion does not need to be recorded. Quotes are very rarely appropriate.
- Other than when recording resolutions (if this is the policy the committee follows) names are not necessary (although some committees do prefer to note who has put forward what).
- The same tense should be used throughout the Minutes.
- Record who is present, who is absent and if anyone leaves during the meeting or joins during the meeting (such as a guest) record when they have entered and left.
- Record the opening and closing time of the meeting.
- Record the location of the meeting.

Minutes of meetings are to be reviewed by those present at the meeting and confirmed as being a true and accurate account of the meeting. Minutes are official committee documents and can be requested by the Minister or auditors. They must therefore be kept securely and be able to be retrieved easily.

11.1.5 Resolution without producers' committee meeting

A resolution in writing, signed or assented to by letter, email, or other digital communication by a majority of members of the committee (circular resolution) shall be as valid and effectual as if it had been passed at a meeting of the committee. These circular resolutions should be ratified at the next official committee meeting.

11.2 Committee Reporting and Communications

11.2.1 Committee Performance Review

Each year the committee must undertake a review of the committee's performance for the year⁹. A template is provided by the Commission for this purpose. Committees should use the information gathered in this process to review and improve the operations of the committee.

11.2.2 Report on committee activities

The producers' committee is to supply a report of its yearly activities to the Commission for inclusion in the APC Annual Report. The APC Annual Report is required to be tabled by the Minister in Parliament.

The report of activities is to cover the period of 1 July to 30 June and is to be sent to the Commission no later than 30 June of a given year.

The committee should also have its own consultation and reporting policy and procedure in place to ensure that FFS paying producers are consulted in committee service provision and are aware of actions and outcomes of committee activities.



Helpful Hint

Committee annual reports are your opportunity to promote major milestones or value delivered back to producers. These reports are published by the APC as part of the APC Annual Report and promoted throughout the year.

11.2.3 Communications with the APC

All communications and queries are generally directed through the APC CEO.

11.2.4 Communications with producers

Committees must maintain strong and responsive communication and consultation with their FFS paying producers.

When relaying information to, or seeking information from, producers/industry every effort must be made to collect/distribute the information from as large a percentage of the producers/industry as possible. This includes, but is not limited to, the use of state newspapers, industry newsletters, the APC website, relevant social media, general meetings, direct mailings/email.

11.2.5 Complaint Handling

All complaints should be directed through the Commission. The Commission will manage complaints via the relevant committee if necessary.

The Commission has an unreasonable complainant policy which can be found on the APC website, under 'manuals'.

⁹ See Appendix 6 – APC Producers' Committee Performance Review

12 HUMAN RESOURCES

12.1 Employment of Employees/Contractors

Producers' committees are not separate legal entities and do not have the legal capacity to enter into an employer/employee relationship. No expectation of an employer/employee relationship should not be allowed to develop by default.

A producers' committees may, through the Commission, employ or engage such persons as necessary for the purpose of carrying out its functions (section 12.2).

If the Commission employs a person to conduct work on behalf of the committee it is to ensure that the person being contracted is adequately covered by public liability insurance and for workers compensation. No person is to be engaged without adequate insurance cover.

12.1.1 Employees/Contractors – Safe Workplace

The producers' committee are to ensure that any employee/contractor has a safe workplace in which to carry out their tasks.

12.1.2 Employees/Contractors – Licenses

If a person is engaged to conduct work on behalf of the committee, the committee is to ensure that the person being engaged/contracted is correctly licensed to carry out the particular function for which he/she is being engaged.

12.1.3 Contact with Lobbyists

To ensure that any contact between lobbyists and committees is conducted in accordance with public expectations of transparency, integrity and honesty the Commission has adopted the Western Australian Government Contact with Lobbyists Code. The register of lobbyists and the Code can be viewed at www.lobbyists.wa.gov.au.

When making an initial contact with an APC representative about a particular issue on behalf of a third party for whom the Lobbyist has supplied paid or unpaid services, the Lobbyist must inform the representative that:

- they are a lobbyist or employee, contractor or person otherwise engaged by the Lobbyist who is currently listed on the Register of Lobbyists.
- they are making the contact on behalf of a third party.
- the name of the third party; and
- the nature or the third party's issue.

13 FINANCIAL PROCEDURES

The provisions of the *Financial Management Act 2006* regulating the financial, audit and reporting procedures apply (s20.1) to the APC.

Accordingly, the APC shall ensure that each producers' committee has, and maintains, proper accounts and records of financial administration and operations, in such a manner and form, as the Treasurer approves.

