



Queensland

# Rural and Regional Adjustment Amendment Regulation (No. 3) 2013

## Subordinate Legislation 2013 No. 81

made under the

*Rural and Regional Adjustment Act 1994*

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**1 Short title**

This regulation may be cited as the *Rural and Regional Adjustment Amendment Regulation (No. 3) 2013*.

**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), ‘24’—

*omit, insert—*

25

**4 Insertion of new sch 25**

After schedule 24—

*insert—*

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## **Schedule 25      Bovine Johne's Disease Assistance Scheme**

section 3(1)

### **Part 1              Preliminary**

#### **1      Objective of scheme**

The objective of the scheme is to provide assistance to eligible applicants who have suffered financial loss because of the slaughter of cattle, or alternative supply actions affecting cattle, relating to an occurrence of bovine Johne's disease in Queensland.

#### **2      Purpose of assistance**

- (1) The purpose of the assistance under the scheme is to help an eligible applicant recover from the financial impact of slaughtering, or taking alternative supply actions affecting, cattle under planned slaughter or testing conditions.
- (2) However, assistance under the scheme is not intended to compensate eligible applicants for losses suffered as a result of slaughtering, or taking alternative supply actions affecting, cattle.

#### **3      Definitions for sch 25**

In this schedule—

*accepted value*, of an animal to which an application relates, means—

- (a) if the applicant bought the animal—the purchase price for the animal; or

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- (b) otherwise—the value of the animal stated in the latest approved valuation report for the animal.

***alternative supply actions***, affecting cattle, means the actions for managing the cattle stated in the supply chain plan for the cattle.

*Examples of alternative supply actions—*

- *feeding, agisting or consigning the cattle to a feedlot*
- *transporting the cattle to an alternative market*

***animal*** means a head of cattle.

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

***application*** means an application for financial assistance under the scheme.

***approved valuation report*** means a valuation report prepared—

- (a) by a person accredited as an A1, A2 or A3 assessor of cattle by AuctionsPlus Pty Ltd ACN 072 403 984; and

*Editor's note—*

At the commencement of this definition, the requirements for gaining A1, A2 and A3 assessor accreditation were stated on AuctionsPlus Pty Ltd's website at <<http://www.auctionsplus.com.au>>.

- (b) in accordance with the Ausvetplan operational procedures.

***Ausvetplan operational procedures*** means the document called 'Ausvetplan Operational Procedures Manual Valuation and Compensation', version 3.0, published by the Primary Industries Ministerial Council in 2006, or any earlier or later version of the document.

*Editor's note—*

At the commencement of this definition the document was available on the Animal Health Committee's website at <[www.animalhealthaustralia.com.au](http://www.animalhealthaustralia.com.au)>.

***bovine Johne's disease*** means the bovine strains of *Mycobacterium avium paratuberculosis*.

***cattle holding*** means a place where cattle are kept, pastured or grazed.

*Examples—*

- *a farm*
- *a feedlot*

***certificate of health*** means a certificate of health that complies with the *Stock Regulation 1988*, section 10.

***direct market assistance*** see section 5(a).

***eligible applicant*** means an applicant who is eligible for assistance under the scheme.

***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.

***PDIP guide*** means the document called 'Property Disease Investigation Plan', version 4.1, published by the department on 1 April 2013, or any earlier or later version of the document.

*Editor's note—*

At the commencement of this definition the document was available on the department's website at <[www.daff.qld.gov.au](http://www.daff.qld.gov.au)>.

***planned slaughter or testing conditions*** means conditions—

- (a) affecting cattle—
  - (i) that are infected, or suspected to be infected with bovine Johne’s disease; and
  - (ii) to which either of the following relate—
    - (A) a notice under the *Stock Act 1915*, section 14(1); or
    - (B) an undertaking under the *Stock Act 1915*, section 14(2); and
- (b) stated in a property disease investigation plan or property disease eradication plan.

***property disease eradication plan*** means a written plan for eradicating bovine Johne’s disease by destocking prepared consistently with the PDIP guide.

*Note—*

At the commencement of this definition, the processes for destocking under a property disease eradication plan were set out in item 2.9 of the PDIP guide.

***property disease investigation plan*** means a written plan for investigating suspected bovine Johne’s disease prepared in accordance with the PDIP guide and the standard definitions rules and guidelines.

***related entity*** see section 4.

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

***standard definitions rules and guidelines*** means the document called ‘National Johne’s Disease Program Standard Definitions and Rules For Cattle–BJD Standard Definitions, Rules and Guidelines for the control of cattle strains of

*Mycobacterium paratuberculosis* in cattle and for goats, deer and camelids', version 8, published by the Animal Health Committee in May 2012, or any earlier or later version of the document.

