

GROWER & USER TERMS DICTIONARY

Reference	Definition
Access Method	means the method we make available to you allowing you access to a User Account and Grower Account.
Agricultural Product	means products or Commodities derived from viticulture, horticulture, pasturage, apiculture, poultry farming and dairy farming or other operations connected with the cultivation of the soil, the gathering in of crops and the rearing of livestock.
Approved Dealing	means a Primary Production related transaction between a Payee and a Data Subscriber.
Associated Entities	has the same meaning as that term is defined in the <i>Corporations Act 2001</i> .
Authorised User	means a person who acts on behalf of a Data Subscriber and who the Data Subscriber lists as having authority to act for it on its Application Form or otherwise in writing.
Authority or Authorisation	means an authorisation, consent, right, certificate, licence, permit or declaration whether in writing or otherwise.
Business Day	means a day which is not a Saturday, Sunday or public holiday in Toowoomba, Queensland.
Claim	means, in relation to a person, any action, allegation, claim, demand, judgment, Liability, proceeding, remedy, right of action or right of set-off made against the person concerned however it arises whether: <ul style="list-style-type: none"> a) it is present, unascertained, immediate, future or contingent; b) it is based in contract, tort, statute or otherwise; or c) it involves a third party or a party to this contract.
Commodity	includes Grain, Agricultural Product or other article of trade or commerce.
Data Subscriber	means: <ul style="list-style-type: none"> a) a person that holds from time to time a current Password to access certain data on the Register and whose authority to access the Register has not subsequently been cancelled, suspended or whose access to the Register has not been denied for any reason; b) our shareholders (including their successors and assigns).
Data Subscriber's Growers	means Growers against whom a Data Subscriber is Listed on the Register and whom the Data Subscriber can demonstrate to our reasonable satisfaction have either: <ul style="list-style-type: none"> a) delivered Agricultural Product to, or sold or contracted to sell Agricultural Product to, the Data Subscriber; or b) purchased or contracted to purchase Agricultural Product from the Data Subscriber.
Device	means a physical device used with Electronic Equipment to access a Grower Account
Electronic Equipment	includes a computer, tablet, electronic device, telephone and mobile phone.
Grain	includes all dry bulk commodities including, without limitation, grain, minerals, woodchips, fertiliser and chemicals.
Grower	means a person who delivers, sells or contracts to deliver or sell Agricultural Product and who is registered as such on the Register and myNGR.
Grower Account	means the Grower's Details, the Users of a Grower, the User's Contacts Details, Required Approvals and Listings for a Grower, but does not include each User's Login Name and Password.
Grower Data	means information contained in your Grower Account or User Account and any information that a User or Grower provides to us, except their Login Name, Password and Security Questions & Answers.

Reference	Definition
Grower Details	<p>means in respect of each Grower:</p> <ul style="list-style-type: none"> a) the names of the persons or trading entities that are Payees in respect of the Grower Account; b) the User Contact Details for Users in respect of that Grower Account; c) the address, GPS coordinates and location by State and, in the case of South Australian properties, (hundred), of the main grain or Agricultural Product producing property contributing grain or Agricultural Product to be sold using the NGR Card; d) the percentage split of payments to go to each of the Payees; e) the preferred method of payment (cheque or direct credit); f) the bank BSB, account number and account name of each of the Payees; g) the Australian Business Number of the business or trading entity (if provided); h) the GST status of the Payees, <p>and any other information that we may collect from you and provide to a Data Subscriber or their Authorised Users from time to time with your consent.</p>
Grower Registration Number	means a form of identification issued by us to a Grower Account carrying a unique Register Identification Number.
GST	has the same meaning as in the GST Law.
GST Law	means <i>A New Tax System (Goods and Services Tax) Act 1999, A New Tax Act System (Goods and Services Administration) Act 1999</i> and any regulations made pursuant to those Acts as amended from time to time.
Inactive Account	means a Grower Account that has had no Listings recorded for 5 consecutive years or has been identified by the Grower as no longer required or has incorrect taxation details or User Contact Details.
Intellectual Property Rights	means all intellectual property rights throughout the world, whether registered, unregistered or unregistrable, in and relating to the Register, myNGR and us including all names, copyright, patents, trademarks, service marks, trade names, designs, confidential information, trade secrets, know how, data and databases, circuit layout rights, systems, domain names, email addresses, post office box numbers, telephone numbers and facsimile numbers of NGR or myNGR.
Liability	<p>means a debt, liability or Obligation, whether:</p> <ul style="list-style-type: none"> a) actual, contingent or prospective; b) present or future; c) qualified or unqualified; or d) (d) incurred jointly or severally with any other person.
Listings	mean all Data Subscriber links to a Grower within the Register including changes to those Listings. A Data Subscriber is Listed on or against a Grower if the Data Subscriber has nominated a Grower as a Data Subscriber's Grower and the Data Subscriber link to the Grower within myNGR or the Register is current.
Login Name	<p>means:</p> <ul style="list-style-type: none"> a) the unique name selected by you to register as an Online User; and b) which name when correctly entered by you in combination with a password, allows you access to a User Account and a related Grower Account.
myNGR	means the internet based software application established by us for use by you, located at www.ngr.com.au and which contains the User Account and Grower Account and forms part of the Register.

