



Rural and Regional Adjustment Act 1994

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Queensland

Rural and Regional Adjustment Act 1994

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Rural and Regional Adjustment Act 1994

An Act to establish an authority to give assistance to rural and regional producers and certain small businesses, and for related purposes

Part 1 Preliminary

1 Short title

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

3 Object of Act

- (1) The object of this Act is to establish the Queensland Rural and Industry Development Authority primarily to administer assistance schemes that foster the development of a more productive and sustainable rural and regional sector in Queensland.
- (2) The authority may also—
 - (a) support the State's economy by administering schemes to give assistance to primary producers, small businesses or other elements of the State's economy—
 - (i) in periods when they are experiencing temporary difficulty; or
 - (ii) to otherwise benefit the State's economy; and
 - (b) support communities in the State and build its own effectiveness by administering schemes to give assistance that benefits these communities, including, for example, by giving assistance to persons and organisations that contribute to these communities; and

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Examples of organisations that contribute to communities—

community service, sporting and cultural organisations

- (c) give assistance and build its own effectiveness by administering schemes or parts of schemes for the Commonwealth and other States in rural and regional sectors outside Queensland.

Examples of administering parts of schemes—

- conducting financial analysis of applications for assistance under an authorised interstate scheme
- reviewing an authorised interstate scheme
- providing advice on applications for financial assistance under an authorised interstate scheme

4 Definitions

The dictionary in schedule 1 defines particular words used in this Act.

Part 2 Queensland Rural and Industry Development Authority

Division 1 Establishment of authority

5 Establishment of authority

The Queensland Rural and Industry Development Authority is established.

6 Legal status of authority

The authority—

- (a) is a body corporate; and
- (b) has a seal; and
- (c) may sue and be sued in its corporate name.

7 Authority represents the State

- (1) The authority represents the State.
- (2) Without limiting subsection (1), the authority has all the privileges and immunities of the State.

Division 2 Functions and powers of authority

8 Authority's functions

- (1) The authority's primary function is to put approved assistance schemes into effect by—
 - (a) ensuring the schemes are properly and fairly administered; and
 - (b) directly giving the assistance the schemes provide for.
- (2) The other functions of the authority are—
 - (a) to arrange for education, training and advice to applicants under approved assistance schemes; and
 - (b) to negotiate for assistance funding with all levels of government; and
 - (c) to carry out research into, develop policies on and give advice to the Minister about—
 - (i) issues affecting persons likely to receive assistance under this Act; and
 - (ii) the financial performance and sustainability of the rural and regional sector in Queensland, in particular, primary producers, small business and other components of the State's economy; and
 - (iii) areas of need, and assistance, for farmers in financial distress and farming businesses that are unlikely to be financially viable in the long-term, including, for example, ways to restructure a farm debt or to ensure a farmer who stops carrying on a farming business remains in the best possible financial position; and

- (d) to review, and give advice to the Minister on—
 - (i) proposed assistance schemes; and
 - (ii) the implementation of approved assistance schemes; and
 - (iii) economic and other conditions in the rural and regional sectors; and
- (e) to consult, and liaise with—
 - (i) commercial lenders and financial advisers; and
 - (ii) public sector units with the function of helping the rural, regional and small business sectors of the economy, and equivalent entities of other States or the Commonwealth; and
 - (iii) organisations representing the interests of persons likely to receive assistance under this Act; and
- (f) to partner with commercial lenders and financial advisors to—
 - (i) perform another function under this subsection; and
 - (ii) further the object of this Act under section 3; and
- (g) to administer authorised interstate schemes or parts of the schemes; and
- (h) to perform functions incidental to a function under another paragraph of this subsection; and
- (i) to perform other functions given to the authority under this Act or another Act; and
- (j) other functions prescribed by regulation.

