



APC CARNARVON BANANA PRODUCERS' COMMITTEE

COMPENSATION AND PROTECTION SCHEME RULES 1999

First amendment 2002  
Second amendment 2009  
Third amendment 2013  
Fourth amendment 2021

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**Amended 2002**  
**Amended 2009**  
**Amended 2013**  
**Amended 2021**

*This Manual should be read in conjunction with the Agricultural Produce Commission Act 1988 (the Act) and the Carnarvon Banana Producers' Committee Directions document. The Act takes precedence over this Manual.*

**PRINCIPLE OF THE SCHEME**

*The principal objects of the Scheme are to ensure that bona fide commercial banana producers in the Carnarvon Irrigation area:*

- (a) have long term access to compensation funds to cover losses in production caused by cyclones, declared natural disaster events, heat events, wind events, and the eradication, or attempted eradication, of exotic diseases; and*
- (b) may raise a fee for service to provide funds for the implementation of the biosecurity measures required by the Carnarvon Banana Industry Protection Plan and other biosecurity issues.*

**DEFINITION OF TERMS:**

The Act	Agricultural Produce Commission Act 1988.
APC	Agricultural Produce Commission.
APC account	An account maintained at the Treasury called the Agricultural Produce Commission Account.
Banana Industry Protection Plan	A manual developed by the Banana Industry and the Department of Agriculture and Food under the Hortguard Program.
Calendar Month and month	Means a period commencing at the beginning of a day of one of the 12 calendar months and ending: <ul style="list-style-type: none"><li>(a) immediately before the beginning of the corresponding day of the next named month, or</li><li>(b) if there is no such corresponding day, at the end of the next named month.</li></ul>
Carnarvon Irrigation Area	Area within the 'Operating Area Boundary' as described on amended plan OWR-OA-177 attached at Appendix 2.
Carton	Means a 13 kg carton. For the purpose of fee for service or compensation, other size cartons will be based on pro rata payment.
Chairman	Chairman of the APC Carnarvon Banana Producers' Committee.
Commencement date of Scheme	The commencement date of the Scheme shall be from the day the Carnarvon Banana Industry (Compensation Trust Fund) Repeal Act is proclaimed.
Commission	The Agricultural Produce Commission established under the Act.

Commissioners or APC Commissioners	Commissioners appointed under the Agricultural Produce Commission Act 1988.
Committee	APC Carnarvon Banana Producers' Committee established under section 11 of the Act.
Committee Member	Member of the APC Carnarvon Banana Producers' Committee.
Cyclone	A strong wind event caused by a named tropical cyclone. Carnarvon must be within the 'Gale Force Winds' path as depicted by the Bureau of Meteorology's official track path
Declared Natural Disaster Event	An event that is declared a natural disaster by the State or Federal Governments.
Exotic disease	An insect, animal pest, disease or weed that is new to the Carnarvon Irrigation area.
Full Member	A producer, who has been formally accepted by the Committee as a full member (section 2.1), and has fully met all their financial and other obligations.
Funds or Committee's Funds	Monies held in the APC Carnarvon Banana Producers' Committee sub accounts of the Agricultural Produce Commission.
Heat Event	A heat event from fire, with damage to have affected a majority of the banana industry in Carnarvon OR A heat event comprising of three (3) consecutive days above 44 degrees and an average pan evaporation rate of 12+ over the three (3) consecutive days. OR Five (5) consecutive days with an average pan evaporation rate of 12+. Meteorological data used for the evaluation is to be as recorded by the Gascoyne Research Station.
In writing	Any official communication from the Committee on Committee letterhead delivered to the addressee by post, email or fax. Any official communication addressed to the Committee delivered to the Committee by post, email or fax.
Manual	APC Carnarvon Banana Producers' Committee Scheme Rules, including those rules specific to Compensation and the Carnarvon Banana Industry Protection Plan.
Member	A producer who is a Full Member, New Member or Provisional Member of the Scheme.
New Member	A producer, who has purchased or is leasing a banana plantation or block from a Full Member, has completed an Application form, been approved by the Committee (section 2.2) and from the date of purchase or lease has fully met all their financial obligations (section 3.2).
Plantation	An area of land within the Carnarvon Irrigation Area, which is cultivated for commercial purposes, used to produce horticultural produce (fresh or processed fruit, turf, vegetable and flowers).
Producer	A person who grows bananas in the Carnarvon Irrigation Area for commercial sale and receives a significant proportion of their plantation income from that activity.