The Funds of the Commission and its producers' committees are audited by the Auditor General and the annual report is tabled in Parliament.

13.1 Bank Account

A producers' committee must pay all monies received into the APC bank account. A producers' committee is not to open its own bank account for the purposes of holding APC funds (provision of the *Financial Management Act 2006*).

All payment/deposits are to be sent promptly to the APC for processing.

All payments are to be made by credit card, cheque or electronic funds transfer (EFT). The Commission does not deal in cash.

13.2 Interest

The interest earned on a producers' committee cash at bank is allocated quarterly to the producers' committee. If a producers' committee has a deficit cash at bank balance, then that producers' committee will be charged interest. Interest is allocated by the Department of Treasury.

13.3 Goods and Services Tax (GST)

The APC is GST exempt, a determination issued by the Federal Treasurer in March 2000 listed the Agricultural Produce Commission GST free under Section 81-5 of *the A New Tax System (Goods and Services) Act 1999*.

Therefore:

- GST does not apply to Fee for Service.
- Although the APC does pay GST on purchases, only the GST free amount is recorded in the APC accounts.
- When preparing the budget producers' committees should work on the GST free amounts for both expenditure and revenue.
- For contract arrangements producers' committees must take into account that although they may be agreeing to pay a contractor the GST inclusive amount, only the GST free amount will apply to the producers' committee funds.

13.4 Budget

A producers' committee is required to set, and submit its budget to the Commission, by the 30 April of each year. Budget estimates are to provide estimated income and expenditure details, including the APC administration charge, and include cash flow forecasts.

The budgeting process must include a review of the current FFS rate, checking that the rate is still appropriate for services to be provided in the coming year.

The Commission allows Committees to adopt the Commission's strategy of maintaining a reserve of up to 50% of average annual expenditure. This strategy will provide committees with a buffer for the provision of services in years of lower expected income, thereby enabling the committee to meet any contracts into which it might have entered. If the Committee is seeking to hold cash reserve in excess of 50%, they should be able to accurately describe for the Commission the purpose for holding the reserve, and how/when the reserve will be used in future.

The committee should seek the assistance and advice of the APC CEO in the preparation of budgets if needed.

The Commission provides each producers' committee with a quarterly financial report, detailing revenue and expenditure and opening and closing balances for the period.

13.5 Commission Administration Charge to Committees

The Commission collects a fee from producers' committee for the provision of governance and financial services to Committees. The administration charge is reviewed annually and is based on a full cost recovery methodology. The charge to each committee is individually calculated and can change on an annual basis.

In order to fund Commission activities outside of provision of services to established Committees (such as establishment of new committees) the Commission applies to the Department of Primary Industries and Regional Development (DPIRD) for assistance to fund these activities.

13.6 Advertising for Funding Proposals

Each year, as part of the budgeting process, the Commission advertises on behalf of Committees for expressions of interest for projects for FFS expenditure. Some Committees also elect to advertise on their own behalf as a further assurance of communication with stakeholders.

This procedure has been developed to provide good risk management in ensuring that FFS funds are utilised for the best benefit of the FFS paying producers, as well as encouraging the participation of producers/groups/organizations who might not otherwise have been active in the producers' industry.

The intention is to identify producer concerns and needs, to foster greater producer participation and to promote industry relations as a whole.

The Commission's advertising on behalf of committees does not absolve committees of the need to communicate with their FFS paying producers and stakeholders in the identification of FFS paying producers' needs. Committees should always be pro-active in approaching, or responding to, FFS paying producers to identify and respond to their needs.

13.7 Grant funding and services contracts

In awarding contracts, Producers' Committees will either enter a contract for services, or a grant funding agreement. In simple terms, the key differences are outlined below:

	Services Contract	Grant Agreement
Contract price	The contract may be fixed price or variable (such as \$/hour), and the amount payable under the contract is linked to the quantity / level of services delivered.	The contract authorises a maximum grant amount. The amount of grant payable under the contract is based on the actual expenditure incurred to deliver the funded activities.
Mechanism for payment	Payment is made on acceptance of the services provided by an authorised person such as the Committee Chair, and the issuing of a valid tax invoice.	Payment is made on acceptance of a milestone report by an authorised person such as the Committee Chair, and the issuing of a valid tax invoice.
Reporting and acquittal	Per contract terms	Per contract terms. At the end of the contract or more frequently if specified, the provider will provide an acquittal of the expenditure incurred in undertaking the activities.
Amounts repayable	The amount payable under the contract is linked to services delivered. Amounts are repayable only where they relate to payments in advance for services not provided.	The amount payable under the contract is linked to the expenditure incurred by the provider in undertaking the funded activities. Where the actual expenditure incurred is less than the contract payments, the surplus will be refundable to the APC Producers' Committee.