9 Authority's powers

- (1) The authority has all the powers of an individual, and may, for example—
 - (a) enter into contracts, including contracts for loans; and

-
- (b) acquire, hold, deal with and dispose of property; and
 - (c) appoint agents and attorneys; and
 - (d) charge for, and fix conditions for the supply of, the goods, services and information it supplies; and
 - (e) engage consultants; and
 - (f) do anything else necessary or convenient to be done for, or in connection with, the performance of its functions.
- (2) Without limiting subsection (1), the authority has the powers given to it under this or another Act.
 - (3) The authority may exercise its powers inside or outside Queensland.

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 Accountability Act 2009*, section 63, details of any direction or notice given by the Minister under

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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.

Part 3 Financial assistance

10 Approved schemes

- (1) The authority may give financial assistance only under an approved scheme.
- (2) *Financial assistance* includes making loans on terms allowed under an approved scheme.

11 Approved assistance schemes

- (1) An *approved assistance scheme* is a scheme that—
 - (a) states the purpose and nature of financial assistance that may be given; and
 - (b) identifies the categories of persons eligible to receive the assistance; and
 - (c) is approved under a regulation.
- (2) A regulation approving a scheme must set out the scheme in detail.
- (3) An approved assistance scheme—
 - (a) may include conditions on which financial assistance must be given; and
 - (b) may provide for—
 - (i) payments into the consolidated fund or a fund or the departmental accounts of a department of amounts of the authority's assistance funds associated with the scheme; and

- (ii) write-offs to loan balances.
- (4) 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.
- (5) An assistance scheme approved under subsection (4) is also an *approved assistance scheme* for this Act.

11A Authorisation for interstate schemes

- (1) This section applies in relation to a scheme, other than an approved assistance scheme, established by the Commonwealth or another State or an entity that represents the Commonwealth or another State.
- (2) The authority must not tender for the administration of the scheme or a part of the scheme, or agree to administer the scheme or a part of the scheme, unless the Minister has authorised the authority to enter into arrangements for the administration of the scheme or part.
- (3) The Minister may give authorisation only if satisfied the scheme's main purpose is to—
 - (a) foster the development of the rural and regional sector in another State; or
 - (b) give assistance to primary producers or small businesses in another State in periods when they are experiencing temporary difficulty.
- (4) Authorisation may be given on conditions the Minister considers appropriate.
- (5) The authority must give the Minister any information the Minister asks for about a tender or arrangement that the authority has made or proposes to make for the administration of the scheme or part of the scheme.

- (6) However, subsection (5) does not apply to the extent that giving the information would contravene a confidentiality agreement to which the authority is a party.

12 Administering approved schemes

- (1) In administering an approved scheme, the authority may—
- (a) assess and decide applications for assistance under the scheme; and
 - (b) cancel the provision of assistance; and
 - (c) put conditions on the giving of assistance; and
 - (d) change the arrangements for the repayment of debts to the authority; and
 - (e) decline to deal with applications made by persons previously refused assistance under the scheme; and
 - (f) decide its own procedures; and
 - (g) keep operational accounts with financial institutions within Australia.
- (2) However, in administering an approved scheme, the authority must comply with—
- (a) the contents of the scheme; and
 - (b) agreements entered into between the authority and persons receiving assistance under the scheme.

13 Funding of approved schemes

Amounts of financial assistance given by the authority under an approved scheme are to be drawn from the authority's assistance funds.

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 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.

[s 13D]

- (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.

Part 3B Rural debt surveys and advisory services

Division 1 Rural debt surveys

13D Authority must conduct rural debt survey

- (1) The authority must ensure a survey of rural indebtedness in Queensland (a *rural debt survey*) is—
 - (a) conducted for the period starting on 1 January 2012 and ending on 31 December 2017; and
 - (b) completed by 30 June 2018.
- (2) Also, the authority must ensure a rural debt survey is conducted for each period of 2 years starting on 1 January 2018.
- (3) A rural debt survey conducted under subsection (2) must be completed within 6 months after the end of the 2-year period.
- (4) Subsections (2) and (3) do not apply for a period mentioned in subsection (2) if a comparable national debt survey has been conducted in the period.