Provisional Member	A producer not being a Full Member or New Member, who has completed an Application form, and, has been accepted as a Provisional Member by the Committee (Section 2.3) and has fully met all their obligations.
Sale	Includes barter or exchange.
Scheme	The APC Carnarvon Banana Producers' Compensation and Protection Scheme, which is managed by the Carnarvon Banana Producers' Committee.
State of Crop plan	A plan prepared by the Committee detailing the various blocks including size, planting and harvest dates and location of bananas on a Member's plantation or leased portion of a plantation and other information at the discretion of the Committee (section 6.2).
Wind Event	A wind event, which may be as the result of isolated dust devils. The wind event, when from a dust devil, may affect either one or a number of properties.

## 1. MANAGEMENT OF THE SCHEME

### **Principle**

*The Committee is responsible for ensuring the good management and operations of the Carnarvon Banana Compensation Scheme.*

*The Committee should aim to respond to all issues within one (1) month.*

### **1.1 Committee Responsibilities**

The responsibilities of the Committee are to:

- (a) manage the Scheme in such a manner as to ensure its long term financial viability including investigating sharing risks with other parties;
- (b) deal with applications to join the Scheme and other administration issues and pay compensation in a timely manner;
- (c) keep detailed and accurate records of the status of Members of the Scheme;
- (d) prescribe the manner of making and dealing with, and the verification of applications for, compensation;
- (e) make a determination on any dispute between a crop loss assessor and a producer;
- (f) where records and information are not available or there are inadequate funds to pay full compensation to prescribe the manner in which, and the basis upon which, compensation shall be paid;
- (g) safeguard the Committee's Funds from claims for compensation which are fraudulent or dishonest;
- (h) keep, or cause to be kept, records to determine average yields for the purpose of compensation; and ensure that duplicate records are lodged with the APC to keep secure records outside of the region
- (i) keep accurate and up to date records of Members' Application and State of Crop plans; and ensure that duplicate records are lodged with the APC to keep secure records outside of the region
- (j) prescribe the forms of returns required to be furnished, the particulars and information which those returns shall contain, and the times when, the periods in respect of which, and the persons to whom returns are to be furnished;
- (k) prescribe all matters and things necessary or convenient to be prescribed with respect to the Committee's Fund's and the administration thereof;
- (l) ensure all members of the Scheme are fully informed (via, at minimum, a newsletter prior to the start of the annual cyclone season) of Committee proceedings, processes and decisions as well as the financial position of the fund and the status of membership of the fund.
- (m) relating to such other matters as may be necessary or convenient for the exercise by the Committee of its functions or for the performance of its duties;
- (n) submit to the Commission in a timely manner details of budget requirements;
- (o) provide funding, by means of a separate fee for service, for the implementation of the Carnarvon Banana Industry Protection Plan.

## **2. MEMBERSHIP OF THE CARNARVON BANANA PRODUCERS' COMPENSATION AND PROTECTION SCHEME**

### ***Principle***

*The Carnarvon Banana Producers Compensation and Protection Scheme shall consist of various types of members entitled to different rates of compensation.*

*Every effort should be taken to avoid producers joining the Scheme to gain short-term financial advantage.*

*All producers have the right to join the Scheme.*

*Should production become established outside the existing area defined as covered by the fund, the Committee would give due consideration to an application for membership from this area.*

### **2.1 Full Member**

A Full Member is a producer who:

- (a) has been accepted in writing as a Full Member by the Committee and
- (b) has fully met all their obligations to the Scheme.

### **2.2 New Member**

- (1) A New Member is a producer who has purchased a plantation from a Full Member or leased a plantation, or part of a plantation, from a Full Member and within one calendar month of the date of purchase or lease has submitted an Application form to the Committee.
- (2) Once the Committee formally resolves to accept the application of a New Member then that producer becomes a Full Member.
- (3) (5) The Committee shall notify the producer, in writing, of its decision as soon as possible after considering an application.
- (4) During the period from lease or purchase to being accepted as a Full Member, the New Member must pay the fee for service in accordance with section 3.2.
- (5) A producer who purchases or leases a plantation or a part of a plantation from a Full Member and who does not apply in writing to the Committee within one month of purchase or lease of the plantation shall lose all rights to become a Full Member without firstly becoming a Provisional Member.

