



Review of *Rural and Regional Adjustment Act 1994*

Department of Agriculture and Fisheries

Discussion Paper

June 2023

© State of Queensland, 2023

The Department of Agriculture and Fisheries proudly acknowledges all First Nations peoples (Aboriginal peoples and Torres Strait Islanders) and the Traditional Owners and Custodians of the country on which we live and work. We acknowledge their continuing connection to land, waters and culture and commit to ongoing reconciliation. We pay our respect to their Elders past, present and emerging.

The Queensland Government supports and encourages the dissemination and exchange of its information. The copyright in this publication is licensed under a Creative Commons Attribution 4.0 International (CC BY 4.0) licence.



Under this licence you are free, without having to seek our permission, to use this publication in accordance with the licence terms.

You must keep intact the copyright notice and attribute the State of Queensland as the source of the publication.

For more information on this licence, visit creativecommons.org/licenses/by/4.0.

The information contained herein is subject to change without notice. The Queensland Government shall not be liable for technical or other errors or omissions contained herein. The reader/user accepts all risks and responsibility for losses, damages, costs and other consequences resulting directly or indirectly from using this information.

Contents

Summary	4
Purpose of this discussion paper	4
In scope.....	4
Out of scope.....	4
Background	5
Your input into the review	5
Privacy	5
Summary of the Act	6
Queensland Rural and Industry Development Authority (QRIDA) - Background	10
Other jurisdictions	12
Issues	16
Experiences of people seeking assistance	16
Requests for additional information	16
Review of decisions	17
Recovery of assistance.....	18
Streamlining processes.....	18
Scope of QRIDA-administered schemes	19
Other issues	19

Summary

The *Rural and Regional Adjustment Act 1994* (the Act) is being reviewed. This is part of the legislative requirement to review the Act within each 10-year period.

The Act establishes the Queensland Rural and Industry Development Authority (QRIDA), a statutory body that assists Queensland primary producers, small businesses, non-profit organisations and members of the community.

In operation for more than 25 years, QRIDA administers financial assistance, advisory support and disaster assistance programs on behalf of state and Commonwealth government agencies.

Schemes administered by QRIDA foster the development of a more productive and sustainable rural and regional sector and support the state's economy and regional communities.

Purpose of this discussion paper

The Act has been operating well and has enabled QRIDA to administer a wide range of financial assistance schemes to a diverse range of applicants for a variety of purposes. The review will consider whether the provisions of the Act enable:

- the efficient administration of approved schemes,
- maintain public accountability and transparency, and
- comply with contemporary practices.

As part of the review process, interested people are able to provide input to the review by making a submission in response to this online Discussion Paper.

In scope

The review will consider whether the Act operates to enable the efficient administration of approved schemes, maintains public accountability and transparency, and complies with contemporary practices. This Discussion Paper seeks feedback on the following issues to be considered as part of this review:

- the experiences of people applying for assistance
- how decisions made by QRIDA can be internally reviewed
- the streamlining of processes to establish approved assistance schemes
- the types of schemes that can be administered by QRIDA.

Out of scope

The review will not consider:

- the object of the Act in section 3
- the funding and operation of QRIDA
- past or current schemes administered by QRIDA
- QRIDA's decisions in administering schemes.

Background

QRIDA was previously known as the Queensland Rural Adjustment Authority. The authority was renamed as QRIDA in 2017.

QRIDA has statutory counterparts in New South Wales, Western Australia, and the Commonwealth. However, the scope of the Act in Queensland is broad and enabling and QRIDA's scale of activity is greater than in those jurisdictions.

QRIDA had 173 staff at 11 locations across Queensland (as at 30 June 2022). In 2021-22, QRIDA approved more than 53,400 applications for assistance worth over \$657 million.

Your input into the review

The consultation process provides an opportunity for stakeholders and interested people to provide input into the review.

Written submissions from stakeholders and interested people will be considered. In addition, meetings with key stakeholder groups will be held following the release of this paper. Submissions and feedback from these meetings will be used to assist the formulation of recommendations.

