



Queensland

Rural and Regional Adjustment Act 1994

Rural and Regional Adjustment Regulation 2000

Reprinted as in force on 18 December 2009

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This regulation is reprinted as at 18 December 2009. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Queensland

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Rural and Regional Adjustment Regulation 2000

[as amended by all amendments that commenced on or before 18 December 2009]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Rural and Regional Adjustment Regulation 2000*.

Part 2 Other functions of authority

2A Application of pt 2

This part prescribes, for section 8(2)(h) of the Act, other functions of the authority.

3 DSAP scheme

- (1) The authority has the following functions—
- (a) to consider whether entities have carried out farm business assessments in compliance with the rules of the DSAP scheme (*compliant farm business assessments*);
 - (b) to consult, and liaise with, the following persons about farm business assessments—
 - (i) dairy farmers;

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- (ii) organisations representing the interests of persons likely to receive assistance under the Act;
 - (iii) commercial lenders and financial advisers;
 - (iv) public sector units with the function of helping the rural and small business sectors of the economy, and equivalent entities of other States or the Commonwealth;
- (c) to certify that compliant farm business assessments have been carried out in accordance with the DSAP scheme;
- (d) to perform functions incidental to a function under another paragraph of this section.
- (2) In this section—
 - DSAP scheme** see the *Dairy Produce Act 1986* (Cwlth), schedule 2, clause 10.
 - entity** see the *Dairy Produce Act 1986* (Cwlth), schedule 2, clause 5.
 - farm business assessment** means a farm business assessment mentioned in the *Dairy Produce Act 1986* (Cwlth), schedule 2, clause 17.

4 Rural irrigation water users

- (1) The authority has the following functions—
 - (a) to prepare criteria for deciding whether rural irrigation water users are experiencing financial hardship (**hardship criteria**);
 - (b) to advise rural irrigation water users and their representatives about applying for assistance because of financial hardship (**hardship applications**);
 - (c) to assess hardship applications and decide whether the applications satisfy the hardship criteria;
 - (d) to notify SunWater about decisions made under paragraph (c);

-
- (e) if the authority decides an application satisfies the hardship criteria—to recommend to SunWater the repayment terms, interest rate or other matters required to assist the applicant through the financial hardship;
 - (f) to keep a register of inquiries about hardship applications, and of hardship applications received by the authority, including information about decisions made under paragraph (c) and recommendations made under paragraph (e);
 - (g) to make the register mentioned in paragraph (f) available for inspection by SunWater;
 - (h) to perform functions incidental to a function under another paragraph of this section.
- (2) In this section—

rural irrigation water user means a water entitlement holder charged, under the *Rural Water Pricing Direction Notice (No. 1) 2000*, for the supply of rural irrigation water in the following water supply projects mentioned in the notice—

Editor's note

This notice was published in the gazette on 6 October 2000 at page 429.

- (a) Burdekin Channel;
- (b) Burdekin River;
- (c) Burdekin (Other);
- (d) Mareeba Channel;
- (e) Mareeba River;
- (f) Proserpine.

SunWater means the entity continued in existence under the *Government Owned Corporations Regulation 2004*, section 34.

water entitlement holder means a holder of a water entitlement under the *Water Act 2000*.

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5 State loans for residential services

(1) The authority has the following functions in relation to the making of residential service loans by the State under the *Housing Act 2003*—

- (a) to prepare criteria for assessing the financial viability of residential services for which loans are required, the financial risk to the State and the ability of applicants to repay the loans (the ***assessment criteria***);
- (b) to assess applications for loans using the assessment criteria;
- (c) to notify the State about the outcome of each assessment including whether the authority recommends that the State make the loan;
- (d) if the authority recommends that the State make a loan—to recommend to the State the repayment terms and other matters required to assist the applicant to be able to repay the loan;
- (e) to develop documentation for loans including application forms, loan agreements and security documents;
- (f) to undertake annual reviews of the financial position of persons to whom loans have been made;
- (g) to notify the State about the outcomes of the reviews;
- (h) at the request of the State, to provide advice to assist the State to manage the loans;
- (i) to perform functions incidental to a function under another paragraph of this section.

(2) In this section—

residential service see the *Residential Services (Accreditation) Act 2002*, section 4.

residential service loan means a loan to help meet the costs of building and related work carried out for the purpose of conducting a residential service under the *Residential Services (Accreditation) Act 2002*.

6 Adjustment package

- (1) The authority has each of the following functions in relation to the adjustment package—
 - (a) to make information about the package available to the public, including giving information sessions about the package to affected persons interested in applying for assistance;
 - (b) to take advice from a committee established by DEH when applying, for each component of the adjustment package, the following—
 - (i) DEH's criteria for deciding the eligibility of applicants under the component (the *eligibility criteria*);
 - (ii) DEH's criteria for the assessment of applications under the component (the *assessment criteria*);
 - (c) to assess the eligibility of applicants and decide whether the applicants satisfy the eligibility criteria;
 - (d) if the authority decides an applicant satisfies the eligibility criteria for a component of the package—to assess the application and decide whether the application satisfies the assessment criteria for the component;
 - (e) for the following components of the adjustment package, to notify DEH about decisions made under paragraphs (c) and (d)—
 - (i) business advice assistance;
 - (ii) employee assistance;
 - (f) for the other components of the adjustment package, to make recommendations to DEH about whether, in the opinion of the authority—
 - (i) an applicant satisfies the eligibility criteria for the component; and

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- (ii) if the authority assesses an application under paragraph (d)—the applicant satisfies the assessment criteria for the component;
- (g) to give DEH information about the applications, including information about the following—
 - (i) the number of applications the authority receives;
 - (ii) the number of applicants under each component of the adjustment package and the amount of assistance for which each applicant applies;
 - (iii) the bases for the decisions and recommendations made by the authority;
 - (iv) any payments made by the authority to applicants;
- (h) to give each applicant—
 - (i) written notice of any decision made by the authority or DEH about the application; and
 - (ii) if the authority or DEH decides to refuse the application—written notice of the reasons for the decision;
- (i) if a decision made by the authority or DEH authorises payment to an applicant—to pay the applicant the amount authorised;
- (j) to keep an electronic register of details about applications received by the authority, including the following—
 - (i) decisions about applications;
 - (ii) payments made to applicants;
 - (iii) recommendations and other information given to DEH under this section;
- (k) if an applicant is dissatisfied with a decision made by the authority or DEH about an application and appeals to DEH for reconsideration of the decision—to give DEH the appeal documents the authority receives from the applicant;

- (1) to perform functions incidental to a function under another paragraph of this section.
- (2) In this section—

adjustment package means the scheme known as the ‘Great Barrier Reef Marine Park Structural Adjustment Package 2004’.

affected person—

- (a) means a person who may be significantly adversely affected by the rezoning of the Great Barrier Reef Marine Park under the *Great Barrier Reef Marine Park Zoning Plan 2003* (Cwlth); and
- (b) includes—
 - (i) a person who holds a commercial fisher licence under the *Fisheries Act 1994*; and
 - (ii) a person who carries on a business relating to a fishery or fisheries within the meaning of the *Fisheries Act 1994*; and
 - (iii) an employee of a person mentioned in subparagraph (i) or (ii).

component, of the adjustment package, means any of the following, within the meaning of the package—

- (a) business advice assistance;
- (b) business exit assistance;
- (c) business restructuring assistance;
- (d) employee assistance.

DEH means the Commonwealth Department of the Environment and Heritage.

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Part 3 Approved assistance schemes

7 Approval of schemes—Act, s 11

Each of the following schemes is approved—

- (a) the Citrus Industry Recovery Scheme set out in the schedule, part 1;
- (b) the FarmBis Program Scheme set out in the schedule, part 2;
- (c) the Primary Industry Productivity Enhancement Scheme set out in the schedule, part 3;
- (d) the Drought Carry-on Finance Scheme set out in the schedule, part 4;
- (e) the Drought Recovery Scheme set out in the schedule, part 5;
- (f) the Citrus Reimbursement and Re-establishment Scheme set out in the schedule, part 6;
- (g) the Small Business Emergency Assistance Scheme set out in the schedule, part 7;
- (h) the Exceptional Circumstances Scheme set out in the schedule, part 8;
- (i) the Natural Disaster Relief—TC Larry - TC Monica (Primary Producers) Scheme set out in the schedule, part 9;
- (j) the Natural Disaster Relief—TC Larry - TC Monica (Small Business) Scheme set out in the schedule, part 10;
- (k) the Natural Disaster Relief (Primary Producers) Scheme, set out in the schedule, part 11;
- (l) the Natural Disaster Relief (Small Business) Scheme, set out in the schedule, part 12;

- (m) the Queensland Vegetation Management Framework, Financial Assistance for Farm Businesses Enterprise Assistance Scheme, set out in the schedule, part 13;
- (n) the Queensland Vegetation Management Framework, Financial Assistance for Farm Businesses Exit Assistance Scheme, set out in the schedule, part 14;
- (o) the Business Adjustment—Traveston Crossing Dam - Wyaralong Dam (Business Advice Assistance) Scheme, set out in the schedule, part 15;
- (p) the Business Adjustment—Traveston Crossing Dam - Wyaralong Dam (Business Restructure Assistance) Scheme, set out in the schedule, part 16;
- (q) the Business Adjustment—Traveston Crossing Dam - Wyaralong Dam (Business Exit Assistance) Scheme, set out in the schedule, part 17;
- (r) the Small Business Drought Assistance Scheme, set out in the schedule, part 18;
- (s) the Irrigators Fixed Water Charges Rebate Scheme, set out in the schedule, part 19;
- (sa) the Additional Irrigators Fixed Water Charges Rebate Scheme set out in the schedule, part 19A;
- (t) the Drought Rate Rebate Scheme, set out in the schedule, part 20;
- (u) the Queensland Commercial Horse Small Business Emergency Assistance Scheme, set out in the schedule, part 21;
- (v) the Special Disaster Flood Assistance Scheme set out in the schedule, part 22;
- (w) the Smart Energy Savings Fund Scheme set out in the schedule, part 23;
- (x) the Queensland Renewable Energy Fund Scheme set out in the schedule, part 24;
- (y) the Moreton Bay Marine Park Structural Adjustment Package Scheme set out in the schedule, part 25;

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- (z) the Special Disaster Flood Assistance—TC Charlotte - TC Ellie Scheme set out in the schedule, part 26.

Note—

The approval of a scheme mentioned in paragraph (a), (b), (c), (d) or (e) is stated for information only. The approval was given under this regulation before the commencement of this section.

Part 5

Transitional provisions for Rural Adjustment Amendment Regulation (No. 3) 2006

11 References to the Natural Disaster Relief—TC Larry - TC Monica (Primary Producers) Scheme by former name

- (1) In a document, if the context permits, a reference to the Natural Disaster Relief—TC Larry - TC Monica (Primary Producers) Scheme by its former name is taken to be a reference to the scheme.

- (2) In this section—

former name means the Natural Disaster Relief—TC Larry (Primary Producers) Scheme.

12 References to the Natural Disaster Relief—TC Larry - TC Monica (Small Business) Scheme by former name

- (1) In a document, if the context permits, a reference to the Natural Disaster Relief—TC Larry - TC Monica (Small Business) Scheme by its former name is taken to be a reference to the scheme.

- (2) In this section—

former name means the Natural Disaster Relief—TC Larry (Small Business) Scheme.

Schedule Approved assistance schemes

section 7

Part 1 Citrus Industry Recovery Scheme

Division 1 Preliminary

1 Definitions for pt 1

In this part—

canker outbreak means the outbreak of citrus canker in 2004 in the area that was declared to be a pest quarantine area for citrus canker under the *Plant Protection Act 1989*.

division 2 scheme see section 12E(1).

domestic market grower means the following relevant growers—

- (a) MC and CS Iddles, trading as Selma Citrus;
- (b) Gillian Crest Pty Ltd, trading also as Cordoma Farms.

relevant grower means a commercial grower of citrus who has been adversely affected by the canker outbreak.

scheme means—

- (a) for division 2—the part of the Citrus Industry Recovery Scheme set out in division 2; and
- (b) for division 3—the part of the Citrus Industry Recovery Scheme set out in division 3.

Division 2 Loans to relevant growers

2 Objective of scheme

The objective of the scheme is to assist relevant growers who will have a crop available for harvesting in 2005 or 2006 to recover from the impacts of the canker outbreak.

3 Purpose of assistance

The purpose of assistance under the scheme is to enable relevant growers to maintain their viability by—

- (a) encouraging the accumulation, rationalisation, expansion or diversification of the growers' citrus growing businesses, including value adding and investment in supply chain activities both on-farm and off-farm; and
- (b) supporting ongoing farm maintenance to enable the growers to recover from restrictions on market access.

4 Nature of assistance

- (1) The nature of the assistance that may be given under the scheme is the provision of loans at concessional rates of interest to applicants who meet the eligibility criteria for any of the following activities—
 - (a) diversifying into other on-farm enterprises;
 - (b) investing in value adding or supply chain activities on-farm and off-farm;
 - (c) accumulating property by purchasing, leasing or sharefarming whole or partial additional properties;
 - (d) rationalising partnerships, including family partnerships;
 - (e) expanding farming operations;
 - (f) developing farm water supplies;
 - (g) purchasing livestock, if—

- (i) the purchase is included in a contract to purchase property mentioned in paragraph (c); or
 - (ii) the purchase is directly related to the activity for which assistance is approved under this scheme;
- (h) improving or carrying out capital works on-farm;
- (i) syndicated purchasing of plant and machinery, if appropriate security exists;
- (j) upgrading farm plant and machinery, other than excluded vehicles, that is predominantly for use on land used by the applicant for a purpose approved by the authority;
- (k) purchasing new trees;
- (l) maintaining, replanting or reinvigorating orchards.

(2) In this section—

excluded vehicle means a motor vehicle with a gross vehicle mass of less than 4t.

5 Maximum loan amounts

- (1) The maximum amount of a loan, or the total of more than 1 loan, that may be made under the scheme to an applicant who meets the eligibility criteria is \$500000.
- (2) However, the maximum amount of a loan for an activity mentioned in section 4(1)(g) or (j) is \$100000.

6 Eligibility criteria

To be eligible to receive assistance under the scheme, an applicant must—

- (a) be a relevant grower who—
 - (i) will have a crop available for harvesting in 2005 or 2006; and
 - (ii) requires financial assistance to recover from the impacts of the canker outbreak; and

Schedule

- (b) demonstrate sound prospects for commercial viability, and the ability to service the loan, in the long term; and
- (c) provide evidence of a financial need for the assistance; and
- (d) demonstrate that the amount of off-farm or liquid assets owned by the applicant is not more than the amount needed for prudent risk management; and
- (e) if the assistance is sought to rationalise a partnership—demonstrate that the proposal for the rationalisation is not merely a refinance arrangement; and
- (f) if the assistance is sought to upgrade farm plant and machinery—demonstrate that the plant and machinery will be used predominantly for on-farm purposes and not for off-farm contracting work; and
- (g) have used land for commercial citrus growing for not less than 2 years; and
- (h) ordinarily obtain the applicant's major source of income from commercial citrus growing or value-adding activities related to commercial citrus growing; and
- (i) give the authority a business plan for the applicant's on-farm business that complies with section 7.

7 Requirements for business plan

- (1) For section 6(i), a business plan must—
 - (a) include details of the activity for which the assistance is sought and the productivity expected to be generated from it; and
 - (b) adopt a whole of business approach to planning, and include components dealing with matters such as marketing and financial and risk management; and
 - (c) relate to the whole of the applicant's business.

Editor's note

Guidelines on the content of a business plan may be obtained from the authority.

- (2) The authority may ask the applicant for further information in relation to the business plan submitted by the applicant.

8 Terms of repayment

- (1) The maximum term of a loan is—
- (a) if the loan is for an activity mentioned in section 4(1)(g)—7 years unless a longer term is approved by the authority; or
 - (b) if the loan is for an activity mentioned in section 4(1)(j)—7 years; or
 - (c) otherwise—10 years.
- (2) If the land used by the relevant grower for commercial citrus growing is not within the local government area of the Emerald Shire Council—
- (a) repayment of principal and interest on the loan will be—
 - (i) initially calculated using a period of up to 10 years; and
 - (ii) tailored to the grower's individual requirements based on the grower's income patterns; and
 - (b) an interest only period of not more than 2 years may be available; and
 - (c) the loan will have an initial interest rate that is fixed for either 1 or 3 years under section 9.
- (3) If the land used by the grower for commercial citrus growing is within the local government area of the Emerald Shire Council—
- (a) no interest will apply for the first 2 years of the loan; and
 - (b) after the first 2 years, interest will be payable at the rate provided for under section 9; and
 - (c) the loan will have a non-repayment period of 2 years.

9 Interest rate

- (1) The initial interest rate for a loan under the scheme will be worked out—
 - (a) if the land used by the grower for commercial citrus growing is within the local government area of the Emerald Shire Council—at the end of the interest free period mentioned in section 8(3)(a); or
 - (b) otherwise—when the loan is approved by the authority.
- (2) The initial interest rate for the loan—
 - (a) depends on whether the interest rate is fixed for 1 or 3 years, as decided by the authority; and
 - (b) will be worked out by the authority under subsection (7) and will be based on the 1 or 3 year base lending rate, as appropriate, plus 1%.
- (3) A 3 year fixed interest rate is available only when the loan is first drawn down.
- (4) If the initial interest rate for a loan is fixed for 3 years under subsection (3), at the end of the 3 year period, and on each subsequent anniversary, the interest rate reverts to the 1 year base lending rate, plus 1%, at the time.
- (5) However, the authority may, during the term of the loan, increase the interest rate from the interest rate mentioned in subsection (4) to a commercial rate.
- (6) The authority will decide the extent to which the interest rate for a loan will increase under subsection (5)—
 - (a) in an annual review of the loan; and
 - (b) based on the improved financial capacity of the grower.
- (7) The interest rates for new loans will be reviewed by the authority not later than 31 May and 30 November in each year and set for the 6 month period starting on the following 1 July and 1 January respectively.
- (8) In this section—

base lending rate means the 1 or 3 year lending rate, as appropriate, of the Queensland Treasury Corporation.

10 Security

- (1) Appropriate security for a loan as determined by the authority will be required.
- (2) A mortgage of land or other assets, commensurate with the amount of the loan, will be required.
- (3) Other security, including, for example, a crop lien, may also be required.

11 Terms and conditions

The terms and conditions of a loan under this scheme will be determined by the authority and may include, for example, any of the following—

- (a) review of the loan during its term;
- (b) requiring the relevant grower to provide information relating to the performance of the grower's business during the term of the loan;
- (c) requiring the relevant grower to undertake to work the property.

12 Applications

- (1) Applications for assistance under the scheme must be made on the authority's application form and may be lodged with the authority or at a commercial lender.
- (2) Applications must be accompanied by all documentation required under section 6 or stated on the application form.
- (3) Also, the authority may request the applicant to provide further relevant information required to decide the application.
- (4) Applications must be made before 31 December 2005.

Division 3 Refinancing loans to domestic market growers

12A Objective of scheme

The objective of the scheme is to assist domestic market growers who maintained citrus varieties in the expectation of obtaining access to the domestic market in 2005.

12B Purpose of assistance

The purpose of assistance under the scheme is to mitigate hardship for domestic market growers, incurred as a result of the canker outbreak.

12C Nature of assistance

The nature of the assistance that may be given under the scheme is the refinancing of loans, relating to commercial citrus growing, at concessional rates of interest.

12D Maximum loan amounts

The maximum amount of a loan, or the total of more than 1 loan, that may be refinanced under the scheme is \$500000.

12E Further assistance under division 2 scheme permitted

- (1) Refinancing of an applicant's loan under the scheme does not stop the applicant applying for assistance under the scheme mentioned in division 2 (the *division 2 scheme*).
- (2) However, the maximum amount of all loans granted under the division 2 scheme and the scheme to an applicant is \$500000.

12F Eligibility criteria

- (1) To be eligible to receive assistance under the scheme, an applicant must—

- (a) be a domestic market grower who requires financial assistance to recover from the impacts of the canker outbreak; and
 - (b) demonstrate sound prospects for commercial viability, and the ability to service the loan, in the long term; and
 - (c) provide evidence of a financial need for the assistance; and
 - (d) demonstrate that the amount of off-farm or liquid assets owned by the applicant is not more than the amount needed for prudent risk management; and
 - (e) ordinarily have obtained the applicant's major source of income from commercial citrus growing or value-adding activities related to commercial citrus growing; and
 - (f) give the authority a business plan for the applicant's on-farm business that complies with section 12G.
- (2) However, an applicant is eligible to receive assistance for the applicant's on-farm business only if the land on which the citrus varieties are grown is within the local government area of the Emerald Shire Council.

12G Requirements for business plan

- (1) For section 12F(1)(f), a business plan must—
- (a) adopt a whole of business approach to planning, and include components dealing with matters such as marketing and financial and risk management; and
 - (b) relate to the whole of the applicant's business.

Editor's note

Guidelines on the content of a business plan may be obtained from the authority.

- (2) The authority may ask the applicant for further information in relation to the business plan submitted by the applicant.

12H Terms of repayment

- (1) The maximum term of a loan is 13 years.
- (2) No interest will apply for the first 5 years of the loan.
- (3) After the first 5 years, interest will be payable at the rate provided for under section 12I.
- (4) The loan will have a non-repayment period of 5 years.

12I Interest rate

- (1) The initial interest rate for a loan under the scheme will be worked out at the end of the interest free period mentioned in section 12H(2).
- (2) Section 9(2) to (8) applies to the refinancing of the loan as if—
 - (a) it were a loan under division 2; and
 - (b) a domestic market grower were a relevant grower.

12J Other provisions of the scheme

- (1) Subject to subsection (2), sections 10 to 12 apply to the scheme as if—
 - (a) the scheme were the division 2 scheme; and
 - (b) a domestic market grower were a relevant grower; and
 - (c) an application for refinancing a loan were an application for a loan under division 2.
- (2) Section 12(2) applies as if ‘section 6’ were replaced by ‘section 12F’.

Part 2 FarmBis Program Scheme

13 Definitions for pt 2

In this part—

approved costs means costs approved by the authority that are—

- (a) associated with eligible participants taking part in learning activities; and
- (b) based on the costs of a learning activities provider delivering learning activities.

eligible participant see section 14.

indigenous land manager see section 14(b).

learning activities see section 15.

learning activities provider means an entity carrying on the business of delivering learning activities to eligible participants.

primary producer see section 14(a).

primary production business enterprise means any of the following—

- (a) a business carried on within the State in the agricultural, apicultural, aquacultural, horticultural or pastoral industries;
- (b) the fishing and harvesting for commercial purposes of marine and freshwater species, caught in their natural environment from a wild population, carried on by—
 - (i) a business registered in the State; or
 - (ii) a corporation whose registered office is in the State; or
 - (iii) an individual who is resident in the State;
- (c) the taking for commercial purposes of wild fauna from its natural environment within the State.

properly made application see section 24(4).

rural land manager see section 14(c).

14 Who is an eligible participant

An *eligible participant* is any of the following—

- (a) an individual (a *primary producer*) who spends the majority of the individual's labour on, and derives the majority of the individual's income from, a primary production business enterprise;
- (b) an individual (an *indigenous land manager*) who is involved in the management decisions of land within the State that is zoned for rural purposes if the land is owned, managed, controlled or operated by—
 - (i) an indigenous community or trust; or
 - (ii) an Aborigine or Torres Strait Islander;
- (c) an individual (a *rural land manager*) who owns or manages the natural resources of land within the State if the land—
 - (i) has an area of at least 2ha; and
 - (ii) is zoned for rural or rural residential purposes.

15 Purpose of scheme

The purpose of assistance under the scheme is to encourage participation by eligible participants in structured learning processes (*learning activities*) that are designed—

- (a) to increase the adoption of management practices that lead to greater sustainability of natural resources and improved profitability or competitiveness; and
- (b) if the eligible participant is a primary producer—to enhance the participant's ability—
 - (i) to manage effectively change and risk; and

- (ii) to benefit from the adoption of innovation and best practice management techniques; and
- (c) if the eligible participant is an indigenous land manager—to improve the participant's business practices and ability to manage land zoned for rural purposes; and
- (d) if the eligible participant is a rural land manager—to improve the participant's ability to manage natural resources.

16 Type of assistance

The assistance available under the scheme is a contribution to the approved costs of an eligible participant taking part in learning activities.