### **2.3 Provisional Member**

- (1) A Provisional Member is a producer who is neither a Full Member nor a New Member whose application to join the Scheme been accepted by the Committee.
- (2) The application to join shall be in writing and shall consist of the Application form and other documents as requested by the Committee. The Committee shall decide whether the producer qualifies in accordance with this manual and if the majority of Committee members so deem the producer shall be accepted as a Provisional Member.
- (3) The Committee shall notify the producer, in writing, of its decision as soon as possible after considering an application.
- (4) Once accepted by the Committee as a Provisional Member that producer shall immediately commence to pay the fee for service in accordance with section 3.2.
- (5) A Provisional Member shall not be entitled to either compensation or voting rights in any poll dealing with the Scheme and conducted by the Committee or the Commission for the first six calendar months from the date their application was accepted by the Committee. During this period, the Provisional Member shall not be eligible for nomination for a vacancy on the Committee.



- (6) After the first six calendar months have elapsed, the Provisional Member will be entitled to 50 per cent of the compensation of a Full Member.  
During this period, the Provisional Member shall not be eligible for nomination for a vacancy on the Committee nor have the right to vote in any poll dealing with the Scheme.
- (7) After 12 calendar months as a Provisional Member, the producer becomes a Full Member and has all the rights and obligations of a Full Member.

## **2.4 Resignation of a Member**

- (1) A Member may resign from the Scheme at any time by notifying the Chairman in writing. The date of resignation must be stated and not pre-date the letter of resignation.
- (2) The contributions made to the Scheme cease from the date of the producer's resignation.
- (3) A producer who resigns from the Scheme must wait at least six (6) calendar months before they can apply to rejoin the Scheme as a Provisional Member.
- (4) From the date of resignation, a producer loses all rights to the assets of the Scheme.

## **2.5 Suspension of Membership**

- (1) If a Member ceases to grow bananas the membership is suspended
- (2) The membership may remain suspended for up to two years from the date of the last commercial consignment.
- (3) If the suspended Member resumes growing on any land in the Carnarvon Irrigation Area within two years, then their former membership status may be reinstated subject to application and approval by the Committee.
- (4) Membership will lapse after two years and the lapsed member will be restricted to applying for Provisional Membership if banana production is resumed on any land within the Carnarvon Irrigation Area.
- (5) A suspended Member cannot hold a position on the Committee and has no voting rights or rights to the assets of the scheme.

## **3. CONTRIBUTIONS TO THE COMPENSATION AND PROTECTION FUNDS**

### ***Principle***

*To be entitled to receive compensation payments or other benefits a Member must have met all their obligations to the Scheme.*

### **3.1 Receiving Funds**

- (1) All moneys received by the Committee shall be credited to the appropriate APC Accounts in accordance with sections 7. (3) and 18. (1) of the Act.

### **3.2 Contributions to the Fund**

- (1) Every Member shall contribute to the Scheme through a fee for service under section 4 of the Act in relation to the bananas produced by them for sale.
- (2) The Member is liable to pay the fee for service in accordance with the *Agricultural Produce (Horticultural Industry) Regulations 2001* of the Act

## **4. COMPENSATION**

### ***Principle***

*All Members are paid after a compensation event as quickly and professionally as possible. The Committee is to ensure due diligence.*

### **4.1 When compensation is payable**

Compensation is payable to Members in respect of the losses suffered by them by reason of the destruction of bananas as the result of:

A cyclone

A declared natural disaster event

A heat event,

A wind event

and

Compensation is also payable to Members in respect of the losses suffered by them by reason of the destruction of bananas caused by the attempted eradication of an exotic disease, which in the opinion of the Committee constitutes a serious economic threat to the viability of the Carnarvon banana industry.

Compensation will be paid once only for the loss caused by the attempted eradication of an exotic disease.

### **4.2 Available funds**

Moneys standing to the credit of the Committee's Compensation Fund may, with the correct approvals, be used for the payment of compensation to Members, subject to any prior claims over the funds.

