



ELIZABETHAE SECUNDAE REGINAE

No. 28 of 1963

An Act Relating to Industrial Development

[ASSENTED TO 12TH DECEMBER, 1963]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. (1) **Short title.** This Act may be cited as "*The Industrial Development Act of 1963.*"

(2) **Commencement of Act.** Except as herein otherwise provided, this Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*.

2. (1) **Amendments and repeals of 11 Geo. VI. No. 20.** The provisions, specified in this subsection, of "*The Labour and Industry Act of 1946,*" are amended or repealed as indicated, namely:—

(a) section two is amended by omitting the words "Part III—Constitution and Powers of the Bureau of Industry;" and the words "Part IV—Secondary Industries Division and Assistance to Industries;"

(b) the headnote "Part III—Constitution and Powers of the Bureau of Industry" appearing immediately before section five is omitted;

(c) Section five is amended by omitting all definitions except the definition "Minister";

(d) sections six to twenty-one, both inclusive, are repealed;

(e) the headnote "Part IV—Secondary Industries Division and Assistance to Industries" appearing immediately before section twenty-two is omitted;

(f) sections twenty-two to forty-one, both inclusive, are repealed;

(g) section seventy-eight is repealed and the following section is inserted in its stead:—

"[78.] **Entry and inspection.** For the purposes of making any inquiries, investigations, reports or observations necessary for the proper carrying out of this Act a District Employment Board or any member or members thereof, the Juvenile Employment Bureau or any member or members thereof, or any person authorised in writing by the Minister may, at any time during working hours, enter any land, factory, mine, workshop or place where persons are employed and may inspect such land, factory, mine, workshop or place or any part thereof, and all or any plant or machinery used in connection therewith and may make all such inquiries as are prescribed or authorised by this Act."

(h) section seventy-nine is repealed and the following section is inserted in its stead:—

"[79.] **When obstruction, &c., an offence.** Any person who obstructs or hinders a District Employment Board or any member thereof, or the Juvenile Employment Bureau or any member thereof, in the execution of any power or duty conferred or imposed upon such Board or member thereof or Bureau or member thereof, shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds."

(i) subsection (2) of section eighty is amended by omitting the words and brackets "(including any costs and expenses ordered by the court to be paid to the Bureau pursuant to this Act)";

(j) section eighty-one is repealed; and

(k) subsection (1) of section eighty-two is amended by—

(i) in paragraph (a) omitting the words "of the Bureau or of any committee thereof, or", and also omitting the words "Bureau, committee, or";

(ii) omitting paragraph (b);

(iii) in paragraph (c) omitting the words "members, other than *ex officio* members, of the Bureau or members of District Employment Board" and inserting in their stead the words "the elective members of a District Employment Board";

(iv) in paragraph (d) omitting the words "the Bureau or";

(v) omitting paragraphs (e), (f), (g), (h) and (i).

(2) **Amendments of 1 Eliz. II. No. 17.** The following provisions of "*The Labour and Industry Act Amendment Act of 1952*" are repealed, namely, sections four, five, six and seven.

(3) **Repeal of 9 Eliz. II. No. 5.** "*The Labour and Industry Acts Amendment Act of 1960*" is repealed.

(4) **Repeal of 11 Eliz. II. No. 40.** "*The Labour and Industry Acts Amendment Act of 1961*" is repealed.

3. Interpretation of terms. In this Act, unless the context otherwise indicates or requires, the following terms have the meanings set against them respectively, that is to say:—

“Advance”—An advance made or deemed to be made under this Act;

“Applicant”—An applicant for financial assistance under this Act.

With reference to any advance by way of loan made or guarantee given under this Act or, in the case of a guarantee under this Act, to the advance by way of loan in relation to which the guarantee was given, the term means the applicant to whom the advance by way of loan in question was made or in respect of whom the guarantee in question was given;

“Board”—The Industries Assistance Board preserved, continued in existence and constituted by and under this Act;

“Corporation”—A company formed and registered or deemed to be formed and registered under “*The Companies Act of 1961*,” a co-operative association formed and registered under “*The Co-operative Associations Acts, 1923 to 1934*,” a co-operative society formed and registered under “*The Co-operative Societies Acts, 1946 to 1951*,” and any body or association of persons declared by the Governor in Council (who is hereby thereunto authorised) by Order in Council to be a corporation for the purposes of this Act;

“Director-General”—The officer appointed under “*The Public Service Acts, 1922 to 1963*,” to be the Director-General of Industry. The term includes any person for the time being carrying out the duties of that office;

“Director of Technical Services”—The officer appointed under “*The Public Service Acts, 1922 to 1963*,” to be the Director (Technical Services) Department of Industrial Development. The term includes any person for the time being carrying out the duties of that office;

“Industry”—Without limit to the ordinary meaning of the term, every trade, or business, or form or branch of productive labour, or other activity having for its object the production of marketable products or things. The term includes any trade, business or occupation which the Governor in Council (who is hereby thereunto authorised) by Order in Council declares to be an industry for the purposes of this Act;

“Land”—Includes freehold land, land held from the Crown for a lesser estate than freehold, and any estate or interest in any such land;

“Minister”—The Minister for Industrial Development or other Minister for the time being charged with the administration of this Act;

“Person”—Includes a corporation.