You are invited to make a submission to this legislative review by close of business on **28 July 2023**. Submissions can be made by post, email or online.

Post

41 George Street
Brisbane QLD 4000

Email

legislationandregulation@daf.qld.gov.au

Online

<https://daf.engagementhub.com.au/rural-and-regional-adjustment-act-review>

If you have any queries regarding the submission process, please contact legislationandregulation@daf.qld.gov.au.

Privacy

This privacy statement applies to participants who provide feedback as part of the review.

The Department of Agriculture and Fisheries (DAF) is collecting personal information from you, including your name, email address, phone number, geographic location and commentary or opinion, for the purpose of the review of the *Rural and Regional Adjustment Act 1994* (the Act). Information gathered through the consultation process including written and verbal submissions and comments and correspondence will inform the operational review of the Act and any resulting proposals for change. As part of the legislative review and implementation process, DAF will need to share some information with relevant Queensland government agencies and information may be included in regulatory impact assessment reports, for example to the Office of Best Practice Regulation.

Personal information will not be included in these reports or published. Information (excluding personal information) may be compiled into a public report to summarise the consultation process. Please let DAF know if you do not wish to have your response or submission included in a public report by including this advice in your submission.

DAF collects your information to register you as a user on DAF's Engagement Hub and all data is maintained on our Customer Relationship Management system hosted on the Engagement Hub site. We register you to manage your input into the ACPA review and so we can contact you about the results of the review and invite you to participate in future online surveys and activities. Your participation in any activity is voluntary. If you do not wish to receive further communication and engagement, you can unsubscribe to the site at any time via the link provided in the registration email. For more information on Engagement Hub and how it is used by DAF please read the privacy statement at: <https://daf.engagementhub.com.au/privacy-policy>.

For general information about how DAF handles your personal information go to: www.daf.qld.gov.au/site-information/privacy.

Summary of the Act

Object of the Act

The Act establishes QRIDA as a statutory body primarily to administer assistance schemes that foster the development of a more productive and sustainable rural and regional sector in Queensland. QRIDA may also administer schemes to provide assistance to:

- primary producers, small businesses and other elements of Queensland's economy, in periods where they are experiencing temporary difficulty or to otherwise benefit Queensland's economy
- people and organisations in Queensland's communities to benefit their communities including sporting and cultural and other community organisations
- rural and regional sectors outside Queensland on behalf of the Commonwealth and other States.

Functions

Along with its primary function to administer approved assistance schemes, QRIDA has other functions including:

- arranging education, training and advice for applicants under approved assistance schemes
- negotiating with all levels of government for assistance funding
- carrying out research and developing policies and giving advice to the Minister about issues affecting persons likely to receive assistance, financial performance and sustainability of the rural and regional sector in Queensland and areas of need and assistance for farmers in financial distress and farming business likely to be financially viable in the long-term
- reviewing and giving advice to the Minister on proposed assistance schemes, the implementation of approved assistance schemes, and economic conditions in the rural and regional sectors

- to consult and liaise with commercial leaders and financial advisers, public sector units with responsibility for helping rural and regional and small business sectors of the economy, including in other states and the Commonwealth, and organisations representing the interests of persons likely to receive assistance
- to partner with commercial lenders and financial advisors
- administering authorised interstate schemes or parts of schemes.

The Act allows the Minister, if it is in the public interest and after consulting with QRIDA, to give QRIDA written directions on the matters relating to the performance of its functions or the exercise of its powers, or a written notice of a public sector policy.

Any direction or notice must be gazetted within 21 days by the Minister. QRIDA must include the details in its annual report and may include a comment on the effect of compliance.

Financial assistance

The Act does not enable QRIDA to provide financial assistance including making loans, other than under an approved scheme.

Approved assistance schemes must:

- be prescribed by Regulation that sets out the scheme in detail
- state the purpose and nature of the financial assistance to be given, and
- identify the categories of persons eligible to receive the assistance.