13E Terms of reference for rural debt survey

The terms of reference for a rural debt survey are as follows—

- (a) to establish the extent, nature and size of, and trends in, the total rural indebtedness—

-
- (i) in Queensland; and
 - (ii) across various primary industries; and
 - (iii) in different areas of Queensland identified by local government areas or postcodes;
- (b) to categorise loans to farmers for conducting farming businesses based on the financial viability of the farmers and the ability of the farmers to service their loans;

Examples of loan categories—

- loans for which the farmers are considered financially viable under most circumstances
 - loans for which the farmers are considered financially viable in the long-term but who are experiencing some difficulty servicing the loan
 - loans for which the farmers are experiencing major difficulties servicing the loan
- (c) to consult with financial institutions and peak primary industry bodies about the matters mentioned in paragraphs (a) and (b) to obtain information or observations about the matters.

13F Power to require information for rural debt survey

- (1) This section applies in relation to the following entities (each a *relevant entity*)—
- (a) a bank or other financial institution;
 - (b) another entity that carries on a business lending money to farmers for the purpose of conducting farming businesses.
- (2) The authority may, by written notice given to a relevant entity, require the entity to give the authority—
- (a) stated documents or information (the *relevant material*), or stated types of documents or information (also the *relevant material*), in its possession or control that the authority reasonably requires for the conduct of a rural debt survey; or

- (b) access to the relevant material.
- (3) The notice must state how, and a reasonable period by which, the relevant material, or access to the relevant material, must be given.
- (4) The relevant entity must comply with the notice unless—
 - (a) the requirement relates to relevant material that is in someone else's possession or control and the other person has refused to give the relevant material to the entity despite the entity's reasonable efforts to obtain it; or
 - (b) complying with the requirement would place the entity in contravention of a law; or
 - (c) the requirement relates to someone else's confidential information and the other person has refused to consent to it being disclosed to the authority despite the entity's reasonable efforts to obtain the consent; or
 - (d) the giving of the relevant material might tend to incriminate the entity; or
 - (e) the relevant material is confidential to the entity or the giving of the relevant material might be to the detriment of the entity's commercial or other interests.

Maximum penalty—100 penalty units.

- (5) If an exemption under subsection (4) applies to a requirement made of a prescribed entity under subsection (2), the entity must inform the authority in writing of the application of the exemption.
- (6) The authority must not use relevant material given to, or accessed by, the authority under this section for a purpose other than a rural debt survey conducted under this part.

Maximum penalty for subsection (6)—100 penalty units.

13G Authority's report about rural debt survey

- (1) The authority must, by the day the authority is required to complete a rural debt survey under section 13D—
 - (a) prepare a report about the results of the survey; and
 - (b) give a copy of the report to the Minister.
- (2) The authority's report must compare the results of the rural debt survey to the results of previous rural debt surveys and include the authority's observations about the comparison.
- (3) Also, the authority's report must not include confidential information.
- (4) The Minister must table a copy of the report in the Legislative Assembly within 3 months after receiving the report.

Division 2 Farm Debt Restructure Office

13H Authority must establish Farm Debt Restructure Office

- (1) The authority must establish an office of the authority called the Farm Debt Restructure Office.
- (2) The Farm Debt Restructure Office consists of a manager and the staff of the office, who are employees of the authority.
- (3) The authority must ensure the manager and staff of the Farm Debt Restructure Office are appropriately qualified to perform the function of the office.

13I Function of Farm Debt Restructure Office

- (1) The function of the Farm Debt Restructure Office is to assist a farmer in financial distress.
- (2) The Governor in Council may make a regulation about the functions of the Farm Debt Restructure Office.

Part 4 **Other provisions about the authority**

Division 1 **The board**

14 **The board**

The authority has a board of directors.

15 **Role of the board**

- (1) The board is responsible for the way the authority performs its functions and exercises its powers.
- (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 functions in a proper, effective and efficient way; and
 - (c) to review annually the performance of the authority's chief executive officer.