4. Administration of Act. This Act shall be administered by the Minister and subject to the Minister by the officers appointed under “*The Public Service Acts, 1922 to 1963*,” to be respectively the Director-General of Industry, the Director of Technical Services and other officers of the Department of Industrial Development.

Until the entry upon duty of the first appointee to the office of Director-General of Industry the Director of Technical Services may act temporarily in that office as if he had been duly appointed to do so.

5. Corporation of the Minister. (1) Subject to this section the corporation sole by the name of "The Minister of Industries Assistance" (in this section called the "said Corporation") constituted under the provisions repealed by this Act of "*The Labour and Industry Acts, 1946 to 1961*," is hereby preserved, continued in existence and constituted under this Act.

(2) On and from the date of the commencement of this Act—

(a) the name of the said Corporation shall be "The Minister for Industrial Development of Queensland";

(b) the Minister for Industrial Development in office at such date shall constitute the said Corporation in succession to the then Minister for Labour and Industry and thereafter the said Corporation shall be constituted in perpetual succession by the persons respectively who are successively the Minister under and within the meaning of this Act.

(3) Any reference in any Act, Proclamation, Order in Council, or regulation, or in any mortgage, lien, bond, debenture, or other security whatsoever, or in any agreement, contract, deed or other document, instrument or writing whatsoever to the said Corporation sole by the former name of The Minister of Industries Assistance shall be read and construed as if the new name of "The Minister for Industrial Development of Queensland" appeared therein as on and from the date of the commencement of this Act instead of such former name, and shall operate and take effect accordingly.

(4) Neither the constitution in office, on and from the date of the commencement of this Act, of the Minister instead of the Minister for Labour and Industry as the said Corporation nor the change of name of the said Corporation made by this Act shall affect the continuity of the identity, or any rights or obligations of the said Corporation, or render defective any legal proceedings by or against the said Corporation, and any legal proceedings that might have been commenced or continued by or against the said Corporation as constituted by the Minister for Labour and Industry or by its former name may be commenced or continued by or against it as constituted by the Minister and by its new name.

(5) Notwithstanding the amendments thereto and repeals thereof made by this Act, the provisions of "*The Labour and Industry Acts, 1946 to 1961*," as in force immediately prior to the commencement of this Act shall be deemed to continue in force in respect of advances and guarantees made or given under Part IV of those Acts prior to and subsisting at the commencement of this Act and all rights, liabilities, obligations, contracts and engagements of the said Corporation existing at the commencement of this Act in relation to such advances and guarantees shall, as from the commencement of this Act, be attached to and may be enforced by or against the said Corporation as constituted by the Minister and by its new name.

(6) (a) The said Corporation shall be a corporation sole by the name of "The Minister for Industrial Development of Queensland", and by that name shall have perpetual succession and an official seal, and shall be capable in law of suing and being sued in its corporate name and of

acquiring, holding, leasing, letting and disposing of property, real and personal, movable and immovable, and of doing and suffering all such other acts, matters and things as bodies corporate may by law do and suffer.

(b) All courts, judges and persons acting judicially shall take judicial notice of the seal of the said Corporation affixed to any document or other writing whatsoever and, until the contrary is proved, shall presume that such seal was duly so affixed.

(7) For all purposes of this Act the said Corporation shall have and may exercise all or any of the powers, privileges, rights and remedies of the Crown.

This subsection applies so as not to exempt the said Corporation from any liability in respect of rates or charges or land tax for which a mortgagee of land is liable under "*The Local Government Acts, 1936 to 1962*," or, in respect of the City of Brisbane, "*The City of Brisbane Acts, 1924 to 1960*," or under "*The Land Tax Acts, 1915 to 1962*."

6. Functions of the Corporation. (1) Subject to this Act the corporation of "The Minister for Industrial Development of Queensland" has such powers as are necessary for the purposes of carrying out the functions of—

- (a) making advances under this Act;
- (b) giving guarantees under this Act;
- (c) acquiring and providing land for use for industrial purposes.

(2) Without limit to the generality of subsection (1) of this section, the Minister as such Corporation—

- (a) has power to take and do all such steps and things as in his opinion are necessary or convenient for carrying out the functions mentioned in subsection (1) of this section or any of those functions including, but with the prior approval of the Governor in Council, power to construct, erect and maintain buildings and other improvements on land and, for any industrial purpose to grant to any person by lease or license the use or occupation of any building or part of any building and of the land and any other improvements appurtenant thereto;
- (b) without prejudice to any other power, authority, right or remedy under this Act, may exercise in respect of any advance or guarantee under this Act, or any land acquired or provided for use for any industrial purpose under this Act, any power, authority, right or remedy agreed upon—
 - (i) in the case of an advance, between the Minister and the person to whom the advance has been made;
 - (ii) in the case of a guarantee, between the Minister and the persons who are the parties to the transaction in respect whereof the guarantee has been given or any of them; or
 - (iii) in respect of land acquired or provided for use for any industrial purpose, between the Minister and the person from whom the land has been acquired or, as the case may be, the person for use by whom the land has been provided or any other person who is a party to any transaction relating to the acquiring or providing of the land.

