



Queensland

Rural and Regional Adjustment Amendment Regulation (No. 2) 2007

Subordinate Legislation 2007 No. 21

made under the

Rural and Regional Adjustment Act 1994

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1 Short title

This regulation may be cited as the *Rural and Regional Adjustment Amendment Regulation (No. 2) 2007*.

2 Regulation amended

This regulation amends the *Rural and Regional Adjustment Regulation 2000*.

3 Amendment of s 7 (Approval of schemes—Act, s 11)

Section 7—

insert—

‘(s) the Irrigators Fixed Water Charges Rebate Scheme, set out in the schedule, part 19.’

4 Amendment of schedule (Approved assistance schemes)

Schedule—

insert—

**‘Part 19 Irrigators Fixed Water Charges
Rebate Scheme**

‘189 Objective of scheme

‘The objective of this scheme is to assist irrigators in areas where water availability is or has been low.

‘190 Nature of assistance

‘The nature of the assistance that may be given under this scheme is a rebate for the payment of fixed water charges, or part of the fixed water charges, incurred for the period from 1 July 2006 to 30 June 2008.

‘191 Definitions for pt 19

‘In this part—

announced allocation, for a water area—

- 1 The **announced allocation**, for a water area, means the available water announced by—
 - (a) the water service provider for the water area; or
 - (b) the chief executive of the department in which the the *Water Act 2000* is administered.
- 2 However, if—
 - (a) the water area is a part of a water supply scheme; and
 - (b) the water availability announced by the water service provider for the water supply scheme is different from the water availability announced for the part of the scheme;

the available water announced for the part of the scheme is the **announced allocation** for the water area.

- 3 For paragraphs 1 and 2, a reference to announcing available water includes a reference to deciding available water.

applicant means a person applying for assistance under this scheme.

billing period, for an invoice, means the period for which the fixed water charges for the invoice are payable.

current invoice means an invoice, given quarterly or half-yearly for water charges incurred in the period from 1 July 2006 to 30 June 2008, that the authority is assessing for a rebate.

fixed water charge means—

- (a) the part of a water charge that is intended to recover the fixed costs of operating and maintaining water infrastructure in a water area; or
- (b) the part A water charge within the meaning of the *Water Regulation 2002*.

Note—

See the *Water Regulation 2002*, schedule 14 (Water charges) and schedule 17 (Dictionary), definition *part A*.

irrigator means a rural water user who is paying water charges for taking water for primary production purposes, other than for stock or domestic purposes.

successful applicant means a person granted assistance under this scheme.

this scheme means the scheme set out in this part.

threshold test of low water availability, for a water area, means—

- (a) for the billing period for a current invoice—the announced allocation for the water area at the start of the the billing period is not more than 20%; or
- (b) for a financial year in the 3 financial years immediately before the billing period for a current invoice—the announced allocation for the water area at 30 June in the year is not more than 20%.

water area means any of the following—

- (a) a water supply scheme within the meaning of the *Water Act 2000*, schedule 4;
- (b) a part of a water supply scheme;
- (c) a water management area mentioned in the *Water Regulation 2002*, schedule 14.

water service provider see the *Water Act 2000*, schedule 4.

‘192 Eligibility criteria

‘For an applicant to be eligible to receive assistance, the applicant must—

- (a) be an irrigator; and
- (b) be liable to pay fixed water charges; and
- (c) be any of the following—

- (i) a customer of SunWater paying the fixed water charges under the Rural Water Pricing Direction Notice (No. 01) 2006, gazetted on 14 July 2006 at page 1187; or
 - (ii) a customer of another water service provider; or
 - (iii) the holder of a water licence under the *Water Act 2000*; and
- (d) satisfy the threshold test of low water availability for—
- (i) the billing period for a current invoice; or
 - (ii) a financial year in the 3 financial years immediately before the billing period for a current invoice; and
- (e) have paid the water charges incurred from 1 July 2006 unless the applicant can demonstrate financial hardship under section 193.