13.8 Funding associations / peak bodies

Service Function (m) of the Act provides that the provision of all or any of the services (included in the budget) may be provided in whole, or in part, by another person or organization.

Generally, a committee decides to have these services provided by the peak producer association for its industry.

The FFS system cannot be a means of funding a producer association, as this is not a function of the Act – the committee can only fund the Association for services provided to the FFS paying producers and industry on behalf of the APC producers' committee. Should a committee decide to have services provided by an Association or other outside body, a grant funding contract must be signed between the APC producers' committee and the grant recipient.

It is the committee's responsibility to ensure that the grant recipient is providing services as required by the contract. All grant funding contracts include a performance review¹⁰ on services provided by a grant recipient. This review needs to be completed by the Committee at year end.

13.9 Entering contracts

As Producers' Committees are not separate legal entities, they cannot be a contracting party to any agreement in their own right. The APC will need to be the contracting party to all agreements.

13.9.1 Contracts to be executed by the APC

To remove doubt, pursuant to s.11(3) of the Act, the APC directs that a Producers' Committee is not to execute a contract where the APC is the contracting party unless the agreement is reasonably necessary

¹⁰ See Appendix 5 – APC Project/Grant Funding Performance Review

for performance of the Committee's s.12 functions, and execution by the Committee is expressly authorised by the APC.

13.9.2 Contract authorisation

Contracts entered by the APC on behalf of producers' committees need to be authorised by those committees. An email from the Chair of the Committee to the APC authorising the contract is sufficient evidence of that authority.

13.9.3 Contract wording

Contracts entered by the APC on behalf of Producers' Committees should be executed using the following wording:

"Agricultural Produce Commission, a body corporate established under the Agricultural Produce Commission Act 1988, acting on behalf of [insert name of Producers' Committee]"

In the event that an agreement is reasonably necessary for performance of a committee's s.12 functions, and it is expressly authorised by the APC for execution by the Committee, the contract should use the following wording:

"Executed for and on behalf of the Agricultural Produce Commission ("APC") on behalf of [insert name of Producers' Committee] ("Committee") in accordance with directions given by the APC to that Committee on [insert date] pursuant to s.11(3) of the Agricultural Produce Commission Act 1988.

13.9.4 Contract execution (delegation)

By circular resolution dated 5 May 2022 (ratified 10 June 2022), the Commission has provided delegation to enter contracts to the Chief Executive Officer of the APC where those contracts are consistent with an approved budget, or otherwise approved by the relevant Producers' Committee.

13.10 Sitting fees and travel/expenses for Committee meetings

Sitting fees and/or travel/expense payments, at a rate agreed to by the Commission, are payable to producers' committee members in respect of their attendance at committee meetings and carrying out their duties.

Applications for sitting fees or travel/expense payments are to be made within two months of an official committee meeting date. Claim forms for travel and sitting fees are available from the APC Finance Officer.

Committee members are not to accept any fee, reward, gratuity or remuneration of any kind other than official sitting fees or allowances in relation to activities of the committee.

13.10.1 Accommodation and travel expenses on committee business

Committee members must obtain prior approval from the committee before travelling on committee business and the approval must be recorded in the committee minutes. A travel report should be made to the committee at the next committee meeting.

Members using their own vehicle on committee business are entitled to claim reimbursement at ATO rates, provided travel is greater than 100kms.

Committee members travelling on official business should not accept gifts, free travel or other benefits. Should it be unavoidable but to accept gifts, these must be reported to the Committee and recorded in the Commission gift register.

Travel points accumulated on committee business under frequent flyer or other programs to acquire benefits are not to be used for personal benefit. Once a member leaves the committee (and is not a public sector officer), any entitlements such as membership to frequent flyer schemes must be discontinued.

13.11 Entertainment and catering

Any entertainment should be consistent with the committee's service provision and initiatives. Entertainment expenditure should be responsible and sensitive to the principles of FFS collection. Members approving entertainment expenditure are responsible for its propriety and scope.

Members should not lose or gain financially as a result of entertainment.

Alcohol is not to be consumed during committee meetings.

To avoid actual or perceived conflicts of interest or undue influence, due thought must be given before accepting hospitality offered by suppliers or potential suppliers.