7. Functions and duties of the Director-General of Industry. (1) For the purpose of ensuring that the labour and material resources of the State are used throughout the State to their full extent and in the manner best calculated to promote the growth in population of the State and its industrial development and the prosperity and welfare of its people in all parts of it, the Director-General of Industry shall continuously review the industries of the State and in particular shall—

- (a) discuss with the Co-ordinator-General of Public Works the effect or probable effect of the Public Works Programme upon industry generally or any particular industry or industries;
- (b) make recommendations to the Minister respecting the doing or taking of things or steps to develop or decentralise industry generally or any particular industry or industries;
- (c) acquire and disseminate statistical and other information concerning prevailing industrial and economic conditions, including efficiency, production in industry and income derived by various classes of the community from industry generally or a particular industry, and in particular such conditions as prevailing in particular places or localities;
- (d) report to the Minister on—
 - (i) the organisation, capitalisation, and other economic conditions of particular industries;
 - (ii) the trade of Queensland, both overseas and interstate;
 - (iii) stocks of commodities, both primary and manufactured;
 - (iv) monetary conditions and both wholesale and retail prices;
 - (v) availability of labour generally, and in particular industries and localities;
 - (vi) any other matter, including any questions of unfair competition, or of monopolies detrimental to the public or to any section thereof, which the Minister may consider to be in the public interest and to further the objects of this Act.

(2) Additionally the Director-General of Industry shall have regard to any failure to use in industry the labour or material resources of the State or of any place or locality in the State, and may inquire into any such failure with a view to reporting to the Minister the extent and cause thereof and to recommending to the Minister measures for remedying such failure either temporarily or permanently.

(3) The Director-General of Industry is hereby authorised to make all such inquiries as he deems necessary or expedient—

- (a) for enabling him to exercise or perform the functions and duties conferred and imposed upon him by subsections (1) or (2) of this section, or any thereof;
- (b) with respect to the income and productivity of Queensland year by year, and the estimated production of any year;
- (c) with respect to the relationship of real wages to productivity, and methods whereby it may be practicable to adjust wages to productivity;
- (d) with respect to any other matter of an economic nature which in his opinion may assist in carrying out the objects of this Act.

(4) For the purposes of this Act, and in particular for the purpose of exercising and performing the functions and duties conferred and imposed upon him by this section, or any thereof, with the approval of the Minister and of the Minister for the time being administering any Department, Crown instrumentality or instrumentality representing the Crown, or service or facility provided by the Crown, the Director-General of Industry may use as he deems necessary or expedient the services of any officer or employee of or in such Department, instrumentality, service or facility.

Without limit to the generality of the foregoing provisions of this subsection, the Director-General of Industry may arrange with the Government Statistician to furnish to the said Director-General all such statistical and other information as he deems necessary or expedient for the purpose of administering this Act according to its objects.

The Government Statistician shall carry out such arrangements to the extent to which he is thereunto enabled in law.

8. Powers of delegation. (1) The Director-General of Industry may from time to time, in relation to any matters or class of matters, or in relation to a particular part of the State, by writing under his hand delegate all or any of his powers, authorities, functions and duties under this Act (including but without limit to the generality of the power to delegate hereby prescribed, his power to make inquiry) as may be specified in the writing (other than this power of delegation) so that any delegated power, authority, function or duty may be exercised or, as the case may be, shall be performed by the delegate with respect to the matters or class of matters or in relation to the particular part of the State specified in the writing.

Any delegation under this section may, if the Director-General of Industry deems it so desirable, be made by the delegation of all or any of his powers, authorities, functions and duties under this Act as may be specified in the delegation to the holder of an office specifying the office but without naming the holder; and in every such case each successive holder of the office in question and each person who for the time being occupies or performs the duties of that office may exercise or, as the case may be, shall perform without further or other authority and while he holds or occupies or performs the duties of that office every delegated power, authority, function or duty with respect to the matters or class of matters or in relation to the particular part of the State specified in the writing.

(2) Where, by or under this Act, the exercise of a power, authority, function or duty of the Director-General of Industry is dependent upon his opinion, belief or state of mind in relation to any matter, that power, authority, function or duty may be exercised upon the opinion, belief or state of mind of the person to whom it is delegated under this section.

(3) The Director-General of Industry may at his will, and shall if thereunto directed by the Minister, revoke a delegation made by him under this section.

No delegation shall prevent the exercise of any power, authority, function or duty by the Director-General of Industry.

(4) The Director-General of Industry may make such and so many delegations under this section and to such number of persons and either at any one and the same time or from time to time as he may consider necessary or desirable.

(5) Any delegation may be published in the *Gazette* and upon such publication shall be judicially noticed and presumed in force until the contrary is proved.

