

Queensland



ANNO VICESIMO PRIMO

ELIZABETHAE SECUNDAE REGINAE

No. 29 of 1972

An Act to provide for the making of financial assistance available to farmers for the restructuring of farms and to provide for matters related thereto

[ASSENTED TO 21ST DECEMBER, 1972]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as the *Primary Producers' Assistance Act 1972*.

2. Interpretation. In this Act, unless a contrary intention appears—
 “Corporation” means The Corporation of the Land Administration Commission constituted by *The Brigalow and Other Lands Development Acts 1962 to 1967*;

“farmer” means an owner of a farm who engages, otherwise than as an employee, in farming operations on that farm and who satisfies the Corporation that, being a natural person, he is substantially dependent on those operations for his livelihood or, being a corporation, its sole or principal object is the conduct of those operations and includes—

- (a) an owner of a farm on which farming operations are carried on under a share-farming agreement, or a lease, or an agreement to lease, to which he or it is in any case a party and who satisfies the Corporation of the matter specified in this definition and appropriate to him or it;
- (b) the legal personal representative of a deceased person who was a farmer within the meaning of this definition;
- (c) the liquidator or receiver of a corporation that was or is a farmer within the meaning of this definition;

“Fund” means the fund established and maintained in the Treasury under the name “Assistance to Primary Producers Special Fund”;

“Marginal Dairy Farms Reconstruction Scheme” means the scheme formulated in agreement made the fourteenth day of September 1970 between The Commonwealth of Australia of the one part and The State of Queensland of the other part and ratified and approved by the *Marginal Dairy Farms Reconstruction Scheme Agreement Act 1970*, and includes that scheme as amended from time to time by agreement ratified and approved by an Act;

“owner” includes the lessee from the Crown of any land that is a farm.

3. Powers and status of Corporation. (1) For the purposes of this Act the Corporation shall be capable in law of suing and being sued in its corporate name and of taking by agreement, purchasing, holding, alienating, conveying, and otherwise dealing with property real and personal, movable and immovable, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

(2) For the purposes of this Act the Corporation shall have and may exercise all or any of the powers, privileges, rights and remedies of the Crown in right of the State save that the Corporation shall not be exempt from liability in respect of rates or charges for which a mortgagee is liable under the *Local Government Act 1936-1971*.

4. Establishment and maintenance of Fund. (1) There shall be established and maintained at the Treasury a fund (hereinafter in this section referred to as “the fund”) under the name “Assistance to Primary Producers Special Fund”.

(2) There shall be paid into and form part of the fund—

- (a) all moneys appropriated by Parliament for the purpose of assistance to be given under this Act;
- (b) repayments of advances made to or for the benefit of farmers by way of assistance given under this Act;
- (c) moneys allotted by the Government of the State for payment thereto;

- (d) interest and other income derived by the Corporation from its operations under this Act and that in its opinion should be credited thereto;
 - (e) such other moneys as the Corporation from time to time determines.
- (3) There shall be paid from the fund—
- (a) moneys approved by the Corporation to be advanced to or for the benefit of farmers by way of assistance given under this Act;
 - (b) expenditure incurred by the Corporation in connexion with the proper exercise of its powers and the proper performance of its functions under this Act;
 - (c) repayments to the Government of the State of moneys allotted by it to the fund and to be repaid to it pursuant to agreement with the Corporation.

5. Assistance that may be given under Act. Subject to this Act, the Corporation may make advances to or for the benefit of any farmer for all or any of the following purposes:—

- (a) where the Corporation is satisfied that a dairy farm is not by itself an economic unit for the production of dairy produce, to acquire other land in the name of the farmer to be used by him in conjunction with that farm with a view to improving the income earning capacity of that farm;
- (b) in the case of a farm that is the subject of amalgamation under the Marginal Dairy Farms Reconstruction Scheme or of areas of land being used in conjunction for dairying consequent on an acquisition of land pursuant to this Act,
 - (i) where the Corporation considers it desirable that the farm or those areas should be made to attain a full income earning capacity at as early a date as is economically practicable and is satisfied that the acquisition of stock for that farm or those areas is necessary to attain that capacity, to acquire stock for that farm or those areas;
 - (ii) where the Corporation considers it desirable in the interests of efficient farm management that improvements or plant used in the production of dairy produce should be restructured, improved or replaced, to acquire building materials, machinery and apparatus and to finance the demolition, erection and repair of improvements so used, and to finance the dismantling, installation and overhaul of plant so used;
- (c) to finance the conversion of a dairy farm to a unit adapted to the supply of milk in bulk to factories that process or market dairy produce.

6. Applications for advances. (1) Any farmer may apply to the Corporation at any time and from time to time for an advance for a purpose specified in section 5.

(2) An application shall be made in the prescribed form or, if there is no prescribed form, in a form determined by the Corporation and, where the Corporation so requires, shall be verified by the statutory declaration of the applicant under *The Oaths Acts 1867 to 1960*.

