



Queensland

Rural and Regional Adjustment (Horticulture Irrigation Pricing Rebate Scheme and Other Matters) Amendment Regulation 2021

Subordinate Legislation 2021 No. 108

made under the

Rural and Regional Adjustment Act 1994

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[s 1]

1 Short title

This regulation may be cited as the *Rural and Regional Adjustment (Horticulture Irrigation Pricing Rebate Scheme and Other Matters) Amendment Regulation 2021*.

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), ‘, 17 to 21 and 23’—
omit, insert—
and 17

4 Insertion of new sch 22

After schedule 21—
insert—

**Schedule 22 Horticulture Irrigation
Pricing Rebate Scheme**

section 3(1)

Part 1 Preliminary

1 Purpose of rebate scheme

The purpose of the rebate scheme is to give rebates to persons who have been supplied water by Seqwater or SunWater and who operate a horticultural enterprise.

2 Definitions for schedule

In this schedule—

ABS water application rate, for a crop, means the Queensland application rate in megalitres per hectare for the crop as set out in the document called ‘Water Use on Australian Farms’ for the reference period 2019–20 financial year published by the Australian Bureau of Statistics.

Note—

Water Use on Australian Farms 2019–20 is available on the Australian Bureau of Statistics’ website.

access charge means the charge per customer for users of water from the Mareeba-Dimbulah Water Supply Scheme.

ANZSIC means the document called ‘Australian and New Zealand Standard Industrial Classification (ANZSIC) 2006 (Revision 2.0)’ published by the Australian Bureau of Statistics.

Note—

ANZSIC is available on the Australian Bureau of Statistics’ website.

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

bulk water supply scheme means a SunWater or Seqwater water supply scheme under which a part A price, part B price or access charge may apply to the supply of water under the scheme.

Burdekin Haughton Water Supply Scheme means the scheme for the supply of water under the resource operations licence for the Burdekin Haughton Water Supply Scheme.

category 1 applicant means an applicant who operates a horticultural enterprise.

category 2A applicant means an applicant who—

(a) operates a horticultural enterprise; and

- (b) produces or has produced non-horticultural crops; and
- (c) can demonstrate to the authority—
 - (i) the volume of water the subject of the eligible irrigation pricing bill that was used to irrigate horticultural crops; or
 - (ii) the volume of water used to irrigate horticultural crops in a quarter prior to the quarter for which the eligible irrigation pricing bill is issued.

category 2B applicant means an applicant who—

- (a) operates a horticultural enterprise; and
- (b) produces or has produced non-horticultural crops; and
- (c) can not demonstrate to the authority—
 - (i) the volume of water the subject of the eligible irrigation pricing bill that was used to irrigate horticultural crops; or
 - (ii) the volume of water used to irrigate horticultural crops in a quarter prior to the quarter for which the eligible irrigation pricing bill is issued.

distribution scheme means a SunWater or Seqwater water supply scheme under which a part A price, part B price, part C price, part D price or access charge may apply to the supply of water under the scheme.

eligible irrigation pricing bill means an invoice—

- (a) issued by Pioneer Valley Water Co-operative Limited, Seqwater or SunWater; and
- (b) issued for 1 of the quarters in the 2021–2022 financial year, the 2022–2023 financial year or the 2023–2024 financial year; and

- (c) under which the calculation of some or all of the prices set out in the invoice have included the application of a 15% discount.

horticultural crops means crops produced by horticulture.

horticultural enterprise means a business that produces or has produced horticultural crops.

horticulture means an activity listed in ANZSIC under group 011, 012 or 013.

Mareeba-Dimbulah Water Supply Scheme means the scheme for the supply of water under the resource operations licence for the Mareeba-Dimbulah Water Supply Scheme.

non-horticultural crops means crops produced other than by horticulture.

part A price means the price per megalitre based on the volume of water entitlements held by an applicant who is supplied by a bulk water supply scheme.

part B price means the price per megalitre based on the volume of water entitlements used by an applicant who is supplied by a bulk water supply scheme.

part C price means the price per megalitre based on the volume of water entitlements held by an applicant who is supplied by a distribution scheme.

part D price means the price per megalitre—

- (a) based on the volume of water allocation used by the applicant for the supply of water by a distribution scheme; or
- (b) based on the volume of water sourced from water harvesting from the Burdekin Haughton Water Supply Scheme.

