


Queensland

# Rural and Regional Adjustment Act 1994

**Current as at [Not applicable]**

**Indicative reprint note**
This is an ***unofficial*** version of a reprint of this Act that incorporates all proposed amendments to the Act included in the Rural and Regional Adjustment Amendment Bill 2026. This indicative reprint has been prepared for information only—***it is not an authorised reprint of the Act***.

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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 financial assistance schemes, or parts of financial assistance schemes, that contribute to 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 or parts of schemes that 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

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(b) support communities in the State and build its own effectiveness by administering schemes or parts of schemes that give assistance that benefits these communities, including, for example, by giving assistance to persons and organisations that contribute to these communities; and

*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 external scheme
- reviewing an authorised external scheme
- providing advice on applications for financial assistance under an authorised external 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.

*Note—*

See also part 4, division 3 in relation to the application of the *Financial Accountability Act 2009* and the *Statutory Bodies Financial Arrangements Act 1982* to the authority.

### 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 financial 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 the funding of financial assistance schemes with all levels of government; and

(c) to carry out research into, develop policies on and give advice to the Minister about—

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(i) issues affecting persons likely to receive financial 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 financial 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 financial 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 financial 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 external 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.

(3) Without limiting subsection (2)(j), a regulation prescribing a function of the authority may prescribe any of the following—

(a) the scope of the function;

(b) how the authority is to perform the function;

(c) the period during which the authority is to perform the function.

## 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.

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### 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 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 schemes

## Division 1 Preliminary

### 10 Purpose of part

This part provides for the giving of financial assistance under financial assistance schemes approved or authorised under this part.

### 10A When financial assistance may be given

The authority may give financial assistance to a person only under a financial assistance scheme, or part of a financial assistance scheme, that is—

(a) approved by the Minister under division 2, subdivision 1; or

(b) approved by regulation under division 2, subdivision 2; or

(c) authorised by the Minister under division 3.

## Division 2 Approved assistance schemes

## Subdivision 1 Approval by Minister

### 10B Approval of scheme by Minister

(1) The Minister may approve a financial assistance scheme, or part of a financial assistance scheme, that is—

(a) established in accordance with a guideline made and published by the authority under section 10C; or

(b) established by 1 or more of the following entities—

(i) the Commonwealth;

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(ii) another State;

(iii) an entity that represents the State, the Commonwealth or another State.

(2) However, before giving approval under subsection (1), the Minister must be satisfied the purpose of the scheme or part is consistent with the object of this Act.

(3) The scheme or part does not take effect until the Minister gives notice of the approval under subsection (1).

(4) For a scheme or part mentioned in subsection (1)(a), the notice must state the version number of the guideline.

(5) The scheme or part commences on—

(a) the day the notice commences; or

(b) if the notice states a later day that the scheme or part commences—the later day.

(6) A notice under subsection (3) is subordinate legislation.

(7) An approval of a scheme or part mentioned in subsection (1)(a), or notice of the approval under subsection (3), is not invalid merely because the guideline does not substantially comply with section 10C(2) or (3).

(8) This section does not apply to a financial assistance scheme, or part of a financial assistance scheme, prescribed by regulation for section 11(1).

## 10C Making and publishing guidelines

(1) The authority may, to further the object of this Act, make and publish a document (a ***guideline***) setting out the details of a financial assistance scheme or part of a financial assistance scheme.

(2) The guideline must state the following matters—

(a) the version number of the guideline;

(b) the purpose of the scheme or part;

(c) details of the authority's role in the administration of the scheme or part.

(3) For subsection (2)(c), the details of the authority's role must include—

(a) if the authority will decide applications for financial assistance under the scheme or part—

(i) either or both of the following matters—

(A) the persons or categories of persons who are eligible to receive financial assistance under the scheme or part;

(B) the criteria for determining applications for financial assistance under the scheme or part; and

(ii) the processes for making and deciding applications for financial assistance under the scheme or part; and

*Example—*

requirements for eligibility notices or pre-approvals

(b) if the authority will give financial assistance under the scheme or part—each of the following matters—

(i) the nature of the financial assistance;

(ii) the amount, or the method of calculating the amount, of the financial assistance;

(iii) if the financial assistance may be given by way of a loan—the standard terms of the loan;

(iv) the process for giving the financial assistance.

(4) Without limiting subsection (2) or (3), the guideline may do any of the following—

(a) state conditions on which financial assistance is given under the scheme or part;

(b) provide for—

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(i) payments into the consolidated fund, another fund or departmental accounts of amounts of the authority's assistance funds associated with the scheme or part; or

*Note—*

See section 12A in relation to the funding of schemes.

(ii) write-offs to loan balances;

(c) set out any customer service provisions for the scheme or part;

(d) provide for another matter the authority considers relevant to administering the scheme or part.