17 Principles for delivering learning activities

- (1) The main focus of the scheme is on maximising educational outcomes for eligible participants by adopting a best practice approach to the delivery of learning activities.
- (2) A best practice approach to the delivery of learning activities includes ensuring the following—
 - (a) the learning activities are not long-term;
 - (b) the entity delivering the learning activities is the best learning activities provider available;
 - (c) competition between learning activities providers is encouraged.
- (3) The learning activities delivered under the scheme by learning activities providers must—
 - (a) be driven by demand from eligible participants; and
 - (b) give eligible participants flexible options to best meet their needs; and
 - (c) encourage eligible participants to adopt a strategic, planned approach to learning; and

- (d) be given on a competitive basis, taking into account the following—
 - (i) value for money;
 - (ii) the suitability of learning activities providers to deliver learning activities;
 - (iii) learning activities that promote best practice in eligible participants' businesses; and
 - (e) involve a transfer of skills and knowledge from providers to eligible participants; and
 - (f) use strategies for learning that are suited to adult learners.
- (4) Procedures to identify the learning needs of eligible participants, or a group of eligible participants in a particular industry, must be consistent with the priorities and program framework identified by the Commonwealth and States under the scheme.
- (5) It is expected that learning activities may, if appropriate, be linked to industry competency standards—
 - (a) to achieve recognition of skills, achievements and qualifications of eligible participants taking part in the activities; and
 - (b) to facilitate the portability of accreditation for the activities.
- (6) Institutions delivering formal education will be encouraged to apply a flexible approach to accrediting a variety of learning activities that meet the industry competency standards mentioned in subsection (4).
- (7) Eligible participants must, to show their commitment to learning, pay a part of the approved costs of learning activities in which they take part.

18 Restrictions on giving assistance

- (1) Assistance under the scheme must not be given to pay the costs, or part of the costs, incurred by an eligible participant—

- (a) for taking part in any of the following—
 - (i) ongoing secondary or tertiary education;
 - (ii) conferences, study tours or other similar activities that do not have clearly defined learning outcomes;
 - (iii) ongoing group mentoring;
 - (iv) educational activities that have a primary focus on technical or operational training;
 - (v) educational activities undertaken to satisfy regulatory or statutory requirements;
 - (vi) educational activities subsidised by other government programs or agencies, although special consideration may be given if the individual receiving the subsidy is an Aborigine or Torres Strait Islander;
 - (vii) if the Minister makes a determination that assistance may not be given for taking part in particular educational activities—the activities; or
- (b) for receiving professional advice and services, including an individual consultation, other than if the advice or service is removing a barrier to the participant's taking part in learning activities; or

Example of a barrier to an eligible participant's taking part in learning activities—

eligible participant has a non-English speaking background

- (c) for buying goods that are not an integral part of the learning activity.

Example—

computer software

- (2) However, assistance may be given under the scheme for the costs of establishing group mentoring and for the initial development cycle of the group.

19 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance under the scheme—
 - (a) the applicant must—
 - (i) be an eligible participant; and
 - (ii) show the assistance for which the applicant applies is to pay the approved costs of the learning activities; and
 - (b) the authority must be satisfied the proposed learning activities—
 - (i) are consistent with the purpose of the scheme and the principles for the delivery of the learning activities; and
 - (ii) are likely to enhance the profitability, competitiveness or sustainability of the applicant's business; and
 - (iii) have expected outcomes that are measurable and sustainable; and
 - (iv) are cost-effective; and
 - (v) have a strategy to evaluate the effectiveness of the learning; and
 - (vi) if the applicant is a rural land manager—have a primary focus of managing natural resources.
- (2) For subsection (1)(b)(iv), whether the learning activities are cost-effective is measured by taking into account the following—
 - (a) the number of eligible participants proposing to take part in the learning activities;
 - (b) the nature and extent of the learning activities to be supplied;
 - (c) the expected measurable outcomes of the learning activities;
 - (d) the total cost of delivering the learning activities.

20 Determinations by Minister

- (1) The Minister must publish determinations made under this scheme on the scheme's website.

Editor's note

The address of the FarmBis website at the commencement of this part was <www.farmbis.gov.au>.

- (2) In this schedule, a reference to a determination includes a reference to a determination as amended.

21 Amount of contribution to approved costs

- (1) The nature of assistance that may be given under the scheme is a contribution to the approved costs of taking part in learning activities.
- (2) An applicant may, in each financial year, make more than 1 application for assistance.
- (3) However, the amount paid to an applicant in each financial year must not be greater than the maximum contribution to the applicant's approved costs that is determined under section 22(1).
- (4) The amount of the contribution to an applicant that the authority may make is decided on the basis of the approved costs for the proposed learning activities, taking into account the following—
 - (a) the cost-effectiveness of the learning activities;
 - (b) the removal of barriers to access learning activities;
 - (c) the transparency of the true cost of supplying the learning activities;
 - (d) the need to ensure that in the future the applicant accepts greater responsibility for the applicant's long-term learning and educational needs;
 - (e) the rate of the contribution for the proposed learning activities;
 - (f) if the Minister makes a determination that other matters must be taken into account—the other matters.

- (5) The rate of the contribution—
 - (a) is the rate applying on the day the relevant properly made application is approved by the authority; and
 - (b) may vary according to the category of the learning activities proposed to be undertaken.
- (6) The Minister may make a determination about the rate of the contribution for each category of learning activities.

22 Maximum and minimum contribution amounts

- (1) The Minister may make a determination about the following that may be paid to an applicant each financial year under the scheme—
 - (a) the maximum contribution to the applicant's approved costs; and
 - (b) the minimum contribution to the applicant's approved costs.
- (2) However, the maximum contribution must not be greater than 65% of the approved costs.
- (3) A contribution to an applicant's approved costs may be made only if the authority decides the approved costs of the proposed learning activities is greater than the minimum contribution.

23 Applications

- (1) An application for assistance under the scheme—
 - (a) must be made on the application form approved by the authority; and
 - (b) may only be made—
 - (i) by an eligible participant; or
 - (ii) on behalf of a group of eligible participants by a learning activities provider who is proposing to deliver learning activities to the participants; and
 - (c) must be lodged with the authority.

- (2) The authority assesses properly made applications in the order in which they are received.
- (3) Applications must be made on or before 31 March 2008.

24 Deciding applications

- (1) The authority must consider and decide to approve or refuse to approve each application for assistance.
- (2) The authority must refuse to approve an application for assistance if the applicant is, on the commencement of this section, taking part or has taken part in the learning activities for which the application is made.
- (3) If the application is not a properly made application, the authority must—
 - (a) refuse to approve the application; and
 - (b) return the application form to the applicant.
- (4) An application is a *properly made application* if the authority is satisfied the applicant has provided sufficient information to decide the application.
- (5) A learning activities provider applying on behalf of a group of eligible participants must show the provider has the appropriate ability and experience to deliver learning activities to the rural sector.
- (6) The authority must refuse to approve an application for assistance if the allocation of funding by the Commonwealth is exhausted.

25 Terms and conditions

- (1) The terms and conditions applying under this scheme for an eligible participant, or a group of eligible participants, to receive assistance include—
 - (a) unless the authority decides otherwise, requiring the relevant learning activities—
 - (i) to start within 3 months after approval of the application; and

- (ii) to finish within 6 months after the learning activities start; and
 - (iii) to finish on or before 30 June 2008; and
 - (b) requiring each of the eligible participants to give the authority an evaluation of the learning activities; and
 - (c) requiring an undertaking from each of the eligible participants and the relevant learning activities provider to take part in any surveys, program research or evaluation the State or Commonwealth decides; and
 - (d) any other terms and conditions decided by the authority.
- (2) The authority may require that the relevant learning activities provider gives the authority an attendance record of the eligible participants taking part in the learning activities.
- (3) The attendance record must be in sufficient detail to identify each of the eligible participants and the locality of the participant's business.
- (4) If the authority makes a decision under subsection (1)(d), the authority must give each eligible participant and learning activities provider affected by the decision written notice of the other terms and conditions.

26 Payment

- (1) This section applies to the authority making payments under the scheme to an eligible participant or a learning activities provider.
- (2) If the applicant for assistance is an eligible participant, the authority may make a payment to the participant for the relevant learning activities if the participant—
- (a) gives the authority—
 - (i) evidence of payment of part of the approved costs of the learning activities; and
 - (ii) a completed evaluation form for the learning activities; and

- (b) satisfies the authority that the participant has complied with—
 - (i) the terms and conditions applying to the participant under the scheme; and
 - (ii) the other terms and conditions decided by the authority.
- (3) If the applicant for assistance is a learning activities provider applying on behalf of a group of eligible participants, payment may be made to the provider for the relevant learning activities if the provider—
 - (a) gives the authority—
 - (i) evidence of payment by each eligible participant of part of the approved costs of the learning activities; and
 - (ii) an evaluation form for the learning activities that has been completed by each eligible participant; and
 - (b) satisfies the authority that the provider has complied with—
 - (i) the terms and conditions applying to the provider under the scheme; and
 - (ii) the other terms and conditions decided by the authority.
- (4) Unless the authority decides otherwise, requests for payment for assistance under the scheme must be made—
 - (a) within 6 months after the application for assistance is approved; and
 - (b) on or before 31 July 2008.

Part 3 Primary Industry Productivity Enhancement Scheme

Division 1 Preliminary

27 Objectives of scheme

The objectives of the scheme are—

- (a) to strengthen the economy of Queensland regions; and
- (b) to increase the capability of primary producers to improve their sustainable production, to protect the environment and to achieve self-reliance.

28 Application of scheme

- (1) The scheme consists of the following programs—
 - (a) the first start program;
 - (b) the development program;
 - (c) the resource management program.
- (2) An applicant may apply for assistance under more than 1 program.

29 Definitions for pt 3

In this part—

approved application form, for a program under the scheme, means the application form approved by the authority for the program.

authorised officer means an individual stated on the approved application form for the resource management program to be an authorised officer under the program.

certified activities see section 47(1)(d).

commercial wild catch-fishing means the fishing and harvesting for commercial purposes of marine and freshwater

species from a wild population that are caught in their natural environment.

development program means the part of the scheme set out in divisions 2 and 4.

eligible activities means the eligible activities decided under section 31.

first start program means the part of the scheme set out in divisions 2 and 3.

management plan, of an applicant applying for assistance under the scheme, means a plan that—

- (a) includes details of the activity for which the applicant is applying for assistance; and
- (b) adopts a whole of business approach to planning, and include components dealing with matters relevant to the activity including natural resources management, productivity, marketing and financial and risk management; and
- (c) if the assistance is for on-farm activities—identifies and states the area of land affected by the application; and
- (d) must comply with the guidelines for management plans under the scheme that are issued by the authority.

Editor's note

A copy of the guidelines for management plans under the scheme may be obtained from the authority.

primary producer means a person who spends the majority of the person's labour on, and derives the majority of the person's income from a primary production enterprise.

primary production enterprise means a business carried on in a primary production industry, including the agricultural, apicultural, aquacultural, commercial wild catch-fishing, forestry, grazing and horticultural industries.

resource management program means the part of the scheme set out in divisions 2 and 5.

sharefisher means a person who—

- (a) works in a business in the commercial wild catch-fishing industry; and
- (b) shares the proceeds of the business with the owner of the business.

Division 2 General provisions for scheme

30 Nature of assistance

The nature of the assistance that may be given under the scheme is loans at concessional rates of interest to applicants who—

- (a) are carrying out eligible activities; and
- (b) under section 39, 43 or 47, are eligible to receive assistance under the scheme.

31 Eligible activities

- (1) The chief executive must—
 - (a) decide the activities that are eligible activities for each program under the scheme; and
 - (b) notify the authority about the decision made under paragraph (a).
- (2) When deciding whether an activity is an eligible activity for a program, the chief executive must consult with relevant public sector entities.

32 Interest rate

- (1) The initial interest rate under the scheme for a loan to an applicant will be worked out when the loan is approved by the authority.
- (2) The initial interest rate for the loan—
 - (a) depends on whether the interest rate is fixed for 1, 3 or 5 years, as decided by the authority; and

- (b) is worked out by the authority based on the base lending rate for the relevant period.
- (3) The authority may, during the term of the loan, increase the interest rate from the interest rate mentioned in subsection (2) to a commercial rate.
- (4) The authority may decide the extent to which the interest rate for the loan will increase under subsection (3)—
 - (a) in an annual review of the loan; and
 - (b) based on the improved financial capacity of the applicant.
- (5) In this section—

base lending rate, means the rate decided by the authority for each 6 month period in each year that is the 1, 3 or 5 year lending rate, as appropriate, of the Queensland Treasury Corporation, plus 1%.

33 Terms of repayment

- (1) Repayment of principal and interest on a loan granted to an applicant under the scheme will be—
 - (a) initially calculated using a period of up to the maximum term of the loan; and
 - (b) tailored to the applicant's individual requirements based on the applicant's income patterns.
- (2) An interest only period of not more than 2 years may be available.
- (3) The loan will have an initial interest rate that is fixed under section 32.

34 Security

- (1) If an applicant is granted a loan under the scheme, the applicant must give security for the loan.
- (2) The security required is—

- (a) a mortgage of land or other assets, commensurate with the amount of the loan; or
- (b) any other security the authority considers necessary, including, for example, a crop lien or stock mortgage.

35 Applications

An application for assistance under the scheme must be—

- (a) made on the approved application form for the program under which the applicant is applying; and
- (b) accompanied by the documents stated on the approved application form; and
- (c) lodged with the authority.

36 Deciding applications

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

Division 3 First start program

37 Purpose of assistance under the first start program

- (1) The first start program is designed to provide finance to an applicant in the first years of establishment of the applicant's primary production enterprise.
- (2) The purpose of assistance under the first start program is to enable an applicant—
 - (a) to acquire, including from the applicant's parents, or other family member, a viable primary production enterprise; or
 - (b) to acquire a primary production enterprise on a staged basis, as part of a longer term plan for the applicant to own a viable primary production enterprise; or

- (c) to enter into a leasing, sharefarming or sharefishing arrangement that may lead to the applicant owning a viable primary production enterprise; or
- (d) to upgrade the applicant's existing non-viable primary production enterprise that has not generated the majority of the applicant's income to one of an economically sustainable size.

38 Maximum loan amounts

The maximum amount of a loan, or the total outstanding loan balance, under the first start program is \$500000.

39 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance under the first start program, the applicant must—
 - (a) have resided in Queensland for at least 2 years; and
 - (b) not own, or have disposed of, a viable primary production enterprise; and
 - (c) provide evidence of financial need for the assistance; and
 - (d) if the loan is to buy the applicant's parents' or other family member's assets—be able to demonstrate—
 - (i) the parents or family member is not in a financial position to completely effect a transfer of the assets; and
 - (ii) the purchase is not merely a refinance arrangement; and
 - (e) demonstrate adequate experience or other qualifications to give the applicant a reasonable prospect of success in the particular industry the applicant wishes to enter; and
 - (f) be able to demonstrate—
 - (i) for buying a primary production enterprise—the applicant will have 50% equity in the enterprise; or

- (ii) for a leasing, sharefarming or sharefishing arrangement—the applicant will pay 50% of the set up costs of the enterprise; and
 - (g) demonstrate adequate funding for carry-on purposes; and
 - (h) demonstrate sound prospects for commercial viability in the long-term development of the primary production enterprise, in accordance with the planned progression, and the capacity to service proposed debt from the enterprise and other forms of income; and
 - (i) trade in the applicant's own right; and
 - (j) give the authority a management plan.
- (2) However, for subsection (1)(f), the authority may, in relevant circumstances, vary the amount of equity in the enterprise that the applicant is required to demonstrate.

Examples of relevant circumstances—

- 1 a joint lending proposal with a commercial lender
 - 2 applicant has stable off-farm or other income from land or other assets
- (3) The authority may require the applicant's management plan to show the stages of a planned progression towards a viable first enterprise.

40 Maximum term of loan

The maximum term of a loan is 20 years.

Division 4 Development program

41 Purpose of assistance under the development program

The purpose of assistance under the development program is to enable an applicant to increase the productivity and long-term viability of the applicant's primary production business, in the context of sustainable development, by—

- (a) encouraging enterprise build-up, rationalisation, expansion or diversification to enhance viability, including value-adding and investment in supply chain activities; and

Example of supply chain activities—

facilities for processing primary produce

- (b) improving water quality and supply for domestic, stock or irrigation purposes; and
- (c) supporting risk management strategies, including strategies to prepare for climatic risk.

Example of climatic risk—

drought, frost, hail

42 Maximum loan amounts and outstanding loan balances

The maximum amount of a loan, or the total outstanding loan balance, under the development program is—

- (a) if the loan is to buy stock or upgrade plant or machinery—\$100000; or
- (b) otherwise—\$500000.

43 Eligibility criteria

For an applicant to be eligible to receive assistance under the development program, the applicant must—

- (a) demonstrate sound prospects for commercial viability, and the ability to service the loan, in the long term; and
- (b) provide evidence of a financial need for the assistance; and
- (c) demonstrate that the amount of non-enterprise or liquid assets owned by the applicant is not more than the amount needed for prudent risk management; and
- (d) if the assistance is sought to rationalise a partnership—demonstrate that the proposal for the

- rationalisation is not merely a refinance arrangement;
and
- (e) if the assistance is sought to upgrade plant and machinery—demonstrate that the plant and machinery will be used predominantly for the enterprise; and
 - (f) demonstrate that the applicant has worked full-time for at least 2 years in the applicant's primary production business—
 - (i) as a leaseholder, owner, sharefarmer or sharefisher;
or
 - (ii) as a member or employee of a company or partnership; and
 - (g) ordinarily obtain the applicant's major source of income from the enterprise or value-adding activities related to the enterprise; and
 - (h) give the authority a management plan.

44 Maximum term of loan

- (1) The maximum term of a loan is—
 - (a) for buying stock or upgrading plant or machinery—7 years; or
 - (b) otherwise—20 years.
- (2) However, the authority may, in relevant circumstances, decide that the maximum term of a loan for purchasing stock can vary.

Example of relevant circumstances—

a contract to purchase land and the plant, machinery and stock on the land

Division 5 Resource management program

45 Purpose of assistance under the resource management program

The purpose of assistance under the resource management program is to enable an applicant to achieve sustainable development through the adoption of appropriate resource management practices, the prevention of degradation or the rehabilitation of degraded areas.

46 Maximum loan amounts and outstanding loan balances

The maximum amount of a loan, or the total outstanding loan balance, under the resource management program is \$300000.

47 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance under the resource management program for the applicant's primary production enterprise, the applicant must—
 - (a) demonstrate sound prospects for commercial viability, and the ability to service the loan, in the long term; and
 - (b) demonstrate that the applicant is working full-time in the primary production enterprise—
 - (i) as a leaseholder, owner, sharefarmer or sharefisher; or
 - (ii) as a member or employee of a company or partnership; and
 - (c) ordinarily obtain the applicant's major source of income from the primary production enterprise; and
 - (d) for on-farm activities for which a licence, permit, approval or other authority under an Act is required—obtain certification by an authorised officer that the activities stated on the applicant's approved application form for the resource management program (the *certified activities*) are eligible activities; and

- (e) give the authority a management plan.
- (2) Assistance under the resource management program is not means tested.

48 Maximum term of loan

The maximum term of a loan is 20 years.

49 Payment

- (1) This section applies to the authority making payments to a primary producer receiving assistance under the resource management program.
- (2) Payment may be made to the primary producer only if the primary producer gives the authority an invoice or receipt as evidence for the amounts to be paid.
- (3) If the primary producer carries out the work without employing outside labour, payment may be made only for the costs of fuel and machinery.

Part 4 Drought Carry-on Finance Scheme

50 Definitions for pt 4

In this part—

drought affected area see section 51.

primary production enterprise means a business carried on in a primary production industry, including the agricultural, apicultural, aquacultural, grazing and horticultural industries, other than the retail amenity horticultural industry.

Example of a business carried on in a retail amenity horticultural industry—

retail nursery

51 What is a *drought affected area*

A *drought affected area* is any area of a local government that the Minister decides is severely affected by drought.

52 Objective of scheme

The objective of the scheme is to assist primary producers who are carrying on primary production enterprises in drought affected areas.

53 Nature of assistance

The nature of the assistance that may be given under the scheme is loans at concessional rates of interest.

54 Maximum loan amounts

The maximum amount of a loan, or total outstanding loan balance, under the scheme is \$100000.

55 Eligibility criteria

For an applicant to be eligible to receive assistance under the scheme—

- (a) the applicant must—
 - (i) own or occupy land, and carry on a primary production enterprise on the land, in a drought affected area; and
 - (ii) demonstrate that the current net value of the land is not greater than \$2m; and
 - (iii) demonstrate that the applicant occupies the land and spends the majority of the applicant's labour on the primary production enterprise—
 - (A) as a leaseholder, owner or sharefarmer; or
 - (B) as a member or employee of a company, trust or partnership; and

- (iv) ordinarily obtain the applicant's major source of income from the enterprise; and
- (b) the authority must be satisfied that—
 - (i) the applicant's enterprise has sound prospects for commercial viability, and the applicant has the ability to service the loan, in the long term; and
 - (ii) the amount of the applicant's non-enterprise or liquid assets, other than insurance bonds and superannuation, is not more than the limit for the Assets test for homeowners—Partnered (combined) for the Newstart Allowance; and

Editor's note

At the commencement of section 55, the limit for the Assets test for homeowners—Partnered (combined) for the Newstart Allowance was stated on Centrelink's website at <www.centrelink.gov.au>.

- (iii) the applicant has taken reasonable precautions to minimise the effects of drought; and
 - (iv) the drought has impacted adversely on the applicant's primary production enterprise, causing a financial need for the assistance.

56 Maximum term of loan

The maximum term of a loan is 7 years.

57 Terms of repayment

- (1) Repayment of principal and interest on a loan will be initially calculated using a period of up to 7 years.
- (2) An interest only period of not more than 2 years may be available.
- (3) A loan will have an initial interest rate that is fixed under section 58.

58 Interest rate

- (1) The initial interest rate under the scheme for a loan to an applicant will be worked out when the loan is approved by the authority.
- (2) The initial interest rate for the loan—
 - (a) depends on whether the interest rate is fixed for 1, 3 or 5 years, as decided by the authority; and
 - (b) is worked out by the authority based on the base lending rate for the relevant period.
- (3) A 3 year or 5 year fixed interest rate is available only when the loan is first drawn down.
- (4) If the initial interest rate for a loan is fixed for 3 or 5 years under subsection (3), at the end of the relevant period, and on each subsequent anniversary, the interest rate reverts to the base lending rate that is the 1 year lending rate applying at the time.
- (5) However, the authority may, during the term of the loan, increase the interest rate from the interest rate mentioned in subsection (4) to a commercial rate.
- (6) The authority may decide the extent to which the interest rate for the loan will increase under subsection (5)—
 - (a) in an annual review of the loan; and
 - (b) based on the improved financial capacity of the applicant.
- (7) In this section—

base lending rate, means the rate decided by the authority for each 6 month period in each year that is the 1, 3 or 5 year lending rate, as appropriate, of the Queensland Treasury Corporation, plus 1%.

59 Security

- (1) If an applicant is granted a loan under the scheme, the applicant must give security for the loan.
- (2) The security required is—

- (a) a mortgage of land or other assets, commensurate with the amount of the loan; or
- (b) any other security the authority considers necessary, including, for example, a crop lien or stock mortgage.

60 Applications

- (1) An application for assistance under the scheme must be—
 - (a) made on the application form approved by the authority; and
 - (b) accompanied by the documents stated on the application form; and
 - (c) lodged with the authority.
- (2) Applications must be made before the later of the following days—
 - (a) 30 June 2006;
 - (b) another day decided by the Minister.

61 Deciding applications

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

Part 5 Drought Recovery Scheme

62 Definitions for pt 5

In this part—

crop materials see section 65(a).

drought affected area see section 63.

primary production enterprise means a business carried on in a primary production industry, including the agricultural,

apicultural, aquacultural, grazing and horticultural industries, other than the retail amenity horticultural industry.

Example of a business carried on in a retail amenity horticultural industry—

retail nursery

63 What is a *drought affected area*

A *drought affected area* is any area of a local government that the Minister decides is severely affected by drought.

64 Objective of scheme

The objective of the scheme is to assist primary producers who are carrying on primary production enterprises in drought affected areas to recover from the impact of the drought.

65 Purpose of assistance

The purpose of assistance under the scheme is to enable applicants—

- (a) to plant or invigorate crops by assisting them to buy chemicals, fertilizer, fuel, seed or seedlings (*crop materials*); and
- (b) to restock by assisting them to buy stock.

66 Nature of assistance

The nature of the assistance that may be given under the scheme is loans at concessional rates of interest.

67 Maximum loan amounts

- (1) The maximum amount of a loan, or total outstanding loan balance, under the scheme is \$200000.
- (2) If a loan is to assist with planting or invigorating crops—
 - (a) the maximum loan amount to buy crop materials is \$60000; and

- (b) the loan will be limited to the cost of planting or invigorating a crop for an area that is the average of the areas planted for the previous 3 crops.
- (3) If the loan is for restocking, the maximum amount of a loan is—
 - (a) for buying breeding stock—\$200000; or
 - (b) for buying stock other than breeding stock—\$100000.