Pioneer Valley Water Co-operative Limited

means Pioneer Valley Water Co-operative Limited ABN 55 322 373 770.

rebate scheme means the scheme set out in this schedule.

Seqwater means Queensland Bulk Water Supply Authority ABN 75 450 239 876 established under the *South East Queensland Water (Restructuring) Act 2007*.

SunWater means SunWater Limited ACN 131 034 985.

water allocation means a water allocation under the *Water Act 2000*.

Part 2 General provisions for rebate scheme

3 Nature and amount of assistance

- (1) The nature of the assistance available to an applicant under the rebate scheme is a rebate of 35% to offset the cost of water used to irrigate horticultural crops.
- (2) The amount of assistance payable to an applicant under the rebate scheme is calculated under part 3.

4 Eligibility criteria

An applicant is eligible to receive assistance under the rebate scheme if—

- (a) the applicant makes an application in accordance with section 5; and
- (b) the authority is satisfied the applicant has paid an eligible irrigation pricing bill; and
- (c) the authority is satisfied that one of the following applies—

- (i) some or all of the water the subject of charges under the eligible irrigation pricing bill was used to irrigate horticultural crops;
- (ii) the applicant has irrigated horticultural crops in a quarter prior to the quarter the subject of the eligible irrigation pricing bill, but did not irrigate horticultural crops with the water the subject of charges under the eligible irrigation pricing bill because Seqwater or SunWater made an announcement limiting the water that may be taken under water allocations;
- (iii) the applicant has irrigated horticultural crops during the quarter to which the eligible irrigation pricing bill relates using water other than the water the subject of charges under the eligible irrigation pricing bill; and
- (d) the authority is satisfied that the applicant is a category 1 applicant, category 2A applicant or category 2B applicant.

5 Requirements for applications

- (1) An application for assistance under the rebate scheme must—
 - (a) be made to the authority using the application form approved by the authority; and
 - (b) be accompanied by—
 - (i) a document from a bank or financial institution showing the payment of the charges under the eligible irrigation pricing bill the subject of the application; and

- (ii) the documents stated in the application form; and
- (c) be received by the authority no later than 31 December 2024.
- (2) More than 1 eligible irrigation pricing bill may be the subject of an application.
- (3) If the authority asks the applicant to provide further information to decide the application, the applicant must provide the information.
- (4) If the applicant does not comply with a request made by the authority under subsection (3), the applicant's application is taken to be withdrawn.

6 Deciding applications

- (1) The authority must consider, and decide to approve or refuse to approve, each application for assistance under the rebate scheme that complies with section 5(1).
- (2) The authority must approve an application if satisfied the applicant is eligible for assistance under section 4.
- (3) The authority may seek the advice of persons with suitable qualifications and experience to help the authority in deciding an application.
- (4) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

Part 3 Amount of payment

7 Category 1 applicant

For a category 1 applicant, the amount of the assistance under the rebate scheme is worked out using the following formula—

$$P = (((PA + PC) \times WA) + ((PB + PD) \times WAU) + WAC) \times 0.35$$

where—

P is the amount of the rebate payment.

PA is the sum of—

- (a) the part A price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

PC is the sum of—

- (a) the part C price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

WA is the portion of the applicant's water allocation, in megalitres, as set out in the eligible irrigation pricing bill.

PB is the sum of—

- (a) the part B price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

PD is the sum of—

- (a) the part D price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

WAU is the applicant's water allocation, in megalitres, used for water the subject of the eligible irrigation pricing bill.

WAC is the access charge set out in the eligible irrigation pricing bill before any discount is

applied to the charge.

8 Category 2A applicant

For a category 2A applicant, the amount of the assistance under the rebate scheme is worked out using the following formula—

$$P = \left(\frac{VH}{TV} \times (((PA + PC) \times WA) + ((PB + PD) \times WAU) + WAC) \right) \times 0.35$$

where—

P is the amount of the rebate payment.

VH is—

- (a) for an applicant to whom section 2, definition *category 2A applicant*, paragraph (c)(i) applies—the volume of water the subject of the eligible irrigation pricing bill that was used to irrigate horticultural crops; or
- (b) for an applicant to whom section 2, definition *category 2A applicant*, paragraph (c)(ii) applies—the volume of water used to irrigate horticultural crops in a quarter prior to the quarter for which the eligible irrigation pricing bill is issued.