(5) In this section—

***customer service provisions***, for a financial assistance scheme, or part of a financial assistance scheme, means provisions intended by the authority to improve the administration or accessibility of the scheme or part for particular applicants or classes of applicants.

*Examples—*

- provisions permitting flexible payment arrangements
- provisions requiring or permitting payment of financial assistance to a person other than an applicant

## Subdivision 2 Approval by regulation

### 11 Schemes required to be approved by regulation

(1) A regulation may prescribe that any of the following may only be approved by regulation—

(a) a particular financial assistance scheme, or part of a financial assistance scheme;

(b) a particular type of financial assistance scheme, or part of a financial assistance scheme.

(2) If a financial assistance scheme, or part of a financial assistance, is prescribed under subsection (1)—

(a) a regulation approving the scheme or part must describe the scheme or part in detail; and

(b) a regulation may vary, replace or revoke the scheme or part.

## Division 3 Authorised external schemes

### 11A Authorisation for external 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 if the scheme, or part of the scheme, is a financial assistance scheme.

(2) The authority must not tender for the administration of the scheme or part, or agree to administer the scheme or part, 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) contribute to 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.

(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.

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## Division 4 Variation, replacement and revocation

### 11B Variation, replacement or revocation by Minister

(1) The Minister may approve—

(a) a document made by the authority varying or replacing a guideline for a financial assistance scheme, or part of a financial assistance scheme, approved by the Minister under division 2, subdivision 1; or

(b) the revocation of a financial assistance scheme, or part of a financial assistance scheme, approved by the Minister under division 2, subdivision 1.

(2) However, before giving approval to vary or replace a guideline under subsection (1)(a), the Minister must be satisfied that the purpose of the guideline as varied or replaced is consistent with the object of this Act.

(3) The variation, replacement or revocation does not take effect until the Minister gives notice of the approval under subsection (1).

(4) The variation, replacement or revocation commences on—

(a) the day the notice commences; or

(b) if the notice states a later day that the variation, replacement or revocation commences—the later day.

(5) A notice under subsection (3) is subordinate legislation.

(6) An approval of a varied or replaced guideline under subsection (1)(a), or notice of the approval under subsection (3), is not invalid merely because the guideline does not substantially comply with section 10C(2) or (3).

### 11C Authority may make minor amendments to guidelines

(1) This section applies in relation to a guideline made and published by the authority under section 10C.

(2) The authority may make a minor amendment to the guideline without the approval of the Minister.

(3) An amendment of the guideline is a ***minor amendment*** if the amendment is for a formal or clerical reason.

(4) If the authority makes a minor amendment to the guideline, the authority must—

(a) change the version number of the guideline; and

(b) publish the amended guideline, with the changed version number, on the authority's website.

(5) The amendment takes effect on—

(a) the day the amended guideline is published on the authority's website; or

(b) if a later day is stated in the amended guideline—the later day.

(6) The amendment does not affect any of the following in relation to the guideline or the approved assistance scheme to which it relates—

(a) an approval under section 10B(1)(a) or 11B(1)(a);

(b) a notice under section 10B(3) or 11B(3).

## Division 5 Administering financial assistance schemes

### 12 Administering approved assistance schemes and authorised external schemes

(1) In administering an approved assistance scheme or an authorised external 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

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(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 assistance scheme or an authorised external 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.

### 12A Funding of approved assistance schemes and authorised external schemes

Financial assistance given by the authority under an approved assistance scheme, or an authorised external scheme, must be drawn from the authority's assistance funds.

### 12B Authority may recover financial assistance

(1) The authority may, by notice, decide to recover financial assistance given to a person under, or purportedly under, an approved assistance scheme or an authorised external scheme if—

(a) the authority becomes aware the person has breached a condition on which the financial assistance was given to the person under the scheme; or

(b) the following apply—

(i) the authority—

(A) reasonably believes the person contravened section 41 or 42; or

(B) becomes aware of a mistake in giving the financial assistance to the person, even if the person has not contributed to the mistake;

*Example for sub-subparagraph (B)—*

an administrative or clerical error

(ii) the financial assistance would not have been given to the person but for the contravention or the making of the mistake.

(2) The notice given to the person must state—

(a) the ground for recovery under subsection (1); and

(b) the amount the person is required to repay, not exceeding the amount of the financial assistance; and

(c) a reasonable period within which the person must repay the amount.

(3) Without limiting subsection (2), the notice must be an information notice for the decision.

## 12C Obligation to repay authority

(1) A person given a notice under section 12B must repay the amount stated in the notice within the period stated in the notice.

(2) A liability arising from a notice given under subsection (1) is—

(a) a debt payable to the authority that may be recovered in a court of competent jurisdiction; and

(b) if the notice is given to 2 or more persons—joint and several.

(3) The authority may enter into an arrangement with a person for the payment of an amount, stated in a notice given under section 12B, by instalments.