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 Accountability Act 2009* 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—
 - (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.

16CA Acting chairperson

- (1) The Minister may appoint any director of the board to act as the chairperson of the board during—
 - (a) any vacancy, or all vacancies, in the position; or
 - (b) any period, or all periods, when the chairperson is absent from duty, or can not, for another reason, perform the chairperson's responsibilities.
- (2) Subsection (1) does not affect the application of the *Acts Interpretation Act 1954*, section 24B or 25 for the appointment.

Division 1A Other provisions about directors

16D Delegation by non-appointed directors

(1) A director mentioned in section 16(1)(a) or (b) may delegate the director's functions under this Act to an appropriately qualified senior executive in the public service.

(2) In this section—

appropriately qualified includes having the qualifications, experience or standing appropriate to the exercise of the function.

Example of standing—

the person's classification level in a department

function includes a power.

17 Duration of appointment

(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) The office of a director appointed under section 16(1)(c) becomes vacant if—

- (a) the director resigns by signed notice to the Minister; or
- (b) the director is found guilty of an indictable offence or an offence against this Act; or
- (c) the director becomes employed by, or becomes a contractor of, the authority; or
- (d) the director's appointment is ended by the Governor in Council under subsection (3).

(3) The Governor in Council may, at any time, end the appointment of a director for any reason or none.

18 Conditions of appointment

- (1) A director is appointed on a part-time basis.
- (2) A director is entitled to be paid the remuneration and allowances fixed by the Governor in Council.

Division 2 Proceedings of the board

19 Time and place of meetings

- (1) The board may hold its meetings when and where it decides.
- (2) However, the board must meet at least once every 3 months.
- (3) The chairperson—
 - (a) may at any time call a meeting of the board; and
 - (b) must call a meeting if asked by one-quarter or more of the other directors.

20 Conduct of proceedings

- (1) The chairperson presides at all meetings of the board at which the chairperson is present.
- (2) If the chairperson is absent, the director chosen by the directors present presides.
- (3) At a meeting of the board—
 - (a) a quorum is at least half of the directors; and
 - (b) a question is decided by a majority of the votes of the directors present and voting; and
 - (c) each director present has a vote on each question to be decided and, if the votes are equal, the director presiding has a casting vote.
- (4) The board may conduct its proceedings (including its meetings) as it considers appropriate.

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- (5) The board may hold meetings, or permit directors to take part in meetings, by telephone, closed-circuit television or another form of communication.
 - (6) A director who takes part in a meeting of the board under subsection (5) is taken to be present at the meeting.
 - (7) A resolution is a valid resolution of the board, even though it is not passed at a meeting of the board, if—
 - (a) at least half the directors give written agreement to the resolution; and
 - (b) notice of the resolution is given under procedures approved by the board.

21 Disclosure of interests

- (1) A director must disclose to a meeting of the board a direct or indirect financial interest in an issue being considered or about to be considered by the board if—
 - (a) the director, or a person who, under the regulations, is related to the director, has the interest; and
 - (b) the interest could conflict with the appropriate performance of the director's duties about the consideration of the issue.
- (2) The disclosure must be recorded in the board's minutes and, unless the board otherwise directs, the director must not be present when the board considers the issue, or take part in a decision of the board on the issue.
- (3) Another director who also has, or who is, under the regulations, related to a person who also has, a direct or indirect financial interest in the issue must not—
 - (a) be present when the board is considering its decision under subsection (2); or
 - (b) take part in making the decision.
- (4) If, because of this section, a director is not present at a meeting of the board for the deliberation of the board about an

issue, but there would be a quorum if the director were present, the remaining directors present are a quorum for the board's deliberation or decision about the issue at the meeting.

22 Minutes

The board must keep minutes of its proceedings.

Division 3 Financial matters

23 Application of Financial Accountability Act

- (1) The authority is a statutory body within the meaning of the *Financial Accountability Act 2009*.
- (2) This section is enacted to avoid doubt.

