



Queensland

# Rural and Regional Adjustment (Disaster Assistance Schemes) Amendment Regulation 2018

## Subordinate Legislation 2018 No. 172

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 (Disaster Assistance Schemes) Amendment Regulation 2018*.

**2 Regulation amended**

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

**3 Insertion of new pt 4, div 7**

Part 4—

*insert—*

**Division 7**

**Transitional provisions for Rural and Regional Adjustment (Disaster Assistance Schemes) Amendment Regulation 2018**

**12 References to former names of approved assistance schemes**

A reference in a document to the name of an approved assistance scheme (the *former name*) stated in column 1 of the following table may, if the context permits, be taken to be a reference to the name of the scheme stated opposite the former name in column 2 of the table.

**Column 1**

**Column 2**

Natural Disaster Relief (Primary Producers) Scheme	Disaster Assistance (Primary Producers) Loan Scheme
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Natural Disaster Relief (Small Business) Scheme	Disaster Assistance (Small Business) Loans Scheme
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<b>Column 1</b>	<b>Column 2</b>
Natural Disaster Relief (Essential Working Capital) Scheme	Disaster Assistance (Essential Working Capital) Loans Scheme
Natural Disaster Relief (Non-profit Organisations) Scheme	Disaster Assistance (Non-profit Organisations) Loans Scheme
Natural Disaster Recovery Grants Scheme	Special Disaster Assistance Recovery Grants Scheme

### **13 Undecided applications for assistance under particular schemes**

- (1) This section applies if—
- (a) before the commencement, an application for assistance was made under any of the following provisions—
    - (i) schedule 2, section 12;
    - (ii) schedule 3, section 10;
    - (iii) schedule 21, section 12;
    - (iv) schedule 23, section 23; and
  - (b) immediately before the commencement, the application had not been decided.
- (2) The following provisions, as in force immediately before the commencement, continue to apply for deciding the application as if the *Rural and Regional Adjustment (Disaster Assistance Schemes) Amendment Regulation 2018* had not commenced—
- (a) for an application under schedule 2, section 12—schedule 2;
  - (b) for an application under schedule 3, section 10—schedule 3;
  - (c) for an application under schedule 21, section 12—schedule 21;

- (d) for an application under schedule 23, section 23—schedule 23.

#### **14 Loan terms and repayments under particular schemes**

- (1) This section applies if—
  - (a) before the commencement, an applicant had been given a loan under any of the following provisions—
    - (i) schedule 2, section 5;
    - (ii) schedule 3, section 5;
    - (iii) schedule 7, section 6;
    - (iv) schedule 21, section 5; and
  - (b) immediately before the commencement, the loan had not been repaid.
- (2) The following provisions, as in force immediately before the commencement, continue to apply in relation to the loan as if the *Rural and Regional Adjustment (Disaster Assistance Schemes) Amendment Regulation 2018* had not commenced—
  - (a) for a loan under schedule 2, section 5—schedule 2, section 10(5);
  - (b) for a loan under schedule 3, section 5—schedule 3, section 9(6);
  - (c) for a loan under schedule 7, section 6—schedule 7, section 10(2) and (3);
  - (d) for a loan under schedule 21, section 5—schedule 21, section 10(2) and (3).
- (3) Schedule 21, section 10(3) does not apply in relation to a loan under schedule 21, section 5 mentioned in subsection (1).
- (4) To remove any doubt, it is declared that subsection (3) does not prevent the authority

increasing the interest rate charged for the loan in accordance with an agreement for the loan entered into before the commencement.

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

Schedule 2, heading, from ‘Natural’ to ‘Scheme’—

*omit, insert—*

**Disaster Assistance (Primary Producers)  
Loans Scheme**

**5 Amendment of sch 2, s 1 (Definitions for sch 2)**

(1) Schedule 2, section 1, definitions *eligible disaster*, *natural disaster relief and recovery arrangements* and *property*—

*omit.*

(2) Schedule 2, section 1—

*insert—*

***disaster recovery funding arrangements*** means the funding arrangements for providing financial assistance to communities affected by an eligible disaster, as agreed between the Commonwealth and the State, and as described in a document (however called) published by the Commonwealth.