(4) The arrangement may include provision for the payment of interest.

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### 12D Power to require production of document or certification of copy

(1) The chief executive officer may require a person to make available for inspection by the chief executive officer, or to produce to the chief executive officer for inspection, at a reasonable time and place nominated by the chief executive officer—

(a) a required document; or

(b) if a required document or required information is kept, stored or recorded electronically—a document that is a clear written reproduction of the required document or required information.

(2) The chief executive officer may copy a document mentioned in subsection (1) or a part of the document.

(3) If the chief executive officer copies a document mentioned in subsection (1), or a part of the document, the chief executive officer may require the person responsible for keeping the document to certify the copy as a true copy of the document or part.

(4) The chief executive officer must not keep a document mentioned in subsection (1) after copying the document or a part of the document.

(5) However, if a requirement is made of a person under subsection (3), the chief executive officer may keep the document until the person complies with the requirement.

(6) In this section—

***required document***, in relation to a person, means a document that is—

(a) issued to the person under this Act; or

(b) required to be kept by the person under—

(i) this Act; or

(ii) an approved assistance scheme; or

(iii) an authorised external scheme.

***required information***, in relation to a person, means information required to be kept by the person under—

(a) this Act; or

(b) an approved assistance scheme; or

(c) an authorised external scheme.

## 13 Offence to contravene production requirement or certification requirement

(1) A person of whom a production requirement or certification requirement is made must comply with the requirement unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

(2) It is not a reasonable excuse for a person to fail to comply with a production requirement or a certification requirement on the basis that complying with the requirement might tend to—

(a) incriminate the person; or

(b) expose the person to a penalty; or

(c) expose the person, or another person, to action for the recovery of financial assistance.

*Note—*

See, however, section 13C.

(3) The chief executive officer must inform the person, in a way that is reasonable in the circumstances, that—

(a) the person must comply with the production requirement or the certification requirement even though complying might tend to—

(i) incriminate the person; or

(ii) expose the person to a penalty; or

(iii) expose the person, or another person, to action for the recovery of financial assistance; and

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(b) if the person is an individual—there is a limited immunity under section 13C against the future use of the information or document given in compliance with the requirement.

(4) If the person does not comply with the production requirement or the certification requirement and the chief executive officer has failed to comply with subsection (3), the person may not be convicted of the offence against subsection (1).

(5) If a court convicts a person of an offence against subsection (1), the court may, as well as imposing a penalty for the offence, order the person to comply with the production requirement or certification requirement.

(6) In this section—

***production requirement*** means a requirement under section 12D(1).

***certification requirement*** means a requirement under section 12D(3).

## 13A Power to require information

(1) This section applies if the chief executive officer reasonably believes—

(a) any of the following matters—

(i) a ground for recovering financial assistance exists under section 12B;

(ii) the authority needs to perform a function mentioned in section 12(1)(b), (c), (d) or (e);

(iii) an offence against this Act has been committed; and

(b) a person may be able to give information about the matter.

(2) The chief executive officer may, by notice given to the person, require the person to give the chief executive officer by a stated reasonable time—

(a) information related to the matter; or

(b) if the information mentioned in paragraph (a) is kept, stored or recorded electronically—a clear written reproduction of the information.

(3) In this section—

***information*** includes a document.

## 13B Offence to contravene information requirement

(1) A person of whom a requirement is made under section 13A(2) must comply with the requirement unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

(2) It is a reasonable excuse for an individual not to give the information if giving the information might tend to incriminate the individual or expose the individual to a penalty.

(3) However, it is not a reasonable excuse for an individual not to give the information if giving the information might tend to expose the person, or another person, to action for the recovery of financial assistance.

## 13C Evidential immunity for individuals complying with particular requirements

(1) Subsection (2) applies if an individual gives a document to the chief executive officer, or certifies a document for the chief executive officer, under section 12D.

(2) Evidence of the document, and other evidence directly or indirectly derived from the document, is not admissible against the individual in any proceeding to the extent the evidence tends to incriminate the individual, or expose the individual to a penalty, in the proceeding.

Not authorised—indicative only

Not authorised—indicative only



(3) Subsection (2) does not apply to a proceeding about the false or misleading nature of anything in the document or in which the false or misleading nature of the document is relevant evidence.

(4) In this section—

***give*** includes make available for inspection and produce.

# Part 3A 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

Not authorised—indicative only

Not authorised—indicative only



(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.

Not authorised—indicative only

Not authorised—indicative only



# 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

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

## 16A Term of appointment as director

(1) An appointed director holds office for the term stated in the director's instrument of appointment.

(2) The stated term must be not longer than 3 years.

(3) The Minister must not recommend to the Governor in Council a term of appointment for a director unless the Minister is satisfied that the term is staggered against the appointment of other directors on the board so that, to the extent practicable, half of the terms of appointed directors will end every 18 months.