9. Powers, &c., of officer. (1) The Director of Technical Services or any other officer of the Department of Industrial Development shall exercise and perform such of the powers, authorities, functions and duties of the Director-General of Industry as may be prescribed or directed by the said Director-General.

(2) The exercise and performance by any such officer of any of the powers, authorities, functions or duties of the Director-General of Industry may be prescribed or directed by him by specifying the office but without naming the holder; and in every such case each successive holder of the office in question and each person who for the time being occupies or performs the duties of that office may exercise or, as the case may be, shall perform without further or other authority and while he holds or occupies or performs the duties of that office the prescribed or directed powers, authorities, functions or duties.

(3) Where, by or under this Act, the exercise of a power, authority, function or duty of the Director-General of Industry is dependent upon his opinion, belief or state of mind in relation to any matter, that power, authority or function may be exercised, or the duty performed upon the opinion, belief or state of mind of the person authorised or required by prescription or direction to exercise or perform it.

(4) Any direction under this section may be published in the *Gazette* and upon such publication shall be judicially noticed and presumed in force until the contrary is proved.

10. Power to make inquiry. In making any inquiry or investigation which the Director-General of Industry is authorised by this Act to make, the said Director-General or any delegate of the said Director-General thereunto authorised by the delegation or any officer of the Department of Industrial Development thereunto authorised by prescription or direction of the said Director-General shall have all the powers, authority, protection and jurisdiction of a Commission of Inquiry under "*The Commissions of Inquiry Acts, 1950 to 1954*," save such jurisdiction, powers, rights and privileges as are confined to a chairman of such a Commission when that chairman is a Judge of the Supreme Court.

11. Industries Assistance Board. (1) The Board called the "Industries Assistance Board" constituted under the provisions repealed by this Act of "*The Labour and Industry Acts, 1946 to 1961*," is hereby preserved, continued in existence, constituted under this Act and shall be and remain the Industries Assistance Board for all purposes of this Act.

(2) The Board shall be constituted by—

(a) the Director-General of Industry, who shall be a member *ex officio* thereof; and

(b) additionally such number of members, not exceeding six, as the Governor in Council shall from time to time think fit.

(3) The members, other than the Director-General of Industry, shall be nominated by the Minister and appointed by the Governor in Council.

(4) The Governor in Council shall appoint one of the members to be the Chairman of the Board.

(5) Notice of every appointment of a member, other than the *ex officio* member, and of the chairman, shall be published in the *Gazette*.

(6) (a) Subject to this subsection every member, other than the *ex officio* member, of the Board—

(i) shall be eligible for re-appointment; and

(ii) shall hold office for the term for which he is appointed or re-appointed but no such appointment or re-appointment shall be for a term exceeding three years.

(b) The office of any member, other than the *ex officio* member, of the Board shall become vacant if he—

(i) dies or becomes mentally sick;

(ii) becomes bankrupt or compounds with his creditors, or otherwise takes advantage of the laws in force for the time being relating to bankruptcy;

(iii) is absent without leave granted by the Board from three consecutive meetings of the Board of which due notice has been given to him;

(iv) resigns his office by writing under his hand delivered to the Minister and the resignation is accepted by the Minister;

(v) is convicted of an indictable offence; or

(vi) is removed from office by the Governor in Council for misbehaviour or incompetence by notification published in the *Gazette*.

(c) Attendance of a member at the time and place appointed for a meeting of the Board shall be deemed to constitute presence at a meeting notwithstanding that by reason that no quorum is present no meeting is actually held on that day, and the secretary shall enter in the minute book the name of any member who so attended.

(7) The persons, other than the *ex officio* member, of the Board in office at the commencement of this Act shall, subject to this Act, continue to be members thereof in terms of their appointments thereto respectively.

The member of the Board who was appointed to the office of the Director of Technical Services shall as from the date of such appointment be deemed to be, and to have always been, a member of the Board by virtue of such appointment and shall continue to be a member of the Board until the entry upon duty of the first appointee to the office of Director-General of Industry.

On and from the date of the entry upon duty of the first appointee to the office of Director-General of Industry, the Director of Technical Services shall cease to be a member of the Board and the Director-General of Industry shall be, *ex officio*, a member of the Board.

(8) Any three members of the Board shall constitute a quorum thereof.

(9) The power to make regulations under this Act, includes power to make regulations prescribing the duties, powers and responsibilities of such Board, regulating meetings, proceedings, and the conduct of the business of such Board, the appointment of a secretary, and generally prescribing or providing such other matters or things as may be necessary or expedient.

(10) No act or proceeding of the Board shall be invalid or illegal in consequence only of the number of the members of the Board not being complete at the time of such act or proceeding.

All acts and proceedings of the Board shall, notwithstanding any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if every such member had been duly appointed and was qualified and entitled to act and had acted as a member of the Board, as if the Board had been properly and fully constituted.