*Editor’s note—*

The disaster recovery funding arrangements can be viewed on the Australian Government Disaster Assist website.

***eligible disaster*** means—

- (a) a natural disaster; or
- (b) a terrorist act.

***natural disaster*** see section 2.

***property***, of an applicant—

- (a) means the land on which the applicant carries on a primary production enterprise (other than commercial wild-catch fishing) in relation to which the applicant has applied for assistance under the scheme; and
- (b) includes the assets of the primary production enterprise on the land.

***terrorist act*** see the *Police Powers and Responsibilities Act 2000*, section 211.

- (3) Schedule 2, section 1, definition *defined disaster area*, ‘natural disaster relief and recovery arrangements’—

*omit, insert—*

disaster recovery funding arrangements

## 6 Amendment of sch 2, s 2 (Meaning of *eligible disaster*)

- (1) Schedule 2, section 2, heading, ‘*eligible disaster*’—

*omit, insert—*

***natural disaster***

- (2) Schedule 2, section 2(1), ‘An *eligible disaster*’—

*omit, insert—*

***A natural disaster***

- (3) Schedule 2, section 2(1)(i)—

*omit.*

- (4) Schedule 2, section 2(1)(j) and (k)—

*renumber* as section 2(1)(i) and (j).

- (5) Schedule 2, section 2(2)—

*omit, insert—*

- (2) However, an event, other than an event mentioned in subsection (1)(a), is not a ***natural disaster*** if the authority considers human activity significantly contributed to the event or loss or damage suffered because of the event.



*Examples of human activity for subsection (2)—*

- a deliberate act
- an accident
- development

**7 Amendment of sch 2, s 6 (Maximum loan amounts)**

Schedule 2, section 6(1) and (3), ‘natural disaster relief and recovery arrangements’—

*omit, insert—*

disaster recovery funding arrangements

**8 Amendment of sch 2, s 7 (Eligibility criteria)**

Schedule 2, section 7(1)(c)(i), ‘damaged’—

*omit, insert—*

significantly damaged

**9 Amendment of sch 2, s 10 (Terms of repayment)**

(1) Schedule 2, section 10(1) and (2)—

*omit, insert—*

- (1) The term of a loan under the scheme is the term decided by the authority up to a maximum of 10 years.
- (2) The amounts of the repayments of principal and interest under the loan are the amounts decided by the authority, subject to subsections (3) and (4).

(2) Schedule 2, section 10(5)—

*omit.*

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

Schedule 3, heading, from ‘Natural’ to ‘Scheme’—

*omit, insert—*

### **Disaster Assistance (Small Business) Loans Scheme**

#### **11 Amendment of sch 3, s 1 (Definitions for sch 3)**

- (1) Schedule 3, section 1, definitions *eligible disaster* and *natural disaster relief and recovery arrangements—*

*omit.*

- (2) Schedule 3, section 1—

*insert—*

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

***defined disaster area***, for an eligible disaster, means an area—

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

*Editor's note—*

Defined disaster areas are published on the authority's website.

***disaster recovery funding arrangements*** means the funding arrangements for providing financial assistance to communities affected by an eligible disaster, as agreed between the Commonwealth and the State, and as described in a document (however called) published by the Commonwealth.

*Editor's note—*

The disaster recovery funding arrangements can be viewed on the Australian Government Disaster Assist website.

***eligible disaster*** means—

- (a) a natural disaster; or
- (b) a terrorist act.