(4) An appointed director may be reappointed.

## 16B Conditions of appointment as director

(1) An appointed director is appointed on a part-time basis.

(2) An appointed director is to be paid the remuneration and allowances decided by the Governor in Council.

(3) An appointed director holds office on the terms and conditions, not provided for by this Act, decided by the Governor in Council.

## 16C Chairperson

(1) The Governor in Council must appoint a person, who is an appointed director, as the chairperson.

(2) The person holds office as chairperson for the term stated in the person's instrument of appointment as chairperson.

(3) The stated term must not end later than the person's term as an appointed director.

Not authorised—indicative only

Not authorised—indicative only



(4) However, the person's appointment as chairperson ends if the person—

(a) resigns from office as chairperson under section 16F; or

(b) is removed from office as chairperson; or

(c) stops being an appointed director.

(5) If the person resigns, or is removed, from office as chairperson, the person may, subject to section 16G, continue to hold office as an appointed director.

(6) The Minister may appoint any director to act as the chairperson during—

(a) a vacancy in the office of chairperson; or

(b) any period the chairperson—

(i) is absent from duty; or

(ii) is, for any reason, unable to carry out the duties of that office.

(7) Subsection (6) does not limit the Governor in Council's power under the *Acts Interpretation Act 1954*, section 24B or 25(1)(b).

### 16D Disqualification of persons from appointment as director

A person is disqualified from becoming, or continuing as, an appointed director if the person—

(a) has a conviction, other than a spent conviction, for an indictable offence; or

(b) is an insolvent under administration; or

(c) is employed by, or is a contractor of, the authority; or

(d) is disqualified from managing corporations because of the Corporations Act, part 2D.6; or

(e) contravenes section 21; or

(f) does not consent to the Minister requesting a report about the person's criminal history under section 38H.

### 16E Requirement to disclose particular matters about disqualification

(1) This section applies if a person who is an appointed director—

(a) becomes an insolvent under administration; or

(b) is disqualified from managing corporations because of the Corporations Act, part 2D.6.

*Note—*

See section 38I for the requirement to give notice of a change in the person's criminal history.

(2) The person must, unless the person has a reasonable excuse, immediately give the Minister notice under subsection (3) about becoming an insolvent under administration or being disqualified from managing corporations.

Maximum penalty—100 penalty units.

(3) The notice must state—

(a) that the person has become an insolvent under administration or is disqualified from managing corporations because of the Corporations Act, part 2D.6; and

(b) when the person became an insolvent or was disqualified; and

(c) if the person is disqualified from managing corporations because of the Corporations Act, part 2D.6—details adequate to identify the grounds for the disqualification.

### 16F Resignation

(1) An appointed director may resign from office as a director, or the chairperson, by signed notice given to the Minister.

(2) The resignation takes effect—

(a) on the day the notice is given; or

(b) if a later day is stated in the notice—on the later day.

Not authorised—indicative only

Not authorised—indicative only



### 16G Vacancy in office

An appointed director's office becomes vacant if the director—

(a) completes a term of office and is not reappointed; or

(b) is disqualified from continuing as an appointed director under section 16D; or

(c) resigns office as an appointed director under section 16F; or

(d) is removed from office; or

(e) is absent from 3 consecutive meetings of the board of which proper notice has been given—

(i) without the board's permission; and

(ii) without reasonable excuse.

### 16H Acting directors

(1) This section applies if—

(a) the office of an appointed director is vacant; or

(b) an appointed director is absent from duty or is otherwise unable to perform the functions of the office.

(2) For subsection (1)(a), the office of an appointed director is vacant only if the office has previously been filled by an appointment made under section 16(c).

(3) The Minister may appoint a person, who is not disqualified from becoming an appointed director under section 16D, to act in the office for a period of not longer than 6 months.

(4) However, the Minister may extend the appointment for 1 further period of not longer than 6 months.

(5) This section does not limit the Governor in Council's power under the *Acts Interpretation Act 1954*, section 24B or 25(1)(b).

### 17 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.

### 18 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.

### 18A 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.

Not authorised—indicative only

Not authorised—indicative only



(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 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.

(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.

Not authorised—indicative only

Not authorised—indicative only



(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 Miscellaneous

### 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 prescribed entity for the *Public Sector Act 2022*, section 25, definition *prescribed entity*, paragraph (c).

# Part 5 Staff of the authority

## Division 1 Chief executive officer

### 27 Appointment

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

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

(3) The chief executive officer is appointed under this Act and not the *Public Sector Act 2022*.

Not authorised—indicative only

Not authorised—indicative only



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

## 28 Term of appointment

(1) The chief executive officer is appointed for the term stated in the chief executive officer's instrument of appointment.

(2) The stated term must be not longer than 5 years.

(3) The chief executive officer may be reappointed.