12. Powers and duties of Board. (1) The Board shall with respect to the administration of this Act—

(a) advise the Minister generally;

(b) make any and every inquiry or investigation required by this Act to be made by it, or which the Minister, deeming necessary or expedient to be made by it for a purpose of or connected with the administration of this Act, so directs or which it deems necessary or expedient for a purpose of or connected with the exercise and discharge of its powers and duties under this Act.

(2) In making any inquiry or investigation under this Act, the Board shall have all the powers, authority, protection and jurisdiction of a Commission of Inquiry under "*The Commissions of Inquiry Acts, 1950 to 1954,*" save such jurisdiction, powers, rights and privileges as are confined to a chairman of such a Commission when that chairman is a Judge of the Supreme Court.

13. Advances and guarantees. (1) For the purposes of promoting, fostering and stimulating the industrial development of the State and for that purpose to make full and proper use of its labour and material resources, the Minister may financially assist any person engaged in any industrial business on his own behalf by (under, subject to and in accordance with this Act)—

(a) making an advance by way of loan to such person; or

(b) guaranteeing the repayment of an advance by way of loan made to such person by some other person and the payment of interest in respect of such advance.

(2) An advance or guarantee under this Act shall not be made or given by the Minister unless and until the Governor in Council approves thereof.

(3) Guarantees may be given by the Minister under, subject to and in accordance with this Act in respect of advances made by banks as well as by persons other than banks.

14. Application for advance. (1) A person engaged or proposing to engage in any industrial business on his own behalf may make application to the Minister for financial assistance in respect of such business.

Such application—

(a) shall state whether the financial assistance is applied for by way of an advance or a guarantee;

- (b) shall be accompanied by copies of the balance-sheet and trading accounts of the business to which it relates for the last three years (or, if the business has been carried on for a lesser period), in respect of such lesser period; and
- (c) shall contain or be accompanied by all such further information and particulars as may be prescribed, or in so far as not prescribed, required by the Minister.

(2) The Minister may refer any such application to the Board for investigation, report and recommendation.

15. Board to investigate application. (1) The Board shall inquire into any application for financial assistance under this Act referred to it by the Minister and in particular with respect to—

- (i) the nature and objects of the business to which the application relates;
- (ii) the sufficiency of the capital for carrying on such business successfully, making allowance for the financial assistance for which the applicant has applied;
- (iii) the securities offered by the applicant for the financial assistance for which he has applied;
- (iv) whether or not the carrying on of the business to which the application relates is calculated to promote the industrial development of the State or of any part or locality of or in the State;
- (v) whether it would be in the interest of the State to approve of the application;
- (vi) the practicability or otherwise of the applicant obtaining financial assistance otherwise;
- (vii) such other matters as may be prescribed or as may be required by the Minister either generally or in any particular case.

(2) The Board may refer any application which relates to a place or locality outside the Area of the City of Brisbane to any person residing or carrying on business in such place or locality who in its opinion has experience or capacity in the industry to which the application relates or knowledge of the industrial and economic conditions prevailing in such place or locality.

Such reference shall be for the purpose of enabling such person to report to or confer with the Board concerning such of the matters set out in subsection (1) of this section, and such other matters deemed by the Board to be relevant to the application, as the Board determines.

The Board may make to a person to whom it makes such a reference an allowance in respect of travelling and other expenses incurred by him in carrying out the arrangement:

Provided that the amount or rate of such allowance shall not, in respect of any travelling or other expenses, exceed such amount or rate as the Minister, who is hereby thereunto authorised, fixes from time to time.

(3) The Board shall make to the Minister a report concerning its inquiry and in or accompanying such report shall make a recommendation in respect of the application concerned.

(4) The Minister may refer any application back to the Board for further inquiry.

In the event of such reference, the Board shall make further inquiry as specified by the Minister and may make further inquiry otherwise as it deems fit.

The Board shall report to the Minister concerning such further inquiry and in or accompanying such further report shall make a further recommendation confirming or in substitution for its original recommendation.

16. Decision of Minister on application for financial assistance.

(1) The Minister shall not approve of an application for financial assistance under this Act until he has referred such application to the Board and the Board, after making inquiry as prescribed, has reported to him and made a recommendation concerning such application.

If the Minister has referred the application back to the Board for further inquiry, he shall not approve of the application until the Board has, after making further inquiry made a further report and further recommendation concerning the application.

(2) The Minister shall give consideration to the report and recommendation of the Board concerning any application which he has referred to the Board for inquiry and, in the case of any application which he has referred back to the Board for further inquiry, to the further report and further recommendation of the Board concerning the application but he shall not be bound by the report and recommendation or, in the case of a reference back to it, further report and further recommendation of the Board.

(3) Subject to subsections (1) and (2) of this section the Minister shall decide whether or not, having regard to the objects of this Act, an applicant should receive financial assistance under this Act and, if so, whether such assistance should be by way of an advance or guarantee.

The Minister may decide that the amount of such assistance may be less than the amount for which the applicant has applied.

(4) If the Minister decides that an applicant should receive financial assistance under this Act he shall submit the application to the Governor in Council.

The Governor in Council may refuse to approve of the application or he may approve of it according to the decision of the Minister or with such modifications of such decision as he thinks fit.

