

Queensland



Sugar Industry Act 1991

SUGAR INDUSTRY (ASSIGNMENT GRANT) GUIDELINE 1995

**Reprinted as in force on 24 March 1995
(Guideline not amended up to this date)**

Reprint No. 1

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the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This guideline is reprinted as at 24 March 1995.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have been made to—

- use standard punctuation consistent with current drafting practice (s 27)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 40)
- number and renumber certain provisions and references (s 43).

See Endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including Table of renumbered provisions.**

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SUGAR INDUSTRY (ASSIGNMENT GRANT) GUIDELINE 1995

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SUGAR INDUSTRY (ASSIGNMENT GRANT) GUIDELINE 1995

[reprinted as in force on 24 March 1995]

Short title

1. This guideline may be cited as the *Sugar Industry (Assignment Grant) Guideline 1995*.

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 1995 aggregate increase**” means the additional assignment area the Corporation is required under section 148 of the Act to make available in 1995 by granting assignments under section 138 of the Act.

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Application

3. This guideline applies to applications made to the Corporation for the grant of assignments under section 138(1)(a) of the Act from the 1995 aggregate increase.

Reservation to current holders

4.(1) The Corporation will offer at least 50% of the 1995 aggregate increase in the first instance to holders of existing assignments to enhance the economy of existing sugarcane farms.

(2) In deciding the proportion over 50% of the 1995 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 sugarcane 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 1995 aggregate increase (less 2 000 ha reserved by the Minister under section 150 of the Act) to new growers for the 1995 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 138 of the Act; and

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- (b) the local board considers a further grant of assignment under section 138 of the Act would help in making the person's sugarcane 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 for the 1995 increase in the area of assigned land; and
- (b) the principal objectives of the Corporation mentioned in section 12 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 sugarcane 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 sugarcane 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 things 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

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- 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 1996, to—
 - (i) develop the assignment's proposed land; and
 - (ii) grow sugarcane 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) 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 this 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 intermill 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—

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- (i) capable of producing commercial crops of sugarcane when subjected to correct agricultural practices; and
- (ii) situated in a location from which sugarcane may be efficiently and cost-effectively delivered to the receiving mill; and
- (iii) able to be prepared and used for the growing of sugarcane 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 1995 aggregate increase

9. If the demand for allocation of the 1995 aggregate increase is more than the 1995 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 1996.

Conditions of grant of assignment

10.(1) An assignment holder must, by 30 November 1996, grow sugarcane on the assignment’s land sufficient to exercise fully the entitlement conferred by the assignment.

(2) An assignment holder must not, before 1 December 1996, enter into—

- (a) an authorised transaction mentioned in section 141 of the Act; or
- (b) any other purported transfer of the assignment.

(3) However, subsection (2) does not apply if—

- (a) the transaction or transfer is allowed under the Corporation’s policy circulars of 25 May 1993 and 19 April 1994 titled ‘Section 9.5—Guideline for Grant of Expansion Assignment’; or
- (b) the Corporation believes, on reasonable grounds, prohibition of the transaction or transfer would cause a person severe hardship.

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Examples of paragraph (b)—

1. Bankruptcy or other severe financial hardship of the assignment holder.
2. Death or severe illness of the assignment holder.

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Sugar Industry (Assignment Grant) Guideline 1995 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 List of legislation

Sugar Industry (Assignment Grant) Guideline 1995 SL No. 52
notfd Gaz 3 March 1995 pp 976–7
commenced on date of notification

4 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
ch	=	chapter
def	=	definition
div	=	division
exp	=	expires/expired
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
pt	=	part
R1	=	Reprint No. 1
RA	=	Reprints Act 1992
renum	=	renumbered
sdiv	=	subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Repeal

s 11 om R1 (see RA s 40)

5 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS under the Reprints Act 1992, s 43

Previous	Renumbered as
10(3)(b), example, 1st dot point	10(3)(b), example, 1
10(3)(b), example, 2nd dot point	10(3)(b), example, 2