## 29 Conditions of appointment

(1) The chief executive officer is to be paid the remuneration and allowances decided by the board.

(2) The chief executive officer holds office on the terms and conditions, not provided for by this Act, decided by the board.

## 30 Disqualification

A person is disqualified from becoming, or continuing as, the chief executive officer if the person—

(a) has a conviction, other than a spent conviction, for an indictable offence; or

(b) is an insolvent under administration; or

(c) is disqualified from managing corporations because of the Corporations Act, part 2D.6; or

(d) is an appointed director; or

(e) contravenes section 38; or

(f) does not consent to the Minister requesting a report about the person's criminal history under section 38H.

## 31 Requirement to disclose particular matters about disqualification

(1) This section applies if a person who is the chief executive officer—

(a) becomes an insolvent under administration; or

(b) is disqualified from managing corporations because of the Corporations Act, part 2D.6.

*Note—*

See section 38I for the requirement to give notice of a change in the person's criminal history.

(2) The person must, unless the person has a reasonable excuse, immediately give the Minister notice under subsection (3) about becoming an insolvent under administration or being disqualified from managing corporations.

Maximum penalty—100 penalty units.

(3) The notice must state—

(a) that the person has become an insolvent under administration or is disqualified from managing corporations because of the Corporations Act, part 2D.6; and

(b) when the person became an insolvent or was disqualified; and

(c) if the person is disqualified from managing corporations because of the Corporations Act, part 2D.6—details adequate to identify the grounds for the disqualification.

## 32 Resignation

(1) The chief executive officer may resign office by signed notice given to the Minister.

(2) The resignation takes effect—

(a) on the day the notice is given; or

(b) if a later day is stated in the notice—on the later day.

Not authorised—indicative only

Not authorised—indicative only

### 33 Vacancy in office

The office of the chief executive officer becomes vacant if the chief executive officer—

(a) completes a term of office and is not reappointed; or

(b) is disqualified from continuing as the chief executive officer under section 30; or

(c) resigns office under section 32; or

(d) is removed from office.

### 34 Acting chief executive officer

(1) This section applies if—

(a) the office of the chief executive officer is vacant; or

(b) the chief executive officer is absent from duty or is otherwise unable to perform the functions of the office.

(2) The board may appoint a person, who is not disqualified from becoming the chief executive officer under section 30, to act in the office.

(3) This section does not limit the Governor in Council's power under the *Acts Interpretation Act 1954*, section 24B or 25(1)(b).

### 35 Restrictions on engaging in paid employment etc.

The chief executive officer must not, without the board's prior written approval—

(a) engage in paid employment outside the responsibilities of the office of the chief executive officer; or

(b) actively take part in the activities of a business, or in the management of a corporation carrying on a business.

### 35A Chief executive officer to prepare business plan

(1) Without limiting section 27(4), 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 Preservation of rights

(1) This section applies if a person who is a public sector employee is appointed as the chief executive officer.

(2) The person keeps all rights accrued or accruing to the person as a public sector employee as if service as the chief executive officer were a continuation of service as a public sector employee.

(3) At the end of the person's term of office or resignation as chief executive officer, the person's service as the chief executive officer is taken to be service of a like nature for deciding the person's rights as a public sector employee.

(4) In this section—

***public sector employee*** see the *Public Sector Act 2022*, section 12.

## 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.

Not authorised—indicative only

Not authorised—indicative only



(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 Sector Act 2022*.

(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—

(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 5A Review of decisions

## Division 1 Preliminary

### 38A Definitions for part

In this part—

***affected person***, in relation to a decision, means—

(a) if the decision is an original decision—a person who must be given an information notice for the decision; or

(b) if the decision is an internal review decision—the person who applied for the internal review.

***internal review***, of an original decision, see section 38C(1).

***internal review decision*** means a decision made, or taken to have been made, under section 38E on an application for internal review of an original decision.

***original assistance decision*** means a decision of the authority under section 12(1)(a), (b), (c), (d) or (e).

***original decision*** means an original assistance decision or an original recovery decision.

***original recovery decision*** means a decision of the authority under section 12B(1).

***QCAT information notice***, for an internal review decision, means a notice complying with the QCAT Act, section 157(2).

## Division 2 Internal review

### 38B Review process for original recovery decisions must start with internal review

An affected person for an original recovery decision may apply to QCAT for a review of the decision only if a decision

Not authorised—indicative only

Not authorised—indicative only



on an application for internal review of the original recovery decision has been made, or is taken to have been made, under this division.

### 38C Who may apply for internal review

(1) An affected person for an original decision may apply to the chief executive officer for a review of the decision under this division (an ***internal review***).

(2) If the affected person has not been given an information notice for the original decision, the affected person may ask the authority for an information notice for the decision.

(3) A failure by the authority to give the affected person an information notice for the original decision does not limit or otherwise affect the person's right to apply for internal review of the decision.