23A Authority is a statutory body for Statutory Bodies Financial Arrangements Act 1982

- (1) Under the *Statutory Bodies Financial Arrangements Act 1982*, the authority is a statutory body.
- (2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the authority's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

24 Administration budget

- (1) For each financial year, the authority must develop, adopt and submit to the Minister an administration budget not later than the day the Minister directs.
- (2) An administration budget has no effect until approved by the Minister.
- (3) During a financial year the authority may develop, adopt and submit to the Minister amendments to its administration budget.

- (4) An amendment has no effect until approved by the Minister.

Division 4 Other things about the authority

25 Seal

Judicial notice must be taken of the imprint of the authority's seal appearing on a document, and the document must be presumed to have been properly sealed unless the contrary is proved.

26 Application of certain Acts

The authority is—

- (a) a unit of public administration under the *Crime and Corruption Act 2001*; and
- (b) a relevant EEO agency for the *Public Service Act 2008*, chapter 2.

27 Delegation

The authority may delegate the authority's functions and powers under this Act or another Act to a director or an appropriately qualified officer of the authority.

Part 5 Staff of the authority

Division 1 Chief executive officer

28 Chief executive officer

- (1) The authority must have a chief executive officer (however called).

- (2) The chief executive officer is responsible for ensuring the authority is managed as required by the policies of the board.

29 Appointment

The chief executive officer is appointed by the Governor in Council.

30 Restriction on appointment

A director must not be appointed as chief executive officer.

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 2008*.

32 Term of appointment

The chief executive officer holds office for the term (not longer than 5 years) stated by the Governor in Council in the instrument of appointment.

32A Resignation

The chief executive officer may resign by signed written notice given to the Minister.

33 Chief executive officer not to engage in other paid employment

The chief executive officer must not, without the approval of the board—

- (a) engage in paid employment outside the duties of the office of chief executive officer; or
- (b) actively take part in the activities of a business, or in the management of a corporation carrying on business.

34 Conditions of appointment

The chief executive officer holds office on the conditions (including conditions for remuneration, allowances and remuneration when the appointment ends) fixed by the authority.

35 Acting chief executive officer

- (1) The board may appoint a person, who is eligible for appointment as chief executive officer, to act in the office of chief executive officer during—
 - (a) any vacancy, or all vacancies, in the office; or
 - (b) any period, or all periods, when the chief executive officer is absent from duty, or cannot, for another reason, perform the duties of the office.
- (2) Subsection (1) does not affect the application of the *Acts Interpretation Act 1954*, section 24B or 25 for the appointment.

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.

35B Delegation

- (1) The chief executive officer may, with the board's approval, delegate the chief executive officer's functions under this Act or another Act, including a function delegated to the chief

executive officer by the authority, to an appropriately qualified employee of the authority.

- (2) In this section—
function includes power.

Division 2 Staffing the authority

36 Authority staff

- (1) The authority may engage the employees it considers necessary to perform its functions.
- (2) The authority may decide its employees' conditions of employment.
- (3) However, subsection (2) has effect subject to any relevant industrial instrument.
- (4) The authority's employees are to be employed under this Act, and not under the *Public Service Act 2008*.
- (5) In subsection (2)—
conditions of employment includes conditions about duration of the employment and ending the employment.

37 Alternative staffing arrangements

The authority may arrange with the chief executive of a department, an authority of the State or a government owned corporation, for the services of officers or employees of the department, authority or corporation to be made available to the authority.

Division 3 Conflict of interest

38 Disclosure of interests

- (1) This section applies to an officer of the authority if—

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- (a) the officer, or a person who, under the regulations, is related to the officer, has a direct or indirect financial interest in an issue being decided, or about to be decided by the authority (whether or not under a delegation from the authority); and
 - (b) the interest could conflict with the proper performance of the officer's duties about the decision.
- (2) As soon as practicable after the officer becomes aware of the facts causing this section to apply to the officer, the officer must disclose the nature of the interest to the authority.