‘193 Financial hardship

- ‘(1) For an applicant to demonstrate financial hardship, the application must be accompanied by—
- (a) evidence that the applicant is the holder of a current health care card under the *Social Security Act 1991* (Cwlth); or
 - (b) a certificate from a suitably qualified person stating that—
 - (i) the applicant is unable to pay the total invoice for the current water charges because of financial hardship; and
 - (ii) the continuation of the applicant’s enterprise for which the water charges are incurred is in doubt because of the prolonged drought and the low water availability.
- ‘(2) In this section—
- suitably qualified person***—
- (a) generally, means a person who—

- (i) has financial qualifications that enable the person to give a certificate mentioned in subsection (1)(b); and
 - (ii) is a member of a professional association whose members normally provide financial advice; and
- (b) for an applicant for whom it is not reasonably practical to engage a person mentioned in paragraph (a) because the applicant's residence is not located near a populated area, means a person who—
- (i) has experience in financial matters because of the person's occupation, whether or not the person normally provides or provided financial advice; and

Examples—

accountant, bank manager, tax agent

- (ii) is a member of a relevant professional association.

'194 Maximum rebate amounts

- '(1) The maximum rebate under this scheme for a successful applicant is \$10000 for each financial year.
- '(2) Subject to subsection (3), the maximum percentage of the fixed water charges for the applicant's current invoice that will be given as a rebate to a successful applicant in a water area that satisfies the threshold test for low water availability in the periods stated is as follows—
 - (a) for the billing period for the current invoice and the 3 financial years immediately before the billing period for the current invoice—100%;
 - (b) for any 3 of the following—75%—
 - (i) the billing period for the current invoice;
 - (ii) the financial year immediately before the billing period for the current invoice (*year 1*);
 - (iii) the financial year immediately before year 1 (*year 2*);

- (iv) the financial year immediately before year 2 (*year 3*);
 - (c) for any 2 of the following—50%—
 - (i) the billing period for the current invoice;
 - (ii) year 1;
 - (iii) year 2;
 - (iv) year 3;
 - (d) for any 1 of the following—25%—
 - (i) the billing period for the current invoice;
 - (ii) year 1;
 - (iii) year 2;
 - (iv) year 3.
- ‘(3) If part of a billing period for a current invoice is not in the period from 1 July 2006 to 30 June 2008, the rebate worked out under subsection (2) must be reduced proportionately.

Example—

A billing period for a current invoice is from 1 May 2006 to 31 July 2006. As there are 61 days out of a total of 91 days in the billing period that are not in the period from 1 July 2006 to 30 June 2008, the rebate worked out under subsection (2) must be reduced by a factor of 61/92.

‘195 Period of assistance

- ‘(1) A rebate may be given for the fixed water charges incurred in the period from 1 July 2006 to 30 June 2008.
- ‘(2) However, subsection (3) applies if, in the financial year starting on 1 July 2007, there is an announced allocation of 50% or greater for a water area.
- ‘(3) A rebate can not, for the water area, be given under this scheme for—
 - (a) the fixed water charges to which the announced allocation relates; or
 - (b) any other fixed water charges that are imposed after the announced allocation is made.

‘196 Payment of rebate

- ‘(1) Payment of a rebate will be made to a successful applicant’s bank account.
- ‘(2) However, a successful applicant who has demonstrated financial hardship will receive a cheque for the rebate made payable to—
 - (a) the relevant water service provider; or
 - (b) the department in which the *Water Act 2000* is administered.

‘197 Applications

- ‘(1) An application for assistance must be—
 - (a) made on the application form approved by the authority; and

Editor’s note—

At the commencement of this section, a copy of the application form was available on the authority’s website at <www.qraa.qld.gov.au>.

 - (b) accompanied by the documents stated on the application form; and
 - (c) lodged with the authority.
- ‘(2) An applicant granted assistance under this scheme is not required to lodge another application for assistance.
- ‘(3) All applications for assistance under this scheme must be received by the authority on or before 30 September 2008.

‘198 Deciding applications

‘The authority must consider, and decide to approve or refuse to approve, each application for assistance.’.

ENDNOTES

- 1 Made by the Governor in Council on 1 March 2007.
- 2 Notified in the gazette on 2 March 2007.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Primary Industries and Fisheries.