### 38D Requirements for application

(1) An application for internal review of an original decision must—

(a) be in the approved form; and

(b) for a person who has been given an information notice for the decision—include enough information to enable the chief executive officer to decide the application; and

(c) be made to the chief executive officer within—

(i) for a person who has been given an information notice for the decision—30 business days after the day the person is given the notice; or

(ii) for a person who has not been given an information notice for the decision—30 business days after the day the person becomes aware of the decision.

(2) The chief executive officer may, at any time, extend the period within which the application may be made.

(3) Subject to division 3, the application does not affect the operation of the original decision or prevent the decision being implemented.

*Note—*

Division 3 provides for a stay of an original decision.

## 38E Internal review

(1) The chief executive officer must, within 30 business days after receiving an application for internal review of an original decision—

(a) review the original decision; and

(b) decide 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 affected person for the original decision—

(i) for an original assistance decision—a notice stating the following—

(A) the internal review decision;

(B) the reasons for the internal review decision;

*Note—*

See the *Acts Interpretation Act 1954*, section 27B for matters that must be included with the reasons.

(C) that the internal review decision is final and the affected person has no further right of review under this part; or

(ii) for an original recovery decision—a QCAT information notice.

(2) The chief executive officer and the affected person may, before the period stated in subsection (1) ends, agree to a

Not authorised—indicative only

Not authorised—indicative only



longer period for the chief executive officer to comply with the subsection.

(3) The application may be dealt with only by a person who—

(a) did not make the original decision; and

(b) holds a more senior office than the person who made the original decision.

(4) Subsection (3) does not apply to an original decision made by the chief executive officer personally.

(5) If the chief executive officer does not give the affected person a notice under subsection (1)(c) within the period required under subsection (1), or a longer period agreed under subsection (2), the chief executive officer is taken to confirm the original decision.

## Division 3 Staying operation of original decision

### 38F Stay of operation of original decision on internal review

(1) An application for internal review of an original decision stays the operation of the decision.

(2) If the operation of an original decision is stayed under subsection (1), the stay operates until the chief executive officer decides the application for internal review of the decision.

## Division 4 External review

### 38G Applying for external review

(1) This section applies to a person who must be given a QCAT information notice for an internal review decision of an original recovery decision.

(2) The person may apply to QCAT, as provided under the QCAT Act, for a review of the internal review decision.

*Note—*

The QCAT Act, section 22(3) enables QCAT to stay the operation of the internal review decision, either on application by a person or on its own initiative.

# Part 6 Miscellaneous

## Division 1 Criminal history

### 38H Criminal history report

(1) To decide whether a person is disqualified from becoming or continuing as an appointed director or the chief executive officer, the Minister may ask the police commissioner for—

(a) a written report about the criminal history of the person; and

(b) a brief description of the circumstances of a conviction mentioned in the criminal history.

(2) However, the Minister may make the request only if the person has given the Minister written consent for the request.

(3) The police commissioner must comply with the request.

(4) However, the duty to comply applies only to information in the possession of the police commissioner or to which the police commissioner has access.

(5) In this section—

***criminal history***, of a person, means the person's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions.

Not authorised—indicative only

Not authorised—indicative only



### 38I Changes in criminal history must be disclosed

(1) This section applies if a person, who is an appointed director or the chief executive officer, is convicted of an indictable offence during the term of the person's appointment.

(2) The person must, unless the person has a reasonable excuse, immediately give the Minister notice under subsection (3) about the conviction.

Maximum penalty—100 penalty units.

(3) The notice must state—

(a) the existence of the conviction; and

(b) when the offence was committed; and

(c) details adequate to identify the offence; and

(d) the sentence imposed on the person.

### 38J Confidentiality of criminal history information

(1) This section applies to a person who—

(a) is or has been—

(i) the Minister or a member of the Minister's staff; or

(ii) a public service employee performing functions under, or relating to the administration of, this Act; and

(b) in that capacity, has acquired or has access to criminal history information.

(2) The person must not disclose the criminal history information to anyone else, or use the criminal history information, other than under subsection (3).

Maximum penalty—100 penalty units.

(3) The person may disclose or use the criminal history information—

(a) to the extent the disclosure or use—

(i) is necessary to perform the person's functions under, or relating to the administration of, this Act; or

(ii) is otherwise required or permitted by this Act or another law; or

(b) with the consent of the person to whom the criminal history information relates.

(4) A person who possesses a report given to the Minister under section 38H or a notice given to the Minister under section 38I must ensure the report or notice is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given.

(5) In this section—

***criminal history information*** means information contained in—

(a) a report given to the Minister under section 38H; or

(b) a notice given to the Minister under section 38I.

***disclose*** includes give access to.

## Division 2 Other provisions

### 38K Delegations

(1) The authority may delegate the authority's functions under this Act or another Act to—

(a) a director; or

(b) an appropriately qualified officer of the authority.