***natural disaster*** see section 2.

***terrorist act*** see the *Police Powers and Responsibilities Act 2000*, section 211.

## 12 Amendment of sch 3, s 2 (Meaning of ***eligible disaster***)

- (1) Schedule 3, section 2, heading, '***eligible disaster***'—

*omit, insert—*

***natural disaster***

- (2) Schedule 3, section 2(1), 'An ***eligible disaster***'—

*omit, insert—*

***A natural disaster***

- (3) Schedule 3, section 2(1)(i)—

*omit.*

- (4) Schedule 3, section 2(1)(j) and (k)—

*renumber* as section 2(1)(i) and (j).

- (5) Schedule 3, section 2(2)—

*omit, insert—*

- (2) However, an event, other than an event mentioned in subsection (1)(a), is not a ***natural disaster*** if the authority considers human activity significantly contributed to the event or loss or damage suffered because of the event.

*Examples of human activity for subsection (2)—*

- a deliberate act

- an accident
- development

**13 Amendment of sch 3, s 3 (Meaning of *small business*)**

(1) Schedule 3, section 3—

*insert—*

(1A) However, a *small business* does not include a body corporate under the *Body Corporate and Community Management Act 1997*.

(2) Schedule 3, section 3(1A) to (3)—

*renumber* as section 3(2) to (4).

**14 Amendment of sch 3, s 6 (Maximum loan amounts)**

(1) Schedule 3, section 6(1)(b), ‘business’—

*omit, insert—*

small business

(2) Schedule 3, section 6(2) and (3), ‘natural disaster relief and recovery arrangements’—

*omit, insert—*

disaster recovery funding arrangements

**15 Amendment of sch 3, s 7 (Eligibility criteria)**

Schedule 3, section 7(1)—

*omit, insert—*

(1) For an applicant to be eligible to receive assistance under the scheme for an eligible disaster, the authority must be satisfied—

- (a) the applicant is a small business owner; and
- (b) immediately before the eligible disaster, the applicant carried on a small business in the defined disaster area; and

(c) the applicant has sustained substantial damage to buildings, plant, equipment or stock of the small business as a result of the eligible disaster; and

(d) the applicant has not taken excessive risks in carrying on the small business; and

*Example for paragraph (d)—*

The authority is satisfied the applicant's capital expenditure for the small business has not been excessive.

(e) the applicant has taken reasonable precautions to avoid or minimise loss or damage from the eligible disaster; and

*Example for paragraph (e)—*

The authority is satisfied the applicant has adequate insurance against loss or damage from the disaster.

(f) 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

(g) the applicant has used all liquid assets and normal credit sources up to normal credit limits; and

(h) 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

(i) the applicant will continue to carry on or will re-establish the small business at the same place or elsewhere in the local government area where the business was carried on before the eligible disaster; and

(j) with the assistance under the scheme, the applicant has reasonable prospects of

carrying on or re-establishing the small business on a viable basis.

**16 Amendment of sch 3, s 9 (Terms of repayment)**

(1) Schedule 3, section 9(1) and (2)—

*omit, insert—*

(1) The term of a loan under the scheme is the term decided by the authority up to a maximum of 10 years.

(2) The amounts of the repayments of principal and interest under the loan are the amounts decided by the authority, subject to subsections (3) and (4).

(2) Schedule 3, section 9(3) and (6)—

*omit.*

(3) Schedule 3, section 9(4) and (5)—

*renumber* as section 9(3) and (4).

**17 Amendment of sch 7 hdg (Natural Disaster Relief (Essential Working Capital) Scheme)**

Schedule 7, heading, from ‘Natural’ to ‘Scheme’—

*omit, insert—*

**Disaster Assistance (Essential Working Capital) Loans Scheme**

**18 Amendment of sch 7, s 3 (Definitions for sch 7)**

(1) Schedule 7, section 3, definitions *eligible disaster*, *natural disaster relief and recovery arrangements* and *non-profit organisation*—

*omit.*

(2) Schedule 7, section 3—

*insert—*

**development** see the *Planning Act 2016*, schedule 2.

**disaster recovery funding arrangements** means the funding arrangements for providing financial assistance to communities affected by an eligible disaster, as agreed between the Commonwealth and the State, and as described in a document (however called) published by the Commonwealth.

