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PRIMARY
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Poppy Cultivation in South Australia

Frequently Asked Questions

This document is intended to provide an overview of the regulatory requirements for the cultivation of poppies in SA. The detailed Information Booklet, application form and risk management plan template provide further information on regulatory requirements and guidance on how to apply for a licence. For a copy of these documents contact the PIRSA Alkaloid Poppy Cultivation Scheme via phone 1300 799 684 or email PIRSA.PoppyCultivation@sa.gov.au

Which poppy processors are licensed in SA?

The alkaloid poppy processor currently licensed in SA is TPI Enterprises Ltd: www.tpienterprises.com Growers interested in growing poppies in SA should first register their interest with TPI Enterprises Ltd via agri@tpienterprises.com

Who can apply for an alkaloid poppy cultivation licence?

In order to apply for a licence, a prospective grower must have entered into a contract with a licensed processor (subject to PIRSA issuing a cultivation licence). A poppy cultivation licence may then be applied for by a natural person or body corporate as follows:

- If the applicant is a sole trader, the licence will be in their legal name
- If the applicant is a partnership, one of the partners may apply for and hold a licence
- If the applicant is a company, the licence will be held in the company name.

A trustee may apply for and hold a licence if they have sufficient control over the business (eg a trust set up for financial reasons may not be appropriate).

What information needs to be provided with the application form?

The application form requires the following details to be completed:

- Application type
- Applicant details
- Details of all partners, trustees, and directors
- Information on the specified premises (usually made up of three proposed poppy cultivation areas)
- A list of all associates of the applicant and their details
- A list of employees and their details
- A declaration
- Payment details for the application fee (\$1750) and South Australia Police probity checks (\$200 per check)



The application must also include the following supporting documentation:

- A copy of a contract between the applicant and licensed processor
- National Police Record Checks for the applicant and for associates of the applicant
- A proposed risk management plan
- A map of the specified premises
- Relevant credit report(s)
- Record of registration of business name (if applicable)
- Current company extract from the Australian Securities and Investment Commission (ASIC) (if applicable)

Who do I need to supply a national police record check for?

National police record checks must be provided for the applicant and for each of their associates. Police record checks must be less than 12 months old and are available from:

- www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check
- Or internet search “national police check” and ensure the provider is accredited at www.acic.gov.au/sites/g/files/net1491/f/2016/07/list_of_accredited_organisations_-_july_2016.pdf?v=1468801736
- Estimated cost is \$50-60 per person

Who are the associates of an applicant?

Examples of associates of the sole trader, partner or trustee applying for the licence include:

- Their relatives and farm managers
- Beneficiaries who are able to exercise a significant influence over or with respect to the management or operation of the business

Examples of associates of a company applying for a licence include:

- Directors, secretaries, managers and executives
- Shareholders who are able to exercise a significant influence over or with respect to the management or operation of the business.

What is a SA police probity check and who needs one?

Probity checks are conducted by SA Police to consider whether the sole trader, partners, trustees and directors and their associates are suitable persons to be concerned in or associated with the cultivation of alkaloid poppies (and are additional to the national police record checks mentioned above).

During the application process all application forms are forwarded to SA Police who conduct probity checks on the sole trader, partners, trustees or directors and their associates at a cost of \$200 per sole trader, partner, trustee or director.

If the Commissioner of Police opposes an application, a licence will not be issued.

How much does it cost to apply for a cultivation licence?

The 2016/17 application fee for a cultivation licence is \$1750 which includes the cost of the initial site assessment. The fee is payable by credit card at the time of application. Other application costs include:

- A fee of \$200 for each SA Police probity check for a sole trader and each partner, trustee and director.
- National police record checks must also be provided for the applicant and for all associates at a cost of approximately \$50-60 per check.

How much does it cost to maintain a cultivation licence?