(2) A director, other than an appointed director, may delegate the director's functions under this Act, including a function subdelegated under subsection (1)(a), to an appropriately qualified senior executive employed in the public service.

(3) The chief executive officer may, with the board's approval, delegate the chief executive officer's functions under this Act

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or another Act, including a function subdelegated under subsection (1)(b), to an appropriately qualified employee of the authority.

(4) In this section—

***function*** includes a power.

## 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.

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### 43 Approved forms

The chief executive officer may approve forms for use under this Act.

### 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.

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(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

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(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.

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### 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

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

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(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.

## Division 4 Transitional provisions for Rural and Regional Adjustment Amendment Act 2026

### 71 Interpretation for division

(1) In this division—

***amendment Act*** means the *Rural and Regional Adjustment Amendment Act 2026*.

***approved scheme*** means a scheme, or part of a scheme, to the extent the scheme or part was an approved scheme that was in effect immediately before the commencement under former schedule 1, definition *approved scheme*.

***former***, in relation to a provision of this Act, means the provision as in force from time to time before the commencement.

***new***, in relation to a provision of this Act, means the provision as in force from the commencement.

***scheme schedule***, for an approved scheme, or part of an approved scheme, means a schedule of the *Rural and Regional Adjustment Regulation 2011* that, immediately before the commencement, set out the scheme or part in detail under former section 11(2).

(2) A reference in this division to the number of a scheme schedule is a reference to the scheme schedule with that number in the *Rural and Regional Adjustment Regulation 2011* as in force immediately before the commencement.

## 72 Continuation of particular approved schemes as guideline schemes approved by the Minister

(1) This section applies in relation to an approved scheme, or part of an approved scheme, if immediately before the commencement the detail of the scheme or part was set out in any of the following scheme schedules—

(a) 2, 3, 4, 5, 7, 8 or 9;

(b) 15;

(c) 21, 23, 24 or 26;

(d) 32, 33 or 39;

(e) 40, 43, 44, 46, 47 or 49;

(f) 56;

(g) 61, 63, 64, 65, 66, 67 or 68;

(h) a scheme schedule that commences on or after the introduction day, unless the scheme schedule is prescribed for this paragraph by a transitional regulation under section 81.

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(2) From the commencement, the scheme or part continues in effect under new part 3 as if—

(a) the scheme or part were a scheme or part mentioned in new section 10B(1)(a) that has been approved by the Minister under new section 10B(3); and

(b) the scheme schedule were a guideline made and published by the authority under new section 10C; and

(c) anything done for the purposes of the scheme or part before the commencement were done for the purposes of the scheme or part as it continues in effect under new part 3.

(3) Subsection (2) does not prevent the guideline mentioned in subsection (2)(b) being replaced or varied under new section 11B or the making of a minor variation to the guideline under new section 11C.

(4) In this section—

***introduction day*** means the day the Bill for the amendment Act was introduced into the Legislative Assembly.

## 73 Continuation of other approved schemes established by particular entities

(1) This section applies in relation to an approved scheme, approved under former section 11(4), that, immediately before the commencement, was set out in any of the following documents published by the authority—

(a) the document called 'Farm Finance: Concessional Loans Scheme—Scheme Guidelines for Queensland';

(b) the document called 'Drought Concessional Loans Scheme—Scheme Guidelines for Queensland';

(c) the document called 'Horticultural Netting Program—Trial Expansion—Guidelines'.

(2) From the commencement, the scheme continues in effect under new part 3 as if—

(a) the scheme were a scheme mentioned in new section 10B(1)(b) that has been approved by the Minister under new section 10B(3); and

(b) anything done for the purposes of the scheme before the commencement were done for the purposes of the scheme as it continues in effect under new part 3.

## 74 Continuation of Primary Industry Productivity Enhancement Scheme

(1) This section applies if, on the commencement, a scheme that is the same as, or substantially similar to, the Primary Industry Productivity Enhancement Scheme is approved by regulation under new section 11.

(2) From the commencement, anything done for the purposes of the Primary Industry Productivity Enhancement Scheme before the commencement is taken to have been done for the purposes of the scheme approved by regulation under new section 11.

(3) In this section—

***Primary Industry Productivity Enhancement Scheme*** means the approved scheme that, immediately before the commencement, was set out in scheme schedule 1.

## 75 Repealed approved schemes

(1) This section applies in relation to an approved scheme (a ***repealed approved scheme***) if—

(a) the scheme was approved under former section 11(1)(c) or (4), or authorised under former section 11A, from time to time before the commencement; and

(b) on the commencement, the scheme ends because it is not provided for under section 72, 73 or 74.

(2) New sections 12B to 13C apply in relation to financial assistance given under the repealed approved scheme as if a reference in those provisions to an approved assistance



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scheme, or an authorised external scheme, included a reference to the repealed approved scheme.