*Editor's note—*

The disaster recovery funding arrangements can be viewed on the Australian Government Disaster Assist website.

**eligible disaster** means—

- (a) a natural disaster; or
- (b) a terrorist act.

**loss of income** see section 5A.

**natural disaster** see section 4.

**non-profit organisation** means a charity or other not-for-profit entity that is—

- (a) incorporated under a law of the Commonwealth or a State; and
- (b) either—
  - (i) registered under the *Australian Charities and Not-for-profits Commission Act 2012* (Cwlth) or the *Collections Act 1966*; or
  - (ii) registered or otherwise authorised to raise funds under a law of another State.

**terrorist act** see the *Police Powers and Responsibilities Act 2000*, section 211.

- (3) Schedule 7, section 3, definition *defined disaster area*, paragraph (a), ‘natural disaster relief and recovery arrangements’—

*omit, insert—*

disaster recovery funding arrangements

## 19 Amendment of sch 7, s 4 (Meaning of *eligible disaster*)

- (1) Schedule 7, section 4, heading, ‘*eligible disaster*’—

*omit, insert—*

***natural disaster***

- (2) Schedule 7, section 4, ‘An *eligible disaster*’—

*omit, insert—*

***A natural disaster***

- (3) Schedule 7, section 4(i)—

*omit.*

- (4) Schedule 7, section 4(j) and (k)—

*renumber* as section 4(i) and (j).

- (5) Schedule 7, section 4—

*insert—*

- (2) However, an event, other than an event mentioned in subsection (1)(a), is not a ***natural disaster*** if the authority considers human activity significantly contributed to the event or loss or damage suffered because of the event.

*Examples of human activity for subsection (2)—*

- a deliberate act
- an accident
- development

## 20 Amendment of sch 7, s 5 (Meaning of *small business*)

- (1) Schedule 7, section 5—



*insert—*

- (1A) However, a *small business* does not include a body corporate under the *Body Corporate and Community Management Act 1997*.
- (2) Schedule 7, section 5(1A) to (3)—  
*renumber* as section 5(2) to (4).

## 21 Insertion of new sch 7, s 5A

Schedule 7, after section 5—

*insert—*

### 5A Meaning of *loss of income*

- (1) A *loss of income*, for an applicant, refers to the net income that would have been earned in a period (the *relevant period*) if the operation of the applicant's primary production enterprise, small business or non-profit organisation had not been interrupted by the eligible disaster.
- (2) The loss of income is assessed on the basis of the financial performance of the applicant's primary production enterprise, small business or non-profit organisation in previous periods in which the circumstances, other than the effect of the eligible disaster, were similar to the circumstances in the relevant period.

## 22 Amendment of sch 7, s 8 (Eligibility criteria)

- (1) Schedule 7, section 8(1)—

*insert—*

- (ca) the applicant has not taken excessive risks in carrying on the relevant activity; and

*Example for paragraph (d)—*

The authority is satisfied the applicant's capital expenditure for the relevant activity has not been excessive.

- (2) Schedule 7, section 8(1)(ca) to (h)—  
*renumber* as section 8(1)(d) to (i).

**23 Amendment of sch 7, s 10 (Terms of repayment)**

- (1) Schedule 7, section 10(1) to (3)—  
*omit, insert*—
- (1) The term of a loan under the scheme is the term decided by the authority up to a maximum of 10 years.
  - (2) The amounts of the repayments of principal and interest under the loan are the amounts decided by the authority, subject to subsections (3) and (4).
- (2) Schedule 7, section 10(5), from ‘payments’ to ‘only’—  
*omit, insert*—
- deferral of repayments of the principal under the loan
- (3) Schedule 7, section 10(4) and (5)—  
*renumber* as section 10(3) and (4).

