



Queensland

# Rural and Regional Adjustment Amendment Regulation (No. 7) 2012

## Subordinate Legislation 2012 No. 176

made under the

*Rural and Regional Adjustment Act 1994*

## Contents

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		Page
1	Short title .....	3
2	Regulation amended .....	3
3	Amendment of s 3 (Approval of schemes—Act, s 11) .....	3
4	Amendment of sch 2 (Natural Disaster Relief (Primary Producers) Scheme) .....	3
5	Amendment of sch 3 (Natural Disaster Relief (Small Business) Scheme) .....	3
6	Insertion of new sch 21 .....	4
	Schedule 21 Natural Disaster Relief (Non-profit Organisations) Scheme	
	Part 1 Preliminary	
1	Objective of scheme .....	4
2	Purpose of assistance .....	4
3	Definitions for sch 21 .....	4
4	Meaning of eligible natural disaster .....	6
	Part 2 General provisions for scheme	
5	Nature of assistance .....	7
6	Maximum loan and grant amounts .....	7
7	Relationship with other approved assistance schemes .....	8
8	Eligibility criteria .....	8

Contents

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9	Security . . . . .	9
10	Terms of repayment . . . . .	9
11	Conditions . . . . .	9
12	Applications . . . . .	10
13	Deciding applications . . . . .	10

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**1 Short title**

This regulation may be cited as the *Rural and Regional Adjustment Amendment Regulation (No. 7) 2012*.

**2 Regulation amended**

This regulation amends the *Rural and Regional Adjustment Regulation 2011*.

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

Section 3(1), ‘20’—  
*omit, insert—*  
‘21’.

**4 Amendment of sch 2 (Natural Disaster Relief (Primary Producers) Scheme)**

Schedule 2, section 2(1)(g)—  
*omit, insert—*  
‘(g) a landslide;  
(h) a meteorite strike;  
(i) a tornado;  
(j) a tsunami.’.

**5 Amendment of sch 3 (Natural Disaster Relief (Small Business) Scheme)**

Schedule 3, section 2(1)(g)—  
*omit, insert—*  
‘(g) a landslide;  
(h) a meteorite strike;  
(i) a tornado;  
(j) a tsunami.’.

[s 6]

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## **6 Insertion of new sch 21**

After schedule 20—

*insert—*

# **‘Schedule 21 Natural Disaster Relief (Non-profit Organisations) Scheme**

section 3(1)

## **‘Part 1 Preliminary**

### **‘1 Objective of scheme**

‘The objective of the scheme is to provide assistance to eligible entities that have suffered direct damage caused by an eligible natural disaster.

### **‘2 Purpose of assistance**

- ‘(1) The purpose of the assistance under the scheme is to help an eligible entity pay for costs arising out of direct damage caused by an eligible natural disaster.
- ‘(2) However, assistance under the scheme is not intended to compensate eligible entities for loss of income suffered as a result of an eligible natural disaster.

### **‘3 Definitions for sch 21**

In this schedule—

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

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

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***defined disaster area***, for an eligible natural disaster, 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 eligible natural disaster; and
- (b) described in a document held by the authority and available for inspection by members of the public.

*Editor's note—*

At the commencement of this section, defined disaster areas were published on the authority's website at <[www.qraa.qld.gov.au](http://www.qraa.qld.gov.au)>.

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

***eligible entity*** means a non-profit organisation eligible for assistance under the scheme.

***eligible natural disaster*** see section 4.

***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 section, the funding arrangements were described in the document called 'Natural disaster relief and recovery arrangements—determination 2011 (version 1)' available on the Commonwealth Attorney-General's Department website at <[www.em.gov.au](http://www.em.gov.au)>.

***non-profit organisation—***

- 1 A non-profit organisation is an incorporated charitable or other organisation that—
  - (a) is not operating for the profit or gain, either direct or indirect, of its individual members; and
  - (b) provides a benefit to the community.
- 2 Paragraph 1(a) applies—
  - (a) while the organisation is operating; and

(b) when it winds up, as if it were still operating.

3 Also, any profit made by the organisation must go back into the operation of the organisation to carry out its purposes and not be distributed to any of its members.

**official receipt** means a receipt including—

- (a) the name and address of the entity that issued the receipt; and
- (b) if the entity has an Australian Business Number—the Australian Business Number; and
- (c) a description of each item to which the receipt relates.

