



Legislative Council Committee
Parliament House
4 Harvest Terrace
West Perth WA 6005

Inquiry into the Agricultural Produce Commission Amendment Bill 2019

Dear Committee members

Thank you for the opportunity to provide input to the inquiry into the *Agricultural Produce Commission Amendment Bill 2019*. vegetablesWA is the peak industry body representing Western Australia's approximately 850 vegetable growers and is in-part funded by the Agricultural Produce Commission Vegetable Producers Committee (APC-VPC). We are the largest agricultural peak industry body in Western Australia and the APC-VPC is the largest of the APC committees.

The Context

The APC-VPC has been critical to the development of the Western Australian vegetable industry and a range of others. This is due not only to the projects that the APC directly funds, but the way it enables the industry to leverage significant project investment from other sources such as our national research and development corporation, Hort Innovation, as well as the state and federal governments.

Since 2013, the vegetable industry has been able to leverage \$4.42 of external funding for every \$1 of APC funding invested, or in gross terms \$13,813,519 worth of projects have been enabled by a \$3,126,321 APC investment. There is an extremely strong argument that the main way in which WA growers have received value from their national research and development levy investment at Hort Innovation has been through the activities enabled by the APC system. As a result, the Western Australian vegetable industry is envied by many of our interstate counterparts as the most effective in Australia at driving industry outcomes, and indeed we have a strong impact at a national level as well.

A small number of example projects which have had a significant impact and were enabled by the APC directly or indirectly include:

- Communications to assist growers respond to the COVID-19 incident and a range of other industry issues.
- Legal advice to assist growers deal with fracking companies under the *Petrochemical and Geothermal Resources Act 1967*, in addition to legal advice in negotiating a model Land Access Agreement with APPEA, WAFarmers and the Pastoralists and Graziers Association.
- Biosecurity and market access response services during the Tomato Potato Psyllid incident and a biosecurity preparedness fund.
- Export and market development services. A modest annual workshop is funded by the APC, but we have then leveraged significant funding from Hort Innovation to provide a human resource at vegetablesWA who then links in with the national export development programs.
- Engagement with government on the creation of a new Western Australian Water Act.
- Australia's first vegetable industry farm financial analysis and benchmarking program. It does not use APC funding directly but the APC part-funded vegetablesWA industry association has enabled over \$1 million of external investment from state



government and Hort Innovation for a program which is driving fundamental improvements to grower businesses.

- Two field extension officers who provide more agronomically focused services, half funded by the APC and half funded by Hort Innovation.
- A labour research project which has provided an evidence base now being used by the National Farmers Federation and others to seek changes to the national visa system.
- A state government funded labour facilitator who assists growers better access to labour under special visa categories, enabled by leveraging the part APC funded vegetablesWA.
- A quality assurance coordinator who helps ensure WA growers don't have problems like listeria in melons.
- An industry consultation mechanism via vegetablesWA around a range of issues ranging from labour, water, biosecurity, public health, business improvement and many others at both a state and federal level. We also have a seat at the National Farmers Federation Horticulture Council.
- Marketing programs, including the Great Aussie Crunch targeting school children.

As governments generally continue to limit or reduce resources from Departments and then expects industry to fill the gap, the role of the APC will become even more important in coming years.

The Bill

The APC undertook appropriate consultation with all APC committees before the Bill was drafted. This was in addition to the consultation that occurred as part of the 2006 review. The APC-VPC provided strong support for all amendments, although at the point of the most recent consultation the broadacre amendment wasn't being considered so we weren't asked for a view on this.

We strongly support all amendments, with the exception of the amendment to extend the remit of the APC to broadacre and pastoral industries. As we do not represent these industries, we believe it would not be inappropriate to take any view and it is for the broadacre and pastoral industries to take positions or resolve their inclusion or not.

The amendments will significantly improve the governance and administration of the APC and its committees. Proposals to: allow independent experts as non-voting committee members; allow new industries to join existing committees; allow an industry to be removed from a committee; and enable a stronger compliance system are all important and obviously desirable amendments.

The improved compliance measures provide modest powers that will improve the equity of APC fee for service collections amongst growers. It is unfair that the lack of compliance measures currently enabled under the Act allow some growers to not pay or underpay for the services they receive whilst the majority do the right thing. Enabling the APC to ask for records is hardly draconian. Could the government even conceive of removing the Western Australian Treasury of any investigative powers around its fund collections to put it on par with the Agricultural Produce Commission? After all, the APC committees are now funding services which were undertaken by government before. Our data indicates that there may only be a 60-70% compliance rate and



improved enforcement mechanisms are required to enable industry via the APC to equitably undertake the tasks required without free riders taking advantage of services paid for by others.

In response to a question in the House about compliance measures from the Honourable Robin Scott earlier in this term of government, the Minister said that “a direction to produce a relevant document as defined in proposed part 3A must be given in writing, and an authorised officer is not given power to enter any premises, let alone a dwelling. For this reason, although a written direction to produce a relevant record may require that the record be produced “at a place specified” or “by the means specified”, this will not authorise a direction that “a farmer produce his own documents before the officer in the farmer’s own home”.

However, it is also our strong view that any disagreements amongst the broadacre and pastoral industries cannot be allowed to impair the other amendments from being implemented.

The Summary

As mentioned, the Act was last formally reviewed in 2006 by the Department of Agriculture and Food (now the Department of Primary Industry and Regional Development). However, no government at the time or since has responded via legislative reform, which has been disappointing. It is long past time that our industry gained the support we deserve to further improve the APC system by passing these reforms.

Should the Committee seek any further information on these matters I would be pleased to provide any assistance.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Shannon". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John Shannon
CEO, vegetablesWA