**24 Amendment of sch 21 hdg (Natural Disaster Relief (Non-profit Organisations) Scheme)**

Schedule 21, heading, from ‘Natural’ to ‘Scheme’—

*omit, insert*—

**Disaster Assistance (Non-profit Organisations)  
Loans Scheme**

**25 Amendment of sch 21, s 3 (Definitions for sch 21)**

- (1) Schedule 21, section 3, definitions *eligible disaster, natural disaster relief and recovery arrangements* and *non-profit organisation*—  
*omit.*

(2) Schedule 21, section 3—

*insert—*

***disaster recovery funding arrangements*** means the funding arrangements for providing financial assistance to communities affected by an eligible disaster, as agreed between the Commonwealth and the State, and as described in a document (however called) published by the Commonwealth.

*Editor's note—*

The disaster recovery funding arrangements can be viewed on the Australian Government Disaster Assist website.

***eligible disaster*** means—

- (a) a natural disaster; or
- (b) a terrorist act.

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

***non-profit organisation*** means a charity or other not-for-profit entity that is—

- (a) incorporated under a law of the Commonwealth or a State; and
- (b) either—
  - (i) registered under the *Australian Charities and Not-for-profits Commission Act 2012* (Cwlth) or the *Collections Act 1966*; or
  - (ii) registered or otherwise authorised to raise funds under a law of another State.

***terrorist act*** see the *Police Powers and Responsibilities Act 2000*, section 211.

(3) Schedule 21, section 3, definition *defined disaster area*, paragraph (a), 'natural disaster relief and recovery arrangements'—

*omit, insert—*

disaster recovery funding arrangements

## **26 Amendment of sch 21, s 4 (Meaning of *eligible disaster*)**

(1) Schedule 21, section 4, heading, ‘*eligible disaster*’—

*omit, insert—*

***natural disaster***

(2) Schedule 21, section 4(1), ‘An *eligible disaster*’—

*omit, insert—*

***A natural disaster***

(3) Schedule 21, section 4(1)(i)—

*omit.*

(4) Schedule 21, section 4(1)(j) and (k)—

*renumber* as section 4(1)(i) and (j).

(5) Schedule 21, section 4(2)—

*omit, insert—*

(2) However, an event, other than an event mentioned in subsection (1)(a), is not a ***natural disaster*** if the authority considers human activity significantly contributed to the event or loss or damage suffered because of the event.

*Examples of human activity for subsection (2)—*

- a deliberate act
- an accident
- development

## **27 Amendment of sch 21, s 5 (Nature of assistance)**

Schedule 21, section 5, ‘and a grant’—

*omit.*

## **28 Replacement of sch 21, ss 6 and 8**

Schedule 21, sections 6 and 8—

*omit, insert—*

### **6 Maximum loan amount**

- (1) The amount of loan assistance for an applicant under the scheme for an eligible 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 disaster.
- (2) However, the amount of a loan to an applicant under the scheme for an eligible disaster must not be more than \$100,000.

### **7 Eligibility criteria**

An applicant is eligible for assistance under the scheme for an eligible disaster if the authority is satisfied—

- (a) the applicant is a non-profit organisation; and
- (b) immediately before the eligible disaster, the applicant carried on operations as a non-profit organisation in the defined disaster area; and
- (c) the applicant has suffered direct damage to essential premises, plant, equipment or stock for carrying on its operations as a non-profit organisation as a result of the eligible disaster; and
- (d) the applicant has not taken excessive risks in carrying on operations as a non-profit organisation; and

*Example for paragraph (d)—*

The authority is satisfied the applicant's capital expenditure for the non-profit organisation has not been excessive.

- (e) the applicant has taken reasonable precautions to avoid or minimise loss or damage from the eligible disaster; and

*Example for paragraph (e)—*

The authority is satisfied the applicant has adequate insurance against loss or damage from the eligible disaster.

