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The Parliament of Victoria enacts as follows:

Part 1—Preliminary

1 Purposes

The purposes of this Act are—

(a) generally, to provide for the establishment by Ministerial Order of Committees with one or more of the following functions—

(i) to promote marketing of agricultural commodities;

(ii) to carry out or fund research into the production, handling, processing, marketing or promotion of agricultural commodities;

(iii) to establish and manage a general fund and project funds for the purposes of this Act;

* * * * *

S. 1(a)(iii) substituted by No. 76/2000 s. 4(a).

S. 1(a)(iv) repealed by No. 76/2000 s. 4(a).

* * * * *

S. 1(a)(v) amended by No. 51/1995 s. 73(a), repealed by No. 76/2000 s. 4(a).

* * * * *

[Authorised by the Chief Parliamentary Counsel]
(vi) to implement or fund pest and disease control measures for the protection of agricultural commodities; and

(vii) to establish and manage funds to compensate producers for costs incurred in controlling or eradicating pests and diseases of agricultural commodities;

(b) to provide for Committees established by or under this Act to perform functions and exercise powers in relation to agricultural commodities grown or produced outside Victoria;

(c) to provide for Committees or other persons or bodies established under the corresponding legislation of New South Wales or another State or internal Territory to perform their functions and exercise their powers with respect to agricultural commodities grown or produced in certain areas of Victoria;

(d) to provide for the law of Victoria or the State or Territory under which the Committee, person or body is established and certain associated laws of Victoria or that State or Territory to apply outside Victoria or that State or Territory in place of the laws that would otherwise apply.

2 Commencement

This Act comes into operation on a day or days to be proclaimed.
3 Definitions

In this Act—

agricultural industry development legislation means the agricultural industry development legislation of Victoria or the corresponding agricultural industry development legislation of New South Wales or another State or internal Territory;

agricultural industry development legislation of Victoria means this Act and the regulations and Orders made under this Act;

associated laws has the meaning given in section 55;

authorised officer means an authorised officer under this Act;

books includes any register or record of information and any accounts or accounting records, however compiled, recorded or stored, and also includes any document;

Committee means a Committee established by an Order;
Agricultural Industry Development Act 1990
No. 48 of 1990
Part 1—Preliminary

\textit{commodity} means any primary product or any variety, grade or class of primary product;

\textit{constituting Order} means the Order by which a Committee is constituted;

\textit{corresponding agricultural industry development legislation} means the provisions of an Act or an Order, regulation or other instrument under an Act of a participating jurisdiction in respect of which a declaration by the Governor in Council under section 19A is in force;

\textit{Department Head} means the Department Head (within the meaning of the Public Administration Act 2004) of the Department of Environment and Primary Industries;

\textit{law} includes unwritten law;

\textit{Order} means an Order under Part 2;
Participating jurisdiction means—

(a) New South Wales; or

(b) another State or internal Territory in respect of which a declaration by the Governor in Council under section 19A is in force;

Premises includes—

(a) a building or part of a building; and

(b) land whether or not appurtenant to a building;

Producer means—

(a) a person by whom, or on whose behalf, a commodity is grown or produced; and

(b) where a commodity is grown or produced by a partnership or under a share-farming agreement, the partnership or the parties to that agreement—

but does not include a person engaged as an employee on wages, a salary or piece work rates;
recognised instrument means an Order, regulation or other instrument made under an Act of a participating jurisdiction corresponding with this Act in respect of which a declaration by the Governor in Council under section 19C is in force;'.

relevant commodity means a commodity to which an Order applies;


3A Territorial application of this Act

(1) This Act applies both within and outside Victoria.

(2) This Act applies outside Victoria to the full extent of the extraterritorial legislative power of the Parliament.

3B Act binds the Crown

(1) This Act binds the Crown in right of Victoria and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

(2) Nothing in this Act makes the Crown in any of its capacities liable to be prosecuted for an offence.
Part 2—Orders

Division 1—Making, continuation, amendment and revocation

4 Petition for the making of an Order

The producers of a commodity in an area may petition the Minister for the making of an Order to apply to that commodity and that area.

5 Department Head's report

(1) If satisfied that a petition represents the views of the majority of the producers of a commodity in an area, the Minister must direct the Department Head to prepare a report.

(2) The Minister may give such a direction if he or she considers that views as to the making of an Order to apply to a commodity produced in an area should be sought from the producers of that commodity in that area.

(3) As soon as practicable after a direction is given, the Department Head must prepare the report and advertise and distribute it as he or she considers appropriate.

(4) A report must—

(a) include a draft of the proposed Order; and

(b) specify the criteria for determining eligibility to vote in a poll on the question of whether the Order should be made; and

(c) specify the criteria for determining the number of votes a producer may cast in a poll on the question of whether the Order should be made.
(5) A person, or a body of persons, who would be affected by a proposed Order may make submissions in response to a report within the period specified in the report.

6 Public meeting

(1) The Department Head must arrange for the holding of a meeting of persons who would be affected by a proposed Order.

(2) The meeting must be held in the area to which the proposed Order, if made, would apply.

7 Poll for the making of an Order

(1) If satisfied, after considering any submissions under section 5 and a report on the meeting under section 6, that a majority of the persons who would be affected by the proposed Order support the making of the Order, the Minister may by notice in the Government Gazette—

(a) direct that a poll be held of producers on the question of whether the proposed Order should be made; and

(b) invite submissions on the proposed Order from persons ineligible to vote in the poll.

(2) A notice must include a draft of the proposed Order (which need not be the same as the draft included in the Department Head's report).

(3) Part 5 applies to a poll under this section.

8 Making and commencement of an Order

(1) If a majority of votes cast in a poll are in favour of the making of a proposed Order, after considering any submissions on the proposed Order, the Minister may make an Order in the same, or substantially the same, terms as the proposed Order (as included in the notice under section 7).
(2) An Order must be published in the Government Gazette, and comes into operation on publication or on such later date as is specified in the Order.

(3) A copy of an Order must be laid before each House of Parliament on or before the sixth sitting day of that House after publication of the Order in the Government Gazette.

(4) An Order may be disallowed by resolution of either House of Parliament in accordance with section 23 of the Subordinate Legislation Act 1994 as if the Order were a statutory rule.

(5) If an Order is disallowed by Parliament, the disallowance has the same effect as a revocation of the Order.

9 Term of Orders and continuation

(1) The term of an Order is the term, not exceeding four years, specified in the Order.

(2) An Order may, in accordance with this section, be continued in force for successive terms not exceeding four years each.

(3) At least six months before the end of the term of an Order, the Minister must publish a notice in the Government Gazette specifying—

(a) the date on which the Order is due to expire; and

(b) the date by which a petition requesting a poll on the question of continuing the Order must be presented to the Minister.

