



Queensland

Rural and Regional Adjustment (Primary Industry Productivity Enhancement Scheme) Amendment Regulation 2016

Subordinate Legislation 2016 No. 183

made under the

Rural and Regional Adjustment Act 1994

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1 Short title

This regulation may be cited as the *Rural and Regional Adjustment (Primary Industry Productivity Enhancement Scheme) Amendment Regulation 2016*.

2 Regulation amended

This regulation amends the *Rural and Regional Adjustment Regulation 2011*.

3 Amendment of sch 1, s 3 (Definitions for sch 1)

(1) Schedule 1, section 3—

insert—

proprietary company means a proprietary company within the meaning of the Corporations Act.

(2) Schedule 1, section 3, definition *primary producer*, paragraph (b)—

omit, insert—

(b) in relation to a partnership, proprietary company or trust that carries on a primary production enterprise, any partner in the partnership, shareholder in the company or beneficiary of the trust who spends the majority of their labour on, and derives the majority of their income from, the primary production enterprise.

4 Amendment of sch 1, s 6 (Interest rate)

(1) Schedule 1, section 6(2)(b), ‘for the relevant period’—

omit, insert—

when the interest rate is fixed

(2) Schedule 1, section 6—

insert—

(2A) At any time during the term of the loan after any period decided under subsection (2)(a), the authority may agree to fix the interest rate for periods of 1, 3 or 5 years.

(2B) The interest rate fixed for the loan under subsection (3) is worked out by the authority based on the base lending rate when the interest rate is fixed.

(3) Schedule 1, section 6(3), after ‘subsection (2)’—

insert—

or (3)

(4) Schedule 1, section 6(4), ‘subsection (3)’—

omit, insert—

subsection (5)

(5) Schedule 1, section 6(5), ‘subsection (4)’—

omit, insert—

subsection (6)

(6) Schedule 1, section 6(2A) to (6)—

renumber as section 6(3) to (8).

5 Amendment of sch 1, s 7 (Terms of repayment)

(1) Schedule 1, section 7(2)—

omit, insert—

(2) The authority may give the applicant an interest only period of not more than 5 years.

(2) Schedule 1, section 7(3), ‘initial interest rate that is’—

omit, insert—

interest rate

6 Replacement of sch 1, s 8 (Security)

Schedule 1, section 8—

omit, insert—

8 Security

If an applicant is given a loan under the scheme, the applicant must give security for the loan that the authority is satisfied is commensurate with the amount of the loan.

7 Insertion of new sch 1, ss 11A and 11B

Schedule 1, part 2—

insert—

11A Application to consolidate loans

- (1) This section applies if—
 - (a) a person has at least 1 loan under a program under the scheme and has applied for another loan under the same program; or
 - (b) a person has 2 or more loans under the same program.
- (2) The person may apply to consolidate the loans into a single loan.
- (3) The application must be—
 - (a) in the approved application form; and
 - (b) accompanied by the documents stated on the approved application form; and
 - (c) given to the authority.

11B Approving application to consolidate loans

- (1) The authority must consider, and decide to approve or refuse to approve, an application to consolidate loans made under section 11A.
- (2) If the authority approves the consolidation of the

loans, the term of, and the initial interest rate for, the consolidated loan is the term and rate decided by the authority.

- (3) The initial interest rate for the consolidated loan—
 - (a) depends on whether the applicant decides to have the interest rate fixed for 1, 3 or 5 years when the loan is consolidated; and
 - (b) is worked out by the authority based on the base lending rate when the applicant applies to consolidate the loan.
- (4) In this section—

base lending rate see section 6(8).

8 Amendment of sch 1, s 13 (Maximum loan amounts)

Schedule 1, section 13, ‘\$650,000’—

omit, insert—

\$2,000,000

9 Amendment of sch 1, s 14 (Eligibility criteria)

- (1) Schedule 1, section 14(1)(c), ‘provide evidence of’—

omit, insert—

demonstrate

- (2) Schedule 1, section 14(2), examples—

omit, insert—

Example of relevant circumstances—

An applicant has limited equity in the primary production enterprise but has a stable wage, salary or other off-farm income.

10 Amendment of sch 1, s 16 (Purpose of assistance under sustainability program)

Schedule 1, section 16, ‘sustainable primary production’—

omit, insert—

the sustainability of the primary producer’s
primary production enterprise

11 Amendment of sch 1, s 17 (Maximum loan amounts and outstanding loan balances)

(1) Schedule 1, section 17(1) and (2), ‘\$650,000’—

omit, insert—

\$1,300,000

(2) Schedule 1, section 17(2), examples—

omit.

(3) Schedule 1, section 17(3) and (4)—

omit.

12 Amendment of sch 1, s 18 (Eligibility criteria)

(1) Schedule 1, section 18(a)(i) and (ii)—

omit, insert—

(ia) that the assistance is for a primary
production enterprise carried on by a sole
trader, partnership, proprietary company or
trust; and

(i) that an interested person for the primary
production enterprise is a primary producer;
and

(ii) the primary production enterprise has been
carried on for at least 2 years; and

(2) Schedule 1, section 18(a)(iv), from ‘non-enterprise’ to ‘the
applicant’—

omit, insert—

the primary production enterprise's
non-enterprise or liquid assets

- (3) Schedule 1, section 18(b), 'provide evidence of'—
omit, insert—

demonstrate

- (4) Schedule 1, section 18(a)(ia) to (vi)—
renumber as schedule 1, section 18(a)(i) to (vii).

- (5) Schedule 1, section 18—
insert—

- (2) In this section—

interested person, for a primary production
enterprise, means—

- (a) if the enterprise is carried on by a sole
trader—the sole trader; or
- (b) if the enterprise is carried on by a
partnership, proprietary company or
trust—a partner in the partnership, a
shareholder in the company or a beneficiary
of the trust.

13 Replacement of sch 1, s 19 (Maximum term of loan)

Schedule 1, section 19—

omit, insert—

19 Maximum term of loan

The maximum term of a loan is 20 years.

ENDNOTES

- 1 Made by the Governor in Council on 6 October 2016.
- 2 Notified on the Queensland legislation website on 7 October 2016.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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