- (f) the applicant is responsible for the cost of repairing or replacing the damaged assets; and
- (g) the applicant has used all liquid assets and normal credit sources up to normal credit limits; and
- (h) the applicant can not, from the applicant's own resources and without assistance under the scheme—
  - (i) repair or replace assets directly damaged as a result of the eligible disaster; or
  - (ii) return to operations at a similar level as before the eligible disaster; and
- (i) before applying for the assistance, the applicant has used any other available assistance from the Commonwealth or State or insurance to repair or replace damaged assets or to try to return the non-profit organisation to operations at a similar level as before the eligible disaster; and
- (j) the applicant demonstrates the ability to repay the loan applied for.

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**29 Replacement of sch 21, s 10 (Terms of repayment)**

Schedule 21, section 10—

*omit, insert—*

**10 Terms of repayment**

- (1) The term of a loan under the scheme is the term decided by the authority up to a maximum of 10 years.
- (2) The amounts of the repayments of principal and interest under the loan are the amounts decided by the authority, subject to subsections (3) and (4).
- (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.

**30 Amendment of sch 23 hdg (Natural Disaster Recovery Grants Scheme)**

Schedule 23, heading, from ‘Natural’ to ‘Scheme’—

*omit, insert—*

**Special Disaster Assistance Recovery Grants Scheme**

**31 Amendment of sch 23, s 2 (Purpose of assistance)**

Schedule 23, section 2(1), ‘eligible entities that have’—

*omit, insert—*

the eligible entity's primary production enterprise, small business or means for conducting its operations as a non-profit organisation that has

## **32 Amendment of sch 23, s 3 (Definitions for sch 23)**

- (1) Schedule 23, section 3, definitions *eligible disaster*, *exceptional circumstances grant*, *natural disaster relief and recovery arrangements*, *non-profit organisation* and *standard grant—*

*omit.*

- (2) Schedule 23, section 3—

*insert—*

***disaster recovery funding arrangements*** means the funding arrangements for providing financial assistance to communities affected by an eligible disaster, as agreed between the Commonwealth and the State, and as described in a document (however called) published by the Commonwealth.

*Editor's note—*

The disaster recovery funding arrangements can be viewed on the Australian Government Disaster Assist website.

***eligible disaster*** means—

- (a) a natural disaster; or
- (b) a terrorist act.

***exceptional circumstances grant*** see section 7(2).

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

***non-profit organisation*** means a charity or other not-for-profit entity that is—



- (a) incorporated under a law of the Commonwealth or a State; and
- (b) either—
  - (i) registered under the *Australian Charities and Not-for-profits Commission Act 2012* (Cwlth) or the *Collections Act 1966*; or
  - (ii) registered or otherwise authorised to raise funds under a law of another State.

***reinstatement***, of a primary production enterprise, small business or means for conducting operations as a non-profit organisation, means the carrying out of activities that are necessary to help the enterprise, business or organisation to continue or resume production or trading at a similar level as before the eligible disaster.

***standard grant*** see section 7(2).

***terrorist act*** see the *Police Powers and Responsibilities Act 2000*, section 211.

- (3) Schedule 23, section 3, definition *defined disaster area*, paragraph (a), ‘natural disaster relief and recovery arrangements’—

*omit, insert—*

disaster recovery funding arrangements

### **33 Amendment of sch 23, s 4 (Meaning of *eligible disaster*)**

- (1) Schedule 23, section 4, heading, ‘*eligible disaster*’—

*omit, insert—*

***natural disaster***

- (2) Schedule 23, section 4(1), ‘An *eligible disaster*’—

*omit, insert—*

***A natural disaster***

(3) Schedule 23, section 4(1)(i)—

*omit.*

(4) Schedule 23, section 4(1)(j) and (k)—

*renumber* as section 4(1)(i) and (j).