An approved assistance scheme may also:

- include conditions on which financial assistance is given
- provide that QRIDA's assistance funds for the scheme are to be paid into the consolidated fund, another fund, or a department's account
- provide for write-offs to loan balance.

QRIDA may administer a scheme prescribed established by the Commonwealth or another state if the purpose of the scheme is consistent with the object of the Act. However, the Minister's authorisation is required before QRIDA may tender or agree to administer any scheme or part of a scheme established by another jurisdiction.

In accordance with an approved scheme, QRIDA may undertake the following administrative activities:

- assessing and deciding applications
- cancelling assistance
- imposing conditions on the provision of assistance
- change the arrangements for the repayment of debts to QRIDA
- decline to deal with applicants who have been refused assistance under the scheme
- decide its own procedures, or
- keep operational accounts with financial institutions within Australia.

Financial assistance payments are paid from the authority's assistance funds, which are amounts provided by a government entity for an approved scheme. While decisions are made in accordance with an individual assistance scheme, the Act generally provides procedures for decisions on an individual's eligibility or conditions of assistance and for an internal review of decisions.

Rural debt surveys and advisory services

In addition to the general functions of administering approved assistance schemes, QRIDA also undertakes research into financial performance in Queensland's rural and regional sector including a bi-annual rural debt survey. Its Farm Debt Restructure Office provides an advisory service to assist primary producers who may be experiencing financial distress.

Board

QRIDA has a board of directors comprising of between five and seven people appointed by the Governor-in-Council including one that is appointed as chairperson on a part-time basis for a term of no more than three years. Remuneration and allowances are determined by the Governor-in-Council.

The chairperson is responsible for reporting to the Minister:

- on the performance of QRIDA's functions and exercise of its powers within one month after the end of each quarter or when requested by the Minister
- immediately on anything that the chairperson is satisfied may adversely affect QRIDA's ability to perform its functions
- information that the Minister requests at any time, within any time and in a way the requested.

If a director or a family member has a direct or indirect financial interest in any issue considered or that will be considered by the Board which would conflict with the appropriate performance of the director's duties during that consideration, the director must disclose the interest to the Board.

Financial accountability

QRIDA is a statutory body for the purposes of the *Financial Accountability Act 2009* and part 2B of the *Statutory Bodies Financial Arrangements Act 1928*.

QRIDA has responsibilities as:

- a unit of public administration under the *Crime and Corruptions Act 2001*, which allows the Crime and Corruption Commission to investigate allegations of corrupt conduct
- a prescribed entity for the purposes of chapter 2 of the *Public Sector Act 2022* to promote equity and diversity in employment and a culture of respect and inclusion.

The Act allows QRIDA to delegate its functions and powers to either a director or an appropriately qualified officer of the authority.

Chief executive officer

A chief executive officer is appointed by the Governor-in-Council for no more than five years and is responsible for managing QRIDA according to the policies of the Board. The chief executive officer is employed under the Act, rather than the *Public Sector Act 2022*.

The chief executive must prepare a business plan and give it to the Board by 31 March each year.

Authority staff

QRIDA may employ people as it considers necessary to perform its functions and on conditions determined by QRIDA (subject to industrial legislation). QRIDA staff are engaged under the Act and not under the *Public Sector Act 2022*.

QRIDA may arrange for the services of officers or employees of a department, authority or government owned corporation to be made available to QRIDA.

An officer of QRIDA must disclose a conflict of interest in similar circumstance in which directors are required to do so.

Offences

A director or officer of QRIDA must act honestly in the exercise of their powers and discharge of their duties and must not disclose information obtained on the administration of the Act, other than in certain circumstances. It is an offence under the Act for a person not to comply with these requirements.

It is an offence for a person, including an applicant for financial assistance, to knowingly state or omit something from a statement that is false or misleading in a material particular. It is also an offence for a person to knowingly give the authority a document containing information the person knows is false, misleading or incomplete in a material particular, unless they have advised QRIDA how it is false, misleading or incomplete and the person can give QRIDA the current information.