*Editor's note—*

At the commencement of this definition the document was available on the Animal Health Committee's website at <[www.animalhealthaustralia.com.au](http://www.animalhealthaustralia.com.au)>.

**supply chain pathway assistance** see section 5(b).

**supply chain plan** means a written plan for managing cattle affected by planned slaughter or testing conditions, stating the actions that have been, are being, or are to be, taken to manage the cattle in response to the conditions.

#### **4 Meaning of *related entity***

- (1) An applicant is a ***related entity*** of a person to whom section 7(1)(e)(i) or (ii) applies if the authority considers—
  - (a) a relationship of a type to which this section applies exists between them; or
  - (b) a series of relationships of a type to which this section applies can be traced between them through another person or other persons.
- (2) This section applies to relationships between the applicant and the person of any of the following types—
  - (a) a marriage, de facto relationship or registered relationship;
  - (b) a relationship of ascendant and descendant (including the relationship of parent and child) or the relationship of persons who have a parent or grandparent in common;

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- (c) a relationship of employer and employee;
- (d) a relationship in which the applicant and the person own or control the same—
  - (i) cattle; or
  - (ii) land where cattle are kept; or
  - (iii) infrastructure or equipment for keeping cattle;
- (e) a relationship in which one of them is accustomed, or under an obligation (whether formal or informal), to act in accordance with the directions, instructions or wishes of the other;
- (f) a relationship in which one of them is a corporation and the other is in a position to control or substantially influence the corporation's conduct.

## **Part 2                      General provisions for scheme**

### **5      Nature of assistance**

The nature of the assistance that may be given under the scheme is the provision of either or both of the following—

- (a) a grant to help an eligible applicant recover from the financial impact of the slaughter of cattle under planned slaughter or testing conditions (*direct market assistance*);
- (b) a grant to help an eligible applicant recover from the financial impact of taking alternative supply actions affecting cattle under planned slaughter or testing

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conditions (*supply chain pathway assistance*).

## 6 Maximum amount of assistance

The maximum amount of assistance that may be given to an eligible applicant under the scheme is \$50000.

## 7 Eligibility criteria

- (1) An applicant is eligible for assistance under the scheme if—
  - (a) the applicant owns cattle in Queensland; and
  - (b) either—
    - (i) an inspector has given a notice under the *Stock Act 1915*, section 14(1), for any of the cattle because the cattle are infected, or suspected to be infected, with bovine Johne's disease; or
    - (ii) the applicant has given an undertaking under the *Stock Act 1915*, section 14(2), relating to any of the cattle because of bovine Johne's disease or suspected bovine Johne's disease; and
  - (c) the notice or undertaking—
    - (i) was in force on 20 November 2012; or
    - (ii) has been in force at any time since that day; and
  - (d) the applicant is eligible for either or both of the following—
    - (i) direct market assistance under section 8;
    - (ii) supply chain pathway assistance under section 10; and

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- (e) the applicant is not a related entity of a person who—
    - (i) has been granted assistance under the scheme; or
    - (ii) has made an application that has not been decided; and
  - (f) the applicant is not applying for assistance for the slaughter of, or alternative supply actions affecting, cattle in relation to which—
    - (i) assistance under the scheme has already been granted; or
    - (ii) an application has been made that has not been decided; and
  - (g) the applicant has not already received the maximum amount of assistance under the scheme; and
  - (h) if the applicant has brought cattle into Queensland from another State on or after 20 November 2010—the applicant has obtained a certificate of health for the cattle.
- (2) In this section—  
*inspector* see the *Stock Act 1915*, schedule 2.

## **Part 3                      Direct market    assistance**

### **8    Eligibility criteria**

- (1) An applicant is eligible for direct market assistance for slaughtering cattle if, in addition to being satisfied of the matters mentioned in section 7, the authority is satisfied—

- 
- (a) the applicant has prepared a property disease investigation plan or a property disease eradication plan (each a ***relevant plan***) in response to the disease; and
  - (b) the applicant has slaughtered relevant cattle under the relevant plan.
- (2) However, an applicant is not eligible for direct market assistance for the slaughter of an animal that was 11 years or older when slaughtered.
- (3) In this section—
- relevant cattle*** means cattle of either of the following categories, required to be slaughtered under planned slaughter or testing conditions under a relevant plan—
- (a) cattle that have come from a cattle holding where there have been cattle infected with bovine Johne’s disease;
- Editor’s note—*
- In property disease investigation plans, this category of cattle is commonly referred to as ‘trace forward’ cattle.
- (b) cattle kept on a cattle holding where there are, or have been, other cattle infected with bovine Johne’s disease.