Part 6 Miscellaneous

39 **Duty to act honestly**

- (1) This section applies to a person who is a director or an officer of the authority.
- (2) A person to whom this section applies must at all times act honestly in the exercise of the person's powers and the discharge of the person's duties.

Maximum penalty—200 penalty units.

40 **Disclosure of information**

A person must not disclose information obtained in the administration of this Act (or another Act giving functions to the authority) unless the disclosure is made—

- (a) with the agreement of the person from whom the information was obtained; or
- (b) for the administration of this Act (or another Act giving functions to the authority); or
- (c) in legal proceedings; or
- (d) under the *Crime and Corruption Act 2001* or the *Ombudsman Act 2001*; or

(e) with another lawful excuse.

Maximum penalty—100 penalty units.

41 False or misleading information

- (1) A person must not for the purposes of this Act, including for the purpose of an application for financial assistance under this Act—
- (a) state anything the person knows is false or misleading in a material particular; or
 - (b) omit from a statement anything without which the statement is, to the person's knowledge, misleading in a material particular.

Maximum penalty—200 penalty units.

- (2) It is enough for a complaint against a person for an offence against subsection (1)(a) or (b) to state that the statement made was false or misleading to the person's knowledge.

42 False or misleading documents

- (1) A person must not, for the purposes of this Act, including for the purpose of an application for financial assistance under this Act, give to the authority a document containing information the person knows is false, misleading or incomplete in a material particular.

Maximum penalty—200 penalty units.

- (2) Subsection (1) does not apply to a person who, when giving the document—
- (a) informs the authority, to the best of the person's ability, how it is false, misleading or incomplete; and
 - (b) if the person has, or can reasonably obtain, the correct information—gives the correct information to the authority.

- (3) It is enough for a complaint against a person for an offence against subsection (1) to state that the document was false, misleading or incomplete to the person's knowledge.

43 Calling up financial assistance obtained by false statement

- (1) This section applies to financial assistance given under this Act to a person who—
- (a) in applying for the financial assistance contravened section 41 (False or misleading information) or 42 (False or misleading documents); and
 - (b) would not otherwise have been given the financial assistance.
- (2) The authority may, by notice given to a person who has received financial assistance to which this section applies—
- (a) call up a loan or other amount given as the financial assistance; and
 - (b) exercise the authority's rights under a security for the loan or other amount.
- (3) If the authority calls up a loan or other amount under this section, the amount is payable from the day the notice is given, or from a later day stated in the notice.

44 Regulation-making power

The Governor in Council may make regulations under this Act.

45 Review of Act

- (1) The Minister must, within each period of 10 years after 1 July 2013, review this Act to decide whether its provisions remain appropriate.

- (2) The Minister must, as soon as practicable after finishing each review, table a report about the outcome of the review in the Legislative Assembly.

Part 7 Savings, transitional and validation provisions for Act No. 50 of 1994

Division 2 Transitional references

46 Application of division

This division applies to references in Acts in existence at its commencement.

47 References to Acts

A reference to any of the following Acts is taken to be a reference to this Act—

- *Agricultural Bank (Loans) Act 1959*
- *Co-ordination of Rural Advances and Agricultural Bank Act 1938*
- *Farmers' Assistance (Debts Adjustment) Act 1967*
- *Farm Water Supplies Assistance Act 1958*
- *Primary Producers' Assistance Act 1972.*

Part 8 Other repeal, savings and transitional provisions

Division 1 Transitional provisions for Rural Adjustment Authority Amendment Act 2004

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.

Division 2 Transitional provisions for Farm Business Debt Mediation Act 2017

55 Authority continues

The QRAA established under this Act, as in force immediately before this section commenced, is continued as the Queensland Rural and Industry Development Authority.

56 References to QRAA

In an Act or other document, a reference to QRAA, may, if the context permits, be taken to be a reference to the Queensland Rural and Industry Development Authority.

Division 3 **Repeal, savings and transitional provisions for repeal of Queensland Agricultural Training Colleges Act 2005**

Subdivision 1 **Repeal**

57 **Repeal**

The Queensland Agricultural Training Colleges Act 2005, No. 20 is repealed.

