

1 July 2020

To Summerfruit NZ Members

### **Notice of Annual General Meeting of Summerfruit New Zealand Incorporated**

Notice is hereby given that the Twenty Sixth Annual General Meeting of Summerfruit New Zealand Incorporated will be held at Alexandra Community House, 14 Centennial Avenue, Alexandra on 15 July 2020. Alternatively, if preferred, members can register to attend via Zoom. The AGM will start at 3.00pm and conclude at 5.00pm. More information on how the meeting will proceed on the day will be provided when you complete the registration process.

If you are responsible for multiple entities, please complete the registration process and/or proxies for each individual entity. Please refer to the AGM page on the website for further forms.

#### **What you need to know**

If you are attending the AGM **in person**:

- There are limits on the numbers able to attend on the day due to the venue so please advise if you will be attending in person by completing and emailing the enclosed RSVP form.
- As per clause 10 of Schedule 1 of the Companies Act please confirm on the RSVP form who is appointed to represent the organisation at the meeting in the same manner as you would appoint a proxy (ie the vote holder).
- Voting on the day will be paper based as it was in 2019.

If you are attending the AGM **via Zoom**:

- Given the technology issues managing an AGM via Zoom you will need to pre-register for the Zoom meeting using the link below or from the AGM page on the website.
- <https://us02web.zoom.us/meeting/register/tZ0kde6ppj0pEtXO-2K74bQZmXJPfViY2pRH>
- If you have not pre-registered, you will be unable to join the meeting on the day.
- Voting will be either via the Polling function in Zoom or by returning a proxy form ahead of the meeting.

All AGM registrations will close at 9.00am, Monday 13 July to allow sufficient time for effective administration of the AGM.

#### **Unable to attend the AGM**

Should you be unable to attend the meeting, a proxy form is enclosed. If you have multiple membership entities and require further proxy forms, they are available to download from the AGM website page [www.summerfruitnz.co.nz/about-us/2020-agm/](http://www.summerfruitnz.co.nz/about-us/2020-agm/).

Please ensure that all proxies are returned no later than 3.00pm on 14 July 2020. Proxies can be emailed in pdf format to [admin@summerfruitnz.co.nz](mailto:admin@summerfruitnz.co.nz).

## Business

1. To receive and consider the minutes of the previous AGM, 5 August 2019.
2. To receive and consider the Chairman's report.
3. To receive the Apricot Co Interim Board report.
4. To receive and consider the Summerfruit NZ Inc Annual Accounts (2019).
5. To approve the appointment of an auditor for Summerfruit NZ Inc (2019-20).
6. To receive the proposed 2020-21 projected receipts and expenditure.
7. To set the commodity levy rate for the 2020-21 year.
8. To agree to implement the Commodity Levies (Summerfruit) Order 2020, if not yet an Order in Council.
9. To receive the Biosecurity report 2019-20 and set a biosecurity levy rate.
10. To receive and consider changes to the Summerfruit NZ Inc Constitution.
11. To receive and discuss the recommendations of the industry review, and the Board options.

The resolutions from the Summerfruit NZ Board are listed below, no resolutions were received from members.

*Resolutions 1 – 6 are Producer Member only votes, using the planted hectare vote allocations currently recorded by Summerfruit NZ. Those Producer Members who do not have any planted hectares on record with Summerfruit NZ are not entitled to vote.*

*Resolution 7 is for all Summerfruit NZ members. Each member, including Producer Members, is entitled to one vote.*

**Please note:** The Summerfruit NZ Inc Constitution clauses 7.4 and 7.9 indicate that new or amended resolutions **cannot** be proposed on the day of the AGM, unless the amendments are purely technical or non-material.

## RESOLUTIONS

### Resolution 1

That the minutes of the AGM of Summerfruit New Zealand held on 5 August 2019 be taken as read and confirmed as a true and correct record of that meeting.

*Moved by: Summerfruit NZ Board*

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### Resolution 2

That the Annual Report and audited financial statements for the year ended 31 August 2019 be accepted as tabled.

*Moved by: Summerfruit NZ Board*

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### **Resolution 3**

That the Board appoint BDO as financial auditors for the 2019-20 year.

*Moved by: Summerfruit NZ Board*

#### **Explanation**

*BDO were the auditors who conducted the 2018-19 audit.*

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### **Resolution 4**

That the levy rate for the new Commodity Levies (Summerfruit) Order 2020 (to be confirmed by Order in Council), for the 2020-21 year, or until further notice, shall:

- i. remain 1.5% (plus GST) for peaches, nectarines, plums, apricots and the hybrids thereof;
- ii. remain 0.75% (plus GST) for cherries; and
- iii. be initially set at 0.5% (plus GST) for processed fruit excluding fruit sold to Heinz Wattie's Ltd for processing.

*Moved by: Summerfruit NZ Board*

#### **Explanation**

*The process fruit rate was added to the Commodity Levies (Summerfruit) Order 2020 following consultation and inclusion in the 2019 referendum.*

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### **Resolution 5**

That the summerfruit industry agrees to pay the Commodity Levies (Summerfruit) Order 2020, (ie the new commodity levy) as set in Resolution 4, as though, and until such time as, the Commodity Levies (Summerfruit) Order 2020 is in place having been made an Order in Council.

*Moved by: Summerfruit NZ Board*

#### **Note**

*Due to Covid shutdown and post-Covid activity, MPI and Parliamentary Counsel Office may not have the new Commodity Levies Order confirmed as an Order in Council, either before the election or before the summerfruit season. The Levy Order is fully expected to become an Order in Council, however this resolution simply covers any payable levy until such time as that occurs, and reflects a fairness that all fruit will be subject to levies.*

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### **Resolution 6**

To set the rate of the Biosecurity Levy at 0.05%.

*Moved by: Summerfruit NZ Board*

#### **Explanation**

*It is necessary to activate the Biosecurity (Readiness and Response—Summerfruit Levy) Order 2019 at AGM to enable the levy to be implemented. Without this Summerfruit NZ cannot collect any biosecurity levy.*

*On industry sales of \$150m the proposed rate would generate \$75,000, reflecting the ongoing nature of Summerfruit NZ commitments to biosecurity as a partner to GIA, with legal obligations and costs.*

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### **Resolution 7**

That the following alteration to clause 7.5 of the Constitution and Rules of Summerfruit New Zealand Inc be adopted. Current clause 7.5 to be deleted and replaced with the proposed clause 7.5 following.

#### *Current clause 7.5*

Every notice required to be given to the Members or any of them shall be deemed to have been duly delivered if posted to the Member in a prepaid letter addressed to the Member at the last address supplied by the Member of the Society.

#### *Proposed clause 7.5*

Every notice required to be given to the Members or any of them shall be deemed to have been duly delivered if posted to the Member in a prepaid letter addressed to the Member at the last address, *or sent in electronic form to the last email address*, supplied by the Member of the Society.

*Moved by: Summerfruit NZ Board*

### **Explanation**

*To enable the electronic delivery of notices to the members of Summerfruit New Zealand.*

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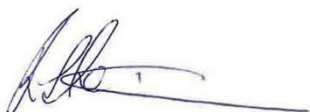
### **Annual Report**

The 2019 Annual Report is enclosed and contains:

- A summary of the 2019 audited accounts for Summerfruit NZ
- Chairman's report
- Chief executive's report
- Biosecurity report.

If you have any questions about the AGM, please feel free to contact me.

Best regards



Richard Palmer  
Interim chief executive  
Summerfruit NZ

Encl.

RSVP form/Proxy form/2019 AGM minutes/Annual report.