

**Australian Mushroom Industry
Agaricus Mushroom Levy Ballot
Change in Rate of the Agaricus Mushroom Levy**

Voting Rules

1. DEFINITIONS

In these rules:

AEC means the Australian Electoral Commission which is acting as the Ballot Administrator.

Ballot Material means:

- (a) one ballot paper - specifically for Commercial Mushroom Growing Operations growing Mushrooms for sale by the Commercial Mushroom Growing Operation or used by the Commercial Mushroom Growing Operation in the production of other goods. ;
- (b) a reply paid envelope addressed to the AEC
- (c) a declaration envelope which comprises the Ballot Paper Envelope and the Voter's Declaration
- (d) a pamphlet outlining information about the levy and voting rules

Ballot Paper Envelope means the envelope section of the Declaration Envelope in which the Ballot Paper is to be sealed. It forms part of the Ballot Material.

Business Day means a day that is not a Saturday, Sunday or bank or public holiday in Sydney, New South Wales

Closing Time has the meaning given in rule 3.5(a)

Commercial Mushroom Growing Operation means any operation growing and supplying Australian grown Agaricus Mushrooms to the Fresh Market or supplying Australian grown Agaricus mushrooms to a processor, regardless of whether the Commercial Mushroom Growing Operation is:

- (a) made up of one or more geographic adjacent or separate farms;
- (b) jointly or separately owned by one or more persons or entities.

Declaration Envelope means the declaration envelope forming part of the Ballot Materials.

Eligible Commercial Mushroom Growing Operation means a commercial Agaricus mushroom growing operation that is entitled to vote in accordance with Rule 2. A list of Eligible Commercial Mushroom Growing Operations will be provided to the AEC by AMGA.

Eligible Voter is the Owner or authorized representative entitled to vote on behalf of the Commercial Mushroom Growing Operation.

Fresh Market means the process through which fresh mushrooms are sold to consumers as whole mushrooms or semi / minimally processed mushrooms, such as fresh- cuts and dicing. To avoid doubt, it includes sales to packhouses, direct to supermarkets and other retailers, wholesalers, agents, brokers or other middlemen.

AMGA means Australian Mushroom Growers Association Ltd.

Processor means a business that cans or otherwise prepares mushrooms or substantially alters their form in any way. To avoid doubt, it does not include semi or minimal processing of mushrooms, such as the cutting or dicing of mushrooms. It does not include fresh-cut products.

Processing means any process that involves canning, or otherwise preparing or substantially altering the form of the mushrooms. To avoid doubt, it does not include semi or minimal processing of mushrooms, such as the cutting or dicing of mushrooms. It does not include fresh-cut products.

Opening Date has the meaning given in rule 3.2.

Owner of a Commercial Mushroom Growing Organisation means:

- (a) the person or entity that legally owns the business growing mushrooms
- (b) the persons or entities that legally own (whether jointly or separately), the business growing mushrooms

as at the Opening Date. For avoidance of doubt, a person or entity may be the Owner of a Commercial Mushroom Growing Operation even if the person does not own the farm on which the mushrooms are grown (e.g., if the person or entity leases the land and/or growing sheds). In this case, if the business of producing mushrooms that make up the Commercial Mushroom Growing Operation are owned:

- (a) by a company, the Company is the Owner;
- (b) by a number of partners, each of the partners are Owners;
- (c) by a person or company in its capacity as trustee of a trust, the person or company is the Owner in that capacity.

Roll of Eligible Commercial Mushroom Growing Organisations means the register prepared by the AEC in accordance with Rule 3.7(a).

Rules means the voting rules.

Voter's Declaration means the Voter's Declaration slip that forms part of the Declaration Envelope.

Voting Register means the register required to be kept in accordance with Rule 3.7(b).

2. ELIGIBILITY TO VOTE AND VOTING ENTITLEMENT

- (a) **Each Commercial Mushroom Growing Operation** growing and supplying, or planning to grow and supply in the next 12 months, Australian grown Agaricus mushrooms to the Fresh Market or supplying Australian grown Agaricus mushrooms to a processor, **is entitled to cast one vote in the ballot.**
- (b) **The Owner or the authorised representative of the Commercial Mushroom Growing Operation is entitled to vote on behalf of the Commercial Mushroom Growing Operation. If there is more than one Owner of the Commercial Mushroom Growing Operation, only one Owner or authorized owner, on behalf of all other Owners, is entitled to vote on behalf of the Commercial Mushroom Growing Operation.**
- (c) To be eligible to vote in the ballot, there is no requirement that a Commercial Mushroom Growing Operation be a member of AMGA

3. CONDUCT OF BALLOT

3.1 Secret Postal Ballot

The AEC will conduct a secret postal ballot in accordance with these Rules.

3.2 Opening Date

The ballot will open on 18 November 2011.

3.3 Issue of Ballot Materials

- (a) On or before the Opening Date, the AEC must send the Ballot Materials in a sealed envelope by prepaid post to each of the Eligible Commercial Mushroom Growing Operations notified by AMGA at the postal address notified by AMGA.

