

Queensland



Subordinate Legislation 1994 No. 1

Sugar Industry Act 1991

**SUGAR INDUSTRY (ASSIGNMENT GRANT)
GUIDELINE 1994**

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Short title

1. This guideline may be cited as the *Sugar Industry (Assignment Grant) Guideline 1994*.

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

“the 1994 aggregate increase” means the additional assignment area the Corporation is required under section 9.14 of the Act to make available in 1994 by granting assignments under section 9.4 of the Act.

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 1994 aggregate increase.

Reservation to current holders

4.(1) The Corporation will offer at least 50% of the 1994 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 deciding the proportion over 50% of the 1994 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 decides should be treated as a new grower under subsection (3).

(2) To the extent practicable, the Corporation will offer up to 50% of the 1994 aggregate increase (less 2 000 hectares reserved by the Minister under section 9.16 of the Act) to new growers for the 1994 expansion.

(3) A relevant Local Board may decide 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 a further grant of assignment under section 9.4 of the Act would help in making the person’s sugar cane farm an economical size.

General considerations

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

- (a) any condition imposed by the Minister in respect of the 1994 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 on a relevant local matter; and
- (d) the estate or interest 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 using 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, by 30 November 1995, to—
 - (i) develop the assignment's proposed land; and
 - (ii) grow sugar cane on the land—
 - (A) for delivery to a mill under the assignment; or

- (B) sufficient to exercise fully the entitlement conferred by the assignment.

Disqualifications

8.(1) The Corporation will grant an application only if it is satisfied of the following—

- (a) any conditions imposed by the Minister have been met;
- (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;
- (c) the relevant Local Board has followed the intent of the Corporation's guideline;
- (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;
- (e) for an inter-mill application—
 - (i) the home Local Board has been adequately consulted about the application; and
 - (ii) the members of the relevant Local Board who were present at a meeting to discuss the application have unanimously approved it;
- (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 used for the growing of sugar cane without undue damage to the environment.

(2) In this section, "**home Local Board**" means the Local Board constituted for the mill to which is assigned the applicant's existing assignment's land.

Demand more than 1994 aggregate increase

9. If the demand for allocation of the 1994 aggregate increase is more than the 1994 aggregate increase, the Corporation will, to the extent possible, give priority to applicants who best demonstrate their capacity and willingness to fully use the grant by 30 November 1995.

Conditions of grant of assignment

10.(1) An assignment holder must, by 30 November 1995, grow sugar cane on the assignment's land sufficient to exercise fully the entitlement conferred by the assignment.

(2) An assignment holder must not, before 1 December 1995, enter into—

- (a) an authorised transaction specified in section 9.7 of the Act; or
- (b) any other purported transfer of the assignment.

(3) Subsection (2) does not apply if the transaction is allowed under the Corporation's policy circular of 25 May 1993 titled 'Section 9.5—Guideline for Grant of Expansion Assignment'.

Repeal

11. The *Sugar Industry (Assignment Grant) Guideline 1993* is repealed.

ENDNOTES

1. Made by the Queensland Sugar Corporation on 30 November 1993.
2. Notified in the Gazette on 7 January 1994.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Queensland Sugar Corporation.