Calling up financial assistance

If a person has been given financial assistance under an approved scheme on the basis of false or misleading information or documents that wouldn't otherwise have been given, QRIDA can give notice to the person and call up the loan or other payment given as financial assistance and exercise QRIDA's rights under a security for the loan or other payment. The amount is then payable from the day the notice is given or a later day stated in the notice.

Regulation making power

The *Rural and Regional Adjustment Regulation 2011* is the vehicle for implementing the individual approved schemes administered by QRIDA.

The full text of the Act is available online at

<https://www.legislation.qld.gov.au/view/whole/html/inforce/2017-07-01/act-1994-050>.

Queensland Rural and Industry Development Authority (QRIDA) - Background

QRIDA has evolved from its origins as the Government Schemes Division, which was part of the Queensland Industry Development Corporation (QIDC). It was not considered appropriate for a corporatised QIDC to undertake government functions so the Queensland Rural Adjustment Authority (QRAA) was established as an independent authority to provide assistance to rural producers and some small businesses.

In 2017, the Queensland Government implemented its Rural Assistance Package to support the rural sector and regional communities, with a particular focus on reducing financial stress. The package led to the introduction of the *Farm Business Debt Mediation Act 2017* and amendments to the *Rural and Regional Adjustment Act 1994*.

These amendments replaced QRAA with the Queensland Rural and Industry Development Authority (QRIDA) to reflect QRIDA's expanded functions, including:

- to undertake policy research and provide advice regarding the financial performance of Queensland's rural and regional sector in particular primary producers, small business and the community with an obligation to conduct bi-annual rural debt surveys
- the establishment of a Farm Debt Restructure Office to assist a farmer in financial distress and require QRIDA conduct a rural debt survey every 2 years
- partnering with commercial lenders and financial advisors to deliver its functions
- allowing QRIDA to administer a broader range of assistance schemes for communities across the state to enable QRIDA to be more flexible and improve its efficiency.

The purpose and nature of the financial assistance provided and the categories of persons eligible for assistance are outlined in the Regulation for each approved assistance scheme. There may be conditions on which financial assistance can be given under each approved scheme. The details of each scheme are unique and are outlined in a specific Regulation for the individual scheme.

The Act is broad and enabling and provides flexibility for QRIDA to administer a wide range of approved assistance schemes, whilst balancing transparency, integrity and accountability. QRIDA can administer a scheme established by the Commonwealth or another state if the scheme is consistent with the object of the Act and authorised by the Minister.

Ministerial responsibility

Portfolio responsibility for the Act and QRIDA falls within the portfolio of the Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities who must approve the drafting of a Regulation before an approved assistance scheme can be administered by QRIDA under the Act.

Staffing

As at 30 June 2022, QRIDA had 173 staff, equivalent to 160.21 full-time equivalents (FTEs) at eleven locations across Queensland. QRIDA has offices in Brisbane, Bundaberg, Cloncurry, Emerald, Innisfail, Kingaroy, Mackay, Rockhampton, Roma, Toowoomba and Townsville.

Programs and services

Since its establishment, QRIDA has administered a wide range of approved assistance schemes including loans, grants and rebates, and other schemes and services. These include disaster assistance and drought recovery loans, development loans (Primary Industry Productivity Enhancement Scheme), carbon farming advice rebates, electric vehicle charging infrastructure grants and farm management grants and farm debt restructure office.

It is important that QRIDA remains an effective and agile model for delivering government financial assistance schemes and services, including in the context of disruptive public health, economic and climate conditions.

In 2021-22, QRIDA approved more than 53,400 applications for assistance worth over \$657 million. This was the biggest transactional year for QRIDA and its predecessors in its 28-year history.

COVID-19 response programs

QRIDA played an important role in delivering financial support under approved schemes as part of the Queensland Government's Economic Recovery Strategy in response to the COVID-19 pandemic. In 2021-2022, it delivered nine programs providing relief to businesses across the state from the devastating impacts of the COVID-19 pandemic, delivering over \$321 million to more than 31,600 impacted businesses across the state to provide financial relief through several COVID-19 lockdowns.

