



Queensland

Rural Adjustment Authority Amendment Act 2004

Act No. 28 of 2004



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Act No. 28 of 2004

An Act to amend the *Rural Adjustment Authority Act 1994*

[Assented to 12 October 2004]

The Parliament of Queensland enacts—**1 Short title**

This Act may be cited as the *Rural Adjustment Authority Amendment Act 2004*.

2 Act amended

This Act amends the *Rural Adjustment Authority Act 1994*.

3 Amendment of title

Title, after ‘rural’—

insert—

‘and regional’.

4 Replacement of s 1 (Short title)

Section 1—

omit, insert—

‘1 Short title

‘This Act may be cited as the *Rural and Regional Adjustment Act 1994*.’.

5 Omission of s 2 (Commencement)

Section 2—

omit.

6 Amendment of s 3 (Objective of Act)

(1) Section 3, heading—

omit, insert—

‘3 Object of Act’.

(2) Section 3(1)—

omit, insert—

‘(1) The object of this Act is to establish QRAA to deliver financial and other assistance and incentives primarily, but not exclusively, targeted at fostering the development of a more productive and sustainable rural and regional sector.’.

(3) Section 3(2) and (3), after ‘rural’—

insert—

‘or regional’.

(4) Section 3(3), ‘body’—

omit, insert—

‘authority’.

7 Amendment of s 4 (Definitions)

(1) Section 4, definitions *authority*, *director* and *government owned corporation*—

omit.

(2) Section 4—

insert—

‘*authority* means QRAA.

director see section 16.

original decision see section 13C.

regional includes fishing and forestry.

review decision see section 13C.

rural includes fishing and forestry.’.

(3) Section 4, definition *authority’s assistance funds*, paragraph (a)—

omit, insert—

‘(a) advanced to the authority, for giving financial assistance under approved assistance schemes, by—

- (i) the State, the Commonwealth or another State, or an entity that represents the State, the Commonwealth or another State; or
- (ii) another entity, under a scheme entered into between the entity and the State; or’.

8 Replacement of pt 2, hdg (Queensland Rural Adjustment Authority)

Part 2, heading—

omit, insert—

‘Part 2 QRAA’.

9 Replacement of s 5 (Establishment of authority)

Section 5—

omit, insert—

‘5 Establishment of authority

‘QRAA is established.’.

10 Amendment of s 8 (Authority’s functions)

- (1) Section 8(2)(d)(iii), ‘rural sector’—

omit, insert—

‘rural and regional sectors’.

- (2) Section 8(2)(e)(ii), ‘rural’—

omit, insert—

‘rural, regional’.

11 Insertion of new s 9A

Part 2—

insert—

‘9A Ministerial direction or notice

- ‘(1) The Minister may give the authority a written direction about the performance of the authority’s functions or the exercise of its powers, or written notice of a public sector policy, if the Minister is satisfied it is necessary to give the direction or notice in the public interest.
- ‘(2) The authority must ensure the direction or policy is complied with.
- ‘(3) However, before giving the direction or notice the Minister must—
 - (a) consult with the authority; and
 - (b) ask the authority to advise whether, in its opinion, complying with the direction or policy would not be in its financial interest.
- ‘(4) The Minister must gazette a copy of the direction or notice within 21 days after the direction or notice is given.
- ‘(5) The authority—
 - (a) must include in its annual report, prepared under the *Financial Administration and Audit Act 1977*, section 46J, details of any direction or notice given by the Minister under subsection (1) during the financial year to which the report relates; and
 - (b) may include in the report a comment on the effect on the authority’s activities of complying with the direction or policy.’.

12 Amendment of s 11 (Approved assistance schemes)

- (1) Section 11(1)(c)—
omit, insert—
‘(c) is approved under a regulation.’.
- (2) Section 11—
insert—
- ‘(1A) A regulation approving a scheme must set out the scheme in detail.’.

- (3) Section 11(3)—
omit, insert—
- ‘(3) A regulation may also approve a scheme if—
- (a) the scheme is established by the Commonwealth or another State or an entity that represents the State, the Commonwealth or another State; and
 - (b) the purpose of the scheme is consistent with the object of this Act.
- ‘(3A) An assistance scheme approved under subsection (4) is also an ***approved assistance scheme*** for this Act.’.
- (4) Section 11(1A) to (4)—
renumber as section 11(2) to (6).

13 Insertion of new pt 3A

After part 3—

insert—

‘Part 3A Review of decisions

‘13A Who may apply for internal review

‘A person who is dissatisfied by a decision of the authority under section 12(1)(a) to (e) or section 43(2), in relation to an approved assistance scheme, may apply to the chief executive officer for an internal review of the decision.

‘13B How to apply for internal review

- ‘(1) An application for internal review of a decision must be—
- (a) made in the approved form; and
 - (b) supported by enough information to enable the chief executive officer to decide the application; and
 - (c) made within 20 business days after the person receives notice of the decision.

- ‘(2) However, the chief executive officer may extend the time for applying for an internal review.
- ‘(3) The decision is stayed until the chief executive makes a decision under section 13C.

‘13C Review decision

- ‘(1) The chief executive officer must, within 30 business days after receiving the application—
 - (a) review the decision (the *original decision*); and
 - (b) make a decision (the *review decision*) to—
 - (i) confirm the original decision; or
 - (ii) amend the original decision; or
 - (iii) substitute another decision for the original decision; and
 - (c) give the applicant notice (the *review notice*) of the review decision.
- ‘(2) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.
- ‘(3) If the chief executive officer does not comply with subsection (1), the chief executive officer is taken to have made a decision confirming the original decision.’