A cultivation licence is valid for 3 years. The \$910 annual fee is payable each year that poppies are being grown under a contract with the processor (ie the annual fee does not apply if the licence holder is not growing poppies in the second or third year of their licence). Other costs include:

- A site inspection and travel fee of (\$140 p/h) for site inspections prior to sowing, during cultivation and post-harvest
- A licence renewal fee of \$1445
- Ad hoc fees for licence amendments and reporting a new partner, trustee or director etc.

What is a risk management plan?

A risk management plan forms an important part of a poppy cultivation licence. The purpose of a risk management plan is to demonstrate that a grower:

- Has considered the specific risks associated with poppy cultivation on their property and
- Will take appropriate action to ensure that poppies are safely and securely cultivated.

A proposed risk management plan must be submitted for assessment as part of a licence application. The risk management plan must be approved by PIRSA before a licence is granted. It must be kept current with any changes to be reported to PIRSA within 14 days.

Any changes to the risk management plan are reviewed and approved by PIRSA free of charge.

Why do I need to list three cultivation areas on the application form?

A poppy cultivation licence is issued for a period of 3 years and relates only to the specified premises described in the licence. To allow for crop rotation over the 3 year licence period, applicants should identify 3 poppy cultivation areas so the suitability of each location, facilities and proposed security arrangements can be assessed at the same time and included in the licence. Once a licence has been issued a fee applies to amend the premises described in the licence as an additional site assessment is required.

How long will it take to assess my licence application?

Licence applications are processed by PIRSA within 60 days which includes the initial site assessment to determine the suitability of the location, facilities and security arrangements as outlined in the proposed risk management plan and SA Police probity checks.

What if my licence application is refused?

If a cultivation licence application is refused, the applicant can apply to the South Australian Civil and Administrative Tribunal for a review of the decision. A review by the Tribunal must be requested within 1 month of the making of the relevant decision. Licence application fees are not refundable.

When can I start poppy cultivation?

Poppies can only be cultivated by licensed growers who hold a valid contract with a licensed processor that is registered in the Alkaloid Poppy Register. Requests to add a contract to the register are determined within 7 days. Once a contract has been registered by PIRSA poppy cultivation can commence.

How are site assessments and inspections arranged?

Site assessments are conducted by PIRSA during the application stage to determine whether the applicant's property is suitable for poppy cultivation. Site inspections are conducted pre-sowing, during the cultivation period, and post-harvest to ensure that poppy cultivation activities, comply with the Act, Regulations and licence conditions. An authorised inspector will contact a grower shortly before a site assessment or inspection to arrange a suitable time.

What happens if I don't comply with the conditions of the licence?

To maintain the integrity of the industry, poppy growers must strictly comply with licence conditions. Non-compliance by growers and their employees with the Act, Regulations, and licence conditions will be responded to using the following compliance and enforcement measures depending on the risk posed by the non-compliance:

- Additional site inspections at the grower expense
- Expiation notices
- Detention/seizure of product
- Forced harvest/destruction order
- Suspension/cancellation of grower licence
- Refusal to grant/renew grower licence
- Prosecution.

What steps do I have to take if I suspect crop interference and/or theft?