Subdivision 2 **Savings and transitional provisions**

58 **Definitions for subdivision**

In this subdivision—

QATC means the Queensland Agricultural Training Colleges in existence under the repealed Act before the commencement.

repealed Act means the repealed *Queensland Agricultural Training Colleges Act 2005*.

59 **Words have meanings given by repealed Act**

Words defined under the repealed Act immediately before its repeal and used in this subdivision have the same meanings as they had under the repealed Act.

60 **QATC and other entities**

(1) On the commencement—

(a) QATC and its board are dissolved; and

[s 61]

- (b) QATC's principal executive officer and each member of its board go out of office; and
 - (c) each board committee, if any, is dissolved and each member of the board committee goes out of office; and
 - (d) each college board, if any, is dissolved and each member of the college board goes out of office; and
 - (e) a college director goes out of office.
- (2) No compensation is payable to a person because of subsection (1).
- (3) To remove any doubt, it is declared that subsection (2) does not limit or otherwise affect a person's right to a benefit or entitlement that had accrued before the commencement.

61 State is successor in law of QATC

- (1) The State is the successor in law of QATC.
- (2) Subsection (1) is not limited by another provision of this subdivision.

62 Assets and liabilities

On the commencement, the assets and liabilities of QATC immediately before the commencement become assets and liabilities of the State held in the department.

63 Records and other documents

On the commencement, QATC's records and other documents held by QATC immediately before the commencement become records and other documents of the State held in the department.

64 Current instruments

- (1) This section applies to a contract or other instrument to which QATC was a party, or that otherwise applied to QATC,

immediately before the commencement (a *current instrument*).

- (2) The State is a party to the current instrument, or the current instrument otherwise applies to the State, in place of QATC.
- (3) Without limiting subsection (2)—
 - (a) any right, title, interest or liability of QATC arising under or relating to a current instrument is a right, title, interest or liability of the State; and
 - (b) a current instrument, including a benefit or right provided by a current instrument, given to, by or in favour of QATC before the commencement is taken to have been given to, by or in favour of the State; and
 - (c) an application relating to a current instrument made in the name of QATC before the commencement is taken to have been made in the name of the State; and
 - (d) a current instrument under which an amount is, or may become, payable to or by QATC is taken to be an instrument under which the amount is, or may become, payable to or by the State in the way the amount was, or might have become, payable to or by QATC; and
 - (e) a current instrument under which property, other than money, is or may become liable to be transferred, conveyed or assigned to or by QATC is taken to be an instrument under which property is, or may become liable to be, transferred, conveyed or assigned to or by the State in the way the property was, or might have become, liable to be transferred, conveyed or assigned to or by QATC.
- (4) This section applies subject to section 69.

65 References to QATC

In an Act or document, a reference to QATC is, if the context permits, taken to be a reference to the State.

66 Current proceedings

- (1) This section applies to a proceeding that, immediately before the commencement, had not ended and to which QATC was a party.
- (2) On the commencement, the State becomes a party to the proceeding in place of QATC.

67 Proceedings not yet started

- (1) This section applies if, immediately before the commencement, a proceeding could have been started by or against QATC within a particular period.
- (2) The proceeding may be started by or against the State within the period.

68 Registering authority to note transfer or other dealing

- (1) A registering authority must, on written application by the chief executive and without charge, register or record in the appropriate way a transfer of, or other dealing affecting, an asset, liability or instrument under this subdivision.
- (2) The chief executive must comply with any relevant procedures required by the registering authority for the purpose of registering or recording the transfer or other dealing.
- (3) In this section—
registering authority means the registrar of titles or another entity required or authorised by law to register or record transactions affecting assets, liabilities or instruments.