Approval by the Governor in Council of an application for financial assistance under this Act shall be by Order in Council.

(5) The Governor in Council shall in the Order in Council approving financial assistance under this Act by way of an advance specify the amount that may be advanced, the period of the loan, the rate of interest thereon, the terms and conditions of redemption of the loan, the security to be taken therefor, and may specify such other matters and things as the Governor in Council deems fit.

(6) The Governor in Council shall in the Order in Council approving financial assistance under this Act by way of a guarantee specify the amount of the loan that may be guaranteed, the period of and such matters and things concerning such loan including security for the repayment thereof as the Governor in Council deems fit.

Such specifications may include—

- (a) the terms, provisions and conditions of the advance by way of loan in respect whereof the guarantee is to be given including but without limit to the power of the Minister to so specify, with respect to the repayment of such loan and the payment of interest in respect thereof; and
- (b) the security to be given by the applicant to the person making the advance.

17. Limits of financial assistance. The Minister shall not financially assist any person—

- (a) by way of an advance under this Act exceeding in amount two-thirds of the estimated value, as at the time the advance is made, of the security taken by the Minister for such advance;
- (b) by way of a guarantee under this Act of a loan obtained from a person named by the Minister exceeding in amount two-thirds of the estimated value, as at the time the guarantee is given, of the security taken by the lender for such advance.

18. Powers as to advances. (1) Where the Governor in Council by Order in Council has approved of the Minister financially assisting any applicant by way of an advance under this Act, the Minister may, subject to this Act, make to such applicant an advance by way of loan of an amount not exceeding the sum approved by the Governor in Council.

The Minister shall make the advance in accordance with the specifications of the Order in Council and shall take therefor the security specified in the Order in Council.

(2) The fact that with respect to making the advance or taking security therefor the Minister did not comply in all respects with such specifications shall not prejudice or affect in any way the authority of the Minister to make under this Act the advance in question or limit the effect as a valid mortgage or security of any mortgage or security taken by the Minister for the advance in question.

(3) Any company and any owner of land may, notwithstanding any enactment or other law to the contrary, lawfully execute any mortgage or other security required by the Minister.

(4) In all cases where a special form of mortgage or other security is prescribed by any Act, the fact that a mortgage or other security for an advance under this Act is not in such form shall not in any way prevent or hinder its registration (where necessary) or limit its effect as a valid mortgage or security.

19. Powers as to guarantee. (1) Where the Governor in Council by Order in Council has approved of the Minister financially assisting any person by way of a guarantee under this Act, the Minister may authorise the applicant in question to obtain from a person named by the Minister (in this section called "the lender") an advance by way of loan of an amount not exceeding the sum which the Minister may guarantee.

Subject to this Act the Minister may guarantee on behalf of the Crown the repayment of the advance and the payment of the interest in respect thereof.

The Minister shall give the guarantee in accordance with the specifications of the Order in Council.

(2) The fact that with respect to giving a guarantee under this Act the Minister has not complied in all respects with the specifications set out in the Order in Council shall not prejudice or affect in any way the authority of the Minister to give under this Act the guarantee in question.

(3) The guarantee shall be voidable at the option of the Minister if the lender fails in any respect to comply with the terms, provisions and conditions binding upon him with respect to the loan or fails to take security as specified by the Minister or, without the prior consent in writing of the Minister, releases in whole or in part any mortgage or security which the Minister has specified or, without the prior consent in writing of the Minister, waives any right or remedy had by him in respect of the advance under any security therefor taken by him or otherwise howsoever.

(4) Notwithstanding the provisions of any other Act, a person making an advance by way of loan to an applicant authorised by the Minister to obtain such advance from him shall be deemed to be legally authorised and empowered to make such loan which shall be deemed for all purposes to be an authorised investment of the funds of such person.

20. Recovery of moneys paid under guarantee. Without in any way limiting the operation of any other provisions of this Act in respect of all moneys paid by the Minister under any guarantee given under this Act the Minister shall have the following rights and powers:—

- (a) he may recover from the applicant the amount of all such moneys with interest at the rate of six pounds per centum per annum, or at such rate as may be prescribed, by action in any court of competent jurisdiction;
- (b) he shall to the extent of any payment made by him be entitled to the benefit of any securities held by the lender as security for the advance by way of loan to which the guarantee relates so that—
 - (i) where the Minister has paid to the lender the whole of the moneys secured by such securities, the lender shall hand over such securities to the Minister, who may exercise all the powers of the lender in respect of such securities;
 - (ii) where the Minister has paid only part of the moneys so secured, the lender shall as and when directed by the Minister realise such securities, and after satisfying his own claims out of the proceeds thereof shall pay the balance (if any) to the Minister.

The powers and remedies of the Minister under this section shall be exercisable singly or concurrently as in his discretion he thinks proper.