68 Eligibility criteria

For an applicant to be eligible to receive assistance under the scheme—

- (a) the applicant must—
 - (i) own or occupy land, and carry on a primary production enterprise on the land, in a drought affected area; and
 - (ii) demonstrate that the current net value of the land is not greater than \$2m; and
 - (iii) demonstrate that the applicant occupies the land and spends the majority of the applicant's labour on the primary production enterprise—
 - (A) as a leaseholder, owner or sharefarmer; or
 - (B) as a member or employee of a company, trust or partnership; and
 - (iv) ordinarily obtain the applicant's major source of income from the enterprise; and
- (b) the authority must be satisfied that—
 - (i) the applicant's enterprise has sound prospects for commercial viability, and the applicant has the ability to service the loan, in the long term; and
 - (ii) the applicant has exhausted all liquid assets and lines of credit the authority considers suitable; and
 - (iii) there is a financial need for the assistance.

69 Maximum term of loan

The maximum term of a loan is—

- (a) for buying crop materials—5 years; or
- (b) for buying stock—7 years.

70 Terms of repayment

- (1) Repayment of principal and interest on a loan to a primary producer will be initially worked out—
 - (a) for buying crop materials—using a period of up to 5 years; or
 - (b) for buying stock—using a period of up to 7 years.
- (2) However, repayment of principal and interest on the loan will be tailored to the primary producer's individual requirements based on the producer's income patterns.
- (3) If a loan is to buy crop materials for planting or invigorating a crop, repayment of the loan must be made from proceeds of the sale of the crop and, if the authority decides, from proceeds of the sale of any subsequent crop.
- (4) A loan will have an initial interest rate that is fixed under section 71.

71 Interest rate

- (1) The initial interest rate under the scheme for a loan to an applicant will be worked out when the loan is approved by the authority.
- (2) The initial interest rate for the loan—
 - (a) depends on whether the interest rate is fixed for 1, 3 or 5 years, as decided by the authority; and
 - (b) is worked out by the authority based on the base lending rate for the relevant period.
- (3) A 3 year or 5 year fixed interest rate is available only when the loan is first drawn down.

- (4) If the initial interest rate for a loan is fixed for 3 or 5 years under subsection (3), at the end of the relevant period, and on each subsequent anniversary, the interest rate reverts to the base lending rate that is the 1 year lending rate applying at the time.
- (5) However, the authority may, during the term of the loan, increase the interest rate from the interest rate mentioned in subsection (4) to a commercial rate.
- (6) The authority may decide the extent to which the interest rate for the loan will increase under subsection (5)—
 - (a) in an annual review of the loan; and
 - (b) based on the improved financial capacity of the applicant.
- (7) In this section—

base lending rate, means the rate decided by the authority for each 6 month period in each year that is the 1, 3 or 5 year lending rate, as appropriate, of the Queensland Treasury Corporation, plus 1%.

72 Security

- (1) If an applicant is granted a loan under the scheme, the applicant must give security for the loan.
- (2) The security required is—
 - (a) a mortgage of land or other assets, commensurate with the amount of the loan; or
 - (b) any other security the authority considers necessary, including, for example, a crop lien or stock mortgage.

73 Applications

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

- (b) accompanied by the documents stated on the application form; and
 - (c) lodged with the authority.
- (2) Applications must be made before the later of the following days—
 - (a) 30 June 2006;
 - (b) another day decided by the Minister.

74 Deciding applications

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

75 Payment

- (1) This section applies to the authority making payments to—
 - (a) a primary producer who is receiving assistance under the scheme; or
 - (b) a person from whom the producer has bought crop materials or stock.
- (2) Payment may be made only if the primary producer gives the authority an invoice or receipt as evidence for the amounts to be paid.

Part 6 Citrus Reimbursement and Re-establishment Scheme

76 Definitions for pt 6

In this part—

canker see the *Plant Protection Regulation 2002*, section 131E.

citrus plant means—

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- (a) a plant of any of the following species—
 - (i) *Citrus aurantifolia*, *Citrus grandis*, *Citrus limon*, *Citrus medica*, *Citrus paradisi*, *Citrus reticulata* or *Citrus sinensis*;
 - (ii) *Fortunella margarita* or *Fortunella japonica*; or
- (b) a plant that is a hybrid between any of the species mentioned in paragraph (a)(i).

permitted local government area means the local government area of the Central Highlands Regional Council.

pest quarantine area means the pest quarantine area for canker declared under the *Plant Protection Regulation 2002*, section 137.

relevant property means a following property—

- (a) lots 8 and 9 on RP881529 (commonly known as the Cordoma property);
- (b) lot 28 on DSN905 (commonly known as the Citricorp property);
- (c) lot 3 on RP841443 (commonly known as the 2PH Capricorn property);
- (d) lot 37 on SP161099 (commonly known as the 2PH Guntrees property).

Editor's note

A copy of a plan mentioned in paragraph (a), (b), (c) or (d) is held by the department at its office at level 3, Primary Industries Building, 80 Ann Street, Brisbane and its Emerald office at Emerald Government Offices, 99 Hospital Road, Emerald.

77 Purpose of assistance

The purpose of assistance under the scheme is to assist each owner of a relevant property who maintained citrus plants on the property until 3 June 2005.

78 Nature of assistance

- (1) The nature of the assistance that may be given to the owner of a relevant property is—
 - (a) reimbursement of an amount for the owner's costs of nurturing the citrus plants growing on the property at 3 June 2005 (the ***June 2005 orchard***); and
 - (b) payment of an amount to assist the owner re-establish a citrus orchard on a property owned by the owner in a permitted local government area when the replanting is allowed under the *Plant Protection Regulation 2002* in the pest quarantine area.
- (2) The amount that may be reimbursed under subsection (1)(a) is \$80 for each citrus plant comprising the June 2005 orchard.
- (3) The amount that may be paid under subsection (1)(b) is—
 - (a) not more than \$20 for each citrus plant, up to the number of citrus plants comprising the June 2005 orchard, to be replanted by the owner; and
 - (b) worked out on a pro rata basis according to the number of citrus plants for which properly made applications are received.
- (4) In this section—

properly made application means an application complying with section 81.

79 Eligibility criteria

- (1) For a person to be eligible to receive assistance mentioned in section 78(1)(a)—
 - (a) the citrus plants for which the reimbursement is sought must have been felled and stacked; and
 - (b) the person must provide verification, acceptable to the authority—
 - (i) that the person was the owner of a relevant property at 3 June 2005; and

- (ii) of the number of citrus plants growing on the property at that date.
- (2) For a person to be eligible to receive assistance mentioned in section 78(1)(b), the person must—
 - (a) be eligible for, or have received, assistance mentioned in section 78(1)(a); and
 - (b) provide verification, acceptable to the authority—
 - (i) of the person's purchase of citrus plant stock for which the assistance is sought; and
 - (ii) that either—
 - (A) the citrus plant stock are to be planted on the person's property in a permitted local government area when the replanting is allowed under the *Plant Protection Regulation 2002* in the pest quarantine area; or
 - (B) the citrus plant stock were planted on the person's property in a permitted local government area after the replanting was allowed under that regulation in the pest quarantine area.

80 Terms and conditions

- (1) The terms and conditions of the assistance are the terms and conditions decided by the authority.
- (2) The owner of a relevant property must enter into a contract with the authority for the assistance.

81 Applications

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

- (c) lodged with the authority.
- (2) Applications for assistance mentioned in section 78(1)(a) must be made within 1 year after this section commences.
- (3) Applications for assistance mentioned in section 78(1)(b) must be made not later than 1 year after the replanting mentioned in the paragraph is allowed.

Part 7 **Small Business Emergency Assistance Scheme**

82 **Definitions for pt 7**

In this part—

Commonwealth Act means the *Rural Adjustment Act 1992* (Cwlth).

EC declaration means a declaration under the Commonwealth Act of an area as an area undergoing exceptional circumstances.

Editor's note

At the commencement of section 82, information about the declaration and declared area was available on the Australian Government Department of Agriculture, Fisheries and Forestry website at <www.daff.gov.au>.

83 **Objective of scheme**

- (1) The objective of the scheme is to assist owners of locally owned small businesses to meet operating and other essential costs if the business enterprise is—
 - (a) located in, adjacent to or dependent on, an EC area; or
 - (b) affected by another significant event decided by the Minister.
- (2) In this section—

EC area means an area declared under an EC declaration.

small business means a business employing not more than 100 employees.

84 Nature of assistance

The nature of the assistance that may be given under the scheme is an interest subsidy for new or existing commercial loans.

85 Maximum subsidy amount

- (1) Subject to subsection (5), the maximum interest subsidy that may be given for a loan is \$10000 a year for each EC period.
- (2) The interest subsidy will be not more than 50% of the interest payable on new or existing loans for the period of the assistance, if the lender's rate is competitive for the loan being subsidised.
- (3) Payment of the interest subsidy will be made in advance to the commercial lender for not more than 1 year and then be subject to a second year review.
- (4) If under the EC declaration, assistance may be given for more than 2 EC periods, an interest subsidy may be applied for and given for each additional EC period.
- (5) Any subsidies already given under the small business drought assistance scheme must be deducted from the amount mentioned in subsection (1).
- (6) In this section—

EC period means a period, that is 1 year or less, for which an EC declaration applies and for which assistance may be given under the scheme.

small business drought assistance scheme means the scheme set out in part 18.

86 Eligibility criteria

For an applicant to be eligible to receive assistance—

- (a) the applicant must—
 - (i) own (whether as sole owner, in partnership or as a private company) and operate a small business; and
 - (ii) demonstrate that the applicant has owned and operated the business for at least 2 years; and
 - (iii) ordinarily obtain the applicant's major source of income from the business enterprise; and
 - (iv) demonstrate a need for the assistance; and
 - (v) provide evidence that the need for the assistance is related to the effect of the exceptional circumstances or other significant event decided under section 83(1)(b); and
- (b) the authority must be satisfied that the business enterprise has sound prospects of commercial viability given normal conditions.

87 Applications

- (1) An application for assistance must be—
 - (a) made on the application form approved by the authority; and
 - (b) accompanied by the documents stated on the application form; and
 - (c) lodged with the authority.
- (2) If drought is the main cause of the need for assistance—
 - (a) the application must be made not later than 6 months after the EC declaration is revoked under the Commonwealth Act; and
 - (b) if the application is made within 6 months after the revocation, assistance may be given for up to 1 year.

88 Deciding applications

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

Part 8 **Exceptional Circumstances Scheme**

89 **Definitions for pt 8**

In this part—

carry-on finance means an amount used for the day to day operating expenses of a primary producer's business, other than for acquisition of capital for the business.

Commonwealth Act means the *Rural Adjustment Act 1992* (Cwlth).

EC area means an area declared under an EC declaration.

Editor's note—

At the commencement of section 89, information about the declaration and declared area was available on the Australian Government Department of Agriculture, Fisheries and Forestry website at <www.daff.gov.au>.

EC declaration means a declaration under the Commonwealth Act of an area as an area undergoing exceptional circumstances.

EC period means a period, that is 1 year or less, for which an EC declaration applies and for which assistance may be given under a rural adjustment scheme.

exceptional circumstances means circumstances that have detrimentally affected a primary producer's income, leading to financial difficulty.

Newstart Allowance means the Newstart Allowance administered by Centrelink.

Editor's note—

At the commencement of section 89, information about the allowance was stated on Centrelink's website at <www.centrelink.gov.au>.

primary production enterprise means a business carried on in a primary production industry, including the agricultural, apicultural, aquacultural, grazing and horticultural industries, other than the retail amenity horticultural industry.

Example of a business carried on in a retail amenity horticultural industry—

retail nursery

rural adjustment scheme means a Rural Adjustment Scheme within the meaning of the Commonwealth Act.

90 Objectives of scheme

(1) The objectives of the scheme are—

- (a) to assist affected primary producers if, had exceptional circumstances not happened, the primary production enterprises carried on by the producers would have long-term prospects of profitability and sustainability; and
- (b) to assist affected primary producers to recover from the effects of exceptional circumstances.

(2) In this section—

affected primary producer means a primary producer who is carrying on a primary production enterprise in an EC area.

91 Purpose of assistance

The purpose of assistance under this scheme is to facilitate 1 or more of the following strategies—

- (a) improvements in productivity, including for recovery purposes;
- (b) the provision of carry-on finance;
- (c) debt restructuring.

92 Nature of assistance

The nature of the assistance that may be given is an interest subsidy for new or existing loans for primary production enterprises.

93 Level of assistance

- (1) The level of assistance to be given to a primary producer must be decided by the extent of assistance needed for the strategies mentioned in section 91.
- (2) The interest subsidy given to a primary producer in the first EC period must be not more than 50% of the eligible interest.
- (3) The interest subsidy given to a primary producer in the second or a subsequent EC period must be not more than 80% of the eligible interest.
- (5) The level of assistance to be given to a primary producer must be decided from—
 - (a) the budgets from the producer's enterprise that allow for financial demands on the enterprise appropriate to the exceptional circumstances; and
 - (b) an assessment of the living expenses for the household at the relevant Newstart Allowance rate.
- (6) In deciding the amount of subsidy to be given to a primary producer, the authority must take into account the level of assistance the producer has already received under a rural adjustment scheme.
- (7) The amount of interest subsidy payable to a primary producer must not result in the producer receiving, under a rural adjustment scheme, more than—
 - (a) \$100000 in any 1 year period; or
 - (b) a cumulative total of \$500000 in the previous 5 year period.
- (8) If a primary producer has purchased additional farming property during the exceptional circumstances, the authority, in deciding the level of loans to be supported for an initial interest subsidy, must deduct the full cost of the purchase from the balance of the existing loans unless the purchase was made more than 1 year before the producer lodged an application for assistance.

- (9) Any loans or associated costs already subsidised under any other Commonwealth scheme must not be considered for support.
- (10) In this section—
eligible interest means the interest payable on, and associated costs of, the loans for which an interest subsidy is sought.

94 Period of assistance

- (1) The period for which an interest subsidy is given is to be decided in each case by the authority.
- (2) The period will be not more than 1 year for each application.

95 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance, the applicant must satisfy the criteria stated in subsection (2) and the authority must be satisfied of the matters stated in subsection (3).
- (2) The applicant must—
 - (a) be a primary producer to whom an EC declaration applies; and
 - (b) own or occupy land, and carry on a primary production enterprise on the land, in the EC area or the buffer zone declared under the EC declaration; and
 - (c) demonstrate that, under normal circumstances, the applicant occupies the land and—
 - (i) spends at least 75% of the applicant's labour on the enterprise; and
 - (ii) obtains at least 50% of the applicant's income from the enterprise; and
 - (d) demonstrate that the applicant has been a primary producer for at least 2 years; and
 - (e) demonstrate that the enterprise is in financial difficulty because of the exceptional circumstances; and

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- (f) for the applicant to be eligible to receive a cumulative total of \$300000 or more—demonstrate that the enterprise is viable by having a business assessment of the enterprise carried out by a suitably qualified assessor who—
 - (i) does not have a financial interest in the enterprise; and
 - (ii) has not had professional dealings with the enterprise in the 5 years immediately before the assessment is carried out.
- (3) The authority must be satisfied that—
 - (a) the primary production enterprise is in financial difficulty because of the exceptional circumstances; and
 - (b) the assistance is necessary to achieve 1 or more of the strategies mentioned in section 91; and
 - (c) without the assistance, the enterprise would not have the capacity to achieve or maintain commercial viability; and
 - (d) the applicant has—
 - (i) on commercial terms, disposed of—
 - (A) all non-essential farm assets; and
 - (B) off-farm assets, so that the net value of off-farm assets is not more than double the Newstart Allowance assets test for homeowners (partnered); and

Note—

For the application of this provision to applications made after 24 September 2007 and before 30 June 2010, see section 98A.

- (ii) applied the proceeds to the enterprise (unless this would result in extreme hardship to the applicant); and

Note—

Investments in bona fide insurance and superannuation funds are exempt from the off-farm assets test mentioned in subparagraph (i)(B).

- (e) each loan for which the interest subsidy is sought is given—
 - (i) on commercial terms at arm's length; and
 - (ii) at an interest rate that is competitive with the rate generally applicable to loans of the same type; and
 - (f) for the applicant to be eligible to receive a cumulative total of \$300000 or more—the enterprise is viable.
- (4) In deciding whether the primary production enterprise is in financial difficulty, the authority—
- (a) must consider each of the following—
 - (i) the total amount of interest payable each year;
 - (ii) the estimated surplus over the medium term;
 - (iii) the applicant's equity in the enterprise in relation to the amount of current and future indebtedness, together with both farm and off-farm assets and income; and
 - (b) must disregard the applicant's ability to purchase additional farming property during the exceptional circumstances.
- (5) In assessing the likelihood of the primary production enterprise being profitable in the long term, the authority must take account of each of the following—
- (a) the expected future capacity of the enterprise to operate profitably (without assistance under the rural adjustment scheme) as measured by its ability to meet, from estimated surpluses, its future financial commitments for each of the following—
 - (i) its operating costs;
 - (ii) living costs of the farm family;
 - (iii) servicing of the enterprise debts;

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- (iv) future capital requirements for plant and improvements;
 - (v) investment requirements to return the enterprise to profitability;
 - (b) the long-term economic trends impacting on the enterprise;
 - (c) the applicant's demonstrated technical, financial and business management performance;
 - (d) the provision of financial support for the enterprise by lenders during and after the exceptional circumstances.
- (5A) In assessing whether the enterprise is viable, the authority must consider the results and the circumstances of the business assessment carried out by the suitably qualified assessor.
- (6) A primary producer not receiving assistance in a particular EC period may be eligible for assistance in a subsequent EC period.
- (7) In this section—
- suitably qualified assessor***, to carry out a business assessment of an applicant's enterprise—
- (a) generally, means a person who—
 - (i) has financial qualifications that enable the person to carry out the business assessment; 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.

96 Applications

- (1) An application for assistance must be—
 - (a) made on the application form approved by the authority; and
 - (b) accompanied by the documents stated on the application form; and
 - (c) lodged with the authority.
- (2) Applications must be made not later than 28 days after the EC period for which the assistance is sought ends.
- (3) A primary producer can not apply for a further interest subsidy until 9 months after the day the producer last makes a successful interest subsidy application.
- (4) If a primary producer has received an interest rate subsidy (the *first subsidy*) in an EC period, the primary producer may make a further application for assistance in the EC period only if—
 - (a) the application relates to debt incurred in relation to carry-on finance provided to the primary producer after the primary producer received the first subsidy; and
 - (b) the application is made on a pro rata basis taking into account the amount of interest subsidy already paid to the primary producer in the EC period and the proportion of the EC period remaining.
- (5) Subsection (3) does not apply to an application mentioned in subsection (4).

97 Deciding applications

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

98 Terms and conditions

- (1) The giving of assistance in a particular EC period does not guarantee assistance in a subsequent EC period.
- (2) Payment of an interest subsidy for a loan will be made—
 - (a) to the lender on behalf of the primary producer receiving the assistance; or
 - (b) direct to the primary producer, after the authority has secured agreement from the producer as to the use of the assistance.
- (3) Any subsidies already given by the Commonwealth, or under a state assistance scheme, on loans or associated costs must be deducted from the amounts mentioned in section 93(7).

98A Applications made after 24 September 2007 and before 30 June 2010

- (1) This section applies to an application made by a primary producer in an EC area after 24 September 2007 and before 30 June 2010.
- (2) This part, other than section 96(2), applies to the application as if the reference in section 95(3)(d)(i)(B) to double the Newstart Allowance assets test for homeowners (partnered) were a reference to \$750000.
- (3) The application must not be made after the EC period for which the assistance is sought ends.

Note—

This section may result in applications made in the same EC period being treated differently depending upon when the application is made.

Part 9 Natural Disaster Relief—TC Larry - TC Monica (Primary Producers) Scheme

99 Definitions for pt 9

In this part—

applicant means a person applying for assistance under the scheme.

appropriate Minister means the Minister responsible for administering the *Disaster Management Act 2003*.

closing day, for applications, means 31 December 2007.

loan and grant package means assistance consisting of a loan and a grant out of the amount of the loan.

natural disaster relief arrangements means the funding arrangements agreed between the Commonwealth and the State for providing financial assistance to communities affected by natural disasters.

Editor's note—

At the commencement of this definition, the funding arrangements were described in the document called 'Natural Disaster Financial Assistance Arrangements within Queensland 2005/2006', published by the Department of Emergency Services and available on that department's website at <www.disaster.qld.gov.au>.

prescribed disaster area means an area that the appropriate Minister has defined for the purpose of activating the natural disaster relief arrangements for the communities affected by TC Larry, TC Monica and flooding.

Editor's note—

At the commencement of this definition, the prescribed disaster areas, by reference to the areas of stated local governments, were published on the authority's website at <www.qraa.qld.gov.au>.

relevant cyclone event means—

- (a) TC Larry; or
- (b) TC Monica; or

- (c) a combination of TC Larry and TC Monica.

scheme means the scheme set out under this part.

TC Larry means the cyclone known as Tropical Cyclone Larry that affected certain communities in north Queensland in March 2006.

TC Monica means the cyclone known as Tropical Cyclone Monica that affected certain communities in north Queensland in April 2006.

100 Purpose of assistance

- (1) The purpose of assistance under the scheme is to assist in meeting the needs of primary producers affected by a relevant cyclone event to recover from the impact of the event.
- (2) However, assistance under the scheme is not intended to compensate primary producers for losses suffered because of a relevant cyclone event.

101 Nature of assistance

The nature of the assistance that may be given under the scheme is the provision of a loan and grant package for any of the following—

- (a) restocking;
- (b) meeting requirements for carrying on production, including—
 - (i) re-planting, restoring or re-establishing areas affected by a relevant cyclone event; or
 - (ii) sustenance; or
 - (iii) essential property operations; or
 - (iv) paying rent or rates, or costs of repair or replacement of farm buildings.

102 Maximum amount of assistance

- (1) The maximum amount of a loan and grant package that may be given to an applicant under the scheme is—
 - (a) \$200000; or
 - (b) if the authority considers the applicant's property has sustained extreme damage—\$500000.
- (2) The amount of a grant under a loan and grant package is the lesser of—
 - (a) 25% of the total amount of the loan and grant package; or
 - (b) \$50000.

103 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance under the scheme—
 - (a) the applicant's property must be in a prescribed disaster area; and
 - (b) the applicant's application for assistance must relate to loss or damage suffered as a result of a relevant cyclone event; and
 - (c) the applicant must be in working occupation of the applicant's property; and
 - (d) the applicant must not own or control liquid assets that are greater in value than an amount the authority considers would be reasonably required for prudent risk management; and
 - (e) the authority must be satisfied that—
 - (i) the applicant took reasonable precautions to minimise loss or damage from the relevant cyclone event; and
 - (ii) the applicant's farming enterprise will be viable with the assistance given; and

- (f) the authority must receive the applicant's application for assistance no later than the closing day.
- (2) A public company, whether acting alone or with another company, is not eligible for assistance under the scheme.

104 Security

- (1) A loan under a loan and grant package given under the scheme must be secured to the satisfaction of the authority.
- (2) The security required by the authority may be, or include—
 - (a) a mortgage of land or other assets, commensurate with the amount of the loan; or
 - (b) a priority serving document, including, for example, a crop lien or stock mortgage.

105 Terms of repayment

- (1) Subject to subsection (6), the maximum term of a loan under a loan and grant package given to an applicant under the scheme is 9 years.
- (2) For the first 2 years of the loan—
 - (a) no repayments of the principal are payable; and
 - (b) no interest on the loan will be charged.
- (3) Repayments of the principal and interest are calculated from the start of the third year of the loan.
- (4) The initial annual interest rate for the loan is 4%.
- (5) From the fourth year of the loan—
 - (a) the authority may review the applicant's financial situation annually to decide whether or not to increase the interest rate; and
 - (b) if the authority considers the applicant's financial situation has improved, the authority may increase the interest rate up to a commercial rate of interest.

- (6) The term of the loan may be increased to not more than 10 years if—
 - (a) the loan has been operative for at least 4 years; and
 - (b) the authority considers the increase in the term of the loan is appropriate in the circumstances.

106 Applications

- (1) An application for assistance under the scheme must be—
 - (a) made on the authority's application form; and
 - (b) accompanied by the documentation stated on the application form.
- (2) An applicant must give the completed application form—
 - (a) to a commercial lender for referral to the authority; or
 - (b) directly to the authority.
- (3) Applications for assistance under the scheme must be received by the authority no later than the closing day.

Part 10 Natural Disaster Relief—TC Larry - TC Monica (Small Business) Scheme

107 Definitions for pt 10

In this part—

applicant means a person applying for assistance under the scheme.

closing day, for applications, means 31 December 2006.

loan and grant package means assistance consisting of a loan and a grant out of the amount of the loan.

relevant cyclone event means—

- (a) TC Larry; or
- (b) TC Monica; or
- (c) a combination of TC Larry and TC Monica.

scheme means the scheme set out under this part.

TC Larry means the cyclone known as Tropical Cyclone Larry that affected certain communities in north Queensland in March 2006.

TC Monica means the cyclone known as Tropical Cyclone Monica that affected certain communities in north Queensland in April 2006.

108 Purpose of assistance

- (1) The purpose of assistance under the scheme is to provide assistance to owners of small businesses—
 - (a) whose buildings, plant and equipment or stock have been significantly damaged by a relevant cyclone event; and
 - (b) who have sound prospects of long-term viability.
- (2) However, assistance under the scheme is not intended to compensate business owners for losses suffered as a result of a relevant cyclone event.

