

Table 2 List of requirements and examples of supporting evidence

Legal Requirement	Factors the Minister may take into account	Examples of the sort of information the Minister will be looking for to determine whether legal requirements have been met	Examples of documentation that could be used as evidence	Notes for drafting applications to the Minister
<p>The Industry Organisation is a Body Corporate</p> <p>Section 100ZA (3)</p>		<p>Confirmation that the organisation is a body corporate.</p>	<p>Certificate of Incorporation.</p>	<p>A body corporate is an organisation such as a company or incorporated society, not a natural person.</p>
<p>The industry organisation represents the interests of the sector that they claim to represent</p> <p>Section 100ZA (4)</p>	<p>Eligibility of the businesses that comprise the sector to be members of the Organisation (5)(a).</p>	<p>A description of the sector that the organisation claims to represent.</p> <p>A description of who from the sector is eligible to join the organisation.</p>	<p>Body Corporate governing documents.</p>	<p>The sector description should explicitly describe who is included and excluded in the sector (e.g. the sector participants that could include growers, packers, distributors, etc.).</p> <p>Describe who can be members of your organisation, and if sector participants can belong to your organisation or another body that is a member of your organisation. Also, are there any exclusions – businesses or individuals who can't be members?</p>

	<p>The proportion of businesses that comprise the sector that are members of the Organisation (5)(b).</p>	<p>description of the members (i.e. businesses, individuals and levy payers) that make up the organisation.</p> <p>as c</p> <ul style="list-style-type: none"> • number of members in the organisation compared to the sector as a whole, AND The value of the commodity produced by members of the organisation versus the sector as a whole, OR The amount of the commodity produced by members of the organisation versus the sector as a whole, OR • The area of land devoted to production of the commodity managed by members of the organisation versus the area of land managed by the sector as a whole <p>Ide</p> <p>ification of any significant parts of the sector (or closely related sectors) that are not members of the organisation, including any comments why and/or who (if anyone) represents this group how.</p>	<p>Documentation showing where this information has been generated from (including any assumptions).</p>	<p>Describe the proportion of the businesses in the sector that are members of the organisation.</p> <p>Also cover if your members must be members or, if membership is voluntary, what proportion of the total producers (numbers and volume of production) are members.</p>
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Legal Requirement	Factors the Minister may take into account	Examples of the sort of information the Minister will be looking for to determine whether legal requirements have been met	Examples of documentation that could be used as evidence	Notes for drafting applications to the Minister
	<p>Accountability of the executive of the organisation to its members (5)(c).</p>	<p>Who the directors are.</p> <p>Who the shareholders are.</p> <p>That at least half the directors are elected by the members.</p> <p>That all members who would be contributing to cost-shares have speaking rights at meetings.</p>	<p>Body Corporate constitution that demonstrates that directors are accountable to its members.</p>	<p>Outline how the organisation is accountable to sector participants – for example the rules and governance of the organisation, how Board members are appointed etc.</p>

<p>The industry organisation must have arrangements for (or an adequate plan to) fund its commitments under the agreement</p> <p>Section 100ZA (9)(a) and (9)(b)</p>		<p>Summary of funding methods (including rationale) proposed for:</p> <ul style="list-style-type: none"> . Minimum commitments (e.g. provision of personnel to sit at the decisionmaking table for responses) . Readiness activities . Response activities <p>Details of who will be contributing funds, including rationale.</p> <p>Statement of how and when funding arrangements will be established and on what basis.</p> <p>Statement of how funding levels will be maintained at an appropriate level.</p>	<p>Documentation of the case for signing the Deed, including consideration of funding mechanisms.</p> <p>Consultation document outlining proposed funding mechanisms.</p> <p>Evidence of cash reserves (or a plan to build cash reserves).</p> <p>Evidence of an existing levy that could be used to fund commitments, or a plan to establish a levy that is not tie bound.</p> <p>Loan approval from a recognised financial institution.</p>	<p>Commitments generally come in three areas: minimum commitments, readiness, and response. Funding arrangements or plans don't need to be too detailed at this stage, as specific costs won't be known until the operational agreements have been negotiated. However the plan should account for a reasonable amount of funds relative to the size of the sector. It will be important to identify the impact of any new levy on growers, and its effect together with existing levies, perhaps as a proportion of export income, or per tonne or whatever unit your levy is based on.</p>
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<p>The industry organisation has consulted the sector that would be affected by the decision for an Organisation to <i>sign the GIA Deed</i></p> <p>Section 100ZA (6)</p>	<p>Consultation on the proposal that the Organisation becomes a party to the agreement (6)(a).</p> <p>Consultation on the ways in which an Organisation proposes to represent the sector's view during joint decision making under the agreement (6)(b).</p> <p>Consultation on the proposed arrangements for funding an Organisation's commitment</p>	<p>Who was consulted and how.</p> <p>What efforts were made to ensure that businesses and individuals that make up the sector were appropriately informed of the proposal, had reasonable opportunity to consider and to provide feedback on the proposal.</p> <p>The case presented to the sector outlining the justification for signing the Deed. For example, pre-requisites, costs, benefits, opportunities, and how the organisation proposes to represent the sectors views.</p> <p>The case presented to the sector on how the sector's views would be represented for joint decision-making, e.g. the elected board members will report to members on any decisions involving funding commitments above \$X in operational agreements. In a response, X board member will make joint decisions on behalf on members, and will report back to the board and members through X mechanism.</p> <p>NOTE: It is not sufficient that an application to the Minister describes the process an</p>	<p>Consultation plan (including evidence of implementation).</p> <p>Consultation document and responses to this.</p> <p>Records of meetings (e.g., presentations, minutes).</p> <p>Voting results.</p>	<p>Set out all the means of engagement - industry meetings, publications, regional grower meetings at which the issues were discussed. What portion of the sector was included in the consultation? What portion received the final consultation document? How many responded (if it was a poll rather than a vote)?</p> <p>Outline the support and against in relevant terms, such as of grower/farmer numbers, production, plant or animal numbers, area under production.</p>
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	<p>under the agreement (6)(c).</p>	<p>organisation intends to take when representing sector's views during joint decision-making for the GIA. The organisation must have consulted the sector on this proposed process – the application to the Minister should describe this consultation on the proposed process and the feedback received from it.</p> <p>Specific items where feedback and a statement of support (or otherwise) was requested, including the:</p> <ul style="list-style-type: none"> . Proposal to sign the Deed . Ways in which the industry organisation proposes to represent the sector's views during joint decision-making . Proposed financial arrangements for funding future readiness commitments . Proposed financial arrangements for funding future response commitments 		
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<p>The industry organisation has had due regard to the views expressed during consultation</p> <p>Section 100ZA (7)</p>		<p>The proportion of the sector that responded to and/or provided feedback on the proposal.</p> <p>Details on the nature of feedback received from businesses and individuals that make up the sector.</p> <p>A clear position from the sector as a whole on whether or not they support the proposal to join the GIA, and for the organisation to represent them.</p> <p>How the organisation has taken into account the feedback received.</p> <p>Acknowledgement of any impacts on businesses or individuals that did not support the proposal, and how the organisation intends to manage this.</p>	<p>Collated feedback (original submissions) on the proposal from individuals and/or businesses.</p> <p>Analysis of feedback.</p>	<p>Provide an assessment of the views that were raised during the consultation, and how they were considered and addressed. Include feedback received from the industry meetings and informal consultation. How has the organisation modified its proposal in response to issues raised?</p>
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