13.12 Delegating authority

Where a committee empowers a committee employee (such as an Executive Manager or Industry Development Manager) to undertake purchases on behalf of the committee an APC Delegation of Authority for producers' committees must be completed by the committee.

13.13 Purchasing Policy

Sound and responsible governance requires that committee members ensure that their committee is efficient and effective, avoiding extravagant and wasteful use of financial resources, and observing a documented and just processes when purchasing goods and services.

Committees should seek advice and assistance from the Commission when purchasing goods and services outside of the grant/services funding award process.

13.13.1 Sole Suppliers (Grant funding contract to industry peak bodies)

When entering into services contract with a peak body or Association any requirement for quotation is generally waived because, as the peak body or industry Associations these organisations are accepted as being the best positioned to provide services on behalf of the respective industry producers.

However, the grant funding process whereby funding is provided by committees to industry peak bodies, or an industry Association is still required to be a rigorous process with specific services identified and appropriate milestone reporting received and approved by the committee.

13.14 Contracting and Acquittal Policy for Service Providers

The APC and its producers' committees are responsible for the administration and ongoing oversight of various contracting arrangements and for ensuring that expenditure is in accordance with Section 12.1 functions.

13.15 Processing of Invoices

Normal procedure of suppliers is to send invoices directly to the APC Finance Officer, who in turn emails the account to the producers' committee for approval.

All payments must be authorised by the committee, either by the Chair or a person/s provided with delegated authority for this purpose by the Chair. Payment of invoices should then be formally ratified at the next meeting of the Committee.

Prior to approving any invoice for payment, the authorised person approving the invoice is to ensure that the services cited by the invoice have been received / supplied and if relevant correctly and fully carried out.

To allow time for the processing of accounts, committees must approve payment of an invoice within five working days of receiving it. When the committee has approved payment, the invoice must be forwarded to the APC Finance Officer for processing.

Except where the terms or conditions of a contract relating to a claim for payment provide for alternate payment arrangements or where a discount is available for advance payment, all commercial payments shall be paid within 20 days of the receipt of the creditor's invoice.

13.16 Importance of Compliance with Policies

The purchasing and financial requirements outlined above have been put in place to provide sound corporate governance and to ensure the best value is achieved from funds expended.

The Commissioners and committee members should remember that their positions are subject to scrutiny and ethical boundaries and should therefore ensure any requests to purchase goods or services have been made independently, with no conflict of interest, and on the basis of value for money regardless of the source of the funds.

Failing to comply with the purchasing requirements may result in a Qualified Audit finding on the APC.

14 APC WEBSITE

The website includes information on the APC and its objectives, the APC producers' committees, the Committee Directions and membership as well as Fee for Service rates and submission forms.

It should be viewed as a useful tool in the dissemination of information to producers, industry groups and members of the public.

APC producers' committees are encouraged to use the website as an avenue of advertising and communication for their committee. To have information included on the website please contact the APC Chief Executive Officer.

The website address is: www.apcwa.org.au

15 GLOSSARY

The Act	<i>Agricultural Produce Commission Act 1988</i>
Fee for Service Charge (FFS)	The charge as authorised under Section 14 of the Act which the Commission can impose for the collection of funds to provide services to an industry for which a producers' committee has been established.
The Commission	The body set up under the Act to carry out the functions of the Act.
Producers' committee	A committee established under Section 11 of the Act.
Committee Directions	Operating procedures issued by the Commission to Committees under Section 11.3 of the Act.
Functions	The services a committee may provide to its industry as per Section 12 of the Act, and as voted on at a poll of producers.

16 CONTACTS

APC CEO	apcmanager@dpird.wa.gov.au (08) 9368 3127
APC finance officers	apcadmin@dpird.wa.gov.au (08) 9368 3465 (08) 9368 3734
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APC website	apcwa.org.au

17 SCHEDULE OF RELATED POLICIES, PROCEDURES AND FORMS

APC PRODUCERS COMMITTEE DIRECTIONS
PRODUCERS' COMMITTEE DIRECTIONS 2021
DEALING WITH CONFIDENTIAL AND SENSITIVE INFORMATION
COMMITTEE CODE OF CONDUCT, CONFIDENTIALITY AND CONFLICT OF INTEREST DISCLOSURE
COMMITTEE CONFLICT OF INTEREST (STANDING) DECLARATION
APC PROJECT/GRANT FUNDING PERFORMANCE REVIEW
APC PRODUCERS' COMMITTEES PERFORMANCE REVIEW
DELEGATION OF AUTHORITY - PRODUCERS' COMMITTEES