109 Nature of assistance

The nature of the assistance that may be given under the scheme, for a business, is the provision of a loan and grant package for re-establishing the viable operation of the business, including by doing any of the following—

- (a) repairing or replacing buildings or plant and equipment;
- (b) supplying stock for up to 1 month to replace lost stock and maintain liquidity of the business;
- (c) meeting other requirements for carrying on the business.

110 Maximum amount of assistance

- (1) The amount of a loan and grant package that may be given to an applicant under the scheme—
 - (a) must be based on the authority's assessment of the applicant's financial position, including any amount recovered by the applicant under an insurance policy; and
 - (b) must not be more than the amount of the net loss to the applicant's business as a result of a relevant cyclone event.
- (2) Subject to subsection (1), the maximum amount of a loan and grant package that may be given to an applicant under the scheme is—
 - (a) \$200000; or
 - (b) if the authority considers the applicant's business property has sustained extreme damage—\$500000.
- (3) The amount of a grant under a loan and grant package is the lesser of—
 - (a) 25% of the total amount of the loan and grant package; or
 - (b) \$50000.

111 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance under the scheme—
 - (a) the applicant must be a sole owner, partnership or proprietary company; and
 - (b) the authority must be satisfied the liquidity of the applicant's business has been severely affected because of either or both of the following—
 - (i) the cost of essential repairs or replacement of damage to buildings, plant, equipment or stock as a result of a relevant cyclone event;

- (ii) a reduction in the business' cash flow that is otherwise directly related to a relevant cyclone event; and
 - (c) the applicant must not own or control liquid assets that are greater in value than an amount the authority considers would be reasonably required for prudent risk management; and
 - (d) the authority must be satisfied that—
 - (i) the applicant can not repair or replace damaged assets or return to viable operations from the applicant's own resources without assistance under the scheme; and
 - (ii) with assistance under the scheme, the applicant has reasonable prospects of re-establishing the applicant's business on a viable basis; and
 - (e) the authority receives the applicant's application for assistance no later than the closing day.
- (2) A public company, whether acting alone or with another company, is not eligible for assistance under the scheme.

112 Security

A loan under a loan and grant package given under the scheme must be secured to the satisfaction of the authority.

113 Terms of repayment

- (1) Subject to subsection (6), the maximum term of a loan under a loan and grant package given to an applicant under the scheme is 9 years.
- (2) For the first 2 years of the loan—
 - (a) no repayments of the principal are payable; and
 - (b) no interest on the loan will be charged.
- (3) Repayments of the principal and interest are calculated from the start of the third year of the loan.

- (4) The initial annual interest rate for the loan is 4%.
- (5) From the fourth year of the loan—
 - (a) the authority may review the applicant's financial situation annually to decide whether or not to increase the interest rate; and
 - (b) if the authority considers the applicant's financial situation has improved, the authority may increase the interest rate up to a commercial rate of interest.
- (6) The term of the loan may be increased to not more than 10 years if—
 - (a) the loan has been operative for at least 4 years; and
 - (b) the authority considers the increase in the term of the loan is appropriate in the circumstances.

114 Applications

- (1) An application for assistance under the scheme must be—
 - (a) made on the authority's application form; and
 - (b) accompanied by the documentation stated on the application form.
- (2) An applicant must give the completed application form—
 - (a) to a commercial lender for referral to the authority; or
 - (b) directly to the authority.
- (3) Applications for assistance under the scheme must be received by the authority no later than the closing day.

Part 11 Natural Disaster Relief (Primary Producers) Scheme

Division 1 Preliminary

115 Definitions for pt 11

In this part—

applicant means a person applying for financial assistance under the scheme.

application means an application for financial assistance under the scheme.

appropriate Minister means the Minister responsible for administering the *Disaster Management Act 2003*.

carry-on requirements see section 119(b).

defined disaster area, for an eligible natural disaster, means an area that the appropriate Minister has defined for the purpose of activating the natural disaster relief and recovery arrangements for the communities affected by the disaster.

Editor's note—

At the commencement of this definition, defined disaster areas were published on the authority's website at <www.qraa.qld.gov.au>.

development see the *Sustainable Planning Act 2009*, section 7.

eligible natural disaster see section 116.

IDSP certificate, in relation to an applicant's property, means a certificate—

- (a) issued by the chief executive; and
- (b) stating that, in the chief executive's opinion, the applicant has suffered loss or damage from an eligible natural disaster that has significantly affected, or will significantly affect, the farming enterprise on the property.

individual disaster stricken property see section 117.

natural disaster relief and recovery arrangements means the funding arrangements agreed between the Commonwealth and the State for providing financial assistance to communities affected by natural disasters.

Editor's note—

At the commencement of this definition, the funding arrangements were described in the document called 'Natural Disaster Financial Assistance Arrangements within Queensland 2005/2006', published by the Department of Emergency Services and available on that department's website at <www.disaster.qld.gov.au>.

property, of an applicant, means the property in relation to which the applicant has applied for assistance under the scheme.

scheme means the scheme set out in this part.

116 Meaning of *eligible natural disaster*

- (1) An ***eligible natural disaster*** means any of the following events—
- (a) a bushfire;
 - (b) a cyclone;
 - (c) a flood;
 - (d) an earthquake;
 - (e) a storm, including any of, or any combination of, the following—
 - (i) hail;
 - (ii) rain;
 - (iii) wind;
 - (f) a storm surge;
 - (g) a landslide caused by an event mentioned in paragraphs (a) to (f).

- (2) However, an *eligible natural disaster* does not include an event under subsection (1), if the authority considers that development has significantly contributed to the event.

117 Meaning of *individual disaster stricken property*

A property is an *individual disaster stricken property* if—

- (a) the farming enterprise operated on the property has been, or will be, significantly affected by loss or damage from an eligible natural disaster; and
- (b) either—
 - (i) there is no defined disaster area for the disaster; or
 - (ii) there is a defined disaster area for the disaster and the property is not in the area.

118 Purpose of assistance

- (1) The purpose of assistance under the scheme is to assist in meeting the needs of primary producers affected by an eligible natural disaster of substantial magnitude, to recover from the disaster.
- (2) However, assistance under the scheme is not intended to—
 - (a) compensate primary producers for losses suffered; or
 - (b) encourage primary producers in marginal production areas to increase risks in their farming operations.

Division 2 Natural disaster relief assistance

119 Nature of assistance

The nature of the assistance that may be given under the scheme is the provision of loans for—

- (a) restocking; or
- (b) meeting requirements for carrying on production (*carry-on requirements*), including—

- (i) re-planting, restoring or re-establishing areas affected by an eligible natural disaster; or
- (ii) sustenance; or
- (iii) essential property operations; or
- (iv) paying rent or rates, or costs of repair or replacement of farm buildings.

120 Maximum loan amounts

- (1) Subject to subsection (2), the maximum amount of a loan under the scheme for an eligible natural disaster for which the natural disaster relief and recovery arrangements were activated before 13 January 2008 is—
 - (a) \$100000 for restocking; or
 - (b) \$100000 for meeting carry-on requirements.
- (2) The total amount lent to an applicant under the scheme for an eligible natural disaster mentioned in subsection (1) must not be more than \$150000.
- (3) The total amount lent to an applicant under the scheme for any 1 eligible natural disaster for which the natural disaster relief and recovery arrangements were activated on or after 13 January 2008 must not be more than \$250000.

121 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance under the scheme for an eligible natural disaster—
 - (a) either—
 - (i) the applicant's property must be in a defined disaster area for the disaster; or
 - (ii) the authority must be satisfied the property is an individual disaster stricken property as a result of the disaster; and
 - (b) if the applicant's property is not in a defined disaster area for the disaster—

Schedule

- (i) the applicant must give the authority an IDSP certificate for the property; or
 - (ii) the authority must be satisfied that the applicant has made reasonable efforts to obtain an IDSP certificate; and
- (c) the authority must be satisfied that—
 - (i) the applicant is in working occupation of the applicant's property; and
 - (ii) the applicant has taken reasonable precautions to avoid or minimise loss or damage from the disaster; and

Example for subparagraph (ii)—

the applicant has adequate insurance against loss or damage from the disaster

 - (iii) the applicant has used all of the applicant's liquid assets and all normal credit sources up to normal credit limits; and
 - (iv) the applicant's property will be viable with the assistance given; and
 - (v) the applicant has not taken excessive risks in performing the applicant's farming operations.
- (2) For deciding whether or not a property is an individual disaster affected property under subsection (1)(a)(ii), the authority must have regard to—
 - (a) the IDSP certificate, if any, issued for the property; or
 - (b) if the chief executive has refused to issue an IDSP certificate for the property—the reasons for the refusal.

122 Interest rates

- (1) If an applicant's property is in a defined disaster area for the disaster to which the applicant's application relates, the applicant may be given a loan under the scheme at a concessional interest rate decided by the authority.

- (2) Subject to subsection (3), if an applicant's property is an individual disaster stricken property, the applicant may only be given a loan under the scheme at a current commercial lending rate.
- (3) An applicant under subsection (2) may be given a loan at a concessional interest rate if the authority considers—
 - (a) the applicant's financial position is desperate but viable; and
 - (b) the applicant's circumstances are exceptional.

Editor's note—

At the commencement of this section, the concessional interest rate for a loan under the scheme was 4% a year.

123 Security

- (1) If an applicant is granted a loan under the scheme, the applicant must give security for the loan.
- (2) The security required is—
 - (a) a mortgage of land or other assets, commensurate with the amount of the loan; and
 - (b) other security, if any, the authority considers necessary, including, for example, a crop lien or stock mortgage.

124 Terms of repayment

- (1) Subject to subsection (5), the maximum term of a loan under the scheme is 7 years.
- (2) The amount payable under the loan is subject to any changes in the interest rate decided by the authority under subsection (3).
- (3) The authority may—
 - (a) review an applicant's financial situation annually to decide whether or not to increase the interest rate charged for the loan; and

- (b) if the authority considers the applicant's financial situation has improved—increase the interest rate up to a commercial rate of interest.
- (4) The authority may allow deferral of repayments of the principal under the loan for up to 2 years if the principal and interest are repaid over the balance of the term of the loan.
- (5) The term of a loan may be increased to not more than 10 years if—
 - (a) the loan has been operative for at least 4 years; and
 - (b) the authority considers the increase in the term of the loan is appropriate in the circumstances.

125 Review by authority

Assistance given to a primary producer under the scheme is subject to an annual review by the authority.

126 Application

- (1) An application must be—
 - (a) made on the application form approved by the authority; and
 - (b) accompanied by—
 - (i) the documentation stated on the application form; and
 - (ii) if an IDSP certificate has been issued for the property to which the application relates—the IDSP certificate.
- (2) An applicant must give the completed application form to the authority or the applicant's commercial lender for referral to the authority.

126A Provision about particular applications

- (1) This section applies in relation to an application for assistance under the scheme—

- (a) that is for an eligible natural disaster for which the natural disaster relief and recovery arrangements were activated on or after 13 January 2008; and
 - (b) that was made before the commencement; and
 - (c) even if the application has been decided by the authority before the commencement.
- (2) Despite section 120 as in force before the commencement, the total amount lent to the applicant under the scheme in relation to the eligible natural disaster must not be more than \$250000.
- (3) If the application has been decided by the authority before the commencement, the applicant may make a further application for assistance under the scheme in relation to the eligible natural disaster.
- (4) In this section—
commencement means the day this section commences.

Part 12 Natural Disaster Relief (Small Business) Scheme

127 Definitions for pt 12

In this part—

applicant means a person applying for financial assistance under the scheme.

development see the *Sustainable Planning Act 2009*, section 7.

eligible natural disaster see section 128.

natural disaster relief and recovery arrangements means the funding arrangements agreed between the Commonwealth and the State for providing financial assistance to communities affected by natural disasters.

Editor's note—

At the commencement of this definition, the funding arrangements were described in the document called 'Natural Disaster Relief and Recovery Arrangements Community Recovery Package Guidelines 2007' published by the Commonwealth Attorney-General's Department and available on that department's website at <www.ema.gov.au>.

scheme means the scheme set out in this part.

128 Meaning of *eligible natural disaster*

- (1) An ***eligible natural disaster*** means any of the following events—
 - (a) a bushfire;
 - (b) a cyclone;
 - (c) a flood;
 - (d) an earthquake;
 - (e) a storm, including any of, or any combination of, the following—
 - (i) hail;
 - (ii) rain;
 - (iii) wind;
 - (f) a storm surge;
 - (g) a landslide caused by an event mentioned in paragraphs (a) to (f).
- (2) However, an ***eligible natural disaster*** does not include an event under subsection (1), if the authority considers that development has significantly contributed to the event.

129 Purpose of assistance

- (1) The purpose of assistance under the scheme is to provide concessional loans to owners of small businesses—
 - (a) whose buildings, plant and equipment or stock have been significantly damaged by an eligible natural disaster; and

- (b) who are unable to obtain finance on ordinary commercial terms but have sound prospects of long-term viability.
- (2) However, assistance under the scheme is not intended to compensate business owners for losses suffered.

130 Nature of assistance

The nature of the assistance under the scheme for a business is the provision of concessional loans for re-establishing the viable operation of the business, including by doing any of the following—

- (a) repairing or replacing damaged plant and equipment;
- (b) repairing or replacing buildings;
- (c) supplying stock for up to 1 month to replace lost stock and maintain liquidity of the business.

131 Maximum loan amounts

- (1) The amount of loan assistance for an applicant under the scheme—
 - (a) is based on the authority's assessment of the applicant's financial position, including any amount recovered by the applicant under an insurance policy; and
 - (b) must not be more than the amount of the net loss to the applicant's business caused by the eligible natural disaster to which the applicant's application relates.
- (2) Subject to subsection (1)(b), the amount of loan assistance for an applicant under the scheme for an eligible natural disaster for which the natural disaster relief and recovery arrangements were activated before 13 January 2008 must not be more than—
 - (a) \$100000; or
 - (b) if there is more than 1 loan given to the applicant under the scheme—a cumulative total of \$150000.

- (3) Subject to subsection (1)(b), the total amount lent to an applicant under the scheme for any 1 eligible natural disaster for which the natural disaster relief and recovery arrangements were activated on or after 13 January 2008 must not be more than \$250000.

132 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance under the scheme—
- (a) the applicant must be a sole owner, partnership or proprietary company; and
 - (b) the authority must be satisfied that—
 - (i) the applicant has sustained substantial damage to buildings, plant, equipment or stock as a result of an eligible natural disaster; and
 - (ii) the applicant has taken reasonable precautions to avoid or minimise loss or damage from the disaster; and

Example for subparagraph (ii)—

 - the applicant has adequate insurance against loss or damage from the disaster
 - (iii) the applicant is responsible for the cost of essential repairs or replacement of the damaged assets and as a result has had liquidity severely affected; and
 - (iv) the applicant can not repair or replace the damaged assets, or return to viable operations from the applicant's own resources without assistance under the scheme; and
 - (v) the applicant has used all liquid assets and normal credit sources up to normal credit limits; and
 - (vi) with the assistance under the scheme, the applicant has reasonable prospects of re-establishing the applicant's business on a viable basis.
- (2) A public company, whether acting alone or with another company, is not eligible for assistance under the scheme.

133 Security

A loan under the scheme must be secured to the satisfaction of the authority.

134 Terms of repayment

- (1) Subject to subsection (6), the maximum term of a loan to an applicant under the scheme is 7 years.
- (2) When a loan under the scheme is approved by the authority, the authority will work out the initial repayments of principal and interest on the full term of the loan.

Editor's note—

At the commencement of this section, the initial interest rate for a loan under the scheme was 4% a year.

- (3) The amount payable under the loan is subject to any changes in the interest rate decided by the authority under subsection (4).
- (4) The authority may—
 - (a) review an applicant's financial situation annually to decide whether or not to increase the interest rate charged for the loan; and
 - (b) if the authority considers the applicant's financial situation has improved—increase the interest rate up to a commercial rate of interest.
- (5) The authority may allow deferral of repayments of the principal under the loan for up to 2 years, if the principal and interest are repaid over the balance of the approved term of the loan.
- (6) The term of the loan may be increased to not more than 10 years if—
 - (a) the loan has been operative for at least 4 years; and
 - (b) the authority considers the increase in the term of the loan is appropriate in the circumstances.

135 Application

An application for assistance under the scheme must be—

- (a) made on the authority's application form; and
- (b) given to the authority or to the applicant's lender for referral to the authority.

135A Provision about particular applications

- (1) This section applies in relation to an application for assistance under the scheme—
 - (a) that is for an eligible natural disaster for which the natural disaster relief and recovery arrangements were activated on or after 13 January 2008; and
 - (b) that was made before the commencement; and
 - (c) even if the application has been decided by the authority before the commencement.
- (2) Despite section 131 as in force before the commencement, the total amount lent to the applicant under the scheme in relation to the eligible natural disaster must not be more than \$250000.
- (3) If the application has been decided by the authority before the commencement, the applicant may make a further application for assistance under the scheme in relation to the eligible natural disaster.
- (4) In this section—
commencement means the day this section commences.

Part 13 Vegetation Management (Enterprise Assistance) Scheme

Division 1 Preliminary

136 Definitions for pt 13

In this part—

affected area certificate, for an area of land, means a certificate—

- (a) issued by the appropriate chief executive; and
- (b) stating that the area of land is, in the chief executive's opinion, an affected area of land.

affected area of land see section 137.

appropriate chief executive means the chief executive of the department in which the Vegetation Management Act is administered.

broadscale application see the Vegetation Management Act, schedule.

broadscale clearing, for vegetation, means clearing vegetation under a development approval for a broadscale application.

clear see the Vegetation Management Act, schedule.

development approval see the Vegetation Management Act, schedule.

eligible farm entity means a farm entity that is eligible to receive assistance under the scheme.

enterprise management plan see section 138.

exit assistance scheme means the scheme set out in part 14.

farm entity means an individual, a partnership, or a proprietary company, solely or mainly engaged in a farming business.

farming business means a business that involves primary production, including, for example, the agricultural, apicultural, aquacultural, horticultural or pastoral industries.

member, of a person's family, means any of the following—

- (a) the person's spouse or same-sex partner;
- (b) a parent of the person or the person's spouse;
- (c) a grandparent of the person or the person's spouse;
- (d) a brother, sister, nephew or niece of the person or the person's spouse;
- (e) a child, stepchild or grandchild of the person;
- (f) the spouse of anyone mentioned in paragraph (d) or (e).

old vegetation management legislation means the laws of the State applying to the clearing of vegetation as in force before 21 May 2004.

Editor's note—

The relevant provisions of the *Vegetation Management and Other Legislation Amendment Act 2004* commenced on 21 May 2004.

relevant family transfer, of an affected area of land or a relevant interest in an affected area of land, means a transfer of the land or interest to which each of the following applies—

- (a) the transferor held the land or interest immediately before 22 May 2003;
- (b) the transferee was a member of the transferor's family;
- (c) the transfer was not on commercial terms.

relevant interest, in an affected area of land, means—

- (a) a leasehold interest in the land; or
- (b) a right under a share farming agreement in relation to the land.

scheme means the scheme set out in this part.

vegetation see the Vegetation Management Act, schedule.

Vegetation Management Act means the *Vegetation Management Act 1999*.

137 Meaning of *affected area of land*

- (1) An area of land is an *affected area of land* if—
 - (a) the area contains vegetation that could have been cleared under the old vegetation management legislation; and
 - (b) development approval has not been obtained and will not be able to be obtained for a broadscale application for clearing the vegetation.
- (2) A reference to an *affected area of land* includes a reference to a parcel of land in which the affected area of land is situated.

138 Meaning of *enterprise management plan*

An *enterprise management plan* for a farm entity means a plan that—

- (a) shows an area of land, owned by the farm entity or in which the entity has a relevant interest, as an affected area of land; and
- (b) includes the following—
 - (i) a project for improving the productivity, sustainability and viability of the farm entity;
 - (ii) a ‘whole of property’ approach to the future development of the farm entity including a sustainable approach to resource management;
 - (iii) strategies for improved management of the farm entity;
 - (iv) a plan for action.

139 Purpose of assistance

The purpose of assistance under the scheme is to allow an eligible farm entity that owns or has a relevant interest in an affected area of land to adjust its operations if—

- (a) the inability to carry out broadscale clearing of vegetation in the affected area of land is directly responsible for imposing a significant impact on the potential viability of the entity's farming business; and
- (b) with the assistance provided under the scheme, the entity can achieve long-term economic viability and sustainable resource use in operating its farming business.

Division 2 Enterprise assistance

140 Nature of assistance

The nature of the assistance under the scheme is the provision of a grant to an eligible farm entity for undertaking a project to improve productivity, sustainability and viability of the farm entity's farming business, including, for example, by doing any of the following—

- (a) introducing new farming systems or technology;
- (b) developing the farming business for improved productivity, including, for example, by purchasing land;
- (c) performing value adding activities directly related to the activities of the farm entity;
- (d) buying livestock or other inputs to primary production related to the project;
- (e) enhancing the sustainable use of resources associated with developing or consolidating the farming business;
- (f) using debt restructuring or capital restructuring while taking new action to improve the productivity and viability of the farming business;
- (g) restructuring the farm entity, including partnership restructuring and succession planning, leading to improved productivity and long-term viability.

141 Eligibility criteria

- (1) For a farm entity to be eligible to receive assistance under the scheme, the authority must be satisfied that—
 - (a) the farm entity owns, or has a relevant interest in, an area of land that is an affected area of land; and
 - (b) the area of land is shown as an affected area of land in the farm entity's enterprise management plan; and
 - (c) an affected area certificate has been issued for the area of land or the farm entity has made reasonable efforts to obtain an affected area certificate for the area of land; and
 - (d) either—
 - (i) the farm entity acquired, or entered into a contract to acquire or use, the affected area of land or the relevant interest in the affected area of land before 22 May 2003; or
 - (ii) the affected area of land or the relevant interest was transferred to the farm entity on or after 22 May 2003 and the transfer was a relevant family transfer; and
 - (e) the project under the enterprise management plan for which assistance is sought under the scheme (the ***relevant project***) is consistent with the objectives and purpose of the scheme; and
 - (f) having regard to the enterprise management plan, each of the following applies—
 - (i) carrying out broadscale clearing of vegetation in the affected area of land would be necessary to achieve or maintain sustainable long-term viability of the farm entity;
 - (ii) the relevant project will substitute for broadscale clearing in the affected area of land by achieving or maintaining long-term viability of the farm entity;

Schedule

- (iii) the action proposed under the plan is consistent with managing vegetation in a way that achieves the purposes of the Vegetation Management Act;
 - (iv) the farm entity has the capacity to become financially independent of the assistance under the scheme within a reasonable period; and
 - (g) the farm entity can achieve long-term viability with the assistance provided under the scheme, taking into account the viability factors; and
 - (h) the assistance given under the scheme is likely to contribute to, or facilitate, improvements in the viability of the farm entity by—
 - (i) reducing the average costs of operating the farm entity's farming business; or
 - (ii) providing a sustainable increase in the value of the production of the farming business; and
 - (i) the person operating the farm entity's farming business, under normal circumstances—
 - (i) is responsible for contributing the majority of the person's labour to the farming business; and
 - (ii) generates, or has the potential to generate, the majority of the person's income from the farming business.
- (2) For deciding whether or not an area of land is an affected area of land under subsection (1)(a), the authority must have regard to—
 - (a) the affected area certificate, if any, issued for the area of land; or
 - (b) if the appropriate chief executive has refused to issue an affected area certificate for the area of land—the reasons for the refusal.
- (3) A farm entity is not eligible to receive assistance under the scheme if the farm entity is eligible for, or has received, assistance under the exit assistance scheme.

- (4) Also, a farm entity is not eligible to receive assistance under the scheme in relation to an affected area of land if assistance under the scheme has been given to another farm entity that owns or has a relevant interest in the affected area of land.
- (5) In this section—

viability factors, in relation to a farm entity, mean each of the following—

- (a) the previous and expected viability of the farm entity measured by its ability to meet the following financial commitments—
 - (i) operating costs of the farm entity's farming business;
 - (ii) living costs of the person operating the farming business;
 - (iii) investment in sustainable farming systems;
 - (iv) allowance for depreciation of capital and future capital requirements;
 - (v) servicing and repayment of debt of the farm entity;
- (b) the sustainable productive capacity of the farm entity's farming business;
- (c) the long-term economic trends that impact on the farm entity;
- (d) the provision by lenders of financial support for the farm entity;
- (e) the demonstrated technical, financial and business management performance of the person operating the farm entity's farming business.

142 Amount and payment of assistance

- (1) The amount of financial assistance given to a farm entity under the scheme must be decided in each case by the authority.
- (2) The maximum amount of assistance available for a farm entity under the scheme is \$100000.

- (3) The assistance may be paid as a lump sum or by instalments.
- (4) If the assistance is paid by instalments—
 - (a) the first payment may be made when the assistance is approved; and
 - (b) later payments may be made after the authority receives evidence of certain work being completed within certain periods, as agreed between the authority and the farm entity.