## **9 Amount of direct market assistance**

- (1) The amount of direct market assistance that may be given to an applicant under the scheme for the slaughter of an animal to which section 8(1)(b) applies is the amount that is the relevant percentage of the animal’s accepted value worked out under subsection (2) less the amount of the deduction, if relevant, worked out under subsection (3).
- (2) For subsection (1), the amount that is the relevant percentage of the animal’s accepted value is—

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- (a) if the accepted value is no more than \$2500—25% of the accepted value; or
  - (b) if the accepted value is more than \$2500 but no more than \$3000—35% of the accepted value; or
  - (c) if the accepted value is more than \$3000—50% of the accepted value.
- (3) If the animal was older than 7 years when slaughtered, the amount worked out under subsection (2) must be reduced by 25% of that amount for each whole year the animal was above that age.

*Example—*

An animal had an accepted value of \$4000 and was 10 years and 3 months old when slaughtered. Under subsection (2)(c) the amount of assistance would have been \$2000 (50% of \$4000) but, under subsection (3), is reduced by \$1500 (25% of \$2000 cumulatively over 3 years). The amount of assistance is therefore \$500.

- (4) This section is subject to section 6.

## **Part 4                      Supply chain pathway assistance**

### **10 Eligibility criteria**

An applicant is eligible for supply chain pathway assistance if, in addition to being satisfied of the matters mentioned in section 7, the authority is satisfied—

- (a) cattle owned by the applicant are, or have been—
  - (i) subject to planned slaughter or testing conditions; or

- (ii) kept on a cattle holding where cattle are, or have been, subject to planned slaughter or testing conditions; and
- (b) the applicant has prepared a supply chain plan for the cattle that has been approved by the chief executive; and
- (c) the applicant has taken the alternative supply actions affecting the cattle stated in the plan.

### **11 Amount of supply chain pathway assistance**

- (1) The amount of supply chain pathway assistance that may be given to an applicant under the scheme is half of the amount of the costs incurred by the applicant in carrying out the alternative supply actions to which the application relates.
- (2) This section is subject to section 6.

## **Part 5 Other provisions**

### **12 Conditions of assistance**

- (1) Payment of assistance under the scheme is subject to the conditions stated in subsections (2) to (6).
- (2) The applicant must give the authority—
  - (a) each of the following documents that is relevant to the assistance applied for—
    - (i) the property disease investigation plan;
    - (ii) the property disease eradication plan;
    - (iii) the supply chain plan; and

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- (b) any other document the authority reasonably requires to decide whether or not the applicant is a related entity of a person to whom section 7(1)(e)(i) or (ii) applies.

*Examples of another document—*

a lease, an agistment contract

- (3) If the application relates to the slaughter of, or alternative supply actions affecting, cattle that were brought into Queensland from another State on or after 20 November 2010, the applicant must give the authority the certificate of health for the cattle.
- (4) If the application is for direct market assistance, the applicant must give the authority evidence of the accepted value of each slaughtered animal in the form of—
  - (a) for an animal bought by the applicant—tax invoices, official receipts for payment or bank statements; or
  - (b) otherwise—the latest valuation report for the animal.
- (5) If the application is for supply chain pathway assistance, the applicant must give the authority evidence of the costs incurred in carrying out the alternative supply actions in the form of tax invoices, official receipts for payment or bank statements.
- (6) The applicant must consent to the authority obtaining from the department information about either of the following relevant to the applicant's eligibility for assistance—
  - (a) a document mentioned in subsection (2), (3), (4) or (5);
  - (b) slaughtering cattle.

### **13 Applications**

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

*Editor’s note—*

A copy of the application form is available on the authority’s website at <[www.qraa.qld.gov.au](http://www.qraa.qld.gov.au)>.

  - (b) accompanied by the documentation stated on the application; and
  - (c) given to the authority.
- (2) An application for assistance under the scheme must be received by the authority no later than 30 June 2014.
- (3) The authority may request that an applicant provide further relevant information or documents required to decide the application.

### **14 Deciding applications**

- (1) Subject to subsection (2), the authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.
- (2) The authority must refuse an application for assistance if the authority’s assistance funds for the scheme are not sufficient to pay for the assistance.

ENDNOTES

- 1 Made by the Governor in Council on 30 May 2013.
- 2 Notified in the gazette on 31 May 2013.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Agriculture, Fisheries and Forestry.

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Authorised by the Parliamentary Counsel