### **4.3 Application for compensation**

- (1) Compensation is not payable unless the Member who suffers loss by destruction of bananas makes application for compensation to the Committee in the manner and containing the particulars prescribed by the Committee.
- (2) Compensation is not payable unless the Member makes application within fourteen (14) days after the destruction of the bananas in respect of which the application is made. Where an application is made after the expiration of that period, the Committee may authorise the payment of the whole or a portion of the compensation applied for if satisfied that reasonable grounds exist for the delay in making the application.
- (3) Compensation is not payable unless the Committee is satisfied that the Member who is claiming compensation has met all their obligations under the Scheme.

### **4.4 Extent of loss to be assessed**

- (1) Where a Member claims to be entitled to compensation, the extent of the destruction of the bananas being produced by the Member, expressed as a percentage of damage in relation to the total plantation area in which destruction occurred, shall be assessed and determined by a person or persons elected as an assessor by a general meeting of Members or as appointed by the Committee.
- (2) Assessors shall have a good knowledge of banana production and an understanding of Carnarvon banana growing conditions.

- (3) Once the assessors make a determination of damage, a Member shall have seven (7) days after receiving written details of the estimation to appeal to the Committee in writing against the determination of damage.
- (4) In the case of heat damage an assessment is to be undertaken on at least 5 properties with an average of damage agreed upon. This average is then to be applied as a blanket average to all banana properties in Carnarvon.
- (5) The Committee will consider any appeal from a producer and their decision in the matter is final.
- (6) If a producer makes no appeal then the assessor's initial determination is final and conclusive.

#### **4.5 The amount of Compensation**

- (1) The amount of compensation payable shall be assessed to be the weighted average production of bananas per hectare of the land of the Member whereon the destruction of bananas occurs, and shall be payable, at a prescribed rate per carton according to the extent of the assessed percentage of damage determined.
- (2) For the purposes of this Manual, "weighted average production" is determined by dividing the total number of cartons of bananas produced from the Member's plantation or leased portion of the plantation during the five (5) years immediately preceding the calendar year of the loss suffered by the aggregate of the number of hectares of that land utilised to produce the total number of cartons of bananas during that period.
- (3) The quantity so calculated shall not include the production of any year in respect of which compensation has been assessed and paid.
- (4) Where a Member owns and/or leases land on two or more plantations then each plantation may be treated as a separate unit for the purpose of determining "average yield" and payment of compensation, provided that the grower provides separate production details for each property.
- (5) In any case, where a Member is entitled to compensation and there are no records or information available in respect to the production of bananas on the land of that producer, or if such records or information are available they are, in the opinion of the Committee, inadequate for the purpose of ascertaining and determining the weighted average production, the Committee may assess the amount of compensation payable to that producer in such manner as the Committee deems appropriate.

#### **4.6 Amounts of compensation payable**

##### **(A) Full Member**

- (1) A Full Member is entitled to be paid compensation only where the loss suffered by them exceeds 10 per cent of the plantation's total value of the bananas in the course of production at the time of the loss. The Member shall in each case bear the whole of the loss themselves if the percentage of damage on the plantation as an entirety is assessed at 10 per cent or less.
- (2) Where a Full Member has bananas in course of production on their land in plantings of different ages, whether the plantings are adjoining or not, the loss suffered by them on each planting will be calculated and averaged out over the entire property. Compensation will only be paid if the loss of the total plantation exceeds 10 per cent.
- (3) Where a full member exceeds loss of 10 per cent, the actual rate of compensation paid will commence at 1% of compensation for an 11% loss and so on through to a maximum of 90% compensation for a 100% loss. The rate of compensation thus arrived at is to be considered the full rate of compensation for the purposes of calculating the amount to be paid as per rule 4.6(A)(4).
- (4) When, in any case, a Full Member is entitled to compensation and the planting of bananas in respect of which they have suffered loss were not, at the time of the loss, of sufficient maturity

for harvesting, the amount of compensation payable to the Full Member shall be in accordance with and on the scale set forth in the table below:

<b>Growth Category</b>	<b>Growing Stage of Plants at date of loss</b>	<b>Approximate age of Plants at date of loss</b>	<b>Percentage of full amount of compensation to be paid</b>
E	Plants which are not over 760 millimetres in height	Less than three months	30%
D	Plants which are over 760 millimetres but not 1.52 meters in height	Three to four months	40%
C	Plants which are 1.52 metres in height and over and up to the bunching stage but having no bunches showing	More than four months and up to nine months	50%
B	Plants which have reached the stage of early bunching	Ten to twelve months	75%

#### **(B) New Member**

A New Member shall be entitled to the same compensation as a Full Member.