(4) If a petition is lodged on or before the relevant date specified in the notice and the Minister is satisfied that it represents the views of a majority of the producers affected by the Order, the Minister may by notice in the Government Gazette—

S. 8(4) amended by No. 42/2002 s. 7.
(a) direct that a poll be held of producers on the question of whether the Order should be continued; and

(b) invite submissions on the continuation from persons ineligible to vote in the poll.

(5) As soon as practicable after a notice of a poll is published, the Minister must cause a report on the continuation to be prepared, containing a copy of the Order, and must advertise and distribute the report as he or she considers appropriate.

(6) Part 5 applies to a poll under this section.

(7) If a majority of votes cast in a poll are in favour of the continuation of an Order, after considering any submissions on the continuation, the Minister may, by notice in the Government Gazette, continue the Order for the term specified in the notice.

10 Amendment and remaking of Orders

(1) The Minister may, by notice in the Government Gazette, amend an Order—

(a) in consequence of the dismissal of the Committee constituted by the Order; or

(b) to effect any minor alterations which the Minister considers necessary.

(2) An Order amended by notice under subsection (1) has effect as so amended on and from the date of publication of the notice or on and from such later date as is specified in the notice.

(3) The Minister may make an Order in substitution for an existing Order—

(a) in consequence of the dismissal of the Committee constituted by the Order; or

(b) to effect any minor alterations which the Minister considers necessary.
(4) An Order under subsection (3) must be published in the Government Gazette, and comes into operation on publication or on such later date as is specified in the Order.

(5) An existing Order is revoked by an Order under subsection (3).

11 Revocation of Orders

(1) The Minister may, by notice published in the Government Gazette, revoke an Order—

(a) at the request of the Committee; or

(b) if the Minister believes that to do so is in the best interests of the persons to whom the Order applies.

(2) Before publishing a revocation notice, the Minister must—

(a) by notice in the Government Gazette, give notice of, and invite submissions on, the proposed revocation; and

(b) take into consideration any such submissions.

12 General provisions as to Orders

(1) Judicial notice must be taken of every Order and notice published in the Government Gazette under this Part and of the date of publication.

(2) The amendment, substitution or revocation of an Order does not affect—

(a) the previous operation of the Order or anything duly suffered, done or commenced under the Order; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Order; or
(c) any penalty, forfeiture or punishment incurred in respect of any offence against the Order; or

(d) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment—

and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed or enforced as if the amendment, substitution or revocation had not occurred.

(3) The validity of an Order shall not be questioned in any legal proceedings except those commenced within three months after the date of its publication in the Government Gazette or within three months after the beginning of a further period referred to in section 9 during which the Order is to continue in force.

(4) The validity of an Order shall not be questioned in any legal proceedings commenced within three months after the beginning of a further period referred to in subsection (3) on any ground which could have been raised in legal proceedings commenced within a previous such period of three months relating to the Order.

(5) Nothing in subsection (3) or (4) prevents the questioning of the validity of an Order at any time in any legal proceedings on the ground that the Order makes or contains provisions other than those which, by or under this or any other Act, it may make or contain.
(6) A court must not declare an Order or any provision of an Order invalid unless the court is of the opinion that the failure of the Order or provision to comply with this or any other Act, or the regulations made under this or any other Act, is substantial.

* * * * *

Division 2—Contents of Orders

13 Principal contents

An Order must—

(a) state its purposes; and

(b) specify its term; and

(c) specify the commodity, area and producers or other persons, or class of producers or other persons, to which it applies.

14 The Committee

An Order must—

(a) state the name of the Committee constituted by the making of the Order; and

(b) provide for the appointment of members of the Committee; and

(c) provide for the appointment of a member as Chairperson of the Committee.
15 Functions of a Committee

(1) An Order must provide for the functions of the Committee, which may include all or any of the following—

(a) to promote domestic marketing of the relevant commodity;

(b) to promote export marketing of the relevant commodity;

(c) to carry out or fund research into the production, handling, processing, marketing or promotion of the relevant commodity;

(ca) to implement or fund pest and disease control measures for the protection of the relevant commodity;

(cb) to establish and manage funds to compensate producers for costs incurred in controlling or eradicating pests and diseases;

(d) to establish and manage a general fund and project funds for the purposes of this Act;

(g) such other incidental functions as the Minister considers appropriate.
16 Powers of a Committee

(1) An Order may confer all or any of the following powers on the Committee—

(a) power to impose, in accordance with this Act, charges for services it provides;

(b) power to delegate any of its powers, duties or functions (other than the power of delegation) to an employee of the Committee;

(c) power to exempt, by written notice, a person or class of persons from compliance with some or all of the requirements of the Order, on conditions or not.

(2) An Order conferring power to impose charges must specify—

(a) the amount or rate of the first charge to be imposed by the Committee and the period not exceeding one year in which the charge is to apply; and

(b) the basis on which the first charge is to be calculated; and

(c) the maximum amount or rate of each charge that may be imposed after the first charge during the term of the Order; and

(d) the manner of collection of each charge; and

(e) the circumstances in which each charge becomes due and payable.
A Committee's proceedings

An Order may provide—

(a) for how often the Committee must meet in a year and whether the Committee must hold an annual meeting; and

(b) for the times at which the Committee must meet;

Powers of authorised officers

(1) An Order may provide that an authorised officer appointed by the Committee may—

(a) enter and search any premises which the officer reasonably believes are used for, or in any way in connection with, the production or processing of the relevant commodity;

(2) Without limiting section 19, an Order may provide that an authorised officer may only exercise powers relating to the entry and search of premises that are specified in the Order.

(3) Despite subsection (1), if an Order empowering an authorised officer to enter and search premises restricts those powers of search and entry, an authorised officer's powers of search and entry under subsection (1) and sections 51 and 51A are restricted in accordance with that Order.
19 Miscellaneous

(1) An Order—

(b) must provide for the criteria for determining eligibility to vote in polls on the continuation of the Order;

(ba) must specify the criteria for determining the number of votes a producer may cast in polls on the continuation of the Order;

(bb) must specify the criteria for determining the number of votes a producer may cast in voting for the purposes of section 39A and Division 3 of Part 3;

(c) must specify the Committee's financial year;

(e) may provide for the publication of certain of the Committee's decisions;

(f) may provide for any other matter considered appropriate by the Minister.

(2) An Order may—

(a) be of general or limited application; and

(b) differ according to differences in time, place or circumstances; and

(c) confer a discretionary authority or impose a duty on a specified person or class of persons; and

(d) impose a penalty, not exceeding 20 penalty units, for a contravention of the Order.
Division 3—Orders enabling extra-territorial effect

19A Declaration of participating jurisdictions and corresponding legislation

The Governor in Council, on the recommendation of the Minister, by Order in Council published in the Government Gazette, may—

(a) declare another State or internal Territory to be a participating jurisdiction for the purposes of this Act;

(b) declare an Act or an Order, regulation or other instrument of a participating jurisdiction relating to agricultural industry development to be corresponding agricultural industry development legislation for the purposes of this Act.