(5) Schedule 23, section 4(2)—

*omit, insert—*

(2) However, an event, other than an event mentioned in subsection (1)(a), is not a ***natural disaster*** if the authority considers human activity significantly contributed to the event or loss or damage suffered because of the event.

*Examples of human activity for subsection (2)—*

- a deliberate act
- an accident
- development

**34 Amendment of sch 23, s 5 (Meaning of *small business*)**

(1) Schedule 23, section 5—

*insert—*

(1A) However, a ***small business*** does not include a body corporate under the *Body Corporate and Community Management Act 1997*.

(2) Schedule 23, section 5(2), ‘However’—

*omit, insert—*

Also

(3) Schedule 23, section 5(2)(b), ‘natural disaster relief and recovery arrangements’—

*omit, insert—*

disaster recovery funding arrangements

(4) Schedule 23, section 5(3), ‘Also’—

*omit, insert—*

Further

- (5) Schedule 23, section 5(3A), ‘subsection (3)(c)’—

*omit, insert—*

subsection (4)(c)

- (6) Schedule 23, section 5(1A) to (5)—

*renumber* as section 5(2) to (6).

**35 Amendment of sch 23, s 6 (Publication of assistance establishment notice)**

Schedule 23, section 6(1), ‘natural disaster relief and recovery arrangements’—

*omit, insert—*

disaster recovery funding arrangements

**36 Amendment of sch 23, s 6A (Requirements for assistance establishment notice)**

Schedule 23, section 6A(2), ‘natural disaster relief and recovery arrangements’—

*omit, insert—*

disaster recovery funding arrangements

**37 Amendment of sch 23, s 7 (Nature of assistance under scheme)**

Schedule 23, section 7(2)—

*omit, insert—*

- (2) The grant may be for an amount up to \$10,000 (a *standard grant*) or up to \$25,000 (an *exceptional circumstances grant*) to cover the cost of any of the things to which section 8(2)(a) to (h) applies.

**38 Replacement of sch 23, s 8 (Assistance under standard grant or exceptional circumstances grant)**

Schedule 23, section 8—

*omit, insert—*

**8 Assistance under standard or exceptional circumstances grant**

- (1) This section applies to a standard grant or exceptional circumstances grant for an eligible entity's primary production enterprise, small business or means for conducting its operations as a non-profit organisation,
- (2) The grant may cover a cost that has been incurred for any of the following things because of direct damage caused by the eligible disaster—
  - (a) engaging a tradesperson to conduct a safety inspection of damage to a property, premises or equipment;
  - (b) purchasing, hiring or leasing equipment or materials to clean a property, premises or equipment;
  - (c) employing a person to clean a property, premises or equipment if—
    - (i) the cost would not ordinarily have been incurred in the absence of an event mentioned in section 4(1); or
    - (ii) the cost exceeds the cost of employing a person to clean the property, premises or equipment that would ordinarily have been incurred in the absence of an event mentioned in section 4(1);
  - (d) removing and disposing of debris or damaged goods and material;
  - (e) repairing a building or repairing or replacing fittings in a building, if the repair or replacement is essential for resuming

operation of the primary production enterprise, small business or non-profit organisation;

*Examples of fittings for paragraph (e)—*

electrical wiring, floor coverings, shelving

- (f) purchasing, hiring or leasing equipment or materials that are essential for immediately resuming operation of the primary production enterprise, small business or non-profit organisation;
- (g) for a primary production enterprise, any of the following—
- (i) repairing or reconditioning essential equipment;
- (ii) repairing or replacing fencing on a property, other than to the extent the cost may be recovered under other assistance from the Commonwealth or State;

*Examples of other assistance—*

- a freight subsidy under the disaster recovery funding arrangements for transporting fencing materials
  - a concessional loan under the Disaster Assistance (Primary Producers) Loans Scheme under schedule 2 for purposes including paying the costs of repair or replacement of fencing
- (iii) purchasing fodder, other than to the extent the cost may be recovered under other assistance from the Commonwealth or State;