3.4 Application for Ballot Materials

- (a) Where the Owner of a Commercial Mushroom Growing Operation claims that they have not received any Ballot Materials, the Owner may make an application to AMGA for the issue of Ballot Materials.
- (b) Where the Owner of the Commercial Mushroom Growing Operation claims the Ballot Materials received by it has been lost, destroyed or spoilt, the Owner may make application to the AEC for the reissue of replacement Ballot Materials.
- (c) An application under 3.4(a), 3.4(b) must:
 - (i) be in writing
 - (ii) set out the applicant's full name, business / trading name and postal address
 - (iii) set out the grounds on which the application is made
 - (iv) be received at least 7 days prior to Closing Time; and
 - (v) include a signed declaration by the applicant as to the accuracy of the contents of the application.
- (d) On receipt of an application under Rule 3.4(a), AMGA will advise the AEC to issue or reissue, as may be the case, Ballot Materials to the applicant unless the AMGA is satisfied that the information contained in the application is not true.
- (f) On receipt of an application under Rule 3.4(b), the AEC will reissue Ballot Materials to the applicant unless the AEC is satisfied that the information contained in the application is not true.

3.5 Closing Time

- (a) The ballot will close at 5 pm Australian Eastern Daylight Time (AEDT) on 9 December 2011.
- (b) The AEC must reject and set aside any returned Ballot Materials that are not received by the AEC at the office or postal address of the Returning Officer by the Closing Time.

3.6 Preliminary Scrutiny of Ballot Paper Envelopes and Voter's Declaration

- (a) The AEC must:
 - (i) collect any returned Ballot Materials received by the AEC; and
 - (ii) conduct preliminary scrutiny of the returned Ballot Materials in accordance with Rule 3.6(b)
- (b) The AEC must reject and set aside any returned Ballot Materials if
 - (i) the Ballot Paper is not returned in the Ballot Paper Envelope;
 - (ii) the Ballot Paper Envelope is not returned;
 - (iii) the Voter's Declaration is not returned;
 - (iv) the AEC reasonably believes that:
 - (A) the Commercial Mushroom Growing Operation is ineligible to vote in the ballot;
 - (B) the Eligible Voter is ineligible to vote in the ballot on behalf of the Commercial Mushroom Growing Operation
- (c) If more than one Declaration Envelope is returned by the Commercial Mushroom Growing Operation, only the second Declaration Envelope, including the Ballot Paper Envelope and Corresponding Voter's Declaration, received by the AEC will be admitted to scrutiny and the first Declaration Envelope, including the Ballot Paper Envelope and Voter's Declaration, must be rejected and set aside.

3.7 Roll of Commercial Mushroom Growing Operations and Voting Register

- (a) At the commencement of the ballot process, the AEC must prepare a Roll of Eligible Commercial Mushroom Growing Operations from a list of Eligible Commercial Mushroom Growing Operations provided by AMGA.
- (b) Prior to the opening of any Ballot Paper Envelopes, the AEC must prepare a Voting Register which records the Ballot Materials returned by the Eligible Commercial Mushroom Growing Operation that is not rejected and set aside in accordance with these Rules.
- (c) In relation to the Voting Register, subject to rule 3.9, no other data that relates to any cast vote in the ballot will be recorded.

3.8 Scrutiny of ballot papers

- (a) Promptly after Closing Time, the AEC must remove the ballot paper from each Ballot Paper Envelope that has been admitted to the count and commence the count.
- (b) The AEC must reject as informal any ballot paper:
 - (i) that does not bear the authenticating mark of the AEC;
 - (ii) that is not completed substantially in accordance with the instructions included on the ballot paper; or
 - (iii) if marking is such that the voting intention is not clear.

3.9 Recording the Vote

(a) The voting intention evidenced on each ballot paper that is admitted to the count will be recorded as in favour or against for the question posed on the ballot paper.

3.10 Declaration of Results

(a) The AEC must declare the results of the ballot by notice in writing to the Chief Executive Officer of AMGA within three Business Days after Closing Time.

(b) The ballot shall be declared in favour of the question on the ballot paper, if a simple majority of eligible votes cast in the ballot, for that question, is in favour of the question.

(c) A majority is defined as 50% plus one of the formal votes received from Eligible Commercial Mushroom Growing Operations.

3.11 Destruction of returned Ballot Materials

(a) Subject to rule 3.11(b), the AEC must destroy all materials in its possession which relates to any votes cast in the ballot twelve months after it declares the results of the ballot.

(b) If within two weeks of the declaration of the results of the ballot, AMGA receives a query about validity of any vote by a Commercial Mushroom Growing Operation, AMGA may request the AEC:

- (i) not to destroy the any Ballot Material returned by the Commercial Mushroom Growing Operations;
- (ii) and to retain such Ballot Material in safe custody for a period of up to twelve months.

3.12 Confidentiality of ballot-related information

(a) The AEC must not disclose any ballot-related information from which the identity of any persons or entities could be ascertained.

(b) The AEC may disclose ballot-related information to AMGA (and must disclose such information as AMGA reasonably requires) provided that the AEC must not provide to AMGA any information that relates to any person, entity or Commercial Mushroom Growing Operation whose identity is, or could become, apparent.

4. General

4.1 Uncertainty

(a) In the event that the AEC is uncertain about the interpretation of these Rules, the AEC must seek written directions from AMGA in respect to the interpretation of these Rules and any reasonable written directions issued by AMGA will be binding on the AEC.