19B Making of Orders to have extra-territorial operation outside Victoria

(1) The Minister may make an Order under section 8 that provides for this Act and the Order to apply—

(a) in Victoria or in a production area in Victoria that is specified in the Order; and

(b) in an area of a participating jurisdiction that is specified in the Order; and

(c) to and in relation to the relevant commodity specified in the Order that is grown or produced in Victoria and in a participating jurisdiction that is specified in the Order; and

(d) to and in relation to the producers of the relevant commodity in Victoria and in a participating jurisdiction.
(2) This Part and Part 5 apply to the making of an Order referred to in subsection (1) with the following modifications—

(a) a reference to an area includes an area in the participating jurisdiction; and

(b) the modifications set out in this section and section 58B.

(3) A report under section 5(3) must be forwarded as soon as practicable after it is prepared to the Minister responsible for administering the corresponding agricultural industry development legislation in the participating jurisdiction.

(4) The Minister must not direct that a poll of producers be held for the making of an Order referred to in subsection (1) unless the Minister responsible for administering the corresponding agricultural industry development legislation in the participating jurisdiction has agreed to the—

(a) submission of the question to the producers of whether the proposed Order should be made; and

(b) content of the draft report to be advertised and distributed under section 5(3); and

(c) content of the draft Order under section 7(2) to be submitted to producers.

(5) The Minister may make an Order under section 8 for the purposes of this section if—

(a) the majority of votes cast in the poll of producers in the production area in Victoria are in favour of the making of the proposed Order; and
(b) the outcome of the poll of growers or producers in the participating jurisdiction would enable the Minister in the participating jurisdiction to make, or recommend the making of, a declaration or other instrument under the corresponding agricultural industry development legislation to declare the proposed Order to be a recognised instrument for the purposes of the corresponding agricultural industry legislation.

(6) An Order referred to in subsection (1) does not take effect unless the Order is declared to be a recognised instrument by the Governor in Council of the State or Territory in which the Order is to have effect.

(7) An Order referred to in subsection (1) takes effect from the date a declaration under subsection (6) is made or from such later date as is specified in the Order.

(8) Division 2 of Part 4 applies to and in relation to an Order referred to in subsection (1) from the date the Order takes effect.

19C Declaration of recognised instruments to allow interstate legislation to have extra-territorial effect in Victoria

(1) The Governor in Council, on the recommendation of the Minister, by Order in Council published in the Government Gazette, may declare an Order or regulation or other instrument made under an Act of a participating jurisdiction corresponding to this Act to be a recognised instrument for the purposes of this Act.
(2) The Minister must not make a recommendation for the purposes of subsection (1) unless the Minister is satisfied that there has been a poll conducted of the producers of the commodity which is proposed to be regulated under the Order, regulation or other instrument and the majority of the votes cast by producers in Victoria who are entitled to vote in the poll are in favour of the proposed Order, regulation or other instrument.

(3) An Order in Council under subsection (1) may declare that a recognised instrument of a participating jurisdiction applies—

(a) in Victoria or in a production area in Victoria that is specified in the Order; and

(b) in the participating jurisdiction or an area of the participating jurisdiction that is specified in the Order; and

(c) to and in relation to the relevant commodity specified in the Order in Victoria and in the participating jurisdiction that is specified in the Order; and

(d) to and in relation to the growers or producers of the relevant commodity in Victoria and in the participating jurisdiction.

(4) Division 3 of Part 4 applies to and in relation to an Order referred to in subsection (1) from the date the Order comes into operation.

**19D Disallowance of Orders providing for extra-territorial operation**

(1) An Order in Council made under section 19A or 19C comes into operation on publication in the Government Gazette or on such later date as is specified in the Order.
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(2) A copy of an Order in Council must be laid before each House of Parliament on or before the 6th sitting day of that House after publication of the Order in the Government Gazette.

(3) Sections 23, 24 and 25 of the Subordinate Legislation Act 1994 apply to an Order in Council made under section 19A or 19C as if the Order in Council were a statutory rule within the meaning of that Act.
Part 3—Committees

Division 1—Constitution

20 Constitution

A Committee is constituted by and on the coming into operation of an Order (its "constituting Order").

21 Committees to be bodies corporate

(1) A Committee—

(a) is a body corporate with perpetual succession;

(b) shall have a common seal;

(c) may acquire, hold and dispose of real and personal property;

(d) may do and suffer all other acts and things that a body corporate may by law do and suffer.

(2) The common seal of a Committee must be kept in such custody as the Committee directs and may be used only as authorised by resolution of the Committee.

22 Committees do not represent the Crown

A Committee does not represent, and is not part of, the Crown.

23 Membership

(1) A Committee shall consist of the members specified in the constituting Order, including the Chairperson, appointed as so specified.

S. 23(2) repealed by No. 76/2000 s. 15.
(3) If the members of a Committee are appointed by the Governor in Council, they are subject to the Public Administration Act 2004 (other than Part 3 of that Act).

(4) If a constituting Order specifies that the members, or some of the members, of a Committee should be appointed from a panel or panels of names submitted by a body or bodies, the failure of such a body to submit a panel of names within the period required by the person who is to appoint the members does not prevent that person appointing a person or persons whom he or she considers appropriate, and any member so appointed shall be deemed to have been appointed from a panel of names submitted by that body.

24 Proceedings

(1) A Committee must meet at least once a year and otherwise as specified in the constituting Order.

(2) A majority of its members for the time being constitutes a quorum of a Committee.

(3) If the Chairperson of a Committee is absent from a meeting, the members present must elect one of their number to preside.
(5) A question arising at a meeting of a Committee shall be determined by a majority of votes of members present and voting on that question.

(6) If voting on question at a meeting of the Committee is equal, the person presiding has a casting vote as well as deliberative vote.

(8) Minutes must be kept of every meeting of a Committee.

(9) Subject to this Act, a Committee may regulate its own proceedings.

**25 Remuneration**

(1) A member of a Committee, unless an employee of the public service, is entitled to the remuneration and allowances (if any) fixed by the Governor in Council.

26 Term of office

Subject to this Act, a member of a Committee holds office for the term of the constituting Order.

27 Vacancies, resignation, removal from office

(1) The office of a member of a Committee becomes vacant—

(a) if the member becomes bankrupt; or

(b) if the member, without the Committee's approval, fails to attend two consecutive meetings;
(2) A member of a Committee may resign by writing delivered to the Minister.

(3) The Minister may remove a member of a Committee from office if the member—
   (a) becomes incapable of performing his or her duties; or
   (b) is negligent in the performance of those duties; or
   (c) fails to disclose a pecuniary interest as required by section 29; or
   (d) is convicted of an offence against this Act.

28 Casual vacancies

(1) If the office of a member of a Committee becomes vacant otherwise than by reason of the expiry of the member's term of office, a person shall be appointed to fill the vacancy and to hold office, subject to this Act, for the remainder of the term.