(3) For the purposes of subsection (2), a requirement under the repealed approved scheme to keep information continues to apply, despite the ending of the scheme, for 1 year after the commencement.

## 76 Existing appointments

(1) This section applies to a person who, immediately before the commencement, held any of the following offices—

(a) a director appointed under former section 16(1)(c);

(b) the chairperson appointed under former section 16(2);

(c) the chief executive officer appointed under former section 29.

(2) The person continues to be appointed to the office under this Act, as amended by the amendment Act, on the same terms and conditions of appointment that applied to the person immediately before the commencement.

(3) For the application of subsection (2) to the chief executive officer, the conditions of appointment that were fixed by the authority under former section 34 and that applied to the chief executive officer immediately before the commencement are taken to have been decided by the board under new section 29.

## 77 Existing internal review applications

(1) This section applies in relation to an application for internal review made, but not decided, under former section 13A before the commencement.

(2) Former part 3A continues to apply in relation to the application as if the amendment Act had not been enacted.

## 78 Continued application of former s 43

(1) This section applies if—

(a) before the commencement, the authority gave a person a notice, under former section 43, calling up a loan or other amount given as the financial assistance; and

(b) immediately before the commencement, the notice had not been complied with.

(2) Former section 43 continues to apply in relation to the calling up of the loan or other amount as if the amendment Act had not been enacted.

(3) If, after the commencement, the authority takes action under former section 43(2) as continued in effect under subsection (2), the decision to take action is taken to be an original recovery decision under new part 5A.

## 79 Application of new s 16G

New section 16G(e) only applies in relation to meetings of the board conducted after the commencement.

## 80 Existing delegations

(1) This section applies if—

(a) immediately before the commencement, a delegation of a function or power by a person or entity (a ***delegator***) to another person (a ***delegate***) was in effect under former section 16D, 27 or 35B; and

(b) under new section 38K, the delegator may delegate the function or power to the delegate.

(2) From the commencement, the delegation continues to have effect as if it were a delegation of the function or power by the delegator to the delegate under new section 38K.

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## 81 Transitional regulation-making power

(1) A regulation (a ***transitional regulation***) may make provision about—

(a) a scheme schedule for section 72(1)(h); or

(b) a matter for which—

(i) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of this Act, as in force before its amendment by the amendment Act, to the operation of this Act after its amendment by the amendment Act; and

(ii) this Act does not provide or sufficiently provide.

(2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.

(3) A transitional regulation must declare it is a transitional regulation.

(4) This section and any transitional regulation expire on the day that is 1 year after the day this section commences.

# Schedule 1 Dictionary

section 4

***affected person***, in relation to a decision, for part 5A, see section 38A.

***appointed director*** means a person appointed as a director under section 16(c).

***approved assistance scheme*** means a financial assistance scheme, or part of a financial assistance scheme, that is—

(a) approved by the Minister under part 3, division 2, subdivision 1; or

(b) approved by regulation under part 3, division 2, subdivision 2.

***authorised external scheme*** means a financial assistance scheme, or part of a financial assistance scheme, that is authorised by the Minister under part 3, division 3.

***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 assistance schemes or authorised external 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—

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(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 board established under section 14.

***chairperson*** means the person holding office as the chairperson of the board under section 16C.

***chief executive officer*** means the person holding office as the chief executive officer of the authority under section 27.

***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.

***financial assistance*** includes—

(a) monetary assistance given without any obligation to repay it; and

(b) monetary assistance given by way of a loan; and

(c) guaranteeing a loan; and

(d) reducing or waiving a debt; and

(e) giving a rebate, subsidy or credit.

***financial assistance scheme*** means a scheme, or part of a scheme, if the main purpose of the scheme or part is to give financial assistance to persons or classes of persons.

***guideline*** see section 10C(1).

***information notice***, for an original decision, means a written notice stating the following information—

(a) the decision;

(b) the reasons for the decision;

*Note—*

See the *Acts Interpretation Act 1954*, section 27B for matters that must be included with the reasons.

(c) that the person to whom the notice is given may ask for a review of the decision under this Act;

(d) how, and the period within which, the review may be started;

(e) that, under section 38F, an application for an internal review of the decision stays the operation of the decision.

***internal review***, of an original decision, for part 5A, see section 38C(1).

***internal review decision***, for part 5A, see section 38A.

***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;

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(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 assistance decision***, for part 5A, see section 38A.

***original decision***, for part 5A, see section 38A.

***original recovery decision***, for part 5A, see section 38A.

***part***, of a financial assistance scheme, includes a scheme to be administered in stages over a period of time.

***QCAT information notice***, for part 5A, see section 38A.

***regional*** includes fishing and forestry.

***rural*** includes fishing and forestry.

***rural debt survey*** see section 13D(1).