(3) An applicant shall furnish to the Corporation in connexion with his application such information as it requires of him.

7. Corporation's powers in re applications. (1) The Corporation shall consider each application made to it for assistance under this Act and thereupon may grant the application, in whole or in part, and either subject to conditions or otherwise, or may reject the application.

(2) In connexion with any application made to it the Corporation—

- (a) may make all such inquiries as it considers to be necessary or expedient;
- (b) may suggest such variation as it thinks fit to the purpose for which an advance is sought and may make its approval or rejection of the application depend on the acceptance of such variation by the applicant.

(3) The Corporation shall not approve an application for assistance under this Act if it is not satisfied—

- (a) that the advance sought will be applied for a purpose specified in section 5; or
- (b) that in the light of the circumstances of the applicant and of the farm in respect of which the application is made the giving of assistance under this Act is both necessary and proper.

8. Terms and conditions of advance. Every advance made by way of assistance under this Act—

- (a) shall be made upon security, the form and nature of which shall be as determined by the Corporation;
- (b) shall bear interest on all moneys for the time being owing or remaining unpaid at a variable rate, which shall be the rate for the time being prescribed and appropriate to that advance;
- (c) shall be repayable in full, together with all interest and other charges (if any) thereon, within the term approved by the Corporation, which term shall not in any case exceed twenty years;
- (d) save as is expressly provided in this section, shall be made upon and subject to such terms and conditions as the Corporation approves.

9. Maximum limit of advance. The amount or aggregate amount (excluding capitalized interest or other charges) that remains unpaid in respect of an advance or advances made by way of assistance under this Act to any farmer shall not exceed \$25,000.

10. Assistance to minors. (1) The Corporation may make an advance to or for the benefit of any farmer who has attained the age of eighteen years.

(2) Any farmer who has attained the age of eighteen years but has not attained the age of twenty-one years and who applies for assistance under this Act may give to the Corporation such security as the Corporation requires to secure an advance made or to be made to him or for his benefit, and may, in connexion with such an advance, enter into such agreements with the Corporation as it requires as if he were of the full age of twenty-one years.

Any such security or agreement shall not be voidable at any time on the ground of the farmer's infancy when it was given or entered into and shall be enforceable against him and against the land or other property constituting the security as if he were of the full age of twenty-one years when it was given or entered into.

11. Powers of Corporation. (1) Subject to this Act, the Corporation—

- (a) may take and do all such steps and things as in its opinion are necessary or convenient for carrying out the function of making advances by way of assistance under this Act;
- (b) may exercise in respect of any advance made by it by way of assistance under this Act any power, authority, right or remedy agreed between it and the farmer to whom or for whose benefit the advance is made but without prejudice to any other power, authority, right or remedy conferred on the Corporation by this Act.

(2) The provisions (as amended from time to time) of section 16 of *The Agricultural Bank (Loans) Act of 1959* and of clauses 3 to 10 (both inclusive) of the Schedule to that Act shall apply to the business of the Corporation and to the several matters and things to which those provisions are expressed to apply that are connected with the Corporation's business under this Act.

(3) In the application of the provisions referred to in subsection (2) to the business of the Corporation a reference therein to "Bank" shall be read as a reference to the Corporation within the meaning of this Act.

12. Restricted application of 4 Eliz. II No. 16. The provisions of *The Bills of Sale and Other Instruments Act of 1955* relating to the registration and renewal of registration of instruments shall not apply to any mortgage or other security executed to secure an advance made by way of assistance under this Act or affect the validity or operation of such mortgage or security in respect of any chattels comprised therein.

13. Documents to secure advances exempt from stamp duty. A mortgage or other security executed to secure an advance made by way of assistance under this Act, and any release or renewal of any such mortgage or security or any document made in connexion with such an advance shall not be liable to stamp duty, any enactment to the contrary notwithstanding.

14. Protection of officers under Act. A member of the Corporation and any person employed in respect of the Corporation's business under this Act shall not incur any liability on account of any thing done by him bona fide in the exercise of his powers or the performance of his duties for the purposes of this Act.

15. Accounts and annual report. (1) There shall be kept in the Department of Lands separate and complete accounts of all moneys expended for the purposes of this Act and of all moneys received by the Corporation on account of the repayment or recovery of principal moneys advanced by way of assistance under this Act and of interest and other charges (if any) on such advances.

(2) The accounts kept pursuant to subsection (1) shall be audited once at least in each year by the Auditor-General who shall have and may exercise in respect of such accounts all the powers and authorities conferred on him by the *Audit Act* 1874-1968 in relation to the inspection and audit of the public accounts.

(3) The Land Administration Commission shall include in its annual report on the operation of the *Land Act* 1962-1971 a report on the operation of this Act and in particular the operation of the Corporation under this Act.

16. Regulations. The Governor in Council may make regulations, not inconsistent with this Act, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act.