(2) If the vacancy occurs within six months of the expiry of the member's term of office, the office may be left vacant for the remainder of the term.

29 Pecuniary interests of members

(1) A member who has a pecuniary interest in a matter being considered or about to be considered by a Committee must, as soon as practicable after the relevant facts have come to his or her knowledge, declare the nature of the interest at a meeting.
27

(2) Subsection (1) does not apply to a member who is a producer of the relevant commodity if the interest is no greater than that of any other producer of that commodity.

* * * * *

(4) The person presiding at a meeting at which a declaration is made must cause a record of the declaration to be made in the minutes of the meeting.

(5) After a declaration is made by a member—

(a) unless the Committee otherwise directs, the member must not be present during any deliberation with respect to that matter; and

(b) the member is not entitled to vote on the matter; and

(c) if the member does vote on the matter, the vote must be disallowed.

30 Validity of decisions

An act or decision of a Committee is not invalid—

(a) by reason only of a defect or irregularity in, or in connection with, the appointment of a member; or

(b) by reason only of a vacancy in membership, including a vacancy arising out of the failure to appoint an original member;

* * * * *
31 **Staff**

A Committee may employ staff on such terms and conditions as it thinks fit and may make arrangements for using the services of any officers and employees of the public service or any public authority.

32 **Delegation**

A Committee, if so empowered pursuant to its constituting Order, may, in writing, delegate to any of its employees any of its powers duties or functions under this Act, in accordance with that Order.

33 **Confidentiality and misuse of information**

(1) A former or present member or employee of a Committee must not disclose information acquired in that capacity except—

(a) in the normal course of the business of the Committee; or

(b) with the consent of the person to whom the information relates; or

(c) when authorised or required by law to do so.

Penalty: 50 penalty units.

(2) A former or present member or employee of a Committee must not use information acquired in that capacity to obtain directly or indirectly any pecuniary or other advantage for himself or herself or for any other person.

Penalty: 50 penalty units.

(3) For the purposes of this section, *employee* includes an officer or employee of the public service or a public authority whose services are or were available to a Committee pursuant to an arrangement under section 31.
34 Bribery

(1) A member or employee of a Committee must not receive, or seek to receive, directly or indirectly, any payment or other consideration to act contrary to duty.

Penalty: 50 penalty units.

(2) A person must not give or offer to give a member or employee of a Committee any payment or other consideration to act contrary to duty.

Penalty: 50 penalty units.

(3) For the purposes of this section, employee includes an officer or employee of the public service or a public authority whose services are available to a Committee pursuant to an arrangement under section 31.

Division 2—Objectives, functions and powers

35 Objectives of Committees

(1) The objectives of a Committee are—

(a) to promote the best interests of the industry constituted by the producers and other persons to whom the constituting Order applies; and

(b) to improve the competitiveness of that industry; and

(c) to provide the services offered by the Committee efficiently, effectively and economically.

S. 35(1) amended by No. 76/2000 s. 22(1).

S. 35(2) repealed by No. 76/2000 s. 22(2).
(3) A Committee must perform its functions in accordance with its objectives and the purposes of its constituting Order.

36 Functions and powers generally

(1) A Committee has the functions specified in its constituting Order and any other functions conferred on it by or under this Act.

(2) A Committee has power to do all things necessary or convenient for achieving its objectives and performing its functions, and also has the powers specified in its constituting Order and any other powers conferred on it by or under this Act.

37 Further provisions as to particular functions and powers

(2) A Committee, if empowered to impose a charge, may impose the charge whether or not the service in question was provided at the request of the recipient.

(4) A Committee must publish notice of its charges in a newspaper circulating generally throughout the area to which the constituting Order applies.
38 Committees not to be concerned in party politics

(1) It shall not be lawful for a Committee to expend any of its funds for any purpose whatever in connection with the politics of any political party, nor shall a Committee become affiliated in any way whatever with any body, association or organisation having for its objects, or any of its objects, the support of the politics, program or aims of any political party.

(2) Without limiting Division 5, if at any time the Governor in Council is satisfied that a Committee has acted in contravention of any of the provisions of subsection (1), action may be taken under that Division.

39 Establishment of Funds

(1) A Committee must establish—

   (a) a project fund for each project that is approved by producers in accordance with Division 3;

   (b) a general fund.

(2) The Committee must pay into a project fund all charges and other money received by the Committee in relation to the project for which the fund was established.

(3) The Committee must pay into the general fund all money received by the Committee that does not relate to a particular project including all interest received on money invested by it, whether in a project fund or the general fund.

(4) Money from a project fund may be applied by the Committee in the payment of—

   (a) money paid on account of the Committee or otherwise required to meet the Committee's expenditure in connection with the project for which the fund was established;
(b) the remuneration (including allowances) or the part of the remuneration of the members and staff of the Committee that are referable to the project for which the fund was established.

(5) If, at the end of a financial year, a Committee has retained in project funds and the general fund as total reserves more than 20% of the charges that it has collected from producers in that financial year, the Committee must publish, in its annual report for that year, the reasons why it has retained those reserves.

39A Transfer between funds

(1) If a Committee determines that the amount of money in a project fund is not or will not be sufficient to meet the required payments from the fund for its project, the Committee may transfer money from another project fund or the general fund if the money is transferred in accordance with—

(a) the approval of the majority of the votes cast by the producers present or voting by proxy at a general meeting of producers; and

(b) any conditions imposed with the approval of the majority of the votes cast by the producers present or voting by proxy at a general meeting of producers.

(2) If a Committee determines that the amount of money in a project fund exceeds or will exceed the required payments from the fund for its project, the Committee may transfer the excess money from that project fund to another project fund established for a new project or the general fund if the transfer of money is approved by the majority of votes cast by producers present or voting by proxy at a general meeting of producers.
(3) If the Committee determines that there is sufficient money in the general fund, the Committee may transfer money from the general fund to a project fund established for a new project if the new project and the transfer of money is approved by the majority of votes cast by producers present or voting by proxy at a general meeting of producers.

(4) A Committee must pay money out of a project fund to the general fund if there is money remaining in the project fund after the project has been completed and all expenses for the project have been paid.

40 Financial accommodation

For the purpose of performing its functions or exercising its powers, a Committee may obtain financial accommodation from a financial institution or other person, subject to and in accordance with guidelines approved by the Treasurer.

41 Investment

A Committee may invest any money held by it in any manner for the time being approved by the Treasurer.

42 Annual meetings

(1) If the constituting Order so provides, a Committee must hold at least one general meeting in each year.

(2) The Committee must give not less than six weeks notice of an annual general meeting required by subsection (1) in such manner as it determines, and in the notice must invite submission of items for discussion at the meeting.
(3) At least 14 days before the annual general meeting
the Committee must give each producer to whom
the constituting Order applies a copy of—
   (a) its latest annual report; and
   (b) its latest plan of operations.