#### **(C) Provisional Member**

- (1) A Provisional Member shall not be entitled to any compensation for the first six calendar months from the date that their application has been accepted by the Committee (section 2.3(4)).
- (2) After the first six calendar months have elapsed, the Provisional Member will be entitled to 50 per cent of the compensation of a Full Member (section 2.3(5)).
- (3) After the elapse of 12 calendar months the Provisional Member becomes a Full Member and is entitled to full compensation (section 2.3(6)).

#### **4.7 Provisions for payment of compensation**

When a Member suffers loss by reason of destruction of bananas and compensation is payable in respect of that loss:

- a. all claims for compensation shall be charged to the Committee's Fund to the extent to which the uncommitted money standing to the credit of the Committee's Fund is sufficient, provided the fund has not fallen below the reserve level of \$2M.
- b. If the reserve level of the fund has fallen below \$2m, the Committee must go to the growers to seek industry agreement to make a payout.
- c. if the available money is not sufficient to pay all claims in full, then they shall be paid *pro rata* according to the amount of money standing to the credit of the Committee's Fund and the total amount of compensation payable.

### **5. SETTING THE LEVEL OF COMPENSATION**

#### ***Principle***

*The Committee is to determine in an independent, open and transparent manner an equitable level of compensation.*

*In determining the rate of compensation, the Committee must be mindful of the financial viability of the Scheme as well as setting a fair rate of payment to compensate for reestablishment and loss of income.*

### **5.1 Committee to determine rate of compensation**

Every three years starting from the commencement of the Scheme or at times directed by the APC, the Committee is to contract an appropriately qualified person to recommend the rate of compensation to be paid to Full Members in the event of a cyclone, declared natural disaster event, heat event, wind event or exotic disease eradication or attempted eradication.

The determined rate of compensation is to apply to all Full Members regardless of circumstances.

The methodology to be utilised for the determination of the rates of compensation and fee for service is explained at Appendix 1.

### **5.2 Viability of Scheme**

Within three months of determining a change to the recommended rate of compensation (section 5.2(1)), the Committee shall contract an appropriately qualified independent person to determine:

- (a) the fee for service required to finance the recommended compensation rate;
- (b) the impact of the recommended compensation rate on the financial viability of the Scheme; and
- (c) the economic profitability and feasibility of sharing potential claim risks with another party.

The Committee must inform all Members and the Commission of the results within two months of receiving the report.

### **5.3 Approval of Commission**

On determining the rate of compensation and the impact that the new service will have on the financial viability of the Scheme the Committee must seek the approval of the Commission before a new compensation rate and/or fee can be applied.

## **6. PRODUCTION LEVELS**

### ***Principle***

*The level of compensation payable to producers affected by a cyclone, a declared natural disaster event, a heat event, a wind event or an exotic disease eradication or attempted eradication shall be based on average weighted production.*

*Although the Committee is responsible for the initial determination of average production for each Member it is the producers' responsibility to ensure that they keep adequate records to verify these determinations.*

### **6.1 Determination of average production level by Committee**

The Committee is responsible for keeping records of all bananas traded from each Member's plantation. The Committee's production estimates are to be presented to Members at least annually for verification.

A Member has twenty-one (21) days after receiving the Committee's production estimate for a given year to notify the Committee that they do not agree with the Committee's production estimate and to request a re-evaluation of their production estimate for the period under review.

Any request by a Member to change the Committee's estimates must be supported by documentation of a standard satisfactory to the Committee.

If no challenge is received in writing, within the time limit (21 days), from a member in relation to the Committee's determination of their production estimates for a given year, then the Committee's determination will stand.

## **6.2 Determination of area of banana production**

- (1) The Committee may, at any time request Members to complete or verify a State of Crop plan detailing location, area and date of planting and first harvest of bananas produced by them and any other information at the discretion of the Committee.
- (2) The Committee may verify the information supplied by Members. A Member must allow the Committee or a representative appointed by the Committee on to their plantation to verify the area under bananas, their location and the condition of the crop.

## **7. THE CARNARVON BANANA INDUSTRY PROTECTION FUND**

### ***Principle***

*The principal objective of the Carnarvon Banana Industry Protection Fund is to provide funding for the establishment of on and off farm biosecurity measures, farmer awareness and education and for response to threats to the industry from new pests, diseases, weeds and chemical threats.*

*The funds are for the implementation of the Carnarvon Banana Industry Protection Plan and other related biosecurity issues.*

### **7.1 Fee for Service**

The fee for service raised under this section may be collected in conjunction with the fee for service applied to the compensation fund (see section 3.2).