Queensland Government Drought Assistance Programs

QRIDA administers a number of approved schemes that deliver drought assistance programs to assist primary producers to prepare, manage, recover and mitigate the impacts of drought. These drought assistance programs include:

- a Farm Management rebate on eligible professional advice to develop a Farm Business Resilience Plan
- Drought Preparedness Grants up to \$50,000 to undertake on-farm capital improvements to improve the drought preparedness of their property, and
- Concessional drought loans for drought preparedness and assistance in-drought up to \$250,000.

Australian Government programs

QRIDA delivered the Australian Government's 'North Queensland Restocking, Replanting and On-farm Infrastructure Grants' program to assist primary producers on a co-contribution basis to re-stock, replant and repair or replace damaged infrastructure.

QRIDA has administered assistance schemes under joint Australian and Queensland Government programs (for example, the Disaster Recovery Funding Arrangements) to

provide assistance to producers and small businesses impacted by natural disasters such as flooding and cyclones.

Farm Business Debt Mediation

Under the *Farm Business Debt Mediation Act 2017*, a lender is required to offer mediation before taking action to enforce a mortgage with the costs of the mediation process are shared equally between the two parties.

To support the requirements of the *Farm Business Debt Mediation Act 2017*, QRIDA's Farm Business Debt Mediation program provides an efficient and equitable way for farmers and lenders to attempt to resolve matters relating to farm business debts.

QRIDA has a panel of 28 accredited mediators to conduct a mediation. Since 1 July 2017 when the program commenced, there have been 318 applications to initiate mediation.

Farm Debt Restructure Office

QRIDA's Farm Debt Restructure Office administers the Farm Business Analysis Assistance program, which provides primary producers free access to financial experts to address financial distress and as a proactive ability to review concerns of current and future financial viability before their business loses critical capacity to respond.

Queensland Rural Debt Survey

QRIDA also conducts a rural debt survey every two years to establish the extent, nature and size of rural indebtedness in Queensland and identify trends. The survey also categorises loans to farmers for conducting farming businesses based on financial viability and the ability to service loans.

Information on QRIDA is available on its website at <https://www.qrida.qld.gov.au/>.

Other jurisdictions

Table 1 shows a comparison of QRIDA with equivalent arrangements in other jurisdictions in Australia and New Zealand.

Only three jurisdictions, other than Queensland (New South Wales, Western Australia and the Commonwealth) have statutory schemes. In other jurisdictions assistance is administered through the relevant government department.

Compared to arrangements in other jurisdictions in Australia, QRIDA has broad and enabling functions which have enabled it to respond flexibly to exercise powers under a wide range of assistance schemes.

Table 1 – Inter-Jurisdiction Comparison

Jurisdiction/ Body	Is it statutory?	Statutory functions (summary)	Assistance provided 2021-22 ^(a)	Expenditure 2021-22 ^(b)
Australian Government – Regional Investment Corporation	Yes - <i>Regional Investment Corporation Act 2018</i>	<ul style="list-style-type: none"> • administer farm business loans • administer, on behalf of the Commonwealth, financial assistance to States and Territories in relation to water infrastructure projects • to set, and adjust as required, the interest rates applicable to loans and financial assistance; • on its own initiative or at the request of a responsible Minister-- to provide advice to the responsible Minister on the activities that are or could be undertaken by the Corporation • to provide advice and assistance to borrowers and prospective borrowers • administer programs prescribed by the rules • any other functions conferred on the corporation to do anything incidental to, or conducive to, the performance of the above functions. 	\$186m (loans only)	\$214m
New South Wales Rural Assistance Authority	Yes - <i>Rural Assistance Act 1989</i>	<ul style="list-style-type: none"> • provide assistance, and administer programs for the provision of assistance, to farmers or other persons engaged in rural industries or any other persons eligible to obtain such assistance • review programs of assistance etc • advise the Minister on any matter relating to the provision of assistance to farmers or other persons or any other function of the Authority. • the Authority may authorise a bank, building society or credit union to receive applications for assistance, pay money by or to the Authority, or transact any business of the Authority. 	\$378m	\$483m
Victoria Rural Finance	Rural Finance is a brand used by Rural Bank, a division of		\$200m (2020-21)	N/A