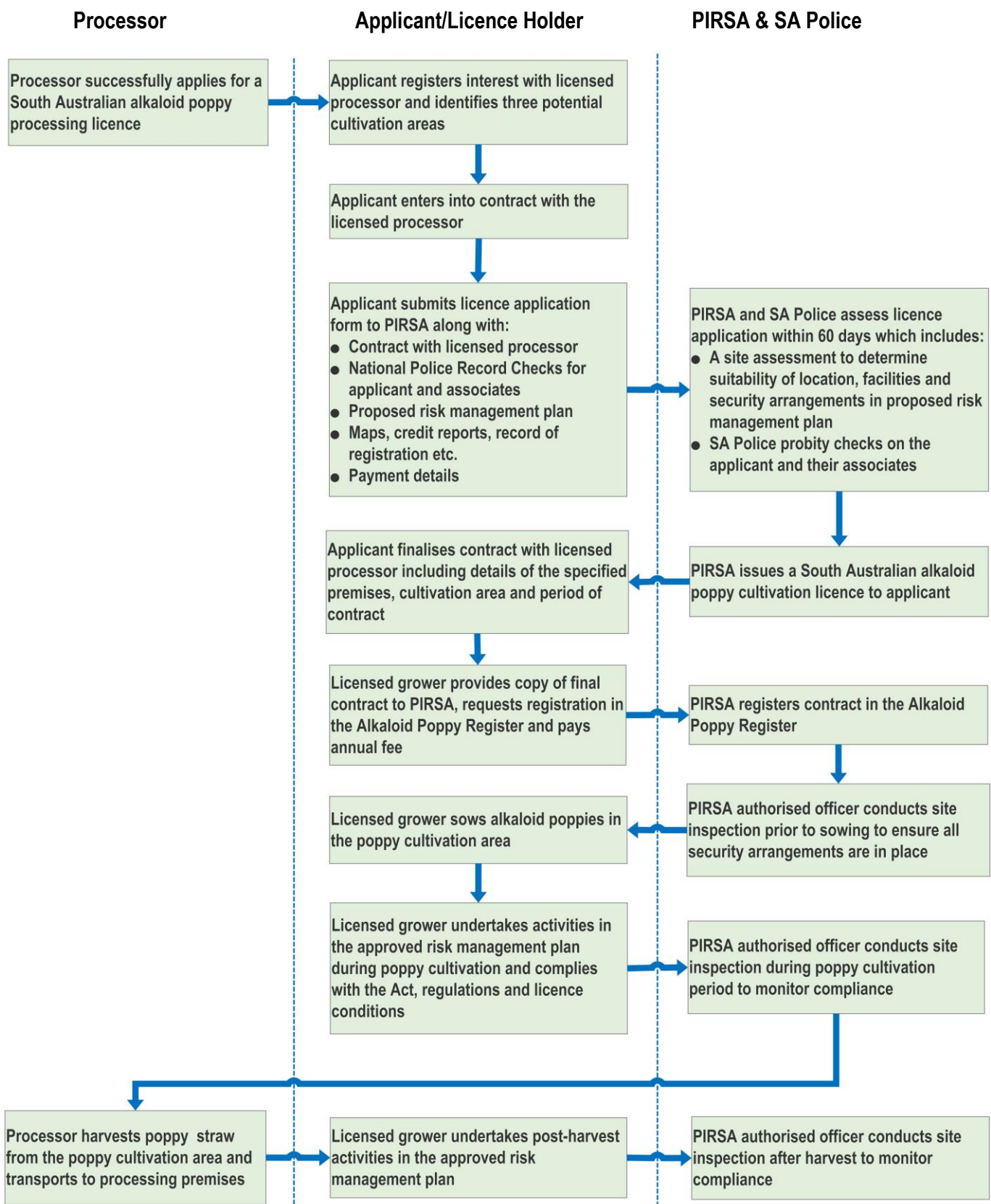
Any suspected crop interference and/or theft must be reported immediately to SA Police. SA Police will investigate any reports on suspected criminal activity. The PIRSA Alkaloid Poppy Cultivation Scheme must also be notified via phone 1300 799 684 or email PIRSA.PoppyCultivation@sa.gov.au

FURTHER INFORMATION

For more information, please contact the PIRSA Alkaloid Poppy Cultivation Scheme on 1300 799 684 or PIRSA.PoppyCultivation@sa.gov.au

- Poppy Cultivation in South Australia - Information Booklet
- Application for an Alkaloid Poppy Cultivation Licence form
- Risk Management Plan under a Licence to Cultivate Alkaloid Poppies template

FLOW CHART: CULTIVATING ALKALOID POPPIES IN SA



Information current as of 1 December 2016

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