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NGR	means the National Grower Register Pty Ltd.
NGR Card	means the delivery card issued by us to a Grower or Trader carrying a unique Grower Registration Number.
NGR Card Information	means the location, card face, Grower Registration Number, Payee or Payees attached to that NGR Card and the percentage split between the Payees attached to that NGR Card (if there are more than one).
Obligation	means any obligation, commitment, liability, covenant, undertaking or duty whether arising by operation of law, in equity or by statute and whether expressed or implied.
Operator	means any person or entity we appoint in writing from time to time to operate the Register and myNGR.
Partnership	has the same meaning ascribed to that term by Section 5 of the <i>Partnership Act (1891) (Qld)</i> .
Password	means the password you nominate, in accordance with our requirements for the nomination of passwords, for use with a User Account when a User seeks access to a Grower's Account on myNGR, or when making telephone enquiries with us which we tell you can only be made with a valid password.
Payee	in respect of an NGR Card or Grower Registration Number means a person that is registered by a User on myNGR as having a financial interest in any Agricultural Product delivered or sold under an Approved Dealing in respect of that NGR Card or Grower Registration Number and who may be: <ul style="list-style-type: none"> a) an individual producer of Grain, Agricultural Product or other Commodity; b) a partnership or other entity associated for the purpose of producing and selling Grain or other Agricultural Product or other Commodity; c) a trader of Grain which delivers Grain to a bulk grain handling facility or which purchases warehoused Grain; d) any Primary Producer involved in Primary Production; and e) (e) any other person or has authority to act for a Grower or who is validly associated with a Grower or a Grower's Account.
Payee Identification Number	means a form of identification issued by us to a Payee carrying a unique identification number for that Payee on the Register.
Payment Details	means those parts of the Grower Account that relate to a Grower's bank account and tax status.
Primary Identification Documents means:	<ul style="list-style-type: none"> • Passport – Australian (can either be current or expired within the last 2 years but must not be cancelled, defaced or mutilated); • Full Australian birth certificate (or extract) (issued by State/Territory Registry of Births, Deaths and Marriages); • Australian Licence* - can either be a driver's licence, learner's permit, boat licence or taxi licence; • Citizenship certificate – Australian; • 18+ Proof of age card issued by a State or Territory (includes NSW RTA Photo card)*. <p>* <i>must contain photograph and signature and date of birth</i></p>
Primary Payee	means the Payee chosen by the Users of a Partnership or Sharefarming arrangement in accordance with the Required Approvals of the Partnership or Sharefarming arrangement.
Primary Producer	means entity, person, including a Grower, engaged in Primary Production.
Primary Production	means the:

Reference	Definition
	a) growing, producing or extracting of natural resources, Agricultural Products or other Commodity; b) the supply, sale and delivery of natural resources, Agricultural Products or other Commodity
Primary User	means the person nominated by you as having Authorisation to act for the Growers in a Partnership or share farming arrangement, whose Contact Details will be disseminated by us to a Data Subscriber who has a Listing against the NGR Card of the Grower for whom the user is authorised to act.
Primary User's Contact Details	means the Primary User's name, address, (including postal and residential or business address), telephone number (including mobile telephone number) and facsimile number of the Primary User.
Privacy Laws	means the <i>Privacy Act 1988</i> (Cth) and any other legislation, principles, industry codes and policies relating to the collection, use, disclosure, storage or granting of access rights to the Grower Details and User Contact Details
Privacy Policy	means the privacy policy and procedures implemented by us for the collection, storage, use, disclosure and granting of access rights to the Grower Details and User Contact Details provided to us by you.
Proof of Identity Information	means the Primary Identification Documents, the Secondary Identification Documents and correct answers to your Security Questions and Answers.
Proscribed Person	means: <ol style="list-style-type: none"> A person who is unable to access the Grower's Data as they do not have a Login Name and Password; A person who is unable to answer, upon request, Security Questions & Answers; A person who no longer has Authority to access a Grower's Account on the myNGR; A person we reasonably suspect or who appears to us to be acting in breach of these Terms or our Privacy Policy or the Privacy Laws; A person who is not a Data Subscriber nominated by and Listed on/against a Grower, or by you and accepted in accordance with the Required Approvals.
RCTI	means a recipient created tax invoice in accordance with the GST Law.
Register	means the database of the Register Identifiers including Grower Registration Number and Personal Identifier Number for Payees and corresponding Grower Data maintained by us.
Required Approvals	means the configuration nominated by Users which specifies the manner in which decisions will be made by the Users of a Grower (or Primary Payee as the case may be).
Rules	means the rules from time to time formulated by the Supplier as to the operation of, access to and use of myNGR and/or the Register.
Secondary Identification Documents	<ul style="list-style-type: none"> means: Marriage certificate – Australian (issued by State/Territory Registry of Births, Deaths and Marriages); Security guard's licence* or Shooter's/Firearms licence; Birth card issued by an Australian State/Territory Registrar of Births, Deaths and Marriages* Health care card – Centrelink/Department of Veterans' Affairs; Identification card issued to a student at an Australian higher education institution (i.e. TAFE or University)*;

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	<ul style="list-style-type: none"> • Medicare card/Centrelink Pension or Veterans' Affairs Pension Card; • Working with Children check card (Blue Card) – (QLD, VIC, WA)*; • Public Service employee ID card; • Australian Taxation Office (ATO) notice issued within the last 12 months and includes the customer's name and residential address; • A financial benefits notice issued by the Commonwealth or a State/Territory within the last 12 months and includes the customer's name and residential address (e.g. a notice from Centrelink). <p><i>* must contain photograph and signature</i></p>
Security Questions & Answers	means the pre-arranged security questions that may be asked by us when a person wishes to register as a User or access a Grower Account on myNGR or if you wish to perform certain functions on the NGR. The correct answers must be provided or the function cannot be performed or that function used, including access to a Grower Account
Sharefarming arrangement is	one where a person whether on their own account or with others farms land, with a view to sharing the proceeds of the farming activity.
Supplier	means National Grower Register Pty Ltd or such other entity as the National Grower Register Pty Ltd may appoint from time to time and includes its' Operator, Associated Entities, directors, officers, affiliates, employees, agents, contractors, successors and assigns.
Terms	means these Terms including any schedules and annexures and all amendments to them from time to time.
Trader	means a person who engages in the business of buying, selling or trading Grain, Agricultural Product or other Commodity.
User	means a person registered as a User of a Payee on myNGR and who has Authorisation to access on behalf of that Payee the Grower Account on myNGR and the Register.
User Account	means the User's Contact Details, Security Questions and Answers, Login Name and Password.
User Authority Credentials	means the unique Confirmation Code, Login Name and Password of a User.
User Contact Details	means the name, address (postal, residential and business address), telephone number (including mobile telephone number), facsimile number, email address and preferred method of communication.
Website	means www.ngr.com.au or such other website developed and assigned by us.