Jurisdiction/ Body	Is it statutory?	Statutory functions (summary)	Assistance provided 2021-22 ^(a)	Expenditure 2021-22 ^(b)
	Bendigo and Adelaide Bank.			
Western Australia Rural Business Development Corporation	Yes – <i>Rural Business Development Corporation Act 2000</i>	<ul style="list-style-type: none"> administer approved assistance schemes and to ensure that such schemes administered by the Corporation are properly and fairly administered give directly the financial assistance to be given under approved assistance schemes provide moneys to a department of the Public Service, or to an agency or instrumentality of the Crown, for the purposes of the financial assistance to be given under an approved assistance scheme administered by the department, agency or instrumentality; carry out research into, and develop policies on, issues affecting persons likely to be given financial assistance under the relevant Act review and give advice to the Minister on proposed assistance schemes, the implementation of approved assistance schemes, and economic and other conditions in the rural sector perform other functions given to the Corporation under the Act or another Act or that may be prescribed. 	< \$1 m	< \$1 m
South Australia	No – through the State department			
Tasmania	No – through the State department			
New Zealand	No – through the department			
Queensland Rural & Industry Development Authority	Yes – <i>Rural and Regional Adjustment Act 1994</i>	<ul style="list-style-type: none"> administer approved assistance schemes and ensure schemes are properly and fairly administered and directly provide the intended assistance arrange for education, training and advice to applicants under approved assistance schemes 	\$657 m	\$746 m ^(b)

Jurisdiction/ Body	Is it statutory?	Statutory functions (summary)	Assistance provided 2021-22 ^(a)	Expenditure 2021-22 ^(b)
		<ul style="list-style-type: none"> • negotiate for assistance funding with all levels of government • carry out research into, develop policies on and give advice to the Minister about issues affecting persons likely to receive assistance, the financial performance and sustainability of the rural and regional sector, and areas of need and assistance for farmers in financial distress. • review, and give advice to the Minister on proposed assistance schemes, their implementation, and economic and other conditions in the rural and regional sectors • consult and liaise with commercial lenders and financial advisers, public sector units that help the rural, regional and small business sectors, and organisations representing the interests of persons likely to receive assistance • partner with commercial lenders and financial advisers • administer authorised interstate schemes • perform other functions given to the authority under this Act, another Act or are prescribed by Regulation. 		

Notes: (a) Grants and loans

(b) Operating outflows plus loans and advances made.

Issues

Experiences of people seeking assistance

The experience of people who apply for financial assistance under a scheme being administered by QRIDA are primarily dependent on the details of each assistance scheme administered by QRIDA which are outlined in the scheme's governing Regulation, not the Act, and are beyond the scope of this review. This includes the details of who is eligible, the information that must be provided to support an application and the timeframes for the application process.

Under the Act, QRIDA is responsible for deciding its procedures and has broad discretion and flexibility in administering approved schemes. However, the Act provides the framework for that administration, and does influence the experience of applicants for assistance.

When it decides its procedures, QRIDA considers the experience of applicants tailoring processes to the needs of people, some of whom may be experiencing difficulty, likely to make an application for assistance under an individual scheme. The Act acknowledges that QRIDA provides assistance to people experiencing difficulty and requires it to build its own effectiveness and to administer schemes properly and fairly.

The need for QRIDA to focus on the experiences of people seeking assistance could be strengthened, for example, by including a more explicit reference in the Act, such as in the functions of QRIDA, or by including principles to guide the administration of approved schemes or requiring it to be considered in the development of QRIDA's annual business plan.

Consultation question:

If you have sought assistance through QRIDA, please provide a brief outline of your experience.

What worked well? Is there anything that could be improved?