44 Information to be given by Committees

A Committee must give the Minister such
information, reports and documents relating to the
Committee's policies and activities as the Minister
from time to time requests.

45 Plans of operations

(1) A Committee must, before the first anniversary of
   the commencement of the Order, submit to the
   Minister a plan of its intended operations during
   the term of the Order.

(2) Thereafter, with each annual report it submits to
   the Minister, the Committee must also submit a
   plan of operations updated to cover the remainder
   of the term of the Order.

(3) Each plan of operations must include indicators
   against which the performance of the Committee
   may be measured.

(4) The Committee must provide, on request, to a
   producer, or, on payment of the fee determined by
   the Committee, to any other person, copies of the
   annual report and plan of operations most recently
   submitted to the Minister.

*S. 42(3) amended by No. 42/2002 s. 9(2)(b).
*S. 42(3)(b) substituted by No. 42/2002 s. 9(2)(c).
*S. 43 repealed by No. 76/2000 s. 25.
*S. 45(1) amended by No. 76/2000 s. 26.
46 Ministerial direction

(1) A Committee is subject to—

(a) the general direction and control of the Minister; and

(b) any specific written directions given by the Minister.

(2) A Committee must publish specific written directions given to it during a financial year in its annual report for that year.

Division 3—Action and project plans

47 Annual action plans

(1) A Committee which proposes to impose a charge on producers in a year must prepare a recommended action plan for the year in which the charge is to be imposed including the proposals of the Committee for each project that the charge is to finance or partially finance for that year.

(2) The recommended action plan must include—

(a) details of each project the committee proposes to undertake or to fund in the year, including—

(i) the objectives of the project;

(ii) the methodology of the project;
(iii) the time over which the project is to be undertaken;

(iv) the planned outputs of the project;

(v) a financial budget for the project including the estimated costs of the project and the proportion of the total cost of the project that is to be funded by a compulsory charge on producers;

(b) details of the existing financial reserves of the committee at the beginning of the year and the projected financial reserves of the committee at the end of the year;

(c) the reasons for the recommended retention of any funds to be raised by a charge on producers;

(d) details of the anticipated amount and quantity of commodity to be grown or produced for that year.

(3) The Committee must submit to a general meeting of the producers of the commodity who will be liable to pay the charge—

(a) its recommended action plan for the year; and

(b) resolutions, relating to each of the matters referred to in subsection (2)(a)(i), (ii), (iii), (iv) and (v), (b), (c), and (d), that the meeting agrees to the recommendations of the Committee about each of those matters.

(4) The Committee must notify producers of the commodity of the Committee's recommended action plan for the year at least 14 days before a general meeting of producers to consider the recommended plan.
48 New projects

(1) A Committee which proposes in a year of operation to establish a new project that has not been approved by producers in relation to an action plan for that year must prepare a recommended project plan for the new project including the following details—

(a) the objectives of the project;
(b) the methodology of the project;
(c) the time over which the project is to be undertaken;
(d) the planned outputs of the project;
(e) a financial budget for the project including the estimated costs of the project and the Committee's proposal for the funding of the project.

(2) The Committee must submit its recommended project plan to a general meeting of the producers of the commodity.

(3) The Committee must notify producers of the commodity of the Committee's recommended project plan at least 14 days before a general meeting of producers to consider the recommended project plan.

49 Use of proceeds of charges

A Committee must only pay money received from a charge imposed on producers, other than the first charge imposed by the Committee, in accordance with—

(a) the recommendations of an action plan in relation to a project that has been approved by the majority of votes cast by producers present or voting by proxy at a general meeting of producers; or
(b) a project plan for a project that has been approved by the majority of votes cast by producers present or voting by proxy at a general meeting of producers; or

(c) section 39A.

Division 4—Authorised officers

50 Appointment

(1) With the approval of the Minister, a Committee may appoint any person to be an authorised officer.

(2) A Committee must issue a certificate of identification to each authorised officer it appoints.

(3) An authorised officer must produce his or her certificate of identification for inspection—

(a) before exercising a power under this Division; and

(b) at any time during the exercise of a power under this Division, if asked to do so.

51 Powers of authorised officers

(1) An authorised officer empowered by the constituting Order of the Committee to enter and search premises with the consent of the occupier may do so at any reasonable time and with any necessary assistants, and at the premises may—

(a) examine and take samples of the relevant commodity;

(b) require the person apparently in charge to produce any books, equipment, receptacle or other thing relating to the production or processing of the relevant commodity;
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(c) inspect and take copies of, or extracts from, any such books;

(d) open and inspect any such equipment, receptacle or thing;

(e) require information from any person in relation to the production or processing of the relevant commodity.

(2) An authorised officer who takes a sample must, on request, provide a second sample to the occupier of the premises and then, in the presence of that person, take a third sample for possible future comparison.

51A Search warrants

(1) An authorised officer, with the written approval of the Department Head, and, if authorised to do so under an Order, may apply to a magistrate for the issue of a search warrant in relation to particular premises, if the authorised officer believes on reasonable grounds that there is on the premises evidence that a person or persons may have contravened this Act or an Order.

(2) If a magistrate is satisfied, by the evidence, on oath or by affidavit, of the authorised officer that there are reasonable grounds to believe that there is any relevant commodity, books, equipment, receptacle or other thing relating to the production or processing of a relevant commodity connected with a contravention of this Act or an Order on any premises, the magistrate may issue a search warrant, in accordance with the Magistrates' Court Act 1989, authorising an authorised officer named in the warrant, together with any other person or persons named or otherwise identified in the warrant and with any necessary equipment—

(a) to enter the premises specified in the warrant, if necessary by force; and
(b) to do all or any of the following—

(i) search for;
(ii) seize;
(iii) secure against interference;
(iv) examine, inspect and take and keep samples of;
(v) inspect and make copies of, or take extracts from—

the relevant commodity, books, equipment, receptacle or other thing of a particular kind named or described in the warrant and which the authorised officer believes, on reasonable grounds, to be connected with the alleged contravention.

(3) A search warrant issued under this section must state—

(a) the purpose for which the search is required and the nature of the alleged contravention; and
(b) any conditions to which the warrant is subject; and
(c) whether entry is authorised to be made at any time of the day or night or during stated hours of the day or night; and
(d) a day, not later than 28 days after the issue of the warrant, on which the warrant ceases to have effect.

(4) Except as provided by this Act, the rules to be observed with respect to search warrants under the *Magistrates' Court Act 1989* extend and apply to warrants under this section.
51B Announcement before entry

(1) On executing a search warrant, the authorised officer executing the warrant—

(a) must announce that he or she is authorised by the warrant to enter the premises; and

(b) if the authorised officer has been unable to obtain unforced entry, must give any person at the premises an opportunity to allow entry to the premises.

(2) An authorised officer need not comply with subsection (1) if he or she believes, on reasonable grounds that immediate entry to the premises is required to ensure—

(a) the safety of any person; or

(b) that the effective execution of the search warrant is not frustrated.