21. (1) Obligations, &c., of applicant during existence of advance or guarantee. Without in any way limiting the operation of any other provision of this Act or the operation of any security taken by the Minister under this Act during the period during which an advance under this Act remains not fully repaid or during the period during which a guarantee under this Act remains in force—

- (a) except in the ordinary course of the carrying on of the business, the applicant shall not sell or dispose of any of the assets of the business in relation to which the advance was made or the guarantee was given without the express consent in writing of the Minister in that behalf first had and obtained, and every

agreement, contract, instrument, or writing made or entered into contrary to this provision shall be void and of no effect whatsoever;

- (b) the applicant shall at all times exercise due care in insuring and keeping insured the assets of the business in relation to which the advance was made or the guarantee was given, and in particular shall insure and keep insured with the State Government Insurance Office (Queensland) or other insurer approved by the Minister, in the name and for the benefit of the Minister, or, in the case of a guarantee in the name and for the benefit of the person who made the advance by way of loan to which the guarantee relates, such of his assets and in such amount as the Minister may direct.

The Minister, in the event of the failure of the applicant to comply with his direction, may effect such insurance and from time to time recover the premium thereon from the applicant;

- (c) the applicant shall at all times exercise due care of the assets of the applicant, shall keep proper books of account, and shall maintain the business in relation to which the advance was made or the guarantee was given in an efficient manner and to the satisfaction of the Minister;
- (d) the applicant shall, when required by the Minister or the Board, furnish the Minister or the Board with such information respecting costs and particulars of manufacture or with such other information in relation to the business in relation to which the advance was made or the guarantee was given as the Minister or the Board may require;
- (e) the applicant, if thereunto required in writing by the Minister shall keep such books of account relating to the business in relation to which the advance was made or the guarantee was given and in such form as is specified in the requisition.

(2) **Other remedies of the Minister.** The provisions of this Act for securing to the Minister the payment to him of the liability of any applicant in respect of an advance or guarantee under this Act, and all other powers and authorities conferred on the Minister under or pursuant to this Act, shall be in addition to any other remedy which the Minister as a creditor, has against the applicant concerned and he may enforce such remedy.

(3) **Moneys advanced to be a debt due to Her Majesty.** Without prejudice to any other right or remedy had by the Minister under or pursuant to this Act in respect of the recovery thereof, all moneys payable to or recoverable by the Minister in respect of any advance made or guarantee given under this Act shall be a debt due and payable to Her Majesty, and payment thereof may be enforced accordingly in any court of competent jurisdiction.

(4) **Further security.** Moreover, any instrument of mortgage given to the Minister may contain the following provisions or provisions to the like effect:—

“And by way of further security to the Minister in the event of the applicant who has executed such instrument (or of any of the lawful successors in interest or assigns of the applicant who for the time being is the proprietor of the properties of such applicant and of his plant and equipment or any of these) being wound up whether voluntarily or

compulsorily on the ground of his inability to meet his obligations or taking the benefit of any law for the time being in force in the Commonwealth or any State relating to bankruptcy, such instrument executed by the applicant shall be deemed to be and shall have the effect of a valid and subsisting first mortgage and charge of and over such properties and of a bill of sale of and over all such plant and equipment (notwithstanding that such instrument is not in the form or does not otherwise comply with any of the provisions or conditions prescribed by any law then in force relating to mortgages of properties, leases or interests or relating to bills of sale of chattels) to secure each and every amount which may then be payable to the Minister or may thereafter become payable to the Minister under or pursuant to the terms of such instrument. The Minister shall be at liberty to register such agreement pursuant to the provisions of "*The State Securities Registration Act of 1925*," and upon such registration such instrument shall operate as a security to the Minister in accordance with the provisions of this subsection, and the Minister shall be entitled, by motion made to the Supreme Court or a judge thereof, to obtain an order for the sale of all or any of the property comprised or deemed to be comprised in such mortgage or bill of sale in priority to any mortgage, lien, or other encumbrance whatsoever then existing over any such property or claimed or alleged to be."

22. Inspection, audit, &c. (1) An officer (in this section called an "authorised officer") thereunto authorised by the Director-General or the Board may at all reasonable times enter any land, premises or place pertaining to the business of an applicant in relation to which financial assistance by way of an advance or guarantee under this Act has been made or given and may inspect such business, all assets belonging thereto, and all books, accounts and records kept in relation thereto.

(2) An officer of the Department of the Auditor-General or a registered public accountant (in this section called an "authorised auditor") thereunto authorised by the Minister may inspect, or examine, or audit or inspect, examine and audit all books, accounts and records of or pertaining to any business in relation to which financial assistance by way of an advance or guarantee has been made or given under this Act and may for that reason at all reasonable times enter any land, premises or place pertaining to such business.

(3) An applicant shall furnish to an authorised officer or authorised auditor all such reasonable assistance and all such information which such applicant is capable of furnishing as is required by such officer or auditor with respect to the exercise of his powers under this Act in relation to the business in question and, in particular, shall produce to such officer or auditor all books, accounts and records relating to the business which such officer or auditor requires him to produce.

The applicant shall permit the authorised officer or authorised auditor (who is hereby thereunto authorised) to make as he deems fit copies of or extracts from any such book, account or record.