143 Terms

- (1) Assistance for a farm entity under the scheme must be used only for a project under the farm entity's enterprise management plan that has been approved by the authority.
- (2) Assistance under the scheme is subject to an annual review by the authority.
- (3) A farm entity receiving assistance under the scheme must sign a Letter of Intent, in a form approved by the authority, stating the conditions of the assistance.
- (4) A farm entity may continue to receive assistance under the scheme only if the farm entity continues to comply with the conditions of the assistance and be viable.
- (5) A project for which assistance is given under the scheme must be completed within 3 years after the authority approves the assistance.
- (6) All payments under the scheme must be made by 23 May 2010.

144 Applications

- (1) An application by a farm entity for assistance under the scheme (an ***assistance application***) must be—
 - (a) made on the authority's application form; and
 - (b) accompanied by—

- (i) the documents mentioned in the application form; and
 - (ii) the farm entity's enterprise management plan; and
 - (iii) the affected area certificate for the area of land shown in the enterprise management plan, if an affected area certificate has been issued.
- (2) The farm entity must give the completed application form to the authority or the farm entity's commercial lender for referral to the authority.
- (3) Subsection (4) applies if—
 - (a) a broadscale application has been made for clearing vegetation in the affected area of land to which the assistance application relates; and
 - (b) the broadscale application has not been decided.
- (4) The farm entity must inform the authority of the broadscale application and the authority must not assess the assistance application until the broadscale application has been decided.
- (5) All applications for assistance under the scheme must be received by the authority on or before 21 February 2007.

Part 14 Vegetation Management (Exit Assistance) Scheme

Division 1 Preliminary

145 Definitions for pt 14

In this part—

affected area of land see section 146.

broadscale application see the Vegetation Management Act, schedule.

broadscale clearing, for vegetation, means clearing vegetation under a development approval for a broadscale application.

clear see the Vegetation Management Act, schedule.

development approval see the Vegetation Management Act, schedule.

eligible farm entity means a farm entity that is eligible to receive assistance under the scheme.

enterprise assistance scheme means the scheme set out in part 13.

farm entity means an individual, a partnership, or a proprietary company, solely or mainly engaged in a farming business.

farming business means a business that involves primary production, including, for example, the agricultural, apicultural, aquacultural, horticultural or pastoral industries.

member, of a person's family, means any of the following—

- (a) the person's spouse;
- (b) a parent of the person or the person's spouse;
- (c) a grandparent of the person or the person's spouse;
- (d) a brother, sister, nephew or niece of the person or the person's spouse;
- (e) a child, stepchild or grandchild of the person;
- (f) the spouse of anyone mentioned in paragraph (d) or (e).

old vegetation management legislation means the laws of the State applying to the clearing of vegetation as in force before 21 May 2004.

Editor's note—

The relevant provisions of the *Vegetation Management and Other Legislation Amendment Act 2004* commenced on 21 May 2004.

prescribed buyer means—

- (a) the State; or

(b) the trustee of the Queensland Trust for Nature.

relevant family transfer, of an affected area of land, means a transfer of the land to which each of the following applies—

- (a) the transferor held the land immediately before 22 May 2003;
- (b) the transferee was a member of the transferor's family;
- (c) the transfer was not on commercial terms.

scheme means the scheme set out in this part.

vegetation see the Vegetation Management Act, schedule.

Vegetation Management Act means the *Vegetation Management Act 1999*.

146 Meaning of *affected area of land*

- (1) An area of land is an ***affected area of land*** if—
 - (a) the area contains vegetation that could have been cleared under the old vegetation management legislation; and
 - (b) development approval has not been obtained and will not be able to be obtained for a broadscale application for clearing the vegetation.
- (2) A reference to an ***affected area of land*** includes a reference to a parcel of land in which the affected area of land is situated.

147 Purpose of assistance

The purpose of assistance under the scheme is to help an eligible farm entity that owns an affected area of land if—

- (a) the entity is without prospects of sustainable long-term viability because of the inability to carry out broadscale clearing of vegetation in the affected area of land; and
- (b) the entity has decided to adjust out of primary production or relocate the entity's farming business.

Division 2 Exit assistance

148 Nature of assistance

The nature of assistance that may be given under the scheme is a single payment to the owner of an affected area of land for the transfer of the title to the land to a prescribed buyer.

149 Eligibility criteria

- (1) For a farm entity to be eligible to receive assistance under the scheme, the authority must be satisfied that—
 - (a) the farm entity owns an affected area of land; and
 - (b) either—
 - (i) the farm entity acquired, or entered into a contract to acquire, the affected area of land, before 22 May 2003; or
 - (ii) the affected area of land was transferred to the farm entity on or after 22 May 2003 and the transfer was a relevant family transfer; and
 - (c) as a direct result of the inability to carry out broadscale clearing of vegetation in the affected area of land, the farm entity can not achieve, or does not have the potential to achieve, sustainable long-term viability, taking into account the viability factors; and
 - (d) broadscale clearing of vegetation in the affected area of land would have been necessary to achieve or maintain sustainable long-term viability for the farm entity, taking into account the viability factors; and
 - (e) the farm entity and all secured creditors are prepared to enter into an agreement to transfer the title to the affected area of land to a prescribed buyer; and
 - (f) the farm entity is able to transfer the title to the affected area of land to the prescribed buyer and agrees to take no further interest in the land after the transfer; and

- (g) the person operating the farm entity's farming business, under normal circumstances—
 - (i) is responsible for contributing the majority of the person's labour to the farming business; and
 - (ii) generates, or has the potential to generate, the majority of the person's income from the farming business.
- (2) A farm entity is not eligible to receive assistance under the scheme, if the farm entity is eligible for, or has received, assistance under the enterprise assistance scheme.
- (3) Also, a farm entity is not eligible to receive assistance under the scheme if—
 - (a) the farm entity has entered into a contract for the sale of the affected area of land and the contract has not been validly terminated; or
 - (b) a mortgagee has taken possession of the affected area of land; or
 - (c) the farm entity has become insolvent or bankrupt; or
 - (d) the farm entity has been evicted from the affected area of land or other property of the farm entity.
- (4) In this section—

viability factors, in relation to a farm entity, mean the following—

 - (a) the previous capacity of the farm entity to meet the following financial commitments—
 - (i) operating costs of the farm entity's farming business;
 - (ii) living costs of the person operating the farming business;
 - (iii) servicing of the debts of the farm entity;
 - (iv) future capital requirements for plant and improvements;
 - (v) investment in sustainable farming systems;

- (b) the potential viability of the farm entity, taking into account the following factors—
 - (i) the scale and nature of the operations of the farm entity's farming business;
 - (ii) development plans having regard to the productive capacity of the land held by the farm entity and the farm entity's capacity to finance implementation of the plans;
 - (iii) the capital contribution of the person operating the farming business that is required to acquire and develop the business;
 - (iv) the long-term economic trends that impact on the farm entity;
 - (v) the provision of financial support for the farm entity by lenders;
 - (vi) the demonstrated technical, financial and business management performance of the person operating the farming business.

150 Amount of assistance

- (1) The authority must decide the amount of financial assistance given to a farm entity under the scheme.
- (2) However, the amount of the assistance is subject to an appropriate valuer performing an independent valuation of the affected area of land to which the farm entity's application for assistance relates.
- (3) For subsection (2), the valuation must be based on the value of the affected area of land at the date of the valuation, as if the old vegetation management legislation still applied.
- (4) In this section—
appropriate valuer means a valuer chosen by the authority from a panel of registered valuers.

151 Terms

- (1) If the authority approves assistance for a farm entity and the entity wishes to sell the affected area of land under the scheme, the entity must sign a contract for the sale of the affected area of land to a prescribed buyer within the relevant period.
- (2) If the farm entity does not sign a contract under subsection (1) within the relevant period, the entity is taken to have withdrawn the entity's application for assistance.
- (3) Payment under the scheme must be made in accordance with contractual arrangements between the farm entity and the prescribed buyer.
- (4) In this section—
relevant period means—
 - (a) 3 months after the State gives a written offer to the farm entity for the purchase of the affected area of land by a prescribed buyer; or
 - (b) if the farm entity and the State have, within the 3 months, agreed to a longer period—the longer period.

152 Applications

- (1) An application by a farm entity for assistance under the scheme (an *assistance application*) must be—
 - (a) made on the authority's application form; and
 - (b) accompanied by the documents mentioned in the application form.
- (2) The farm entity must give the completed application form to the authority or the farm entity's commercial lender for referral to the authority.
- (3) Subsection (4) applies if—
 - (a) a broadscale application has been made for clearing vegetation in the affected area of land to which the assistance application relates; and
 - (b) the broadscale application has not been decided.

- (4) The farm entity must inform the authority of the broadscale application and the authority must not assess the assistance application until the broadscale application has been decided.
- (5) All applications for assistance under the scheme must be received by the authority on or before 21 February 2007.

Part 15 Business Adjustment—Traveston Crossing Dam - Wyaralong Dam (Business Advice Assistance) Scheme

153 Definitions for pt 15

In this part—

announcement day means—

- (a) for an application for assistance under the scheme relating to the effect of the proposed Traveston Crossing Dam—27 April 2006; or
- (b) for an application for assistance under the scheme relating to the effect of the proposed Wyaralong Dam—4 July 2006.

appropriate service provider means—

- (a) a person who is a member of, and holds a current practising certificate from—
 - (i) CPA Australia; or
 - (ii) the Institute of Chartered Accountants in Australia; or
 - (iii) the National Institute of Accountants; or
- (b) a financial services licensee under the Corporations Act.

business entity means an individual, partnership, proprietary company or trust that—

- (a) has an ABN; and
- (b) is carrying on, or has carried on, a business.

eligible business entity means a business entity that is eligible for assistance under the scheme.

exit assistance scheme means the scheme set out in part 17.

proposed dam means—

- (a) the proposed dam known as the Traveston Crossing Dam; or
- (b) the proposed dam known as the Wyaralong Dam.

relevant financial advice see section 155(1).

restructure assistance scheme means the scheme set out in part 16.

scheme means the scheme set out in this part.

154 Objective of scheme

- (1) The objective of the scheme is to assist eligible business entities adversely affected by the proposed dam.
- (2) However, the scheme is not intended to assist a business entity adversely affected only because of the normal operation of the market in which the business entity carries on business.

155 Purpose of assistance

- (1) The purpose of assistance under the scheme is to reimburse an eligible business entity for the cost of obtaining, from an appropriate service provider, financial advice about the effect on the entity's business of the proposed dam (***relevant financial advice***).
- (2) However, assistance under the scheme is not intended to reimburse a business entity for the cost of complying with an obligation under a law of the State or the Commonwealth,

including, for example, the cost of preparing an income tax return.

156 Nature of assistance

The nature of the assistance under the scheme is the provision of a grant to an eligible business entity for reimbursing the cost of obtaining relevant financial advice from an appropriate service provider.

157 Amount and payment of assistance

- (1) The amount of a grant that may be given to a business entity under the scheme is the lesser of the following—
 - (a) the costs the authority considers have been reasonably incurred by the business entity in obtaining relevant financial advice from an appropriate service provider;
 - (b) \$2000.
- (2) The assistance will be given to a business entity under the scheme only if the entity gives the authority a receipt or tax invoice from an appropriate service provider for the relevant financial advice for which the assistance is sought.

158 Eligibility criteria

- (1) For a business entity to be eligible for assistance under the scheme, the authority must be satisfied that—
 - (a) the business entity was carrying on a business immediately before the announcement day; and
 - (b) the entity's business has been, or is likely to be, adversely affected by the proposed dam.
- (2) A public company, whether acting alone or with another company, is not eligible for assistance under the scheme.

159 Applications

An application by a business entity for assistance under the scheme must be made—

- (a) on the authority's application form; or
- (b) with an application under the restructure assistance scheme or exit assistance scheme.

Part 16 Business Adjustment—Traveston Crossing Dam - Wyaralong Dam (Business Restructure Assistance) Scheme

Division 1 Preliminary

160 Definitions for pt 16

In this part—

announcement day means—

- (a) for an application for assistance under the scheme relating to the effect of the proposed Traveston Crossing Dam—27 April 2006; or
- (b) for an application for assistance under the scheme relating to the effect of the proposed Wyaralong Dam—4 July 2006.

business entity means an individual, partnership, proprietary company or trust that—

- (a) has an ABN; and
- (b) is carrying on, or has carried on, a business.

business recovery plan, for a business entity's business, means a plan that includes a comprehensive statement of the

strategies for restructuring the business to be implemented by the entity to recover from the adverse effects of the proposed dam.

eligible business entity means a business entity that is eligible for assistance under the scheme.

exit assistance scheme means the scheme set out in part 17.

Newstart Allowance means the Newstart Allowance administered by Centrelink.

proposed dam means—

- (a) the proposed dam known as the Traveston Crossing Dam; or
- (b) the proposed dam known as the Wyaralong Dam.

relevant period, for a business entity carrying on a business, means—

- (a) 3 years, or a longer period considered appropriate by the authority, immediately before the announcement day; or
- (b) if the entity carried on the business for less than 3 years immediately before the announcement day—the period before the announcement day during which the entity carried on the business.

scheme means the scheme set out in this part.

viable, in relation to a business during the relevant period, see section 161.

161 Meaning of *viable* during the relevant period

- (1) A business entity's business is taken to have been ***viable*** during the relevant period if the disposable earnings of the business during the period were greater than the total Newstart Allowance that would have been payable to all individuals the authority considers were operating the business during the period.
- (2) For subsection (1), the amount of the disposable earnings of the business is worked out using the formula—

$$\mathbf{DE = EB - (I + P + PPE)}$$

where—

DE means the disposable earnings of the business during the relevant period.

EB means whichever of the following the authority considers appropriate—

- (a) the earnings of the business before interest, tax and reasonable depreciation of business assets, during the relevant period;
- (b) the earnings of the person operating the business before interest, tax, reasonable depreciation of business assets and the person's salary from the business, during the relevant period.

I means the interest payable for loans for the business during the relevant period.

P means the principal payable for loans of the business during the relevant period.

PPE means a reasonable provision during the relevant period for the costs of replacing plant and equipment for the business.

162 Objective of scheme

- (1) The objective of the scheme is to assist eligible business entities adversely affected by the proposed dam.
- (2) However, the scheme is not intended to assist a business entity adversely affected only because of the normal operation of the market in which the business entity carries on business.

163 Purpose of assistance

The purpose of assistance under the scheme is to assist eligible business entities to—

- (a) continue to operate during short-term decline in profitability suffered as a result of the proposed dam; or
- (b) develop and implement business strategies that will positively affect their continuing viability.

Division 2 Business restructure assistance

164 Nature of assistance

- (1) The nature of the assistance under the scheme is the provision of a grant to an eligible business entity for restructuring the entity's business, including, for example, by—
 - (a) providing the business with short-term working capital; or
 - (b) reducing the debt of the business; or
 - (c) paying expenses for relocating the business; or
 - (d) adopting new technologies or processes in the business, including, for example, electronic business; or
 - (e) improving the entity's business assets; or
 - (f) performing activities that improve the profitability of the business.
- (2) Also, the authority may consider providing the grant to an eligible business entity for buying capital equipment to restore the viability of the entity's business to the level of viability immediately before the announcement day.
- (3) However, the grant will not be provided for—
 - (a) buying equipment of a generic nature, including, for example, a computer, that is used for the routine operation of the entity's business; or
 - (b) replacing existing equipment.

165 Amount and payment of assistance

- (1) The maximum amount of assistance that may be given to a business entity under the scheme is the lesser of the following—
 - (a) the amount the authority considers is necessary to restore the viability of the entity's business to the level of viability immediately before the announcement day;

- (b) the estimated net exit value of the entity's business decided by the authority.
- (2) Assistance under the scheme may be paid to a business entity as a lump sum or by instalments.
- (3) If the assistance is paid by instalments, payments may be made only after the authority receives evidence from the business entity that action required for implementing the strategies under the entity's business recovery plan has been taken within the periods agreed between the authority and the entity.
- (4) In this section—
estimated net exit value means the value of the entity's business as a going concern as at the day before the announcement day.

166 Eligibility criteria

- (1) For a business entity to be eligible for assistance under the scheme, the authority must be satisfied that—
 - (a) the business entity was carrying on a business immediately before the announcement day; and
 - (b) either—
 - (i) the business had been viable during the relevant period; or
 - (ii) immediately before the announcement day, the business had the capacity to become viable; and
 - (c) as a direct result of the proposed dam, there has been, or is likely to be, a significant adverse effect on the entity's business; and
 - (d) the person operating the business, under normal circumstances, generates, or has the potential to generate, the majority of the person's income from the business; and

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- (e) the assistance given under the scheme will, within a reasonable period, restore the viability of the entity's business to the lower of—
 - (i) the level of viability during the relevant period; or
 - (ii) a level the authority considers reasonably appropriate; and
 - (f) the business entity has prepared a business recovery plan for the entity's business.
- (2) A public company, whether acting alone or with another company, is not eligible for assistance under the scheme.
- (3) A business entity is not eligible for assistance under the scheme if the entity is eligible for, or has received, assistance under the exit assistance scheme.
- (4) Also, a business entity is not eligible for assistance under the scheme if the entity is eligible for, or has received, financial assistance from the State or the Commonwealth that the authority considers is equivalent to assistance under the scheme.

Example of financial assistance for subsection (4)—

financial assistance for restructuring a business given in connection with the acquisition of land under the *Acquisition of Land 1967*

- (5) For subsection (1)(c), there has been, or is likely to be, a significant adverse effect on a business entity's business, if—
 - (a) for a business entity that employs fewer than 6 persons—the authority considers the entity would reasonably require assistance of at least \$5000 under the scheme; or
 - (b) for a business entity that employs more than 5 persons—
 - (i) the net profit of the entity's business has been, or the authority considers is likely to be, reduced by at least 25%; and
 - (ii) the authority considers the entity would reasonably require assistance of at least \$10000 under the scheme.

- (6) Despite subsection (5), if the authority considers a business entity's circumstances are exceptional, the authority may have regard to a matter that is not mentioned in subsection (5), in deciding whether or not there has been, or is likely to be, a significant adverse effect on the entity's business.

167 Applications

An application by a business entity for assistance under the scheme must be—

- (a) made on the authority's application form; and
- (b) accompanied by—
 - (i) the documents mentioned in the application form; and
 - (ii) the business recovery plan for the entity's business.

Part 17 Business Adjustment—Traveston Crossing Dam - Wyaralong Dam (Business Exit Assistance) Scheme

Division 1 Preliminary

168 Definitions for pt 17

In this part—

announcement day means—

- (a) for an application for assistance under the scheme relating to the effect of the proposed Traveston Crossing Dam—27 April 2006; or

- (b) for an application for assistance under the scheme relating to the effect of the proposed Wyaralong Dam—4 July 2006.

appropriate service provider means—

- (a) a person who is a member of, and holds a current practising certificate from—
 - (i) CPA Australia; or
 - (ii) the Institute of Chartered Accountants in Australia; or
 - (iii) the National Institute of Accountants; or
- (b) a financial services licensee under the Corporations Act.

business entity means an individual, partnership, proprietary company or trust that—

- (a) has an ABN; and
- (b) is carrying on, or has carried on, a business.

eligible business entity means a business entity that is eligible for assistance under the scheme.

extraordinary expenses see section 172(b).

net exit value see section 173(1)(a).

Newstart Allowance means the Newstart Allowance administered by Centrelink.

proposed dam means—

- (a) the proposed dam known as the Traveston Crossing Dam; or
- (b) the proposed dam known as the Wyaralong Dam.

relevant period, for a business entity carrying on a business, means—

- (a) 3 years, or a longer period considered appropriate by the authority, immediately before the announcement day; or
- (b) if the entity carried on the business for less than 3 years immediately before the announcement day—the period

before the announcement day during which the entity carried on the business.

restructure assistance scheme means the scheme set out in part 16.

scheme means the scheme set out in this part.

viable, in relation to a business during the relevant period, see section 169.

169 Meaning of *viable* during the relevant period

- (1) A business entity's business is taken to have been ***viable*** during the relevant period if the disposable earnings of the business during the period were greater than the total Newstart Allowance that would have been payable to all individuals the authority considers were operating the business during the period.
- (2) For subsection (1), the amount of the disposable earnings of the business is worked out using the formula—

$$\mathbf{DE = EB - (I + P + PPE)}$$

where—

DE means the disposable earnings of the business during the relevant period.

EB means whichever of the following the authority considers appropriate—

- (a) the earnings of the business before interest, tax and reasonable depreciation of business assets, during the relevant period;
- (b) the earnings of the person operating the business before interest, tax, reasonable depreciation of business assets and the person's salary from the business, during the relevant period.

I means the interest payable for loans for the business during the relevant period.

P means the principal payable for loans of the business during the relevant period.

PPE means a reasonable provision during the relevant period for the costs of replacing plant and equipment for the business.

170 Objective of scheme

- (1) The objective of the scheme is to assist eligible business entities adversely affected by the proposed dam.
- (2) However, the scheme is not intended to assist a business entity adversely affected only because of the normal operation of the market in which the business entity carries on business.

171 Purpose of assistance

The purpose of assistance under the scheme is to assist an eligible business entity to exit its business, if exiting the business is the only appropriate course of action as a result of the effect of the proposed dam on the viability of the business.

Division 2 Business exit assistance

172 Nature of assistance

The nature of the assistance that may be given to a business entity under the scheme is—

- (a) a single payment to the entity of the net exit value of the business; and
- (b) reimbursement of any of the following expenses (*extraordinary expenses*) the authority considers have been reasonably incurred by the business entity—
 - (i) the costs of an appropriate service provider in providing information required by the authority additional to the entity's application for assistance under the scheme;
 - (ii) payments made by the business entity to an employee for redundancy or retrenchment in

accordance with the appropriate award, industrial agreement or terms of employment;

- (iii) payments made by the business entity to an employee instead of notice;
- (iv) costs of rehabilitating a site where the business entity carried on business;
- (v) costs incurred in selling or auctioning business assets, including, for example, an agent's commission or advertising expenses.

173 Amount of assistance

- (1) The amount of assistance that may be given to a business entity under the scheme is—
 - (a) the value of the entity's business as a going concern as at the day before the announcement day (the *net exit value*), as decided by the authority; and
 - (b) if the entity's application for assistance includes a claim for reimbursement of an extraordinary expense—the amount of the expense the authority considers was reasonably incurred by the business entity.
- (2) However, in deciding the net exit value of a business, the authority must have regard to an independent valuation of the business by an appropriate valuer.
- (3) In this section—
appropriate valuer means a valuer chosen by the authority from a panel of registered valuers.

174 Eligibility criteria

- (1) For a business entity to be eligible for assistance under the scheme, the authority must be satisfied that—
 - (a) the business entity was carrying on a business immediately before the announcement day; and
 - (b) either—

Schedule

- (i) the business had been viable during the relevant period; or
 - (ii) immediately before the announcement day, the business had the capacity to become viable; and
- (c) the person operating the business, under normal circumstances, generates, or has the potential to generate, the majority of the person's income from the business; and
- (d) the business entity has considered seeking assistance under the restructure assistance scheme and has fully explained the reasons restructure assistance is not considered appropriate for the entity; and
- (e) as a direct result of the proposed dam—
 - (i) there has been, or is likely to be, a significant adverse effect on the entity's business; and
 - (ii) the viability of the entity's business can not be, or will not be able to be, restored to a level the authority considers reasonably appropriate; and
 - (ii) exiting the business is the only appropriate course of action; and
- (f) if the business entity's application for assistance includes a claim for reimbursement of an extraordinary expense, the expense—
 - (i) is a legitimate cost of exiting the business; and
 - (ii) has been incurred as a direct result of the effect on the entity's business of the proposed dam; and
- (g) if the business entity's application for assistance includes a claim for reimbursement for a payment to an employee instead of notice—
 - (i) the payment was made in exceptional circumstances; and
 - (ii) the entity could not reasonably have required the employee to work for the required period of notice.

- (2) A public company, whether acting alone or with another company, is not eligible for assistance under the scheme.
- (3) A business entity is not eligible for assistance under the scheme if the entity is eligible for, or has received, assistance under the restructure assistance scheme.
- (4) Also, a business entity is not eligible for assistance under the scheme if the entity is eligible for, or has received, financial assistance from the State or the Commonwealth that the authority considers is equivalent to assistance under the scheme.

Example of financial assistance for subsection (4)—

financial assistance for exiting a business given in connection with the acquisition of land under the *Acquisition of Land 1967*

175 Terms

- (1) If the authority approves assistance for a business entity and the entity wishes to accept the net exit value decided by the authority for the entity's business, the entity must sign a contract for exiting the business within the prescribed period.
- (2) If the business entity does not sign a contract under subsection (1) within the prescribed period, the entity is taken to have withdrawn the entity's application for assistance.
- (3) A contract under subsection (1) may include either of the following conditions—
 - (a) a requirement that the business entity enter into a restraint of trade arrangement for up to 3 years;
 - (b) a requirement that the business entity not disclose information relating to payments received under the contract.
- (4) Payment of the net exit value of a business entity's business must be made in accordance with contractual arrangements between the business entity and the State.
- (5) In this section—

prescribed period means—

- (a) 2 months after the State gives a written offer to the business entity to enter into a contract under subsection (1); or
- (b) if the business entity and the State have, within the 2 months, agreed to a longer period—the longer period.