51C Details of warrant to be given to occupier

(1) If the occupier is present at premises where a search warrant is being executed, the authorised officer must—

(a) identify himself or herself to the occupier; and

(b) give to the occupier a copy of the warrant.

(2) If the occupier is not present at premises where a search warrant is being executed, the authorised officer must—

(a) identify himself or herself to a person at the premises; and

(b) give to the person a copy of the warrant.
52 Offence to obstruct etc. an authorised officer

A person must not—

(a) delay or obstruct an authorised officer or his or her assistant in the exercise of powers under this Act; or

(b) without reasonable excuse, refuse or fail to comply with any requirement made under section 51; or

(c) give false or misleading information in response to a requirement made under section 51.

Penalty: 20 penalty units.

Division 5—Dismissal

53 Dismissal of the members of a Committee

(1) If satisfied that circumstances make it advisable, the Governor in Council may, by Order published in the Government Gazette, dismiss all the members for the time being of a Committee.

(2) Such an Order takes effect on publication or on a later date specified in the Order.

(3) By such an Order the Governor in Council may also appoint an administrator to assume control of the Committee's affairs pending the appointment of new members.

(4) An administrator—

(a) has all the powers and may perform all the functions of the Committee, subject only to any conditions or limitations imposed by the Governor in Council; and

(b) is for all purposes to be taken to be the Committee.
(5) Nothing done by the Committee shall be in any way abated or affected by the dismissal of Committee members, or the appointment of an administrator, under this section.

(6) The terms of an administrator's appointment shall be as fixed by the Governor in Council.

(7) As soon as practicable after an Order is published under this section the Minister must cause a report on the dismissal of the Committee, including the reasons for the dismissal, to be laid before each House of Parliament.

(8) A member dismissed under this section is eligible for re-appointment to the Committee.

(9) The reasonable costs and expenses (including remuneration) of the administrator are payable from the funds of the Committee.

Division 6—Winding-up and dissolution

54 Winding-up and dissolution

(1) On the expiry or revocation of its constituting Order, a Committee must proceed to wind-up its affairs.

(2) The Governor in Council may, by Order published in the Government Gazette, appoint a person to be liquidator for the purposes of the winding-up.

(3) The liquidator has, and may exercise and perform, such of the powers and functions of the Committee as may be necessary for the purposes of the winding-up.

(4) An Order under subsection (2) may contain such provisions of a savings or transitional nature as the Governor in Council thinks appropriate in consequence of the appointment.
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(5) The reasonable costs and expenses (including remuneration) of the liquidator are payable from the funds of the Committee.

(6) The members of the Committee may not exercise any powers or perform any functions as members while a person holds office as liquidator of the Committee.

(7) If satisfied that the affairs of the Committee are wound-up, the Governor in Council may, by Order published in the Government Gazette, dissolve the Committee.

(8) On the publication of an Order under subsection (7), all money and other assets of the Committee—

(a) shall become the property of bodies or organisations representing producers of the relevant commodity (including bodies or organisations that represent the interests of producers in a participating jurisdiction) in such proportions as the Order specifies; and

(b) shall be dealt with and disposed of as the Minister may direct.

(9) An Order under this section takes effect on publication or on a later date specified in the Order.
Part 4—Committees with extra-territorial application

Division 1—Preliminary

55 Laws associated with agricultural industry development legislation

For the purposes of this Act, associated laws, in relation to the agricultural industry development legislation of Victoria or a participating jurisdiction, are the provisions of any laws of Victoria or that jurisdiction concerning a matter arising under that legislation relating to the following—

(a) the jurisdiction of courts and tribunals under that legislation;

(b) the procedure before courts and tribunals exercising jurisdiction under that legislation (including with respect to evidence, appeals and review);

(c) the judicial review of administrative decisions under that legislation;

(d) the jurisdiction of the Ombudsman with respect to the conduct of public officials under that legislation;

(e) the access to information held by public officials under that legislation and the correction or amendment of that information;
(f) the protection of the privacy of personal information held by bodies established under that legislation;

(g) the disclosure of improper conduct by public officials under that legislation and bodies established under that legislation, the investigation of the matters disclosed and the protection of persons who make those disclosures or who may suffer reprisals in relation to those disclosures;

(h) the provision of financial statements and annual reports by bodies established under that legislation;

(i) the conduct of financial and performance audits of bodies established under that legislation;

(j) the interpretation of that legislation.

Division 2—Area transferred to control of Victoria with respect to specified commodity

56 Application of Victorian agricultural industry development legislation and associated laws in area outside Victoria

This Division has effect for the purposes of the provisions of the corresponding agricultural industry development legislation in the area described in an Order under section 19B and in relation to that area and the agricultural commodity described in the Order that is grown or produced in that area in that participating jurisdiction as if that area were within the territorial limits of Victoria.
57 Conferral of functions etc. and jurisdiction on Victoria

(1) All persons who have functions, powers, duties or authorities conferred or imposed on them for the purposes of or in connection with the agricultural industry development legislation of Victoria (or the associated laws of Victoria) have and may perform or exercise those functions, powers, duties or authorities for the purposes of or in connection with that legislation or those laws, as applying in the area specified in an Order under section 19B and in relation to that area and the agricultural commodity described in the Order that is grown or produced in that area in a participating jurisdiction.

(2) The several courts and tribunals of Victoria are invested with jurisdiction in all matters arising under the agricultural industry development legislation of Victoria (or the associated laws of Victoria), as applying in the area described in an Order under section 19B and in relation to that area and the agricultural commodity described in the Order that is grown or produced in the production area in the participating jurisdiction.

(3) Charges that are required to be paid under the agricultural industry development legislation of Victoria in relation to the agricultural commodity described in an Order under section 19B grown or produced in the area in the participating jurisdiction described in the Order are to be treated as debts due and payable in accordance with the laws of Victoria.
Division 3—Area transferred to the control of participating jurisdiction with respect to specified commodity

57A Application of participating jurisdiction's agricultural industry development legislation and associated laws in Victoria

(1) The agricultural industry development legislation of a participating jurisdiction relating to the agricultural commodity described in an Order in Council under section 19C and the associated laws of that jurisdiction, apply in and in relation to the production area described in an Order in Council under section 19C in Victoria and the agricultural commodity described in the Order in Council that is grown or produced in that area as if that area were within the territorial limits of the participating jurisdiction.

(2) The agricultural industry development legislation of Victoria and the associated laws of Victoria do not apply in or in relation to the production area described in an Order in Council under section 19C in Victoria and the agricultural commodity described in the Order in Council that is grown or produced in that area in Victoria.

57B Conferral of functions, powers and jurisdiction on participating jurisdiction

(1) All persons who have functions, powers, duties or authorities conferred or imposed on them for the purposes of or in connection with the agricultural industry development legislation of the participating jurisdiction (or the associated laws of the participating jurisdiction) have and may perform or exercise those functions, powers, duties or authorities for the purposes of or in connection with that legislation or those laws, as
applying in and in relation to the production area in Victoria by virtue of this Division.