**scheme** means the scheme set out in this schedule.

#### **‘4 Meaning of *eligible natural disaster***

‘(1) An ***eligible natural disaster*** means any of the following events—

- (a) a bushfire;
- (b) a cyclone;
- (c) an earthquake;
- (d) a flood;
- (e) a landslide;
- (f) a meteorite strike;
- (g) a storm, including any of, or any combination of, the following—
  - (i) hail;
  - (ii) rain;
  - (iii) wind;
- (h) a storm surge;
- (i) a tornado;
- (j) a tsunami.

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- ‘(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.

## ‘Part 2                      General provisions for scheme

### ‘5            Nature of assistance

‘The nature of the assistance under the scheme is the provision of a concessional loan and a grant for re-establishing the normal operation of an eligible entity, including doing any of the following—

- (a) repairing or replacing damaged plant and equipment;
- (b) repairing or restoring essential premises, including grounds, amenities and infrastructure;
- (c) supplying stock for up to 1 month to replace lost stock and maintain liquidity of the eligible entity.

### ‘6            Maximum loan and grant amounts

- ‘(1) Assistance under the scheme is by way of both a loan and a grant.
- ‘(2) The amount of loan and grant assistance for an applicant under the scheme for an eligible natural disaster—
- (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 caused by the eligible natural disaster.
- ‘(3) Subject to subsection (2)(b)—
- (a) the amount of loan assistance for an applicant under the scheme for an eligible natural disaster must not be more than \$100000; and

[s 6]

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- (b) the amount of grant assistance for an applicant under the scheme for an eligible natural disaster must not be more than \$5000.
- ‘(4) The first \$30000 or part of \$30000 of assistance for an applicant under the scheme for an eligible natural disaster must be in the ratio of loan to grant of 5:1.

## ‘7 Relationship with other approved assistance schemes

‘An applicant is not eligible for assistance for an eligible natural disaster under both—

- (a) the scheme; and
- (b) the scheme set out in schedule 11, 18 or 19.

## ‘8 Eligibility criteria

‘An applicant is eligible for assistance under the scheme if—

- (a) the applicant is a non-profit organisation; and
- (b) the applicant has suffered direct damage as a result of an eligible natural disaster; and
- (c) the applicant is located in a defined disaster area; and
- (d) the applicant can not repair or replace assets directly damaged as a result of the eligible natural disaster or return to the applicant’s normal operations from the applicant’s own resources without assistance under the scheme; and
- (e) the applicant has used all liquid assets and normal credit sources up to normal credit limits; and
- (f) the applicant has taken reasonable precautions to avoid or minimise loss or damage from the eligible natural disaster; and

*Example—*

The applicant has adequate insurance against loss or damage from the eligible natural disaster.



- (g) the applicant is responsible for the cost of repairing or replacing the damaged assets; and
- (h) the applicant demonstrates the ability to repay the loan applied for.

## **‘9 Security**

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

## **‘10 Terms of repayment**

- ‘(1) The maximum term of a loan under the scheme is 7 years.
- ‘(2) However, 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 applicant demonstrates a financial need for the increase in the term of the loan.
- ‘(3) The applicant may be given a loan under the scheme at a concessional interest rate decided by the authority.

*Editor’s note—*

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

## **‘11 Conditions**

- ‘(1) Payment of assistance under the scheme is subject to the conditions stated in subsections (2) and (3).
- ‘(2) The applicant must, if requested by the authority, provide evidence to the authority from time to time in the form of tax invoices, official receipts for payment, or bank statements, showing—
  - (a) full details of the goods or services acquired; and
  - (b) that all amounts claimed by the applicant under the scheme have been paid by the applicant.

[s 6]

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- ‘(3) If an applicant asks for the authority’s consent to substitute a security for an existing security for the loan and the authority consents to the substitution, the applicant must pay to the authority—
- (a) the authority’s reasonable fee for giving the consent; and
  - (b) any other reasonable costs of the authority in relation to the substitution.

## ‘12 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) The authority may request that an applicant provide further relevant information required to decide the application.

## ‘13 Deciding applications

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

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### ENDNOTES

- 1 Made by the Governor in Council on 11 October 2012.
- 2 Notified in the gazette on 12 October 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Agriculture, Fisheries and Forestry.

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