### **7.2 Application of funds**

The funds are to be expended in accordance with the requirements of the Banana Industry Protection Plan and other biosecurity issues.

### **7.3 Budget Requirement**

The Committee is to prepare an annual budget for the expenditure of Protection funds.

### **7.4 Liaison**

The Committee may co-opt persons to provide advice on technical matters as deemed necessary.

### **7.5 External Funding**

The Committee shall make reasonable endeavour to use the funds provided by the fee for service to attract matching funds from external funding bodies.

## **8. WINDING UP THE SCHEME**

### ***Principle***

*If the Commission believe there is reasonable support from Members to dissolve the Scheme then action should be taken to test this support.*

## **8.1 Dissolution of the APC Carnarvon Banana Producers' Committee**

- (1) If the Commission takes a poll among the Members of the Scheme and the poll is by a simple majority of the persons entitled to vote in favour of the dissolution, the Scheme shall on and from a day appointed by the Commission, being a day not later than six (6) months after the taking of the poll, by notice in the Gazette proceed to be wound up.
- (2) The Commission shall appoint a liquidator to wind up the affairs of the Scheme.
- (3) Upon the appointment of a liquidator the Committee shall cease to act and the liquidator, may:
  - (a) exercise the functions of the Committee;
  - (b) do such other acts and things as the liquidator thinks fit.
- (4) A liquidator shall receive such remuneration as is determined by the Commission.
- (5) The Commission may, by notice published in the Gazette, declare the Committee to be dissolved.
- (6) On the dissolution of the Committee all money and other assets of Scheme:
  - (a) shall vest in the Commission; and
  - (b) shall be dealt with as the Minister directs for the benefit of the producers concerned.

## **9. MISCELLANEOUS**

### **9.1 Power to require information from a Member**

- (1) For the purposes of facilitating the establishment or operation, or both the establishment and operation, of the Scheme the Commission may by notice served on a Member require the Member to furnish in writing in the form of a form specified by the Commission within the time specified by the Commission such prescribed statistical information as is specified in the notice.
- (2) A person who
  - a) without reasonable cause refuses or fails to comply with a requirement in a notice under this section; or
  - b) furnishes to the Commission under this section any information which to the person's knowledge is false or misleading in a material particular, is guilty of an offence against the Act.

### **9.2 Recovery of charges**

Any moneys due to the Commission or the Committee may be recovered by the Commission in any court of competent jurisdiction.

### **9.3 Changes to the Procedural Manual**

- (1) The Committee may recommend changes to this Procedural Manual to the Commission. The Commission may order a poll of all Members, either at a general meeting or by postal vote, if the proposed changes are deemed to materially alter the rules, in order to indicate that the majority of those who voted are in favour of such changes.
- (2) Changes to the rate of compensation detailed in section 5.1 and section 5.2 and changes to the fee for service in sections 3.2, 5.3 and 5.4 are not deemed to be changes to this Manual and such changes are excluded from this Section.
- (3) The steps the Committee shall follow to have this Manual amended are:
  - (a) The Chairman shall notify the Commission of details of the proposed change(s).

- (b) Should the Commission determine that the changes should be put before a general meeting of Members for consideration, then:
  - (i) At least thirty days prior to the general meeting all Members shall be notified by mail of the date, time and venue of the meeting and the proposed change(s) to this Manual
  - (ii) Between 7 to 14 days prior to the general meeting an advertisement shall be placed in one local newspaper notifying Members details of the general meeting.
  - (iii) A Commissioner or the Commission's nominee shall chair the meeting and after discussion on the changes shall put a motion to the meeting as to the polling method to be used. Members at the meeting, who are eligible to vote, will, by show of hands, decide if the vote on the proposed change(s) to the Manual shall be a show of hands or by a postal ballot.
  - (iv) If the meeting decides that the vote be by a show of hands then the motion relating to the change(s) to this Manual are to be put to the meeting immediately after the Chairman or the Chairman's nominee reads out the motion.
  - (v) If the meeting decides to hold a postal vote to decide whether the proposed change(s) is adopted, the following steps are to be followed:
    - (I) Committee to appoint an independent returning officer.
    - (II) The returning officer shall conduct the postal poll in accordance with the Producers Committees (Polling) Regulations 1990.