(2) The several courts and tribunals of the participating jurisdiction are invested with jurisdiction in all matters arising under the agricultural industry development legislation of the participating jurisdiction (or the associated laws of the participating jurisdiction), as applying in and in relation to the production area in Victoria by virtue of this Division.

(3) Rates, interest on unpaid rates and other amounts that are required to be paid under the agricultural industry development legislation of the participating jurisdiction in relation to the agricultural commodity described in an Order in Council under section 19C grown or produced in the production area in Victoria described in the Order in Council are to be treated as debts due and payable in accordance with the laws of the participating jurisdiction.

57C **Provisions of agricultural industry development legislation of the participating jurisdiction with specific application not to apply**

(1) Nothing in this Division renders a provision of the agricultural industry development legislation of the participating jurisdiction applicable in a particular place—

(a) in so far as the provision is incapable of applying in or in relation to that place; or

(b) if that legislation expressly provides that the provision does not extend or apply in or in relation to that place; or

(c) if that legislation expressly provides that the provision applies only in a specified locality that does not include that place.
(2) A provision of the agricultural industry development legislation of the participating jurisdiction is not to be taken to be a provision to which subsection (1) applies merely because it is limited in its application to acts, matters or things within a particular part (however described) of the area described in an Order in Council under section 19C in the participating jurisdiction.
Part 5—Polls

58 Provisions as to polls

(1) The Victorian Electoral Commission shall be the returning officer for a poll under this Act, and shall have and may exercise the powers and perform the functions conferred or imposed on the returning officer by the regulations.

(2) The Minister must, for the purposes of a poll, prepare a roll of persons entitled to vote in accordance with the criteria contained in a report under section 5 or in an Order.

(3) All persons on a roll must vote at a poll.

(4) A Committee must reimburse the Minister for expenses incurred in connection with the taking of a poll.

58A Offences relating to polls

A person must not—

(a) give false or misleading information to the Victorian Electoral Commission for a poll conducted under this Act in relation to the issue of duplicate ballot papers; or

(b) insert false details on a return envelope for a poll conducted under this Act.

Penalty: 5 penalty units.

58B Special provisions for polls relating to extra-territorial committees

(1) The Minister may authorise the Victorian Electoral Commission or a person appointed by the Victorian Electoral Commission to conduct a poll of producers—

(a) in the area in the participating jurisdiction described in a draft Order referred to in section 19B; and
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Part 5—Polls

(b) referred to in section 19B(1)(d) in the production area in Victoria.

(2) In the case of a poll under section 7 on the question of whether a proposed Order referred to in section 19B should be made, if the corresponding agricultural industry development legislation relating to—

(a) the method of enrolment of persons eligible to vote; or

(b) the preparation of a final roll for the poll; or

(c) whether voting in relation to the poll is compulsory; or

(d) the method of determining the outcome of the poll in the participating jurisdiction—is inconsistent with agricultural industry development legislation of Victoria, the corresponding agricultural industry development legislation applies to that matter in the conduct of the poll in the production area in the participating jurisdiction.

(3) Despite subsection (2), if a poll has been conducted under section 7 on the question of whether a proposed Order referred to in section 19B should be made under section 8 and a further poll is conducted on that question with respect to the same relevant commodity, production area and eligibility to vote, Parts 2 and 5 apply to the conduct of the poll.

(4) If—

(a) a poll has been conducted for the purposes of making an Order referred to in section 19B; and

(b) the Minister is satisfied that the majority of the votes cast by producers in Victoria who are entitled to vote in the poll are in favour
of a committee being established under this Act with jurisdiction limited to Victoria—an Order may be made under section 8 in substantially the same terms as the draft Order to apply in Victoria without conducting a poll under section 7.
Part 6—General

59 Delegation

The Minister may, in writing, delegate to any person any of his or her powers under this Act, other than this power of delegation or the power to make an Order.

60 Evidentiary provisions

In proceedings under this Act—

(a) a statement by a person that he or she is an authorised officer under this Act is, in the absence of evidence to the contrary, proof of that fact;

(b) it shall be presumed, in the absence of evidence to the contrary, that the requirements of this Act in relation to the making of Orders were complied with in relation to the making of a particular Order.

61 Service

(1) A notice or other document required or authorised by this Act or the regulations to be served on or given to a person shall be deemed to have been duly served on or given to the person—

(a) if it is delivered personally to or left with an adult at the last known place of abode or business of the person or, where no adult person is present, it is affixed to a conspicuous part of the premises; or

(b) if it is sent to the person by post.

(2) This section is in addition to and does not derogate from sections 109X and 601CX of the Corporations Act.

S. 61(2) amended by No. 44/2001 s. 3(Sch. item 4).
62 Regulations

(1) The Governor in Council may make regulations for or with respect to—

(a) the conduct of polls;

(b) generally prescribing any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.

(2) The regulations—

(a) may be of general or limited application;

(b) may differ according to differences in time, place or circumstances;

(c) may impose a penalty not exceeding 5 penalty units for a breach of the regulations.
Part 7—Transitional

63 Transitional order making powers

(1) This Act, as amended by the Agricultural Industry Development (Amendment) Act 2000, applies to a Committee whether established before or after the commencement of section 28 of the Agricultural Industry Development (Amendment) Act 2000.

(2) Without limiting any other powers of the Minister under this Act, the Minister, by notice published in the Government Gazette, may amend an Order that was in operation immediately before the commencement of section 28 of the Agricultural Industry Development (Amendment) Act 2000 to make consequential amendments to the Order arising out of amendments made to this Act by the Agricultural Industry Development (Amendment) Act 2000.

(3) An Order amended under subsection (2) has effect as so amended on and from the date of the publication of the notice or on or from any later day that is specified in the notice.

64 Poll of Murray Valley citrus producers

(1) Within 6 months after the commencement of section 19 of the Agricultural Industry Development (Further Amendment) Act 2002, the Minister must direct that the Department Head prepare a report under section 5(2) as to the making in accordance with Part 2 of an Order referred to in section 19B (as proposed to be inserted by section 10 of that Act) to establish a committee to carry out functions and exercise
powers in accordance with this Act in relation to citrus fruit that has been grown or produced in the Murray Valley production area within the meaning of the Murray Valley Citrus Marketing Act 1989.

(2) This Act, except sections 4 and 58(3), applies to the conduct of a poll of producers referred to in subsection (1) and each producer is entitled to one vote in the poll despite anything to the contrary in the Murray Valley Citrus Marketing Act 1989 or the regulations made under that Act.