Requests for additional information

In 2022, the State Development and Regional Industries Committee of the Queensland Parliament was briefed by QRIDA and DAF on the administration of disaster assistance schemes.¹

QRIDA summarised the key reasons why applications for assistance may be refused as including:

- incomplete or insufficient information was provided by the applicant within the required timeframe
- the applicant did not suffer direct damage from the disaster event

¹ Transcript at <https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=172>.

- the damage was covered by insurance
- the applicant did not meet the entity definition — for example, for a primary producer they are unable to meet the income and labour test, or
- the applicant was not primarily responsible for meeting the costs being claimed.

Assessment timeframes

The Act does not prescribe timeframes for the assessment of an application under an assistance scheme. An assessment timeframe may be included within an individual scheme and outlined in the Regulation for the scheme.

In some circumstances, it may take time for an applicant to collect the necessary information and documentation to apply for assistance. For example, in following a natural disaster event, it may be difficult for applicants to arrange quotes, or for work to be completed at the initially quoted cost, or even at all, within required timeframes.

While these are issues for the design and administration of each individual assistance scheme, there may be some scope for a legislative base for greater flexibility in the administration of approved schemes generally.

Consultation question:

Should the Act more clearly enable QRIDA to ask an applicant for more information, or for an applicant to provide more information before a final decision is made on an application for assistance?

Review of decisions

A person who is not satisfied with a decision of QRIDA can apply to the chief executive officer for an internal review of the decision. The chief executive must review and provide advice of the decision within 30 business days. The Act does not prescribe any further review of the chief executive's decision. A person who is not satisfied with the outcome of an internal review may request a further review under the *Judicial Review Act 1991*(Qld) or that the decision be considered by the State Ombudsman.

A further external review mechanism could delay the administration of an assistance scheme.

The internal review process introduced in 2004 was considered an adequate appeal process for decisions because:

- decisions made by QRIDA do not infringe anyone's rights or liberties
- the Act is dealing with the allocation of government funds
- the cost of external review is not justified, particularly since non legislative review is currently the only mechanism used and there have been no problems or complaints.

Consultation question:

Are the provisions providing for the review of decisions made by QRIDA under an approved scheme operating as intended?

Recovery of assistance

Under the Act, QRIDA's power to recover assistance provided is limited to where an applicant knowingly provides false or misleading information in an application. There may be other circumstances where recovery of assistance provided can be justified.

Consultation question:

Are there other circumstances in which QRIDA should be recovering assistance?

Streamlining processes

While QRIDA may provide advice to the Minister about proposed assistance schemes, deciding the total amount available under a scheme, the eligibility criteria, amount of each payment, and how long a scheme remains open for are matters determined by Government. This design stage is an important process in the successful implementation of any loan, grant or rebate or other assistance scheme and must be finalised before decisions can be made and assistance given under a scheme.

Approved assistance schemes administered by QRIDA must be provided for by Regulation under the Act. This requirement was inserted by amendments in 2004. Its purpose was to ensure that approved assistance schemes are drafted by Parliamentary Counsel and are tabled and subject to disallowance in accordance with modern standards of accountability, transparency and certainty.

There may be alternative approaches that continue to appropriately balance flexibility and timeliness with transparency and accountability.

Consultation question:

Is the current provision requiring an approved assistance scheme to be prescribed by Regulation operating well?

Scope of QRIDA-administered schemes

Over the years, the scope of QRIDA-administered schemes has expanded to include a wide range of assistance schemes that foster the development of a more productive and sustainable rural and regional sector in Queensland.

However, QRIDA's functions do not extend to enable it to administer financial assistance outside of an approved scheme. For example, requirements in the Act mean that QRIDA can only administer financial assistance as part of an approved assistance scheme that is provided for by Regulation. This means that the government cannot ask QRIDA to administer a one off grant or a pre-existing loan arrangement with a specific entity on its behalf.

Consultation question:

Should QRIDA be able to administer financial assistance on behalf of the Queensland Government outside of an "approved scheme"?

Other issues

There may be other issues that interested persons would like to raise about the operation of the Act.

Consultation question:

Are there other things about the operation of the Act that you would like to raise?