(4) An applicant or any other person shall not—

- (a) assault, resist or obstruct an authorised officer or an authorised auditor in the exercise of his powers under this Act, or attempt so to do;
- (b) fail to comply with the lawful requisition or any part of the lawful requisition of an authorised officer or authorised inspector; or

- (c) fail, without reasonable excuse the proof whereof shall lie upon him, to produce any book, account or record which he is required under this Act by an authorised officer or an authorised auditor to produce, or fail to allow an authorised officer or an authorised auditor to take a copy of or extract from any such book, account or record.

An applicant or other person who contravenes any provision to this subsection shall be guilty of an offence and liable to a penalty of not more than fifty pounds which penalty may be recovered in a summary way under "*The Justices Acts, 1886 to 1963.*"

23. Security. For the purposes of this Act the Minister may hold, until the same can be advantageously disposed of, any property real or personal taken by him or to which he has become entitled as security for or in satisfaction, liquidation, or discharge of any debt owing to him.

24. Minister may provide land for industrial purpose. Subject to this section, in order to assist a person to obtain land on which to establish and carry on a business pertaining to any industry, the Minister may—

- (a) sell to any person for an estate in fee-simple any land which is vested in the Minister for an estate in fee-simple; or
- (b) enter into arrangements with any person for the grant to such person of an appropriate lease under "*The Land Acts, 1962 to 1963,*" of any vacant Crown land which is available for the purpose of the business proposed to be carried on by such person.

25. Industries Assistance Fund. (1) There shall be established in the Treasury a Fund called "*The Assistance to Industries Fund*" (in this Act referred to as "*the Fund*").

(2) There shall be paid into the Fund all moneys appropriated by Parliament for the purposes thereof.

(3) There shall be paid out of the Fund—

- (a) all advances made under this Act; and
- (b) all payments by the Minister in respect of guarantees given by him under this Act.

(4) There shall be paid into Consolidated Revenue—

- (a) all moneys received by the Minister in repayment of advances made under this Act or in payment of interest thereon;
- (b) all moneys received by the Minister in recoupment of payments made in respect of guarantees given by the Minister under this Act.

26. General powers. In addition to and without in any way limiting the powers of the Governor in Council or the Minister under this Act, the Governor in Council is hereby empowered from time to time by Order in Council to issue such orders and give such directions and prescribe such rules as will in his judgment be calculated to safeguard the requirements and well-being of the people and to give full effect to the provisions of this Act; and every such order, direction, and rule shall be obeyed.

27. Regulations. (1) The Governor in Council may from time to time make regulations, not inconsistent with this Act, providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act.

Without limiting the generality of the foregoing provisions of this subsection, regulations may be made for or in respect of all or any of the following, namely:—

- (a) the form and manner of applications under this Act, and the particulars, instruments, undertakings, and documents to be furnished with any such application;
- (b) the security to be given by applicants in respect of financial assistance obtained under this Act, and the recovery of moneys thereby secured;
- (c) all such observances as are not specifically provided for in this Act and which the Governor in Council considers it desirable that applicants should comply with in regard to any matter concerned;
- (d) any matter or thing required or permitted by this Act to be prescribed, except such a matter or thing which is required to be prescribed otherwise than by regulation.

(2) The power to make any regulation under this Act shall include power to make that regulation so that it shall be of general or specially limited application according to persons, or otherwise as is prescribed, and so that any regulation may or may not differ from any other regulation of specially limited application with respect to the same persons, matters or things.

(3) The power to make regulations under this Act shall include power, by regulations made under this Act, to repeal, amend, or otherwise modify any regulation in force at the commencement of this Act and continued in force by virtue of any provision of this Act.

(4) Regulations may be made under this Act at any time after the passing hereof.

28. Publication of Proclamations, Orders in Council, and regulations.

(1) Every Proclamation, Order in Council, and regulation made under this Act shall—

- (a) be published in the *Gazette*;
- (b) upon its publication in the *Gazette*, be judicially noticed and such publication shall be conclusive evidence of the matters contained therein;
- (c) take effect from the date of such publication, unless, in the case of any such regulation, a later date is specified in that or any other regulation for its commencement when in such event it shall take effect from that later date; and
- (d) be laid before the Legislative Assembly within fourteen sitting days after such publication if the Legislative Assembly is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(2) If the Legislative Assembly passes a resolution of which notice has been given at any time within fourteen sitting days after any such Proclamation, Order in Council, or regulation has been laid before it disallowing such Proclamation, Order in Council, or regulation or part thereof, that Proclamation, Order in Council, or regulation or part shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the making of a further Proclamation, Order in Council, or regulation.

(3) In this section the term "sitting days" means days upon which the Legislative Assembly actually sits for the despatch of business.

29. Annual reports. (1) The Director-General of Industry shall make an annual report upon the administration of this Act for the year ending on the thirtieth day of June.

(2) The report shall be transmitted to the Minister before the first day of October next ensuing and shall be by him forthwith laid before the Legislative Assembly if it is then sitting; otherwise within fourteen days after the commencement of the session next ensuing.