TV is—

- (a) for an applicant to whom section 2, definition *category 2A applicant*, paragraph (c)(i) applies—the volume of water the subject of the eligible irrigation pricing bill that was used to irrigate all crops; or
- (b) for an applicant to whom section 2, definition *category 2A applicant*, paragraph (c)(ii) applies—the volume of water used to irrigate all crops in a quarter prior to the quarter for which the eligible irrigation pricing bill is issued.

PA is the sum of—

- (a) the part A price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

PC is the sum of—

- (a) the part C price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

WA is the portion of the applicant's water allocation, in megalitres, as set out in the eligible irrigation pricing bill.

PB is the sum of—

- (a) the part B price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

PD is the sum of—

- (a) the part D price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

WAU is the applicant's water allocation, in megalitres, used for water the subject of the eligible irrigation pricing bill.

WAC is the access charge set out in the eligible irrigation pricing bill before any discount is applied to the charge.

9 Category 2B applicant

For a category 2B applicant, the amount of the assistance under the rebate scheme is worked out

using the following formula—

$$P = \left(\frac{\sum_{i=1}^n h_i}{\sum_{i=1}^n h_i + \sum_{i=1}^n x_i} \times (((PA + PC) \times WA) + ((PB + PD) \times WAU) + WAC) \right) \times 0.35$$

where—

P is the amount of rebate payment.

$$\sum_{i=1}^n h_i = h_1 + h_2 + \dots + h_n$$

h_i means the product of the ABS water application rate for a particular horticultural crop and the applicant's land area under production for that crop.

$$\sum_{i=1}^n x_i = x_1 + x_2 + \dots + x_n$$

x_i means the product of the ABS water application rate for a particular non-horticultural crop and the applicant's land area under production for that crop.

PA is the sum of—

- (a) the part A price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

PC is the sum of—

- (a) the part C price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

WA is the portion of the applicant's water allocation, in megalitres, as set out in the eligible irrigation pricing bill.

PB is the sum of—

- (a) the part B price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

PD is the sum of—

- (a) the part D price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

WAU is the applicant's water allocation, in megalitres, used for water the subject of the eligible irrigation pricing bill.

WAC is the access charge set out in the eligible irrigation pricing bill before any discount is applied to the charge.

5 Amendment of sch 30 (Farm management grants scheme)

- (1) Schedule 30, section 3, definition *suitably qualified professional adviser*, examples, after 'accountant,'—

insert—

agribusiness professional, agricultural industry
professional, agronomist,

- (2) Schedule 30, section 4(1)(a), 'and'—

omit, insert—

or

- (3) Schedule 30, section 5(a)—

omit, insert—

- (a) for an application relating to advice mentioned in section 4(1)(a)—the applicant is a primary producer or is an interested person for a primary production enterprise; and
 - (aa) for an application relating to advice mentioned in section 4(1)(b)—the applicant is a primary producer; and
- (4) Schedule 30, section 5(c), from ‘who is—’—
omit, insert—
who is not employed by an entity owned or partially owned by the applicant.
- (5) Schedule 30, section 5(d)—
omit.
- (6) Schedule 30, section 5(aa) to (c)—
renumber as schedule 30, section 5(b) to (d).
- (7) Schedule 30, section 7(1), ‘be made before or’—
omit, insert—
only be made
- (8) Schedule 30, section 7(2)—
omit.
- (9) Schedule 30, section 7(3), ‘made after the applicant pays for eligible professional advice’—
omit.
- (10) Schedule 30, section 7(3)—
renumber as schedule 30, section 7(2).
- (11) Schedule 30, section 8—
insert—
 - (2) The authority must consider applications in the order the applications are received by the authority.

- (3) The authority must refuse an application relating to advice mentioned in section 4(1)(a) to the extent the proportion of the funds allocated under the scheme for applications for assistance for that type of advice are not enough to pay for the assistance.
 - (4) Also, the authority must refuse an application relating to advice mentioned in section 4(1)(b) to the extent the proportion of the funds allocated under the scheme for applications for assistance for that type of advice are not enough to pay for the assistance.
- (12) Schedule 30, section 9—
omit.

ENDNOTES

- 1 Made by the Governor in Council on 29 July 2021.
- 2 Notified on the Queensland legislation website on 30 July 2021.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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