69 Matters relating to employment

- (1) On the commencement—
 - (a) a person who, immediately before the commencement, is employed by QATC on a permanent full-time or permanent part-time basis, other than the principal

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- executive officer or a college director, becomes a public service employee of the department; and
- (b) a work performance arrangement, under section 15 of the repealed Act, between QATC and another government entity ends; and
 - (c) despite the provisions of the *Industrial Relations Act 2016*, the following instruments stop having effect—
 - (i) the instrument called the ‘Queensland Agricultural Training Colleges Certified Agreement 2016’;
 - (ii) the instrument called the ‘Queensland Agricultural Colleges Award—State 2015’.
- (2) The change of employer under subsection (1)(a) does not—
- (a) interrupt a person’s continuity of service; or
 - (b) prejudice an employee’s existing or accruing right to long service leave; or
 - (c) constitute a termination of employment by QATC, retrenchment or redundancy; or
 - (d) entitle a person to a payment or other benefit merely because the person is no longer employed by QATC.

70 Effect on legal relationships

- (1) A thing done under this subdivision—
- (a) does not make the State liable for a civil wrong or a contravention of a law or for a breach of a contract or confidence; and
 - (b) does not make the State in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment, novation or transfer of a right or liability or the disclosure of information; and
 - (c) does not fulfil a condition that—
 - (i) terminates, or allows a person to terminate, an instrument or obligation; or

- (ii) modifies, or allows a person to modify, the operation or effect of an instrument or obligation; or
 - (iii) allows a person to avoid or enforce an obligation or liability contained in an instrument or requires a person to perform an obligation contained in an instrument; or
 - (iv) requires any money to be paid before its stated maturity; and
- (d) does not release a surety or other obligee, wholly or partly, from an obligation.
- (2) If, apart from this subsection, the advice, consent or approval of a person would be necessary to do something under this subdivision, the advice is taken to have been obtained or the consent or approval is taken to have been given unconditionally.
- (3) If giving notice to a person would be necessary to do something under this subdivision, the notice is taken to have been given.
- (4) A reference in this section to the State includes an employee or agent of the State.

Schedule 1 Dictionary

section 4

approved assistance scheme see section 11.

approved scheme means an approved assistance scheme or an authorised interstate scheme.

authorised interstate scheme means a scheme for which the Minister has given an authorisation under section 11A.

authority means the Queensland Rural and Industry Development Authority.

authority's assistance funds means amounts held by the authority, if the amounts have been—

- (a) advanced to the authority, for giving financial assistance under approved 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
- (b) paid to the authority by persons to whom financial assistance has been given, whether the assistance was given before or after the commencement of this Act; or
- (c) earned on—
 - (i) the investment by the authority of the amounts mentioned in paragraph (a) or (b); or
 - (ii) loans made, whether before or after the commencement of this Act, in giving financial assistance.

board means the authority's board of directors.

chairperson means the chairperson of the board.

chief executive officer means the authority's chief executive officer.

confidential information—

- (a) means any information that—
 - (i) could identify an individual; or
 - (ii) is about a person's current financial position or financial background and could reasonably be expected to result in the identification of the person to whom it relates; or
 - (iii) would be likely to damage the commercial activities of a person to whom the information relates; but
- (b) does not include—
 - (i) information that is publicly available; or
 - (ii) aggregated, statistical or other information that could not reasonably be expected to result in the identification of the individual to whom it relates.

director see section 16.

farm debt means a farm business debt under the *Farm Business Debt Mediation Act 2017*, section 5.

farmer see the *Farm Business Debt Mediation Act 2017*, schedule 1.

farming business see the *Farm Business Debt Mediation Act 2017*, schedule 1.

officer of the authority means any of the following—

- (a) the chief executive officer;
- (b) an authority employee, whether or not there is a written contract of employment between the authority and the employee;
- (c) an individual who performs services for the authority—
 - (i) under a contract (other than a contract of employment) between the individual and the authority; or

- (ii) under an arrangement between the authority and a person (other than the individual).

original decision see section 13C.

regional includes fishing and forestry.

review decision see section 13C.

rural includes fishing and forestry.

rural debt survey see section 13D(1).