(3) The Minister may make the Order under section 8 in accordance with Part 2 if—

(a) the majority of votes cast by producers in the production area in Victoria are in favour of the making of an Order referred to in subsection (1); and

(b) in a poll in which more than half of the eligible voters in the area in New South Wales specified in the Order cast votes, the majority of votes cast are in favour of the establishment of the Committee referred to in the Order.
Part 8—Transitionals

65 Definitions

In this Part—

*Murray Valley production area* means the total production area within the meaning of the repealed Act;

*new Committee* means a Committee established by an Order referred to in section 19B to provide for citrus fruit grown or produced in the Murray Valley production area or a Committee established by Order under section 8 to provide for citrus fruit grown or produced in that part of the Murray Valley production area that is in Victoria whichever is first established;

*old Board* means the Murray Valley Citrus Marketing Board established under the repealed Act;

*repealed Act* means the *Murray Valley Citrus Marketing Act 1989*;

*transitional period* means the period beginning on the commencement of section 21 of the *Agricultural Industry Development (Further Amendment) Act 2002* and ending on the day which is 4 years after the commencement of the Order establishing the new Committee.
66 Transitional

(1) On the commencement of section 21 of the Agricultural Industry Development (Further Amendment) Act 2002—

(a) the old Board is abolished and the new Committee is the successor in law of the old Board;

(b) the members of the old Board become the first members of the new Committee and those members remain in office as members of the new Committee for the transitional period.

(2) Despite the repeal of the Murray Valley Citrus Marketing Act 1989—

(a) a person who, immediately before that repeal, was an approved receiver under that Act continues for the transitional period to be an approved receiver for citrus fruit grown or produced in that part of the Murray Valley production area that is in Victoria for the purposes of an Order under Part 2 relating to citrus fruit and for receiving charges payable by producers of citrus fruit referred to in that Order;

(b) an approved receiver referred to in paragraph (a) must make payments to the new Committee—

(i) of amounts deducted in the transitional period from the proceeds of sale of citrus fruit that was delivered to the approved receiver before that repeal; and
(ii) of the charges payable to the new Committee under an Order under Part 2 that have been deducted by the approved receiver in the transitional period;

(c) on and from that repeal, unless the context otherwise requires, a reference in any Act or subordinate instrument or any document to the old Board is to be a reference to the new Committee.

### 67 Special powers of new Committee

(1) The new Committee, in writing, may appoint a person who purchases or receives citrus fruit grown or produced in the Murray Valley production area specified in an Order under Part 2 or the part of the Murray Valley production area specified in an Order under Part 2 as an approved receiver for the term of the transitional period.

(2) The new Committee must cause a list of approved receivers to be published at least once in each year in a newspaper circulating generally in the production area specified in an Order under Part 2.

(3) The new Committee must keep a list of approved receivers available for inspection at its office.

### 68 Duties of approved receivers

(1) An approved receiver must pay to the new Committee the charges payable to the new Committee under an Order under Part 2 that have been deducted by the approved receiver from the proceeds of the sale of citrus fruit delivered to the approved receiver in the transitional period.

Penalty: 50 penalty units.
(2) An approved receiver must comply with any written instructions issued by the new Committee relating to information to be submitted to the new Committee about the amount of citrus fruit received, packed and processed by the approved receiver and the payments made to the new Committee under subsection (1).

Penalty: 50 penalty units.
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Sch. (Heading) repealed by No. 21/2015 s. 3(Sch. 1 item 4).

Sch. re-numbered as Sch. 1 by No. 51/1992 s. 5(4), repealed by No. 48/1990 s. 57(1).

Sch. 2 inserted by No. 51/1992 s. 6, repealed by No. 48/1990 s. 57D(1).
Endnotes

1 General information


Minister's second reading speech—

Legislative Assembly: 12 October 1989
Legislative Council: 13 March 1990

The long title for the Bill for this Act was "A Bill relating to the marketing of certain agricultural commodities; to provide for the establishment and functions of committees in respect of certain of those products; to provide for the establishment and functions of a Wine Grape Industry Negotiating Committee; to repeal the Wine Grape Processing Industry Act 1978; and for other purposes."

The Agricultural Industry Development Act 1990 was assented to on 18 September 1990 and came into operation on 17 October 1990: Government Gazette 17 October 1990 page 3184.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

• Headings

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).
• **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

• **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

• **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

• **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

• **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).
2 Table of Amendments

This publication incorporates amendments made to the Agricultural Industry Development Act 1990 by Acts and subordinate instruments.

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<tr>
<td>Financial Management (Consequential Amendments) Act 1994, No. 31/1994</td>
<td>31.5.94</td>
<td>S. 4(Sch. 2 item 3) on 1.1.95: Government Gazette 28.7.94 p. 2055</td>
<td>This information relates only to the provision/s amending the Agricultural Industry Development Act 1990</td>
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<td>Plant Health and Plant Products Act 1995, No. 51/1995</td>
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<td>Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998</td>
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<td>This information relates only to the provision/s amending the Agricultural Industry Development Act 1990</td>
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#### Endnotes

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<td>Statute Law Amendment (Authorised Deposit-taking Institutions) Act 2001, No. 11/2001</td>
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<td>S. 187 on 1.9.02: Government Gazette 29.8.02 p. 2333</td>
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<td>Agricultural Industry Development (Further Amendment) Act 2002, No. 42/2002</td>
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<td>Fisheries (Amendment) Act 2003, No. 56/2003</td>
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<td>Public Administration Act 2004, No. 108/2004</td>
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<td>21.12.04</td>
<td>S. 117(1)(Sch. 3 item 8) on 5.4.05: Government Gazette 31.3.05 p. 602</td>
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<td>Statute Law Revision Act 2005, No. 10/2005</td>
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<td>S. 3(Sch. 1 item 2) on 28.4.05: s. 2</td>
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<td>Public Sector Acts (Further Workplace Protection and Other Matters) Act 2006, No. 80/2006</td>
<td>10.10.06</td>
<td>S. 26(Sch. item 2) on 11.10.06: s. 2(1)</td>
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<td>19.11.13</td>
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<td>Statute Law Revision Act 2015, No. 21/2015</td>
<td>16.6.15</td>
<td>S. 3(Sch. 1 item 4) on 1.8.15: s. 2(1)</td>
<td>This information relates only to the provision/s amending the Agricultural Industry Development Act 1990</td>
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3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.
4 **Explanatory details**

1 Pt 4 (ss 55–57) (*repealed*): Section 57 of this Act, which repealed Part 4 and Schedule 1, came into operation on the publication of the Murray Valley Wine Grape Industry Development Order (Victoria) 1994 in the Government Gazette on 16.6.94 page 1588.

2 Pt 4A (ss 57A–57D) (*repealed*): Section 57D of this Act, which repealed Part 4A and Schedule 2, came into operation on the publication of the Northern Victorian Fresh Tomato Industry Development Order 1995 in the Government Gazette on 21.12.95 page 3620.

3 Sch. 1 (*repealed*): See note 1.

4 Sch. 2 (*repealed*): See note 2.