14 Amendment of s 15 (Role of the board)

Section 15(2)—

omit, insert—

- ‘(2) Without limiting subsection (1), it is the board’s role—
 - (a) to decide the strategies and the operational, administrative and financial policies to be followed by the authority; and

- (b) to ensure the authority performs its functions¹ in a proper, effective and efficient way; and
- (c) to review annually the performance of the authority's chief executive officer.'

15 Replacement of s 16 (Composition of board)

Section 16—

omit, insert—

'16 Composition of board

'(1) The board consists of the following persons (each of whom is a *director*)—

- (a) the chief executive;
- (b) the chief executive of the department in which the *Financial Administration and Audit Act 1977* is administered;
- (c) not more than 5 other persons, appointed by the Governor in Council, who have the skills and experience necessary to enable them to contribute effectively to the board's ability to perform its functions.

Example of skills for paragraph (c)—

financial skills, strategic and business planning skills, rural industry skills

- '(2) The Governor in Council must appoint 1 of the directors appointed under subsection (1)(c) as the chairperson.
- '(3) The chairperson's term of appointment ends when the person's term of appointment as a director ends.

'16A Chairperson to report to Minister

- '(1) The chairperson must report to the Minister on the performance of the authority's functions and the exercise of its powers.
- '(2) A report under subsection (1) must be given—

¹ See section 8 (Authority's functions).

- (a) within 1 month after the end of each quarter; and
 - (b) at any other time at the Minister's request.
- ‘(3) Also, if the chairperson becomes aware of a matter the chairperson is satisfied may adversely affect the authority's ability to perform its functions, the chairperson must immediately report the matter to the Minister.
- ‘(4) In subsection (2)—
- quarter* means a 3 month period ending on 31 March, 30 June, 30 September or 31 December.

‘16B Chairperson to give business plan to Minister

- ‘(1) The chairperson must give the Minister a copy of each business plan, prepared by the chief executive officer, by 30 April in the year for which the plan is prepared.
- ‘(2) The chairperson must not give a copy of a business plan to the Minister unless the board has approved the business plan.

‘16C Reporting and accountability

- ‘(1) The Minister may, at any time, require the chairperson to give the Minister stated information and reports in the way, and within the time, the Minister requires.
- ‘(2) The chairperson must comply with the requirement to the extent the chairperson is able to comply with it.
- ‘(3) If the chairperson can not comply with the requirement, the chairperson must give the Minister reasons for not being able to comply.
- ‘(4) The chairperson must give the Minister a report on any matter of which the chairperson becomes aware that may significantly affect the authority's ability to perform its functions.
- ‘(5) The chairperson must give the Minister a report mentioned in subsection (4) as soon as practicable but within 1 month after the chairperson first becomes aware of the matter.

‘Division 1A Other provisions about directors’.**16 Amendment of s 17 (Duration of appointment)**

(1) Section 17(1)—

omit, insert—

‘(1) A director appointed under section 16(1)(c) is appointed for the term, of not more than 3 years, stated in the director’s instrument of appointment.

‘(1A) The terms of appointment must be staggered so that, as far as practicable, half the directors’ terms end every 18 months.’.

(2) Section 17(2), after ‘director’, first mention—

insert—

‘appointed under section 16(1)(c)’.

17 Replacement of s 31 (Chief executive appointed under this Act)

Section 31—

omit, insert—

‘31 Chief executive officer appointed under this Act

‘The chief executive officer is to be appointed under this Act, and not under the *Public Service Act 1996*.’.

18 Insertion of new s 35A

Part 5, division 1—

insert—

‘35A Chief executive officer to prepare business plan

‘(1) Without limiting section 28(2), the chief executive officer must—

(a) prepare a business plan for each year; and

(b) give the plan to the board by 31 March in the year for which the plan is prepared.

- ‘(2) The business plan must cover the authority’s operations for the year in which the plan is prepared and the following 2 years.’.

19 Insertion of new s 45

Part 6—

insert—

‘45 Review of Act

- ‘(1) The Minister must review this Act within 5 years after the commencement of this section to decide whether its provisions remain appropriate.
- ‘(2) The Minister must, as soon as practicable after finishing the review, table a report about the outcome of the review in the Legislative Assembly.’.

20 Amendment of pt 7, hdg (Savings, transitional and validation provisions)

Part 7, heading, after ‘Provisions’—

insert—

‘for Act No. 50 of 1994’.

21 Insertion of new pt 8

After part 7—

insert—

‘Part 8 Other transitional provisions

‘52 Continuance of authority

‘The Queensland Rural Adjustment Authority established under this Act, as in force immediately before the commencement of this section, is continued in existence as QRAA.’

'53 Transitional appointments of directors of board

- '(1) This section applies to a person holding appointment as a director immediately before the commencement of this section.
- '(2) The term of appointment stated in the person's instrument of appointment as a director continues to apply as if section 17 had not been amended by the *Rural Adjustment Authority Amendment Act 2004*.

'54 Existing approved assistance schemes

- '(1) A transitional scheme is, for the transitional period for the scheme, taken to be an approved assistance scheme.
- '(2) A transitional scheme may be read with the changes necessary to—
 - (a) make it consistent with this Act; and
 - (b) adapt its operation to the provisions of this Act.
- '(3) In this section—
 - transitional period*, for a transitional scheme, means the period from the commencement of this section until—
 - (a) 2 years after the commencement; or
 - (b) the transitional scheme is earlier approved under section 11(1)(c).

transitional scheme means an approved assistance scheme in existence under this Act immediately before the commencement of this section.'