*Examples of other assistance—*

- a freight subsidy under the disaster recovery funding arrangements for carting emergency fodder
- a concessional loan under the Disaster Assistance (Primary Producers) Loans

Scheme under schedule 2 for purposes  
including paying for fodder

- (iv) maintaining the health of livestock;
- (v) replacing dead livestock;
- (vi) repairing or restoring fields;
- (vii) salvaging crops, grain or feed;
- (viii) replacing lost or damaged plants if the replacement is essential for immediately resuming operation of the primary production enterprise;
- (ix) replacing essential water that has been used for fire fighting;
- (x) carting water;
- (h) for a small business or non-profit organisation, either of the following—
  - (i) replacing lost or damaged stock if the replacement is essential for immediately resuming operation of the small business or non-profit organisation;
  - (ii) leasing temporary premises for the purpose of resuming operation of the small business or non-profit organisation.
- (3) For subsection (2), a reference to a building does not include a reference to a building that is used as a dwelling, unless—
  - (a) the dwelling is used for carrying on the primary production enterprise, small business or non-profit organisation; or  
*Example of a dwelling for paragraph (a)—*  
a dwelling used for temporary accommodation for workers for a primary production enterprise
  - (b) for a small business—the dwelling is an asset of the business.

*Example of a dwelling for paragraph (b)—*

a dwelling that is let by a small business whose main activity involves letting dwellings

(4) In this section—

***damaged goods***, for a primary production enterprise, includes injured or dead livestock.

***employing*** includes engaging under a contract for services.

***plants*** includes root stock, seedlings, seeds and tube stock.

### 39 Amendment of sch 23, s 11 (Eligibility criteria—primary producer)

(1) Schedule 23, section 11, ‘disaster if’—

*omit, insert—*

disaster if the authority is satisfied

(2) Schedule 23, section 11—

*insert—*

(da) for an applicant applying for assistance to cover the cost of a thing mentioned in section 8(2)(g)(v), (vi) or (vii)—the applicant has provided satisfactory evidence of the loss or damage to which the cost relates; and

(3) Schedule 23, section 11(e), ‘the authority is satisfied’—

*omit.*

(4) Schedule 23, section 11(da) and (e)—

*renumber* as section 11(e) and (f).

(5) Schedule 23, section 11—

*insert—*

(2) To remove any doubt, it is declared that subsection (1)(e) is not limited by section 18.

**40 Amendment of sch 23, s 12 (Eligibility criteria—small business owner)**

- (1) Schedule 23, section 12(1), ‘disaster if’—

*omit, insert—*

disaster if the authority is satisfied

- (2) Schedule 23, section 12(1)(e), ‘the authority is satisfied’—

*omit.*

**41 Amendment of sch 23, s 13 (Eligibility criteria—non-profit organisation)**

- (1) Schedule 23, section 13(1), ‘disaster if’—

*omit, insert—*

disaster if the authority is satisfied

- (2) Schedule 23, section 13(1)(f), ‘the authority is satisfied’—

*omit.*

- (3) Schedule 23, section 13(2)(a), ‘natural disaster relief and recovery arrangements’—

*omit, insert—*

disaster recovery funding arrangements

- (4) Schedule 23, section 13(3)—

*omit.*

**42 Amendment of sch 23, s 17 (Effect of insurance on eligibility for exceptional circumstances grant)**

Schedule 23, section 17(3), definition *relevant cost*—

*omit, insert—*

*relevant cost* means the cost of any of the things to which section 8(2)(a) to (h) applies.



**43 Omission of sch 30, pt 1 hdg (Preliminary)**

Schedule 30, part 1, heading—

*omit.*

#### ENDNOTES

- 1 Made by the Governor in Council on 1 November 2018.
- 2 Notified on the Queensland legislation website on 2 November 2018.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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