

Section 21

COMPILING LIST OF PRODUCERS FOR ESTABLISHMENT POLLS

In compiling the list of producers who are to be polled:

The Commission works with the body or producers requesting the establishment poll to

- Identify the most appropriate definition of a producer – for wine this was decided to be the owner of the grapes at the point of the crush, for vegetables or fruit it is a producer of horticultural produce of the particular type for which the committee is being established.
- Identify those producers that meet the definition. This has previously been done by
 - Ensuring that the pre-polling consultation process includes clear information on who will be considered a producer and requesting that persons who fall within this definition contact the Commission to ensure that they are included in the polling list so that they can participate in the poll, or contact the Commission to advise why they should not be considered a producer should they not want to be included as a producer.
 - Requesting membership information from industry associations or other established bodies to which producers might belong. For example, in the wine producers' poll the holders of a producers licence with racing gaming and liquor were identified as producers.
- The Commission includes in the notice which advises of the conduct of the poll that a list of eligible producers is being compiled and invites producers to view the list, or who may have questions with respect to the list to contact the returning officer by a nominated date in advance of the poll.
- Refers to the *Producers Committees (Polling) Regulations 1990*. Sec 4 allows for the *determination of a person as a producer* in relation to a producers' committee or *proposed producers committee*. This determination is based on
 - The information supplied by the producer to the Commission under section 13 of the Act. Section 13 of the Act allows for the Commission to require statistical information which, in this instance, would assist the Commission to make a determination on whether a person is a producer in relation to a proposed producers' committee.
 - Or such other information as the Commission considers relevant.
 - Information which the Commission would consider relevant and might require a producer to provide in this instance would be
 - Evidence of production of the type of produce concerned – sales to a dealer or direct sales / exports.
 - If relevant industry registration such as with beekeepers where beekeepers are required to be registered with the Department of Primary Industries and Regional Development.
 - Evidence that production of the type of produce concerned has ceased if no longer producing.

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NOTICE OF INTENTION TO POLL – EXAMPLE



NOTICE OF INTENTION TO ESTABLISH A WINE PRODUCERS' COMMITTEE FOR WESTERN AUSTRALIAN WINE PRODUCERS

The Agricultural Produce Commission, under the Agricultural Produce Commission Act 1988 (the Act), and at the request of Wines of Western Australia (WOWA) and the 9 regional Wine Associations, intends to poll WA wine producers on the establishment of an APC producers' committee for WA wine producers.

The producers' committee is proposed to be established for all parts of the State of Western Australia.

If a poll of eligible producers is successful a Fee for Service charge will be raised to fund the costs of undertaking one or more of the Section 12.1 service functions of the Act. All Section 12.1 service functions will be included in the abilities of the producers' committee.

Submissions on the proposal are invited

The Agricultural Produce Commission invites written submissions from producers who may be affected by the proposal. Submissions (or queries) should be received no later than **Monday, 2 November 2015** to:

Ingrid Smith, Manager

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Agricultural Produce Commission

3 Baron Hay Court

South Perth 6151

E: Ingrid.smith@agric.wa.gov.au

Ph: 9368 3127

Further information on the APC and the APC Act can be requested from the address above or found on the APC website: apcwa.org.au

NOTICE OF CONDUCT OF POLL – EXAMPLE



NOTICE OF CONDUCT OF POLL TO ESTABLISH A PRODUCERS' COMMITTEE FOR WINE PRODUCERS IN WESTERN AUSTRALIA

The Agricultural Produce Commission (APC), under the Agricultural Produce Commission Act 1988 (the Act), and at the request of Wines of Western Australia and the nine regional Wine Associations will conduct a poll on Friday 18 December 2015 to establish a producers' committee in relation to wine produced in Western Australia.

The objective of the proposed wine producers' committee is to provide the services listed in paragraphs (a) to (m) of section 12(1) of the Act.

Wine producers will be asked to vote "yes" or "no" to the following question:

Do you support the formation of a producers' committee for the wine producers of Western Australia under the Agricultural Produce Commission Act covering all service functions listed (a) to (m) under section 12(1) of the Act.

An eligible producer for the poll is defined as 'the owner of the grapes at the point of crush'.

If the poll is successful wine producers will pay a charge determined by the APC for the services.

Submissions: Producers are invited to submit arguments for or against the poll question. Submissions are to be received by the Returning Officer no later than 5:00pm Tuesday, 1 December 2015.

Eligible producers list: For the purposes of conducting the poll the APC is compiling a list of eligible producers. The list of eligible producers for the poll closes at 5:00pm Tuesday, 1 December 2015. Wine producers who want to view the list, or have any questions about the list, should contact the returning officer.

Method of poll: Postal ballot – Ballot papers will be posted to eligible producers on Thursday 3 December 2015.

Close of poll: 5:00pm Friday, 18 December 2015.

Ingrid Smith, Returning Officer,

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Email: Ingrid.smith@agric.wa.gov.au Ph. 9368 3127