

Queensland



Subordinate Legislation 1993 No. 27

Sugar Industry Act 1991

**SUGAR INDUSTRY (ASSIGNMENT GRANT)
GUIDELINE 1993**

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Short title

1. This guideline may be cited as the *Sugar Industry (Assignment Grant) Guideline 1993*.

Definitions

2. In this guideline—

“application” means an application mentioned in section 3;

“grant of an assignment” includes the grant of a variation of an assignment by allocation of further assignment area to it;

“proposed assignment” means—

- (a) the assignment that an applicant seeks to have granted under an application; or
- (b) an existing assignment as varied by allocation of the further assignment area that the applicant seeks to have granted under an application;

“receiving mill” means the mill to which the proposed assignment’s land will be assigned if the proposed assignment is granted;

“relevant Local Board” means the Local Board established for the receiving mill;

“the 1993 aggregate increase” means the additional assignment areas that the Corporation is required under section 9.14 of the Act to make available in 1993 by granting assignments under section 9.4 of the Act;

“the 1993 shortfall” means any amount of the 1993 aggregate increase that becomes available through the Corporation’s grant to individual mill areas of a quantum of assignment for further distribution to individual applicants by Local Boards.

Application

3. This guideline applies to applications made to the Corporation for the grant of assignments under section 9.4(1)(a) of the Act from the 1993 aggregate increase.

Reservation to current holders

4.(1) The Corporation will offer at least 50% of the 1993 aggregate increase in the first instance to holders of existing assignments for the purpose of enhancing the economy of existing sugar cane farms.

(2) In determining the proportion over 50% of the 1993 aggregate increase that the Corporation will offer in the first instance to holders of existing assignments, the Corporation will have regard to—

- (a) the demand for the grant of assignments to existing assignment holders relative to the demand for the grant of assignments to other persons reflected in the applications received by the Corporation; and
- (b) the need to develop commercially successful sugar cane farms.

New growers

5.(1) In this section—

“**new grower**” means—

- (a) a person who does not hold an existing assignment; or
- (b) a person who the relevant Local Board determines should be treated as a new grower under subsection (3).

(2) To the extent practicable, the Corporation will offer up to 50% of the 1993 aggregate increase (less 2 000 hectares reserved by the Minister under section 9.16 of the Act) to new growers for the purpose of the 1993 expansion.

(3) A relevant Local Board may determine that a person who holds an existing assignment should be treated as a new grower if —

- (a) the assignment was substantially brought into existence by a grant under section 9.4 of the Act; and
- (b) the Local Board considers that a further grant of assignment under section 9.4 of the Act would assist in making the person’s sugar cane farm an economical size.

General considerations

6. In determining an application for the grant of an assignment, the Corporation will have regard to—

- (a) the conditions imposed by the Minister in respect of the 1993 increase in the area of assigned land; and
- (b) the principal objectives of the Corporation mentioned in section 2.4 of the Act; and
- (c) any view expressed by the relevant Local Board concerning any relevant local matter; and
- (d) the estate or interest that the applicant will have in the proposed assignment's land entitling the applicant to use it for the purpose of the assignment; and
- (e) the capacity of the proposed assignment's land for producing commercial crops of sugar cane when subjected to correct agricultural practices; and
- (f) the suitability of the location of the proposed assignment's land for efficient and cost effective delivery of sugar cane to the receiving mill; and
- (g) the prospects of preparing and utilising the proposed assignment's land without undue damage to the environment; and
- (h) if the applicant is not the holder of an existing assignment—the matters mentioned in section 7.

Applicant not current holder

7. If an applicant is not the holder of an existing assignment the Corporation will also have regard to—

- (a) if the applicant has previously been the holder of an assignment—the period that has elapsed since the applicant last held an assignment; and
- (b) the applicant's place of residence, with preference given to applicants residing in or near the area served by the receiving mill; and
- (c) the applicant's willingness and capacity to develop the

assignment's proposed land and make the requested grant effective in the 1993 season or as soon as possible afterwards.

Disqualifications

8. The Corporation will only grant an application if it is satisfied that—
- (a) the conditions imposed by the Minister have been met; and
 - (b) the applicant has an enforceable estate or interest in the proposed assignment's land under which the applicant may immediately use the land for the purposes of the proposed assignment; and
 - (c) the relevant Local Board has followed the intent of the Corporation's guideline; and
 - (d) a grant conferred by a Local Board bears relationship to the applicant's existing assignment or is of a size that the applicant can reasonably be expected to make the grant fully effective within the time indicated in conditions attached to the grant; and
 - (e) an inter-mill application has received adequate consultation and the unanimous approval of both relevant Local Boards; and
 - (f) the proposed assignment's land is—
 - (i) capable of producing commercial crops of sugar cane when subjected to correct agricultural practices; and
 - (ii) situated in a location from which sugar cane may be efficiently and cost effectively delivered to the receiving mill; and
 - (iii) able to be prepared and utilised for the growing of sugar cane without undue damage to the environment.

Shortfalls

9. If a shortfall occurs in the allocation of aggregate grants to individual mill areas, the Corporation will, to the extent possible, give priority in allocating the 1993 shortfall to those applicants who best demonstrate their capacity and willingness to fully utilise the grant in the 1993 crushing season or as soon as possible afterwards.

Written directions

10.(1) The Corporation may give written directions to Local Boards regarding this guideline.

(2) If a direction is given under subsection (1), all assignment determinations are to be made in accordance with the direction.

Repeal

11. The following guidelines are repealed—

- (a) the *Sugar Industry (Assignment Grant) Guideline 1991*;
- (b) the *Sugar Industry (Assignment Grant) Guideline 1992*;
- (c) the *Sugar Industry (Assignment Grant) Amendment Guideline (No. 1) 1992*.

ENDNOTES

- 1. Made by the Queensland Sugar Corporation on 27 January 1993.
- 2. Notified in the Gazette on 12 February 1993.
- 3. Laid before the Legislative Assembly on . . .
- 4. The administering agency is the Queensland Sugar Corporation.