#### **9.4 Service Functions of the Committee**

The members' poll conducted on 6 December 2001 assented to the adoption of all fourteen of the service functions allowed under Section 12.1 of the APC Act 1988.

Service Functions under Section 12.1 of the Agricultural Produce Commission Act 1988

***Section 12 (1) Subject to any direction given by the Commission and to this section a producers' committee may provide any one or more of the following services as are prescribed in relation to the agricultural produce in relation to which it is established:***

- (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' committee that research is of advantage to producers of the agricultural produce;
- (d) Conduct educational or instructional programmes 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 agricultural 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 Commission, 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;
- (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 organization or in conjunction with the Commission or any other person or organization.

#### **9.5 Service functions approved by the membership for incorporation into these rules**

Although all Functions were approved at the 2001 poll, these rules utilise only the following service functions:

- (f) Establish a voluntary insurance scheme for the benefit of producers of the agricultural produce including insurance relating to crops;
- (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
- (l) Provide such other services for the agricultural produce as may be prescribed [*Fee for service to fund the Carnarvon Banana Industry Protection Plan*]

##### Explanation

*The service function for which the Scheme was originally approved was to provide compensation for losses caused by cyclones and storms only. (function (f))*

*The poll conducted on 6 December 2001 approved the inclusion of all the service functions listed at Section 12.1 of the APC Act 1988, specifically providing the ability to implement a new fee for service to fund the implementation of the Carnarvon Banana Industry Protection Plan. (function(l)).*

*The poll also approved the inclusion of compensation for losses resulting from an attempt to eradicate an exotic disease. (function(la))*

The incorporation of any further APC Function into these rules can only be done with the approval of the majority of the Scheme members and the approval of the APC.

## **APPENDIX 1 – COMMITTEE CONTACT ADDRESSES, EMAIL NUMBERS**

<b>Name</b>	<b>Address</b>	<b>Email</b>	<b>Phone</b>
John Kearney (Chair)	PO Box 891	<a href="mailto:jc.kearney@bigpond.com">jc.kearney@bigpond.com</a>	9941 8136
Michael Andreoli	PO Box 189	<a href="mailto:andreoli66@bigpond.com">andreoli66@bigpond.com</a>	9941 8031
Byron Sutcliffe	PO Box 1336	<a href="mailto:sutcliffegrowers@gmail.com">sutcliffegrowers@gmail.com</a>	0417 538 656
Wayne Whitcroft		<a href="mailto:waynewhitcroft@yahoo.com">waynewhitcroft@yahoo.com</a>	0437 904 763
Darryl Hardman	PO Box 496	<a href="mailto:margaritaville1@bigpond.com">margaritaville1@bigpond.com</a>	9941 9700
Chris Collins	PO Box 616	<a href="mailto:mundillyafarm@nwag.com.au">mundillyafarm@nwag.com.au</a>	9941 8272

## **APPENDIX 2 – METHODOLOGY FOR CALCULATION OF COMPENSATION AND FFS RATES**

### **Method adopted for the periodic calculation of the rate of fee for service and compensation for the compensation component of the Scheme.**

To remove the guesswork component from the setting of these rates it was decided by the original Steering Committee established to conduct the changeover from the Carnarvon Banana Industry Compensation Trust Fund Act to base the rate of compensation on the cost of establishment and the first 6 months growing costs of one hectare of bananas.

This cost is to be expressed on a per 13kg carton basis using a potential production level of 40 tonnes per hectare (this approximates to the actual district average in a normal production year).

The fee for service is currently 30 cents and is adjusted in direct relation to the change in the cost of production.

The APC Carnarvon Banana Producers' Committee has determined that this method continues to be appropriate in 2021 and it has been used for the review required by the Scheme rules every three years.

The details of the method of analysis are documented in the Executive Officer's Scheme files.

**APPENDIX 3 – SAMPLE COMPENSATION APPLICATION FORM**



**APC CARNARVON BANANA PRODUCERS' COMPENSATION SCHEME  
APPLICATION FOR COMPENSATION**

TO: The Chairman, APC Carnarvon Banana Producers' Committee

Name of Member:.....

Address of Plantation ( including Number):.....

Cause of Destruction:.....