176 Applications

An application by a business entity for assistance under the scheme must be—

- (a) made on the authority's application form; and
- (b) accompanied by the documents mentioned in the application form.

Part 18 Small Business Drought Assistance Scheme

Division 1 Preliminary

177 Objective of scheme

The objective of the scheme is to assist owners of small businesses if—

- (a) the businesses are dependent on farming enterprises; and
- (b) the business turnover for the businesses has been detrimentally affected by exceptional circumstances; and
- (c) the businesses would have had long-term prospects of viability had exceptional circumstances not happened.

178 Purpose of assistance

The purpose of assistance under the scheme is to facilitate 1 or more of the following strategies (a *scheme strategy*)—

- (a) improvements in business viability;
- (b) business continuity;
- (c) debt restructuring.

179 Definitions for pt 18

In this part—

applicant means a person applying for financial assistance under the scheme.

application means an application for financial assistance under the scheme.

business turnover see section 180.

EC area means an area declared under an EC declaration.

Editor's note—

At the commencement of this definition, information about the declaration and declared area was available on the Australian Government Department of Agriculture, Fisheries and Forestry website at <www.daff.gov.au>.

EC declaration means a declaration under the *Rural Adjustment Act 1992* (Cwlth) of an area as an area undergoing exceptional circumstances.

EC period means a period, that is 1 year or less, for which an EC declaration applies and for which assistance may be given under a rural adjustment scheme.

exceptional circumstances means unusual climatic conditions or another event that—

- (a) causes a rare and severe decrease in a farm entity's income for at least 1 year, leading to financial difficulty; and
- (b) cannot be anticipated or managed as part of the farm entity's normal risk management strategies; and

- (c) is a discrete event and not part of long-term restructuring of businesses or of normal fluctuations in the price of goods.

Example of unusual climatic condition—

extended severe drought conditions

farm entity means an entity solely or mainly engaged in a farming enterprise.

farming enterprise means a farming business that involves primary production, including, for example, the agricultural, apicultural, aquacultural, horticultural or pastoral industries.

full-time employee, of a small business, means an individual who works for at least 35 hours each week for the small business.

Newstart Allowance means the Newstart Allowance administered by Centrelink.

Editor's note—

At the commencement of this definition, information about the allowance was available on Centrelink's website at <www.centrelink.gov.au>.

owner, of a small business includes a lessee or operator of the small business.

relevant town means a town in the State that—

- (a) has a population of less than 10000; and
- (b) is located in an EC area; and
- (c) the authority is satisfied substantially relies on farming enterprises to support its economy.

rural adjustment scheme means a Rural Adjustment Scheme within the meaning of the *Rural Adjustment Act 1992* (Cwlth).

scheme means the scheme set out in this part.

scheme strategy see section 178.

small business see section 181.

180 Meaning of *business turnover*

- (1) The ***business turnover*** for a business is the amount of goods and services the business supplies, or is likely to supply, for the year ending on the last day of the month in which the owner of the business applies for financial assistance under the scheme.
- (2) The following amounts are not to be included for working out the amount of goods and services supplied, or likely to be supplied—
 - (a) GST charged on the goods or services;
 - (b) any goods or services supplied that are not connected with the business;

Example—

the sale by the owner of a small business of personally owned goods

- (c) amounts obtained from the transfer of capital assets, including, for example, the sale of assets owned by the business.
- (3) The business activity statements prepared for a business for the period mentioned in subsection (1) may be used to work out the amount of goods and services the business supplied in the period.
- (4) However, if the authority decides a different method is appropriate for working out the gross sales for a business in the period, the amount worked out by the authority is the ***business turnover*** for the business.

181 Meaning of *small business*

- (1) A ***small business*** is a business that—
 - (a) holds an Australian Business Number; and
 - (b) employs not more than—
 - (i) 100 full-time employees of the business; or

- (ii) if the business has employees who do not work full-time for the business—100 equivalent full-time employees of the business.
- (2) For subsection (1)(b), the number of equivalent full-time employees of a business is worked out using the formula—
 $E = F + P / 35$
where—
E means the number of equivalent full-time employees of the business.
F means the number of full-time employees of the business.
P means the total number of hours worked each week by employees who do not work full-time for the business.

Division 2 General provisions for scheme

182 Nature of assistance

The nature of the assistance that may be given under the scheme is an interest subsidy for new or existing commercial loans.

183 Level of assistance

- (1) The level of assistance to be given to the owner of a small business must be decided—
 - (a) by the extent of assistance needed for the scheme strategies; and
 - (b) from the budgets for the small business that allow for financial demands on the business appropriate to the exceptional circumstances.
- (2) The total interest subsidy given under the scheme to the owner of a small business must not be more than 80% of the interest payable on, and associated costs of, the loans for which the subsidy is sought.

- (3) The interest subsidy given under the scheme to the owner of a small business for the first EC period, in relation to an EC area declared after 6 November 2006, must not be more than 50% of the interest payable on, and associated costs of, loans for which the subsidy is sought in the period.
- (4) The interest subsidy given under the scheme to the owner of a small business for the second or subsequent EC period must not be more than 80% of the interest payable on, and associated costs of, the loans for which the subsidy is sought in the period.
- (5) In deciding the level of loans to be supported for an initial interest subsidy given under the scheme to the owner of a small business, the authority may deduct the full cost of a capital purchase from the balance of the existing loans if—
 - (a) for a small business that derives 70% or more of its business turnover from providing goods or services to farming enterprises in an EC area or part of an EC area—the capital purchase was made after 6 November 2006; or
 - (b) for a small business in a relevant town, other than a small business mentioned in paragraph (a)—the capital purchase was made after 24 September 2007.
- (6) Subject to subsection (8), the amount of interest subsidy payable to an applicant who has 1 or more small businesses must not result in the applicant receiving under the scheme a total of more than—
 - (a) \$100000 in any 1 year period; or
 - (b) if an EC period is less than 1 year—the proportion of \$100000 that is equivalent to the proportion of the EC period.
- (7) Any subsidies already given by the Commonwealth, or under the small business emergency assistance scheme or the exceptional circumstances scheme, on loans or associated costs must be deducted from the amounts mentioned in subsection (6).

- (8) Assistance under the scheme is not payable in relation to any loans or associated costs for which the Commonwealth has given, or is giving, any other subsidy.

- (9) In this section—

exceptional circumstances scheme means the scheme set out in part 8.

small business emergency assistance scheme means the scheme set out in part 7.

184 Period of assistance

- (1) The period for which an interest subsidy is given is not more than 1 year for each application.
- (2) A maximum of 2 tranches of interest subsidy (1 in the first EC period and 1 in the second EC period) may be given.

185 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance, the applicant must satisfy the criteria stated in subsection (2) and the authority must be satisfied of the matters stated in subsection (3).
- (2) The applicant must—
- (a) own (whether as sole owner, in partnership or as a private company) and operate a small business; and
 - (b) demonstrate that the applicant has owned the small business for at least 2 years; and
 - (c) demonstrate that—
 - (i) for any application—the small business derives 70% or more of its business turnover from providing goods or services to farming enterprises in an EC area or part of an EC area; or
 - (ii) for an application made after 24 September 2007 and before 1 July 2009—the small business is located in a relevant town and is dependant on

farming enterprises for all or part of its business turnover; and

- (d) demonstrate that, under normal circumstances—
 - (i) the applicant or, for a private company, its shareholders, spend at least 75% of their labour on the small business or, if the applicant is also an owner of a farming enterprise, spend at least 75% of their labour on the small business and the farming enterprise; and
 - (ii) the applicant obtains at least 50% of the applicant's total business turnover from the small business; and
 - (e) demonstrate that the small business is in financial difficulty because of the impact of exceptional circumstances on farming enterprises in an EC area.
- (3) The authority must be satisfied that—
- (a) the small business—
 - (i) for any application—derives 70% or more of its business turnover from providing goods or services to farming enterprises in an EC area or part of an EC area; or
 - (ii) for an application made after 24 September 2007 and before 1 July 2009—is located in a relevant town and is dependant on farming enterprises for all or part of its business turnover; and
 - (b) the assistance is necessary to achieve 1 or more of the scheme strategies; and
 - (c) without the assistance, the small business would not have the capacity to achieve or maintain long-term viability; and
 - (d) the applicant has—
 - (i) on commercial terms, disposed of—
 - (A) all non-essential business assets; and

- (B) non-business assets, so that the net value of non-business assets is not more than double the Newstart Allowance assets test for homeowners (partnered); and

Note—

For the application of this provision to applications made after 24 September 2007 and before 30 June 2010, see section 188A.

- (ii) applied the proceeds to the small business (unless this would result in extreme hardship to the applicant); and

Note—

Investments in bona fide insurance and superannuation funds are exempt from the non-business assets test mentioned in subparagraph (i)(B).

- (e) each loan for which the interest subsidy is sought is given—
 - (i) on commercial terms at arm's length; and
 - (ii) at an interest rate that is competitive with the rate generally applicable to loans of the same type; and
 - (f) under normal circumstances—
 - (i) the applicant or, for a private company, its shareholders, spend at least 75% of their labour on small business or, if the applicant is also an owner of a farming enterprise, spend at least 75% of their labour on the small business and the farming enterprise; and
 - (ii) the applicant obtains at least 50% of the applicant's total business turnover from the small business; and
 - (g) the applicant has owned the small business for at least 2 years.
- (4) In deciding whether the small business is in financial difficulty, the authority must consider each of the following—
 - (a) the total amount of interest payable each year;

- (b) the estimated surplus over the medium term;
 - (c) the applicant's equity in the small business in relation to the amount of current and future indebtedness, together with both business and non-business assets and income.
- (5) In assessing the likelihood of the small business being viable in the long term, the authority must take account of each of the following—
- (a) the expected future capacity of the small business to operate profitably (without assistance under a rural adjustment scheme) as measured by its ability to meet, from estimated surpluses, its future financial commitments for each of the following—
 - (i) its operating costs;
 - (ii) living costs of the applicant's family;
 - (iii) servicing of the small business's debts;
 - (iv) future capital requirements for plant and improvements;
 - (v) investment requirements to make the small business viable;
 - (b) the long-term economic trends impacting on the small business;
 - (c) the applicant's demonstrated technical, financial and business management performance;
 - (d) the provision of financial support for the small business by lenders during and after the exceptional circumstances.
- (6) The owner of a small business not receiving assistance in a particular EC period may be eligible for assistance in a subsequent EC period.

186 Terms

- (1) The giving of assistance in a particular EC period does not guarantee assistance in a subsequent EC period.
- (2) Payment of an interest subsidy for a loan will be made—

Schedule

- (a) after the authority has secured agreement from the owner of the small business receiving the assistance that the assistance will be used only for the purpose of a scheme strategy; and
 - (b) after the owner of the small business and the lender have agreed to the terms of the assistance under the scheme; and
 - (c) subject to any other terms decided by the authority.
- (3) An interest subsidy for a loan will be paid—
 - (a) to the lender on behalf of the owner; or
 - (b) directly to the owner.
- (4) An owner of a small business receiving assistance under the scheme may continue to receive assistance only if the owner complies with the terms of the assistance.

187 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) Applications must be made not later than 28 days after the EC period for which the assistance is sought ends.
- (3) The owner of a small business can not apply for a further interest subsidy until 9 months after the day the owner last makes a successful interest subsidy application.
- (4) If the owner of a small business has received an interest rate subsidy (the *first subsidy*) under the scheme in an EC period,

the owner may make a further application for assistance in the EC period only if—

- (a) the application relates to debt incurred in relation to carry-on finance provided to the owner after the owner received the first subsidy; and
 - (b) the application is made on a pro rata basis taking into account the amount of interest subsidy already paid to the owner in the EC period and the proportion of the EC period remaining.
- (5) Subsection (3) does not apply to an application mentioned in subsection (4).
- (6) In this section—

carry-on finance means an amount used for the day to day operating expenses of a small business, other than for the acquisition of capital for the business.

188 Deciding applications

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

188A Applications made after 24 September 2007 and before 30 June 2010

- (1) This section applies in relation to an application made by an applicant in an EC area after 24 September 2007 and before 30 June 2010.
- (2) This part, other than section 187(2), applies to the application as if the reference in section 185(3)(d)(i)(B) to double the Newstart Allowance assets test for homeowners (partnered) were a reference to \$750000.
- (3) The application must not be made after the EC period for which the assistance is sought ends.

Note—

This section may result in applications made in the same EC period being treated differently depending upon when the application is made.

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 *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*; or

Note—

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

- (c) if the water area is the Callide Valley groundwater management area (non-benefited) under the *Water Regulation 2002*, schedule 14—the water charge for taking groundwater, mentioned in column 3 of the schedule for the area, that is the amount payable for each megalitre of announced entitlement.

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 within the meaning of the *Water Act 2000*, schedule 4.

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—

Schedule

- (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;
- (d) a part of a water management area mentioned in paragraph (c).

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;
 - (ii) a customer of another water service provider;
 - (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 31 December 2008.

198 Deciding applications

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

Part 19A Additional Irrigators Fixed Water Charges Rebate Scheme

198A Objective of scheme

The objective of this scheme is to provide additional assistance to irrigators in areas where water availability is or has been low.

198B 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 2008 to 30 June 2009.

198C Definitions for pt 19A

In this part—

announced allocation, for a water area—

1 The *announced allocation*, for a water area, means the available water announced by the water service provider for the water area.

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 2008 to 30 June 2009, that the authority is assessing for a rebate.

fixed water charge means the part of a water charge that is intended to recover the fixed costs of operating and maintaining water infrastructure in a water area.

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 within the meaning of the *Water Act 2000*, schedule 4.

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—
 - (i) the announced allocation for the water area at 1 July 2008 is not more than 20%; and
 - (ii) the announced allocation for the water area at the start of 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—
 - (i) the announced allocation for the water area at 1 July 2008 is not more than 20%; and
 - (ii) the announced allocation for the water area at 30 June in the year is not more than 20%.

water area means a water supply scheme within the meaning of the *Water Act 2000*, schedule 4, or part of a water supply scheme.

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

198D 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;
 - (ii) a customer of another water service provider; 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 2008 unless the applicant can demonstrate financial hardship under section 198E.

198E 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—

Schedule

- (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.

198F Maximum rebate amounts

- (1) The maximum rebate under this scheme for a successful applicant is \$10000.
- (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 of 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 2008 to 30 June 2009, the rebate worked out under subsection (2) must be reduced proportionately.

Example—

A billing period for a current invoice is from 1 May 2008 to 31 July 2008. 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 2008 to 30 June 2009, the rebate worked out under subsection (2) must be reduced by a factor of 61/92.

198G Period of assistance

- (1) A rebate may be given for the fixed water charges incurred in the period from 1 July 2008 to 30 June 2009.
- (2) However, subsection (3) applies if, in the financial year starting on 1 July 2008, 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.

198H 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 the relevant water service provider.

198I 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) given to the authority.
- (2) An applicant granted assistance under this scheme is not required to again apply for assistance.
- (3) All applications for assistance under this scheme must be received by the authority on or before 30 September 2009.

198J Deciding applications

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

Part 20 Drought Rate Rebate Scheme

199 Objective of scheme

The objective of the scheme is to assist primary producers who—

- (a) are dependent on primary production enterprises in an EC area; and
- (b) have been detrimentally affected by exceptional circumstances for which the area became an EC area; and
- (c) have received the Exceptional Circumstances Relief Payment administered by Centrelink (the *ECRP*).

200 Nature of assistance

The nature of the assistance that may be given under the scheme is a rebate for the payment of rates levied by a local government on eligible land in the eligibility period.

201 Definitions for pt 20

In this part—

applicant means a person applying for financial assistance under the scheme.

EC area means an area declared under an EC declaration.

Editor's note—

At the commencement of this definition, information about the declaration and declared area was available on the Australian Government Department of Agriculture, Fisheries and Forestry website at <www.daff.gov.au>.

EC declaration means a declaration under the *Rural Adjustment Act 1992* (Cwlth) of an area as an area undergoing exceptional circumstances.

ECRP see section 199(c).

eligibility period means the period from 1 July 2006 to 30 June 2008.

eligible land means primary production land or off-farm residential land for which rates may be rebated under the scheme.

exceptional circumstances means circumstances that have detrimentally affected a primary producer's income, leading to financial difficulty.

Example of exceptional circumstances—

extended severe drought conditions

off-farm residential land means land other than primary production land.

primary producer means an individual who spends the majority of the individual's labour on, and derives the majority of the individual's income from, a primary production enterprise.

primary production enterprise means a business that involves primary production, including, for example, the agricultural, apicultural, aquacultural, horticultural or pastoral industries.

primary production entity means a partnership, proprietary company, or trust that is solely or mainly engaged in a primary production enterprise.

primary production land means land on which a primary producer or primary production entity carries on a primary production enterprise.

rates includes a charge but does not include a charge for excess water consumption or accrued interest on overdue rates or charges.

relevant interest, in primary production land, means—

- (a) a leasehold interest in the land; or
- (b) a right under a share farming agreement in relation to the land.

relevant participant, in a primary production entity, means—

- (a) if the entity is a partnership—a partner in the partnership; or
- (b) if the entity is a proprietary company—a person who holds shares in the company; or
- (c) if the entity is a trust—a trustee of the trust.

scheme means the scheme set out in this part.

202 Eligibility criteria

For an applicant to be eligible under the scheme for a rebate for payment of rates levied on primary production land or off-farm residential land, the authority must be satisfied that—

- (a) the applicant is—
 - (i) a primary producer; or
 - (ii) a primary production entity in which a primary producer is a relevant participant; and
- (b) the applicant owns or has a relevant interest in the primary production land; and
- (c) if the applicant has a relevant interest in the primary production land—the applicant is required to pay rates for the land under the lease or share farming agreement relating to the land; and
- (d) the primary production land or off-farm residential land is in the EC area or the buffer zone declared under the EC declaration; and
- (e) rates have been levied on the primary production land or off-farm residential land in the eligibility period; and
- (f) for an applicant mentioned in paragraph (a)(i)—the applicant was receiving the ECRP within 90 days immediately before the rates were levied; and
- (g) for an applicant mentioned in paragraph (a)(ii)—the primary producer was receiving the ECRP within 90 days immediately before the rates were levied; and

- (h) the applicant has paid the rates; and
- (i) for a rebate for the payment of rates levied on the off-farm residential land—
 - (i) the applicant owns the land; and
 - (ii) for an applicant mentioned in paragraph (a)(i)—the applicant's principal place of residence is on the land; and
 - (iii) for an applicant mentioned in paragraph (a)(ii)—the primary producer's principal place of residence is on the land; and
 - (iv) there is no habitable residence on the primary production land mentioned in paragraph (b).

203 Amount of assistance

The amount of assistance that may be given to an applicant under the scheme is a rebate of 50% of the rates paid by the applicant.

204 Terms

A rebate under the scheme will be paid only for rates that an applicant has paid under a rates notice given by a local government in the eligibility period.

205 Applications

- (1) An application for assistance under the scheme must be—
 - (a) made on the authority's application form; and
 - (b) accompanied by the documents mentioned in the application form.
- (2) All applications for assistance under the scheme must be received by the authority on or before 30 September 2008.

206 Deciding applications

The authority must consider, and decide to approve, or refuse to approve, each application for assistance under the scheme.

**Part 21 Queensland Commercial Horse
Small Business Emergency
Assistance Scheme****207 Objective of scheme**

The objective of the scheme is to assist owners of small businesses in Queensland to meet operating and other essential costs if the businesses—

- (a) derive the majority of their income from being part of the commercial horse industry; and
- (b) the equine influenza outbreak has caused a significant downturn in the businesses' incomes.

208 Nature of assistance

The nature of the assistance that may be given under the scheme is an interest subsidy for new or existing commercial loans.

209 Definitions for pt 21

In this part—

applicant means a person applying for financial assistance under the scheme.

equine influenza outbreak means the outbreak of equine influenza, the subject of the repealed *Exotic Diseases in Animals (Equine Influenza—Standstill Zone) Notice 2007*.

Note—

The repealed *Exotic Diseases in Animals (Equine Influenza—Standstill Zone) Notice 2007* was made by the Minister, and published in the gazette, on 26 August 2007.

commercial horse industry means the industry consisting of businesses that derive income from activities, or that are connected with commercial activities, involving animals of the family Equidae.

scheme means the scheme set out in this part.

significant downturn, in the income of a small business, means the small business has difficulty, or is likely to have difficulty, meeting its financial commitments as a result of the equine influenza outbreak.

small business means either of the following, having not more than 100 employees—

- (a) a business that has an ABN and whose principal place of business is in the State;
- (b) a corporation whose registered office is in the State.

210 Eligibility criteria

For an applicant to be eligible to receive assistance, the authority must be satisfied that—

- (a) the applicant owns, whether as sole owner, in partnership or as a private company, and currently operates a small business; and
- (b) the small business—
 - (i) was operating on 25 August 2007; and
 - (ii) obtained at least 50% of its income, for the financial year starting on 1 July 2006, from being part of the commercial horse industry; and
- (c) the outbreak of equine influenza has caused a significant downturn in the small business's income.

211 Period of assistance

The period for which an interest subsidy is given is 6 months.

212 Amount of assistance

- (1) The maximum interest subsidy that may be given under the scheme to a small business is \$5000.
- (2) The interest subsidy will be not more than 50% of the interest payable on new or existing loans for the period of the assistance, if the lender's rate is competitive for the loan being subsidised.
- (3) Any loans or associated costs already subsidised under any other Commonwealth or State assistance scheme must not be considered for support.

213 Terms

- (1) Payment of an interest subsidy for a loan will be made—
 - (a) after the authority has secured agreement from the lender that the lender will, for a period of at least 1 year starting on the day the application is made, continue to support the applicant; and

Example of supporting the applicant—

the lender completes the relevant documents mentioned in the application form

- (b) subject to any other terms decided by the authority.
- (2) An interest subsidy for a loan will be paid to a bank account nominated by the applicant.

214 Applications

- (1) An application for assistance under the scheme must be—
 - (a) made on the authority's application form; and
 - (b) accompanied by the documents mentioned in the application form.

- (2) All applications for assistance under the scheme must be received by the authority on or before 31 March 2008.

Note—

It is intended to carry out a review of the scheme on or before 31 March 2008 to decide if there is an ongoing need for assistance for small businesses.

215 Deciding applications

The authority must consider, and decide to approve, or refuse to approve, each application for assistance under the scheme.

Part 22 Special Disaster Flood Assistance Scheme

Division 1 Preliminary

216 Objective of scheme

The objective of the scheme is to provide, under an agreement between the Commonwealth and the State of 24 January 2008 and an agreement between the Commonwealth and the State of 22 February 2008, assistance to eligible business entities that have suffered direct damage caused by the flood event.

217 Purpose of assistance

- (1) The purpose of the assistance under the scheme is to help an eligible business entity pay for costs arising out of direct damage caused by the flood event.
- (2) However, assistance under the scheme is not intended to compensate eligible business entities for losses suffered because of the flood event.

218 Definitions for pt 22

In this part—

applicant means a person applying for assistance under the scheme.

appropriate Minister means the Minister responsible for administering the *Disaster Management Act 2003*.

eligible business entity means a primary producer or small business eligible for assistance under the scheme.

flood event means the floods, caused by monsoonal rains in regional Queensland in January and February 2008, that have affected the prescribed disaster areas.

natural disaster relief and recovery arrangements means the funding arrangements agreed between the Commonwealth and the State for providing financial assistance to communities affected by natural disasters.

Editor's note—

At the commencement of this definition, the funding arrangements were described in the document called 'Natural Disaster Relief and Recovery Arrangements Community Recovery Package Guidelines 2007' published by the Commonwealth Attorney-General's Department and available on that department's website at <www.ema.gov.au>.

prescribed disaster area means an area—

- (a) defined by the appropriate Minister for the purpose of activating the natural disaster relief and recovery arrangements for communities affected by the flood event; and
- (b) described in a document held by the authority and available for inspection by members of the public.

Editor's note—

Documents describing the prescribed disaster areas are published on the authority's website at <www.qraa.qld.gov.au>.

primary producer means an individual who spends the majority of the individual's labours on, and derives the majority of the individual's income from, a primary production enterprise.

primary production enterprise means a business that involves primary production, including, for example, the agricultural, aquacultural, horticultural or pastoral industries.

scheme means the scheme under this part.

small business see section 219.

219 Meaning of *small business*

- (1) A ***small business*** is a business that—
 - (a) holds an Australian Business Number; and
 - (b) employs not more than—
 - (i) 20 full-time employees of the business; or
 - (ii) if the business has employees who do not work full-time for the business—20 equivalent full-time employees of the business.
- (2) A business is not a ***small business*** if the business—
 - (a) is a public company; or
 - (b) is a charitable business that, under the natural disaster relief and recovery arrangements, is eligible to receive assistance to clean and restore the business in relation to direct damage caused by the flood event.
- (3) Also, a business is not a ***small business*** if—
 - (a) the business is operated by a sole owner; and
 - (b) the business has no employees, other than the sole owner; and
 - (c) the sole owner does not derive the majority of the owner's income from the business.
- (4) For subsection (1)(b), the number of equivalent full-time employees of a business is worked out using the formula—

$$E = F + P / 35$$

where—

E means the number of equivalent full-time employees of the business.

F means the number of full-time employees of the business.

P means the total number of hours worked each week by employees who do not work full-time for the business.

(5) In this section—

charitable business means a business that does not operate to make a profit.

public company means a public company within the meaning of the Corporations Act.

Division 2 General provisions for scheme

220 Nature of assistance

- (1) The nature of the assistance under the scheme is the provision of a grant to help eligible business entities clean and restore their small businesses or primary production enterprises that have suffered direct damage caused by the flood event.
- (2) In particular, assistance is to be provided under the scheme to help an eligible business entity to cover the costs of the following—
 - (a) purchasing, hiring or leasing plant, equipment or materials—
 - (i) to clean premises or a property; or
 - (ii) that are essential to the immediate resumption of farming or other business activities;
 - (b) clearing or disposing of debris, damaged goods or injured or dead livestock;
 - (c) repairing buildings other than houses, and repairing or replacing fencing on a property;
 - (d) repairing or reconditioning essential plant or equipment;
 - (e) leasing temporary premises for the purpose of resuming trading;
 - (f) engaging a person—

- (i) to conduct a safety inspection of premises; or
- (ii) to check the health of livestock or poultry;
- (g) purchasing fodder, or saving crops or feed for stock;
- (h) paying wages to an employee of the entity, if the payment is more than the wages ordinarily paid to the employee.

221 Eligibility criteria—primary producer

An applicant is eligible for assistance under the scheme if—

- (a) the applicant is a primary producer; and
- (b) the applicant's primary production enterprise is located in a prescribed disaster area; and
- (c) the applicant is primarily responsible for meeting the costs claimed in the application; and
- (d) the applicant was engaged in the primary production enterprise when the area in which the enterprise is located became a prescribed disaster area; and
- (e) the authority is satisfied the applicant intends to re-establish the primary production enterprise.

222 Eligibility criteria—small business

An applicant is eligible for assistance under the scheme if—

- (a) the applicant owns (whether as sole owner, in partnership or as a private company) a small business; and
- (b) the small business is located in a prescribed disaster area; and
- (c) the applicant is primarily responsible for meeting the costs claimed in the application; and
- (d) the applicant was engaged in conducting the business when the area in which the business is located became a prescribed disaster area; and

- (e) the authority is satisfied the applicant intends to re-establish the small business.

223 Amount of assistance

The maximum amount of assistance that may be given to an applicant under the scheme is \$25000.

Editor's note—

See section 226 for special circumstances in which an applicant may be given more than the stated maximum amount.

224 Special requirement for particular assistance

- (1) An applicant is eligible for assistance of more than \$10000 under the scheme only if the applicant provides evidence to the authority, in the form of receipts for payment or tax invoices, that all amounts claimed by the applicant under the scheme have been paid or incurred by the applicant.
- (2) Subsection (1) applies to an applicant even if the applicant makes more than 1 application under the scheme.

Example—

An applicant might make a claim under the scheme for \$10000 and then make a second claim for \$5000. The applicant is not eligible for the further assistance of \$5000 unless the applicant provides evidence to the authority, in the form of receipts for payment or tax invoices, that the total amount of \$15000 claimed has been paid or incurred by the applicant.

225 Conditions

- (1) An applicant may apply for assistance under the scheme in the applicant's capacity as a primary producer or a small business, but not both.
- (2) Payment of assistance under the scheme is subject to the following conditions—
 - (a) an applicant must, until 31 August 2009, keep all receipts, invoices or other evidence of amounts paid or costs incurred in relation to which the applicant has received assistance under the scheme;

- (b) an applicant must consent to the authority obtaining information or documents from an insurer of the applicant's primary production enterprise or small business for the purpose of allowing the authority to verify, in relation to the applicant being granted more than \$10000 under the scheme, the applicant's entitlements under an insurance policy taken out with the insurer;
 - (c) an applicant must consent to the authority conducting an audit of the receipts, invoices or other evidence mentioned in paragraph (a) for the purpose of allowing the authority to verify that amounts given to the applicant under the scheme have been used in accordance with the claim for assistance.
- (3) Payment of assistance under the scheme is subject to any other conditions decided by the authority, including, for example, conditions requiring the applicant to give to the authority evidence to show the direct damage in relation to which an application is made.

226 Special provision for particular applications

- (1) This section applies if—
 - (a) an eligible business entity operates more than 1 business or primary production enterprise (each a *separate business*) at separate locations; and
 - (b) the authority is satisfied a separate business is a commercial entity that would be a commercially viable and autonomous business (an *eligible separate business*) if other businesses operated by the eligible business entity ceased to operate.
- (2) The eligible business entity may apply for assistance under the scheme for each eligible separate business as if each business were a separate primary production enterprise or small business in relation to which the applicant is eligible for assistance under the scheme.

- (3) Despite section 223, the maximum amount of assistance that may be given for each eligible separate business under the scheme is \$25000.
- (4) For subsection (1)(b), the authority may have regard to the following—
 - (a) the staffing arrangements of the separate business;
 - (b) whether the business has its own plant, equipment or stock;
 - (c) the accounting and insurance arrangements of the business;
 - (d) whether the business operates under its own trading name.
- (5) Subsection (4) does not limit the matters to which the authority may have regard.

227 Special provision about insurance

- (1) This section applies if an applicant receives, or is entitled to receive, an amount (an ***insurance amount***) under a policy of insurance relating to direct damage caused by the flood event.
- (2) The applicant is not eligible to receive a grant under the scheme to cover particular costs of cleaning and restoring a primary production enterprise or small business if the applicant receives, or is entitled to receive, an insurance amount to cover the costs.
- (3) However, this section does not apply in relation to the first \$10000 an applicant receives under the scheme for the primary production enterprise or small business.

228 Applications

- (1) An application for assistance under the scheme must—
 - (a) be made on the authority's application form; and
 - (b) be accompanied by the documentation stated on the application; and

- (c) be given to the authority.
- (2) An application for assistance under the scheme must be received by the authority no later than 31 August 2008.

229 Deciding applications

The authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.

Part 23 Smart Energy Savings Fund Scheme

230 Definitions for pt 23

In this part—

non-profit organisation means an organisation that is not carried on for the profit or gain of its individual members.

Example of entities that may be non-profit organisations—

charities, churches, clubs, environment protection societies

scheme means the scheme set out in this part.

Smart Energy Savings Fund means the fund of that name established by the department in which the *Electricity Act 1994* is administered to assist businesses or non-profit organisations to invest in commercial energy savings projects in Queensland.

231 Objective of scheme

The objective of the scheme is to provide, and administer matters about, loans made from the Smart Energy Savings Fund.

Note—

Under the Smart Energy Savings Fund, a person may receive funding as a loan or grant. Under this scheme, the authority will administer matters about loans made from the Smart Energy Savings Fund.

232 Purpose of assistance

The purpose of assistance under the scheme is to help businesses or non-profit organisations to improve energy efficiency in buildings, appliances and industrial processes in Queensland.

233 Nature of assistance

The nature of assistance under the scheme is loans at no interest or low rates of interest.

234 Eligibility criteria

- (1) For a person to be eligible to receive assistance under the scheme, the person must be an applicant for funding from the Smart Energy Savings Fund who—
 - (a) the relevant Minister is satisfied meets the requirements of a probity and due diligence assessment of the person carried out by the authority; and
 - (b) has been advised by the relevant Minister that a loan to the person from the fund has been approved.
- (2) In this section—

relevant Minister means the Minister administering the *Electricity Act 1994*.

Part 24 **Queensland Renewable Energy Fund Scheme**

235 **Definitions for pt 23**

In this part—

Queensland Renewable Energy Fund means the fund of that name established by the department in which the *Electricity Act 1994* is administered to assist businesses to develop and deploy renewable energy generation technologies in Queensland.

scheme means the scheme set out in this part.

236 **Objective of scheme**

The objective of the scheme is to provide, and administer matters about, loans made from the Queensland Renewable Energy Fund.

237 **Purpose of assistance**

The purpose of assistance under the scheme is to help businesses to develop and deploy innovative energy generation projects in Queensland.

238 **Nature of assistance**

The nature of assistance under the scheme is loans at no interest or low rates of interest.

239 **Eligibility criteria**

- (1) For a person to be eligible to receive assistance under the scheme, the person must be an applicant for funding from the Queensland Renewable Energy Fund who—
 - (a) the relevant Minister is satisfied meets the requirements of a probity and due diligence assessment of the person carried out by the authority; and

(b) has been advised by the relevant Minister that a loan to the person from the fund has been approved.

(2) In this section—

relevant Minister means the Minister administering the *Electricity Act 1994*.

Part 25 Moreton Bay Marine Park Structural Adjustment Package Scheme

240 Definitions for pt 25

In this part—

eligible fishing licence means a commercial fishing boat licence or commercial harvest fishery licence under the *Fisheries Act 1994* that may be surrendered to the State under the structural adjustment package.

relevant chief executive means the chief executive of the department in which the *Marine Parks Act 2004* is administered.

scheme means the scheme set out in this part.

structural adjustment package means the Moreton Bay Marine Park Structural Adjustment Package established by the department in which the *Marine Parks Act 2004* is administered to minimise the impacts on commercial fishers likely to arise because of the operation of the *Marine Parks (Moreton Bay) Zoning Plan 2008*.

Editor's note—

Details of the structural adjustment package are available for inspection on the website of the department in which the *Marine Parks Act 2004* is administered.

241 Objective of scheme

The objective of the scheme is to provide payments, and administer matters, in relation to the surrender of eligible fishing licences to the State under the structural adjustment package.

242 Purpose of assistance

The purpose of assistance under the scheme is to minimise the impacts on commercial fishers likely to arise because of the operation of the *Marine Parks (Moreton Bay) Zoning Plan 2008* by providing payment for the surrender of eligible fishing licences to the State.

243 Nature of assistance

The nature of assistance under the scheme is the payment of an amount to the holder of an eligible fishing licence for the surrender of the licence to the State under the structural adjustment package.

244 Eligibility criteria

For a person to be eligible to receive assistance under the scheme, the person must be the holder of an eligible fishing licence who—

- (a) the relevant chief executive—
 - (i) is satisfied meets the eligibility criteria under the structural adjustment package for participating in the scheme; and
 - (ii) decides may surrender the eligible fishing licence under the structural adjustment package; and
- (b) has been advised by the authority of the relevant chief executive's decision.

245 Administrative functions of authority

- (1) Particular administrative functions of the authority under the scheme include the following—
- (a) verifying and compiling relevant information about a fishing licence proposed to be surrendered under the structural adjustment package;
 - (b) advising persons seeking to surrender a fishing licence under the structural adjustment package of the relevant chief executive's decision about the proposed surrender;
 - (c) providing payment to the holders of eligible fishing licences surrendered to the State, and coordinating matters relevant to providing the payment.
- (2) In this section—

fishing licence means a licence issued, and in force, under the *Fisheries Act 1994*.

Part 26 Special Disaster Flood Assistance—TC Charlotte - TC Ellie Scheme

Division 1 Preliminary

246 Definitions for pt 26

In this part—

applicant means a person applying for assistance under the scheme.

eligible business entity means a primary producer or small business eligible for assistance under the scheme.

flood event means the floods caused by TC Charlotte, TC Ellie and monsoonal rains in regional Queensland in January

and February 2009 that have affected the prescribed local government areas.

natural disaster relief and recovery arrangements means the funding arrangements agreed between the Commonwealth and the State for providing financial assistance to communities affected by natural disasters.

Editor's note—

At the commencement of this definition, the funding arrangements were described in the document called 'Natural Disaster Relief and Recovery Arrangements Community Recovery Package Guidelines 2007' published by the Commonwealth Attorney-General's Department and available on that department's website at <www.ema.gov.au>.

prescribed local government area means the local government area of any of the following local governments—

- (a) Burke Shire Council;
- (b) Carpentaria Shire Council;
- (c) Cloncurry Shire Council;
- (d) Croydon Shire Council;
- (e) Doomadgee Aboriginal Shire Council;
- (f) Etheridge Shire Council;
- (g) Hinchinbrook Shire Council;
- (h) McKinlay Shire Council;
- (i) Richmond Shire Council.

primary producer means an individual who spends the majority of the individual's labours on, and derives the majority of the individual's income from, a primary production enterprise.

primary production enterprise means a business that involves primary production, including, for example, the agricultural, aquacultural, horticultural or pastoral industries.

scheme means the scheme under this part.

small business see section 249.

TC Charlotte means the cyclone known as Tropical Cyclone Charlotte that affected certain communities in north Queensland in January 2009.

TC Ellie means the cyclone known as Tropical Cyclone Ellie that affected certain communities in north Queensland in February 2009.

247 Objective of scheme

The objective of the scheme is to provide, under the natural disaster relief and recovery arrangements and an agreement between the Commonwealth and the State of 15 June 2009, assistance to eligible business entities that have suffered direct damage caused by the flood event.

248 Purpose of assistance

- (1) The purpose of the assistance under the scheme is to help an eligible business entity pay for costs arising out of direct damage caused by the flood event.
- (2) However, assistance under the scheme is not intended to compensate eligible business entities for losses suffered because of the flood event.

249 Meaning of *small business*

- (1) A ***small business*** is a business that—
 - (a) holds an Australian Business Number; and
 - (b) employs not more than—
 - (i) 20 full-time employees of the business; or
 - (ii) if the business has employees who do not work full-time for the business—20 equivalent full-time employees of the business.
- (2) A business is not a ***small business*** if the business is a public company within the meaning of the Corporations Act.
- (3) Also, a business is not a ***small business*** if—

- (a) the business is operated by a sole owner; and
 - (b) the business has no employees, other than the sole owner; and
 - (c) the sole owner does not derive the majority of the owner's income from the business.
- (4) For subsection (1)(b)(ii), the number of equivalent full-time employees of a business is worked out using the formula—

$$E = F + P / 35$$

where—

E means the number of equivalent full-time employees of the business.

F means the number of full-time employees of the business.

P means the total number of hours worked each week by employees who do not work full-time for the business.

Division 2 General provisions for scheme

250 Nature of assistance

- (1) The nature of the assistance under the scheme is the provision of a grant to help eligible business entities clean and restore their small businesses or primary production enterprises that have suffered direct damage caused by the flood event.
- (2) In particular, assistance is to be provided under the scheme to help an eligible business entity to cover the costs of the following—
 - (a) purchasing, hiring or leasing plant, equipment or materials—
 - (i) to clean premises or a property; or
 - (ii) that are essential to the immediate resumption of farming or other business activities;
 - (b) clearing or disposing of debris, damaged goods or injured or dead livestock;

- (c) repairing and restoring fields;
- (d) repairing and restoring the bed and banks of a watercourse;
- (e) repairing buildings other than houses, and repairing or replacing fencing on a property;
- (f) repairing or reconditioning essential plant or equipment;
- (g) repairing roads and infrastructure essential to the operation of the entity's primary production enterprise or small business—
 - (i) whether or not the road or infrastructure is owned by the entity; and
 - (ii) whether the entity is contributing the whole or a part of the repair costs;
- (h) leasing temporary premises for the purpose of resuming trading;
- (i) engaging a person—
 - (i) to conduct a safety inspection of premises; or
 - (ii) to check the health of livestock or poultry;
- (j) paying wages to an employee of the entity, if the payment is more than the wages ordinarily paid to the employee.

251 Eligibility criteria—primary producer

An applicant is eligible for assistance under the scheme if—

- (a) the applicant is a primary producer; and
- (b) the applicant's primary production enterprise has suffered direct damage as a result of the flood event; and
- (c) the applicant's primary production enterprise is located in a prescribed local government area; and
- (d) the applicant is primarily responsible for meeting the costs claimed in the application; and

- (e) the applicant was engaged in the primary production enterprise when the prescribed local government area in which the enterprise is located was affected by the flood event; and
- (f) the authority is satisfied the applicant intends to re-establish the primary production enterprise.

252 Eligibility criteria—small business

An applicant is eligible for assistance under the scheme if—

- (a) the applicant owns (whether as sole owner, in partnership or as a private company) a small business; and
- (b) the applicant's small business has suffered direct damage as a result of the flood event; and
- (c) the small business is located in a prescribed local government area; and
- (d) the applicant is primarily responsible for meeting the costs claimed in the application; and
- (e) the applicant was engaged in conducting the business when the prescribed local government area in which the business is located was affected by the flood event; and
- (f) the authority is satisfied the applicant intends to re-establish the small business.

253 Special requirement for assistance

- (1) An applicant is eligible for assistance under the scheme only if the applicant provides evidence to the authority that all amounts claimed by the applicant under the scheme have been paid by the applicant.
- (2) However, if the applicant demonstrates financial hardship under section 254—
 - (a) subsection (1) does not apply; and
 - (b) the applicant is eligible for assistance under the scheme only if the applicant provides evidence to the authority,

in the form of quotations for work, equipment or materials, that all amounts claimed by the applicant under the scheme are needed for cleaning and restoring the applicant's small business or primary production enterprise.

254 Financial hardship

- (1) To demonstrate financial hardship for the purposes of section 253(2), an application for assistance 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 cannot pay the amounts claimed in the application because of financial hardship; and
 - (ii) the continuation of the applicant's primary production enterprise or small business is in doubt because the applicant cannot pay the amounts claimed.
- (2) In this section—

suitably qualified person means—

 - (a) generally, 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), including, for example, because the applicant's residence is not located near a populated area, 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.

255 Amount of assistance

The maximum amount of assistance that may be given to an applicant under the scheme is \$15000.

Note—

See section 257 for special circumstances in which an applicant may be given more than the stated maximum amount.

256 Conditions

- (1) An applicant may apply for assistance under the scheme in the applicant's capacity as a primary producer or a small business, but not both.
- (2) Payment of assistance under the scheme is subject to the following conditions—
 - (a) an applicant must consent to the authority obtaining information or documents from an insurer of the applicant's primary production enterprise or small business for the purpose of allowing the authority to verify the applicant's entitlements under an insurance policy taken out with the insurer;
 - (b) an applicant must consent to the authority conducting an audit of the applicant's receipts, invoices or other evidence relevant to the applicant's claim for assistance, for the purpose of allowing the authority to verify—
 - (i) the information provided by the applicant in the claim for assistance; and

- (ii) whether amounts given to the applicant under the scheme have been used in accordance with the claim for assistance.
- (3) Payment of assistance under the scheme is subject to any other conditions decided by the authority, including, for example, conditions requiring the applicant to give to the authority the following—
 - (a) evidence of the direct damage in relation to which an application is made;
 - (b) evidence that the majority of the applicant's income is derived from the applicant's primary production enterprise or small business.

257 Special provision for particular applications

- (1) This section applies if—
 - (a) an eligible business entity operates more than 1 business or primary production enterprise (each a *separate business*) at separate locations; and
 - (b) the authority is satisfied a separate business is a commercial entity that would be a commercially viable and autonomous business (an *eligible separate business*) if other businesses operated by the eligible business entity ceased to operate.
- (2) The eligible business entity may apply for assistance under the scheme for each eligible separate business as if each business were a separate primary production enterprise or small business for which the applicant is eligible for assistance under the scheme.
- (3) Despite section 255, the maximum amount of assistance that may be given for each eligible separate business under the scheme is \$15000.
- (4) For subsection (1)(b), the authority may have regard to the following—
 - (a) the staffing arrangements of the separate business;

- (b) whether the business has its own plant, equipment or stock;
 - (c) the accounting and insurance arrangements of the business;
 - (d) whether the business operates under its own trading name.
- (5) Subsection (4) does not limit the matters to which the authority may have regard.

258 Special provision about insurance

- (1) This section applies if an applicant receives, or is entitled to receive, an amount (an ***insurance amount***) under a policy of insurance relating to direct damage caused by the flood event.
- (2) The applicant is not eligible to receive a grant under the scheme to cover particular costs of cleaning and restoring a primary production enterprise or small business if the applicant receives, or is entitled to receive, an insurance amount to cover the costs.

259 Applications

- (1) An application for assistance under the scheme must—
 - (a) be made on the authority's application form; and
 - (b) be accompanied by the documentation stated on the application; and
 - (c) be given to the authority.
- (2) An application for assistance under the scheme must be received by the authority no later than 30 November 2009.

260 Deciding applications

The authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 18 December 2009. Future amendments of the Rural and Regional Adjustment Regulation 2000 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	23 June 2000	4 August 2000
1A	2002 SL No. 16	8 February 2002	22 February 2002

Reprint No.	Amendments included	Effective	Notes
1B	2002 SL No. 206	23 August 2002	
1C	2004 SL No. 166 2004 SL No. 169	27 August 2004	
1D	2004 SL No. 306	17 December 2004	
1E	2005 SL No. 24	25 February 2005	
1F	2005 SL No. 42	24 March 2005	
1G	2005 SL No. 60	15 April 2005	
1H	2005 SL No. 106	3 June 2005	

Reprint No.	Amendments included	Effective	Notes
1I	2005 SL No. 132	24 June 2005	
	2005 SL No. 133		
1J	2005 SL No. 161	15 July 2005	
1K	2005 SL No. 189	12 August 2005	
1L	2005 SL No. 224	16 September 2005	
1M	2005 SL No. 225	17 September 2005	R1M withdrawn, see R2
2	—	17 September 2005	
2A rv	2006 SL No. 10	3 February 2006	
2B	2006 SL No. 73	21 April 2006	
2C	—	22 April 2006	provs exp beginning of 22 April 2006
2D	2006 SL No. 170	30 June 2006	
2E	—	1 July 2006	provs exp beginning of 1 July 2006
2F	2006 SL No. 249	6 October 2006	
2G	—	7 October 2006	provs exp beginning of 7 October 2006
2H	2006 SL No. 287	24 November 2006	
2I	2007 SL No. 20	2 March 2007	
	2007 SL No. 21		
3	2007 SL No. 36	23 March 2007	
3A	2007 SL No. 55	13 April 2007	
3B	2007 SL No. 70	27 April 2007	
3C	2007 SL No. 250	12 October 2007	
3D	2007 SL No. 338	14 December 2007	
3E	2008 SL No. 15	1 February 2008	
3F	2008 SL No. 42	29 February 2008	
3G	2008 SL No. 38	15 March 2008	
3H	2008 SL No. 110	2 May 2008	R3H withdrawn, see R4
4	—	2 May 2008	
4A	2008 SL No. 245	25 July 2008	
4B	2008 SL No. 298	5 September 2008	
4C	2008 SL No. 360	31 October 2008	
4D	2009 SL No. 32	17 April 2009	
4DA	2009 SL No. 164	1 July 2009	
4E rv	2009 SL No. 150	17 July 2009	
4F	2009 SL No. 164	7 August 2009	R4F withdrawn, see R5
5	—	7 August 2009	
5A	2009 SL No. 280	18 December 2009	

5 List of legislation

Rural and Regional Adjustment Regulation 2000 SL No. 124 (prev Rural Adjustment Authority Regulation 2000)

made by the Governor in Council on 22 June 2000

notfd gaz 23 June 2000 pp 652–4

commenced on date of notification

exp 1 September 2010 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Rural Adjustment Authority Amendment Regulation (No. 1) 2002 SL No. 16

notfd gaz 8 February 2002 pp 442–3

commenced on date of notification

Rural Adjustment Authority Amendment Regulation (No. 2) 2002 SL No. 206

notfd gaz 23 August 2002 pp 1478–81

ss 1–2 commenced on date of notification

remaining provisions commenced 23 August 2002 (see s 2 and 2002 SL No. 214)

Government Owned Corporations Regulation 2004 SL No. 166 ss 1, 45

notfd gaz 27 August 2004 pp 1330–2

commenced on date of notification

Rural Adjustment Authority Amendment Regulation (No. 1) 2004 SL No. 169

notfd gaz 27 August 2004 pp 1330–2

commenced on date of notification

Rural Adjustment Authority Amendment Regulation (No. 2) 2004 SL No. 306

notfd gaz 17 December 2004 pp 1277–85

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 1) 2005 SL No. 24

notfd gaz 25 February 2005 pp 674–7

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 2) 2005 SL No. 42

notfd gaz 24 March 2005 pp 996–7

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 3) 2005 SL No. 60

notfd gaz 15 April 2005 pp 1214–15

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 4) 2005 SL No. 106

notfd gaz 3 June 2005 pp 415–19

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 5) 2005 SL No. 132

notfd gaz 24 June 2005 pp 639–45

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 6) 2005 SL No. 133

notfd gaz 24 June 2005 pp 639–45

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 7) 2005 SL No. 161

notfd gaz 15 July 2005 pp 906–7

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 8) 2005 SL No. 189

notfd gaz 12 August 2005 pp 1297–1303

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 9) 2005 SL No. 224

notfd gaz 16 September 2005 pp 226–7

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 10) 2005 SL No. 225

notfd gaz 16 September 2005 pp 226–7

ss 1–2 commenced on date of notification

remaining provisions commenced 17 September 2005 (see s 2)