Date of Destruction.....

**Statutory Declaration**

I, .....

Given names

Surname (Block Letters)

do solemnly and sincerely declare that I am the owner/leaseholder or authorised owners' representative (select one) of the banana plants described in the claim form on the reverse of this application and that the information contained in this claim form and elsewhere in this application is to the best of my knowledge and belief, correct in every particular and I make this solemn declaration by virtue of Section 106 of the Evidence Act, 1906.

Signature

(Owner/Leaseholder/Owners' authorised representative) .....

Place of residence .....

Declared at ..... in the State of Western Australia

this ..... day of .....20.....

Before me .....

Signature - Justice of the Peace

or any other person authorised to witness a Statutory Declaration including the following:

- Town or Shire Clerk, or Councillor, Postmaster
- Officer of State or Commonwealth Public Service
- Bank, Building Society or Credit Union Manager

**OR**( if an authorised witness is not available) The following declaration is acceptable to the Committee

I certify that the person, in whose name this claim is made, is the rightful recipient of any compensation that may be awarded. The name, property and postal addresses are in accordance with the Committee's membership records.

Name of Compensation Committee Member or Officer of the Committee:

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### CLAIM FORM

Plantation ID Number (as used by the Compensation Committee).....

Name for payment.....

Postal Address.....

**Claimant's ABN**

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(if no ABN tax will be deducted from payment at 48.5%)

**Claimant's Banking Details**

Bank Name: \_\_\_\_\_ Name of Account: \_\_\_\_\_

BSB Number 

--	--	--

--	--	--

 A/C Number: 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**Payment of compensation** can be made in 3 ways. Select one of the following ( tick one box)

Full amount ASAP  or Full amount after 30<sup>th</sup> June  or 2 Parts, % now  %next yr

What is **the membership status** of the claimant (please tick box)

Full Member  New Member  Provisional member

If none of the above, give reason for making claim: \_\_\_\_\_

		<b>FOR USE BY ASSESSORS ONLY</b>
AREA OF EACH PLANTING (to nearest 0.001ha as shown on property plan)	MATURITY FACTOR (See below)	PERCENTAGE DAMAGE

**Crop MaturityFactor**

- A. Mature plants (commercial production commenced)
- B. Plants that have reached the stage of early bunching.(10 to 12 months)
- C. Plants, that are 1.52 metres in height and over and are up to the bunching stage, but having no bunches(4 to 9 months).
- D. Plants that are over 760 millimetres but not 1.52 metres in height.(3 to 4 months)

E. Plants that are not over 760 millimetres in height.(less than 3 months)

Assessor's signature	Date	Special instructions

**APPENDIX 4 – SAMPLE APPLICATION FORM FOR MEMBERSHIP OF COMMITTEE**

**Carnarvon Banana Producers' Committee**  
**Registration Form and Application for**  
**Membership of the Banana Compensation and**  
**Biosecurity Scheme**



<b>Details of Applicant:</b> (Please print)		<b>Date of Application:</b>	official use only
<b>Full name:</b>			
<b>Company/Business/ Trading/ Name:</b>			
<b>Postal Address:</b>		<b>Street/PO Box:</b>	
<b>Town/Suburb:</b>			
<b>State:</b>		<b>Postcode:</b>	
<b>Lot/Location number of property(s):</b>		<b>ABN:</b>	
		<b>Bank ESB / Account No:</b>	
		<b>Account Name:</b>	
<b>Telephone Number:</b>		<b>Status of Applicant:</b>	
<b>Fax Number:</b>		<b>OWNER</b>	
<b>Mobile:</b>		<b>LESSEE</b>	
<b>Email:</b>		<b>OTHER</b>	
If applicant is not the owner, state owner's name, address and contact number Owner's name: _____ Owners address: _____ Owners Telephone: _____  (Notes about ownership/ lease arrangements if important for compensation payments)			

I wish to apply for membership of the HPC Banana Compensation Scheme.

Class of membership requested

	Full Member
	New Member
	Provisional Member

**Declaration** I declare that the information provided is correct and that I have disclosed all relevant information to enable the Management Committee to correctly determine my eligibility for membership.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Turn over for explanatory notes

Completed forms may be posted to Dust Up Projects, PO Box 111, Carnarvon WA 6701.

**APPENDIX 5 – MAP OF CARNARVON IRRIGATION AREA**