Rural and Regional Adjustment Amendment Regulation (No. 1) 2006 SL No. 10

notfd gaz 3 February 2006 pp 426–7

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 2) 2006 SL No. 73

notfd gaz 21 April 2006 pp 1544–5

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 3) 2006 SL No. 170

notfd gaz 30 June 2006 pp 1060–7

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 4) 2006 SL No. 249

notfd gaz 6 October 2006 pp 577–80

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 5) 2006 SL No. 287

notfd gaz 24 November 2006 pp 1476–9

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 1) 2007 SL No. 20

notfd gaz 2 March 2007 pp 983–6

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 2) 2007 SL No. 21

notfd gaz 2 March 2007 pp 983–6

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 3) 2007 SL No. 36

notfd gaz 23 March 2007 pp 1366–9

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 4) 2007 SL No. 55

notfd gaz 13 April 2007 pp 1685–6

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 5) 2007 SL No. 70

notfd gaz 27 April 2007 pp 1887–90

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 6) 2007 SL No. 250

notfd gaz 12 October 2007 pp 841–2

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 7) 2007 SL No. 338

notfd gaz 14 December 2007 pp 2131–5

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 1) 2008 SL No. 15

notfd gaz 1 February 2008 pp 465–7

commenced on date of notification

Primary Industries and Other Legislation Amendment Regulation (No. 1) 2008 SL No. 38 pts 1, 9

notfd gaz 29 February 2008 pp 1012–14

ss 1–2 commenced on date of notification

remaining provisions commenced 15 March 2008 (see s 2)

Rural and Regional Adjustment Amendment Regulation (No. 2) 2008 SL No. 42

notfd gaz 29 February 2008 pp 1012–14

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 3) 2008 SL No. 110

notfd gaz 2 May 2008 pp 164–5

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 4) 2008 SL No. 245

notfd gaz 25 July 2008 pp 1838–41

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 5) 2008 SL No. 298

notfd gaz 5 September 2008 pp 144–5

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 6) 2008 SL No. 360

notfd gaz 31 October 2008 pp 1204–5

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 1) 2009 SL No. 32

notfd gaz 17 April 2009 pp 1775–6

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 2) 2009 SL No. 150

notfd gaz 17 July 2009 pp 1103–4

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 3) 2009 SL No. 164

notfd gaz 7 August 2009 pp 1294–5

ss 1–2 commenced on date of notification

s 4(4)–(7) commenced 1 July 2009 (see s 2)

remaining provisions commenced on date of notification

Sustainable Planning Regulation 2009 SL No. 280 ss 1–2, pt 9 div 20

notfd gaz 27 November 2009 pp 1001–6

ss 1–2 commenced on date of notification

remaining provisions commenced 18 December 2009 (see s 2)

6 List of annotations

PART 1—PRELIMINARY**pt hdg** ins 2004 SL No. 169 s 3**Short title****s 1** sub 2004 SL No. 306 s 3**Notes in text****s 2** amd 2002 SL No. 16 s 3; 2002 SL No. 206 s 4; 2004 SL No. 166 s 45(2); 2004 SL No. 169 s 4

sub 2005 SL No. 225 s 4

om 2006 SL No. 249 s 3

PART 2—OTHER FUNCTIONS OF AUTHORITY**pt hdg** ins 2004 SL No. 169 s 5**Application of pt 2****s 2A** ins 2004 SL No. 169 s 5**DSAP scheme****prov hdg** sub 2002 SL No. 16 s 4(1); 2004 SL No. 169 s 6(1)**s 3** amd 2002 SL No. 16 s 4(2); 2002 SL No. 206 s 5; 2004 SL No. 169 s 6(2)–(4); 2005 SL No. 225 s 5**Rural irrigation water users****prov hdg** ins 2004 SL No. 169 s 6(5)**s 4** amd 2004 SL No. 169 s 7; 2005 SL No. 225 s 6**State loans for residential services****prov hdg** ins 2004 SL No. 169 s 6(6)**s 5** amd 2004 SL No. 169 s 8

sub 2005 SL No. 225 s 7

Adjustment package**s 6** ins 2004 SL No. 169 s 9

amd 2005 SL No. 225 s 8

def “**affected person**” amd 2006 SL No. 249 s 4

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PART 3—APPROVED ASSISTANCE SCHEMES

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Approval of schemes—Act, s 11

s 7 ins 2005 SL No. 24 s 4
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amd 2005 SL No. 225 s 9; 2006 SL No. 73 s 3; 2006 SL No. 170 s 3; 2006 SL No. 249 s 5; 2006 SL No. 287 s 3; 2007 SL No. 20 s 3; 2007 SL No. 21 s 3; 2007 SL No. 36 s 3; 2007 SL No. 250 s 3; 2008 SL No. 15 s 3; 2008 SL No. 245 s 3; 2008 SL No. 298 s 3; 2008 SL No. 360 s 3; 2009 SL No. 150 s 3

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pres pt 4 hdg ins 2006 SL No. 249 s 6
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Amendment of existing approved assistance scheme for primary producers—Act, s 54

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Approval of Primary Industry Productivity Enhancement Scheme

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Approval of Drought Carry-on Finance Scheme

s 8C ins 2005 SL No. 189 s 3
om 2005 SL No. 224 s 3

Approval of Drought Recovery Scheme

s 8D ins 2005 SL No. 189 s 3
om 2005 SL No. 224 s 3

Amendment of existing approved assistance scheme for small business—Act, s 54

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- s 10** orig s 10 ins 2006 SL No. 73 s 4
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- s 10A** ins 2006 SL No. 249 s 6
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- s 10B** ins 2006 SL No. 249 s 6
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- sch hdg** ins 2005 SL No. 24 s 5
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PART 1—CITRUS INDUSTRY RECOVERY SCHEME

- pt hdg** ins 2005 SL No. 60 s 5(2)

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- div hdg** ins 2005 SL No. 106 s 3(1)

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amd 2007 SL No. 70 s 3(1)–(2)

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s 60 ins 2005 SL No. 189 s 4(6)

Deciding applications

s 61 ins 2005 SL No. 189 s 4(6)

PART 5—DROUGHT RECOVERY SCHEME

pt hdg ins 2005 SL No. 189 s 4(6)

Definitions for pt 5

s 62 ins 2005 SL No. 189 s 4(6)

What is a “drought affected area”

s 63 ins 2005 SL No. 189 s 4(6)

Objective of scheme

s 64 ins 2005 SL No. 189 s 4(6)

Purpose of assistance

s 65 ins 2005 SL No. 189 s 4(6)

Nature of assistance

s 66 ins 2005 SL No. 189 s 4(6)

Maximum loan amounts

s 67 ins 2005 SL No. 189 s 4(6)

Eligibility criteria

s 68 ins 2005 SL No. 189 s 4(6)

Endnotes

Maximum term of loan

s 69 ins 2005 SL No. 189 s 4(6)

Terms of repayment

s 70 ins 2005 SL No. 189 s 4(6)

Interest rate

s 71 ins 2005 SL No. 189 s 4(6)

Security

s 72 ins 2005 SL No. 189 s 4(6)

Applications

s 73 ins 2005 SL No. 189 s 4(6)

Deciding applications

s 74 ins 2005 SL No. 189 s 4(6)

Payment

s 75 ins 2005 SL No. 189 s 4(6)

PART 6—CITRUS REIMBURSEMENT AND RE-ESTABLISHMENT SCHEME

pt 6 hdg ins 2005 SL No. 189 s 4(6)

Definitions for pt 6

s 76 ins 2005 SL No. 189 s 4(6)
def “**permitted local government area**” amd 2008 SL No. 38 s 34
def “**pest quarantine area**” amd 2007 SL No. 70 s 3(3)
def “**relevant property**” amd 2006 SL No. 249 s 7(1)

Purpose of assistance

s 77 ins 2005 SL No. 189 s 4(6)

Nature of assistance

s 78 ins 2005 SL No. 189 s 4(6)

Eligibility criteria

s 79 ins 2005 SL No. 189 s 4(6)

Terms and conditions

s 80 ins 2005 SL No. 189 s 4(6)

Applications

s 81 ins 2005 SL No. 189 s 4(6)

PART 7—SMALL BUSINESS EMERGENCY ASSISTANCE SCHEME

pt 7 hdg ins 2005 SL No. 225 s 11

Definitions for pt 7

s 82 ins 2005 SL No. 225 s 11

Objective of scheme

s 83 ins 2005 SL No. 225 s 11

Nature of assistance

s 84 ins 2005 SL No. 225 s 11

Maximum subsidy amount

s 85 ins 2005 SL No. 225 s 11
amd 2007 SL No. 20 s 4(2)–(3); 2007 SL No. 338 s 3(1)

Eligibility criteria

s 86 ins 2005 SL No. 225 s 11

Applications

s 87 ins 2005 SL No. 225 s 11

Deciding applications

s 88 ins 2005 SL No. 225 s 11

PART 8—EXCEPTIONAL CIRCUMSTANCES SCHEME

pt hdg ins 2005 SL No. 225 s 11

Definitions for pt 8

s 89 ins 2005 SL No. 225 s 11
def “**carry-on finance**” ins 2007 SL No. 338 s 3(3)
def “**EC period**” ins 2006 SL No. 10 s 3(2)
amd 2007 SL No. 338 s 3(2)
def “**EC year**” om 2006 SL No. 10 s 3(1)

Objectives of scheme

s 90 ins 2005 SL No. 225 s 11

Purpose of assistance

s 91 ins 2005 SL No. 225 s 11

Nature of assistance

s 92 ins 2005 SL No. 225 s 11

Level of assistance

s 93 ins 2005 SL No. 225 s 11
amd 2006 No. 10 s 3(3)–(4); 2007 SL No. 20 s 4(4); 2007 SL No. 55 s 3(1);
2007 SL No. 338 s 3(4); 2008 SL No. 298 s 4(1); 2009 SL No. 32 s 3(1)

Period of assistance

s 94 ins 2005 SL No. 225 s 11
amd 2006 No. 10 s 3(3), (5)–(6); 2007 SL No. 338 s 3(4)

Eligibility criteria

s 95 ins 2005 SL No. 225 s 11
amd 2006 No. 10 s 3(3); 2007 SL No. 20 s 4(5)–(11); 2007 SL No. 338 s 3(4)–
(6); 2009 SL No. 32 s 3(2); 2009 SL No. 164 s 4(4) (retro)

Applications

s 96 ins 2005 SL No. 225 s 11
amd 2006 No. 10 s 3(3); 2007 SL No. 338 s 3(7)

Deciding applications

s 97 ins 2005 SL No. 225 s 11

Endnotes

Terms and conditions

- s 98** ins 2005 SL No. 225 s 11
amd 2006 No. 10 s 3(3); 2007 SL No. 338 s 3(8)

Applications made after 24 September 2007 and before 30 June 2010

- prov hdg** amd 2009 SL No. 32 s 3(3); 2009 SL No. 164 s 4(5) (retro)
s 98A ins 2007 SL No. 338 s 3(9)
amd 2009 SL No. 32 s 3(4); 2009 SL No. 164 s 4(5) (retro)

**PART 9—NATURAL DISASTER RELIEF—TC LARRY - TC MONICA
(PRIMARY PRODUCERS) SCHEME**

- pt hdg** ins 2006 SL No. 73 s 5
amd 2006 SL No. 170 s 5(1)

Definitions for pt 9

- s 99** ins 2006 SL No. 73 s 5
def “**natural disaster relief arrangements**” amd 2006 SL No. 170 s 5(4)
def “**prescribed disaster area**” sub 2006 SL No. 170 s 5(2)–(3)
def “**relevant cyclone event**” ins 2006 SL No. 170 s 5(3)
def “**TC Larry**” amd 2006 SL No. 170 s 5(5)
def “**TC Monica**” ins 2006 SL No. 170 s 5(3)

Purpose of assistance

- s 100** ins 2006 SL No. 73 s 5
amd 2006 SL No. 170 s 5(6)–(7)

Nature of assistance

- s 101** ins 2006 SL No. 73 s 5
amd 2006 SL No. 170 s 5(7)

Maximum amount of assistance

- s 102** ins 2006 SL No. 73 s 5

Eligibility criteria

- s 103** ins 2006 SL No. 73 s 5
amd 2006 SL No. 170 s 5(7)–(9)

Security

- s 104** ins 2006 SL No. 73 s 5

Terms of repayment

- s 105** ins 2006 SL No. 73 s 5

Applications

- s 106** ins 2006 SL No. 73 s 5

**PART 10—NATURAL DISASTER RELIEF—TC LARRY - TC MONICA (SMALL
BUSINESS) SCHEME**

- pt hdg** ins 2006 SL No. 73 s 5
amd 2006 SL No. 170 s 5(10)

Definitions for pt 10

- s 107** ins 2006 SL No. 73 s 5
def “**relevant cyclone event**” ins 2006 SL No. 170 s 5(11)

def “**TC Larry**” amd 2006 SL No. 170 s 5(12)
 def “**TC Monica**” ins 2006 SL No. 170 s 5(11)

Purpose of assistance

s 108 ins 2006 SL No. 73 s 5
 amd 2006 SL No. 170 s 5(13)

Nature of assistance

s 109 ins 2006 SL No. 73 s 5

Maximum amount of assistance

s 110 ins 2006 SL No. 73 s 5
 amd 2006 SL No. 170 s 5(13)

Eligibility criteria

s 111 ins 2006 SL No. 73 s 5
 amd 2006 SL No. 170 s 5(13)

Security

s 112 ins 2006 SL No. 73 s 5

Terms of repayment

s 113 ins 2006 SL No. 73 s 5

Applications

s 114 ins 2006 SL No. 73 s 5

PART 11—NATURAL DISASTER RELIEF (PRIMARY PRODUCERS) SCHEME

pt hdg ins 2006 SL No. 249 s 7(2)

Definitions for pt 11

s 115 ins 2006 SL No. 249 s 7(2)
 def “**defined disaster area**” amd 2008 SL No. 110 s 3(1)
 def “**development**” amd 2009 SL No. 280 s 121(1)
 def “**natural disaster relief and recovery arrangements**” amd 2008 SL No.
 110 s 3(2)

Meaning of eligible natural disaster

s 116 ins 2006 SL No. 249 s 7(2)

Meaning of individual disaster stricken property

s 117 ins 2006 SL No. 249 s 7(2)

Purpose of assistance

s 118 ins 2006 SL No. 249 s 7(2)

Nature of assistance

s 119 ins 2006 SL No. 249 s 7(2)

Maximum loan amounts

s 120 ins 2006 SL No. 249 s 7(2)
 amd 2008 SL No. 110 s 3(3)–(5)

Endnotes

Eligibility criteria

s 121 ins 2006 SL No. 249 s 7(2)
amd 2008 SL No. 110 s 3(6)

Interest rates

s 122 ins 2006 SL No. 249 s 7(2)

Security

s 123 ins 2006 SL No. 249 s 7(2)

Terms of repayment

s 124 ins 2006 SL No. 249 s 7(2)

Review by authority

s 125 ins 2006 SL No. 249 s 7(2)

Application

s 126 ins 2006 SL No. 249 s 7(2)

Provision about particular applications

s 126A ins 2008 SL No. 110 s 3(7)

PART 12—NATURAL DISASTER RELIEF (SMALL BUSINESS) SCHEME

pt hdg ins 2006 SL No. 249 s 7(2)

Definitions for pt 12

s 127 ins 2006 SL No. 249 s 7(2)
def “development” amd 2009 SL No. 280 s 121(2)
def “natural disaster relief and recovery arrangements” ins 2008 SL No.
110 s 3(8)

Meaning of eligible natural disaster

s 128 ins 2006 SL No. 249 s 7(2)

Purpose of assistance

s 129 ins 2006 SL No. 249 s 7(2)

Nature of assistance

s 130 ins 2006 SL No. 249 s 7(2)

Maximum loan amounts

s 131 ins 2006 SL No. 249 s 7(2)
amd 2008 SL No. 110 s 3(9)–(10)

Eligibility criteria

s 132 ins 2006 SL No. 249 s 7(2)
amd 2008 SL No. 110 s 3(11)

Security

s 133 ins 2006 SL No. 249 s 7(2)

Terms of repayment

s 134 ins 2006 SL No. 249 s 7(2)

Application

s 135 ins 2006 SL No. 249 s 7(2)

Provision about particular applications

s 135A ins 2008 SL No. 110 s 3(12)

PART 13—VEGETATION MANAGEMENT (ENTERPRISE ASSISTANCE) SCHEME

pt 13 (ss 136–144) ins 2006 SL No. 249 s 7(2)

PART 14—VEGETATION MANAGEMENT (EXIT ASSISTANCE) SCHEME

pt 14 (ss 145–152) ins 2006 SL No. 249 s 7(2)

PART 15—BUSINESS ADJUSTMENT—TRAVESTON CROSSING DAM - WYARALONG DAM (BUSINESS ADVICE ASSISTANCE) SCHEME

pt 15 (ss 153–159) ins 2006 SL No. 287 s 4

PART 16—BUSINESS ADJUSTMENT—TRAVESTON CROSSING DAM - WYARALONG DAM (BUSINESS RESTRUCTURE ASSISTANCE) SCHEME

pt 16 (ss 160–167) ins 2006 SL No. 287 s 4

PART 17—BUSINESS ADJUSTMENT—TRAVESTON CROSSING DAM - WYARALONG DAM (BUSINESS EXIT ASSISTANCE) SCHEME

pt 17 (ss 168–176) ins 2006 SL No. 287 s 4

PART 18—SMALL BUSINESS DROUGHT ASSISTANCE SCHEME

pt hdg ins 2007 SL No. 20 s 4(12)

Objective of scheme

s 177 ins 2007 SL No. 20 s 4(12)
amd 2007 SL No. 338 s 3(10)

Purpose of assistance

s 178 ins 2007 SL No. 20 s 4(12)

Definitions for pt 18

s 179 ins 2007 SL No. 20 s 4(12)
def “**EC period**” amd 2007 SL No. 338 s 3(12)
def “**owner**” ins 2007 SL No. 338 s 3(11)
def “**relevant town**” ins 2007 SL No. 338 s 3(11)

Meaning of “business turnover”

s 180 ins 2007 SL No. 20 s 4(12)

Meaning of “small business”

s 181 ins 2007 SL No. 20 s 4(12)
amd 2007 SL No. 55 s 3(2); 2007 SL No. 338 s 3(13)

Nature of assistance

s 182 ins 2007 SL No. 20 s 4(12)

Level of assistance

s 183 ins 2007 SL No. 20 s 4(12)
sub 2007 SL No. 338 s 3(14)

Endnotes

Period of assistance

s 184 ins 2007 SL No. 20 s 4(12)

Eligibility criteria

s 185 ins 2007 SL No. 20 s 4(12)
amd 2007 SL No. 338 s 3(15)–(19); 2009 SL No. 32 s 3(5); 2009 SL No. 164 s 4(6) (retro)

Terms

s 186 ins 2007 SL No. 20 s 4(12)

Applications

s 187 ins 2007 SL No. 20 s 4(12)
amd 2007 SL No. 338 s 3(20)

Deciding applications

s 188 ins 2007 SL No. 20 s 4(12)

Applications made after 24 September 2007 and before 30 June 2010

prov hdg amd 2009 SL No. 32 s 3(6); 2009 SL No. 164 s 4(7) (retro)

s 188A ins 2007 SL No. 338 s 3(21)
amd 2009 SL No. 32 s 3(7); 2009 SL No. 164 s 4(7) (retro)

PART 19—IRRIGATORS FIXED WATER CHARGES REBATE SCHEME

pt hdg ins 2007 SL No. 21 s 4

Objective of scheme

s 189 ins 2007 SL No. 21 s 4

Nature of assistance

s 190 ins 2007 SL No. 21 s 4

Definitions for pt 19

s 191 ins 2007 SL No. 21 s 4
def “**fixed water charge**” amd 2007 SL No. 338 s 3(22)
def “**irrigator**” amd 2007 SL No. 338 s 3(23)
def “**water area**” amd 2007 SL No. 338 s 3(24)

Eligibility criteria

s 192 ins 2007 SL No. 21 s 4
amd 2009 SL No. 164 s 4(8)

Financial hardship

s 193 ins 2007 SL No. 21 s 4

Maximum rebate amounts

s 194 ins 2007 SL No. 21 s 4

Period of assistance

s 195 ins 2007 SL No. 21 s 4

Payment of rebate

s 196 ins 2007 SL No. 21 s 4

Applications

s 197 ins 2007 SL No. 21 s 4
amd 2007 SL No. 338 s 3(25)

Deciding applications

s 198 ins 2007 SL No. 21 s 4

PART 19A—ADDITIONAL IRRIGATORS FIXED WATER CHARGES REBATE SCHEME

pt hdg ins 2008 SL No. 298 s 4(2)

Objective of scheme

s 198A ins 2008 SL No. 298 s 4(2)

Nature of assistance

s 198B ins 2008 SL No. 298 s 4(2)

Definitions for pt 19A

prov hdg ins 2008 SL No. 298 s 4(2)
amd 2009 SL No. 32 s 3(8)

s 198C ins 2008 SL No. 298 s 4(2)

Eligibility criteria

s 198D ins 2008 SL No. 298 s 4(2)

Financial hardship

s 198E ins 2008 SL No. 298 s 4(2)

Maximum rebate amounts

s 198F ins 2008 SL No. 298 s 4(2)

Period of assistance

s 198G ins 2008 SL No. 298 s 4(2)

Payment of rebate

s 198H ins 2008 SL No. 298 s 4(2)

Applications

s 198I ins 2008 SL No. 298 s 4(2)

Deciding applications

s 198J ins 2008 SL No. 298 s 4(2)

PART 20—DROUGHT RATE REBATE SCHEME

pt 20 (ss 199–206) ins 2007 SL No. 36 s 4

PART 21—QUEENSLAND COMMERCIAL HORSE SMALL BUSINESS EMERGENCY ASSISTANCE SCHEME

pt 21 (ss 207–215) ins 2007 SL No. 250 s 4

PART 22—SPECIAL DISASTER FLOOD ASSISTANCE SCHEME

pt hdg ins 2008 SL No. 15 s 4

Division 1—Preliminary

div hdg ins 2008 SL No. 15 s 4

Endnotes

Objective of scheme

s 216 ins 2008 SL No. 15 s 4
amd 2008 SL No. 42 s 3

Purpose of assistance

s 217 ins 2008 SL No. 15 s 4

Definitions for pt 22

s 218 ins 2008 SL No. 15 s 4
def “**closing day**” om 2008 SL No. 42 s 4(1)
def “**flood event**” amd 2008 SL No. 42 s 4(3)
def “**prescribed disaster area**” sub 2008 SL No. 42 s 4(1)–(2)

Meaning of small business

s 219 ins 2008 SL No. 15 s 4

Division 2—General provisions for scheme

div hdg ins 2008 SL No. 15 s 4

Nature of assistance

s 220 ins 2008 SL No. 15 s 4

Eligibility criteria—primary producer

s 221 ins 2008 SL No. 15 s 4

Eligibility criteria—small business

s 222 ins 2008 SL No. 15 s 4

Amount of assistance

s 223 ins 2008 SL No. 15 s 4

Special requirement for particular assistance

s 224 ins 2008 SL No. 15 s 4

Conditions

s 225 ins 2008 SL No. 15 s 4
amd 2008 SL No. 42 s 5

Special provision for particular applications

s 226 ins 2008 SL No. 15 s 4

Special provision about insurance

s 227 ins 2008 SL No. 15 s 4

Applications

s 228 ins 2008 SL No. 15 s 4
amd 2008 SL No. 42 s 6

Deciding applications

s 229 ins 2008 SL No. 15 s 4

PART 23—SMART ENERGY SAVINGS FUND SCHEME

pt 23 (ss 230–234) ins 2008 SL No. 245 s 4

PART 24—QUEENSLAND RENEWABLE ENERGY FUND SCHEME

pt 24 (ss 235–239) ins 2008 SL No. 245 s 4

PART 25—MORETON BAY MARINE PARK STRUCTURAL ADJUSTMENT PACKAGE SCHEME

pt 25 (ss 240–245) ins 2008 SL No. 360 s 4

PART 26—SPECIAL DISASTER FLOOD ASSISTANCE—TC CHARLOTTE - TC ELLIE SCHEME

pt hdg ins 2009 SL No. 150 s 4

Division 1—Preliminary

div 1 (ss 246–249) ins 2009 SL No. 150 s 4

Division 2—General provisions for scheme

div 2 (ss 250–260) ins 2009 SL No. 150 s 4

7 Information about retrospectivity

Retrospective amendments that have been consolidated are noted in the list of legislation and list of annotations. Any retrospective amendment that has not been consolidated is noted in an editor's note to the text.