



Queensland

# **Rural and Regional Adjustment Amendment Regulation (No. 1) 2013**

## **Explanatory Notes for SL 2013 No. 19**

made under the

*Rural and Regional Adjustment Act 1994*

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## **General outline**

### **Short title**

*Rural and Regional Adjustment Amendment Regulation (No. 1) 2013.*

### **Authorising law**

Sections 10, 11 and 44 of the *Rural and Regional Adjustment Act 1994* (the Act)

### **Policy objectives and the reasons for them**

Financial assistance to those who have been directly impacted by eligible disasters is governed by the joint Commonwealth-State Natural Disaster Relief and Recovery Arrangements (NDRRA). The NDRRA is a cost sharing arrangement between the states and the Commonwealth Government which establishes a suite of pre-approved measures which can potentially be activated in response to an eligible disaster in order to assist with community recovery. Eligible disasters include bushfire, earthquake, flood, storm, cyclone, storm surge, landslide, tsunami, meteorite strike, tornado or terrorist event.

The NDRRA pre-approved measures are broken down into four categories namely:

- Category A - assistance to individuals.
- Category B - assistance to business (i.e. small business, not-for-profit organisations and primary producers) and government.
- Category C - a community recovery package and clean-up and recovery grants for severe disasters where Category A and B measures are insufficient.
- Category D - measures to be introduced on a case by case basis in response to exceptional events where Categories A, B and C are inadequate.

The Category C grant program assists eligible small business, not-for-profit organisations and primary producers with clean up, restoration and recovery costs from direct damage after an eligible disaster event.

The subordinate legislation establishes the Special Disaster Assistance Scheme (the Scheme) as a standing Category C recovery grants scheme that can be administered by QRAA when the Queensland and Commonwealth Governments agree to its introduction in response to an eligible disaster. The written approval of the Prime Minister is required in order to activate Category C.

Previously, a separate legislative amendment has been required for each disaster event for which Category C has been activated resulting in a delay from the time of the announcement of assistance until the subordinate legislation was made to provide for QRAA to administer the scheme. The new Scheme will enable QRAA to administer Category C assistance as soon as an announcement and activation of the assistance is made.

Subject to the Commonwealth and Queensland Governments agreement to make assistance available, the Scheme will be activated by an assistance establishment notice which will be published on the QRAA website.

The notice will describe the event for which the Scheme is activated; eligible entities the Scheme will be activated for (i.e. small business, not for profit organisations and or primary producers); the day from which applicants can apply and the closing date; the total amount of the grant and whether a part of the grant is excluded from the requirement of proof of expenditure. If an extension of the closing date is necessary, an amendment to the notice can be made to extend the Scheme's closing date. The geographic area to which the scheme applies will be contained in the

NDRRA activation for the event made by the Minister for Police and Community Safety.

Establishment of the Scheme will enable assistance to be provided to eligible applicants affected by the January 2013 flooding caused by ex Tropical Cyclone Oswald for the Category C areas approved by the Commonwealth Government.

The subordinate legislation also provides for an amendment to schedules 2, 3 and 21 of the Regulation to include a new definition of 'eligible disaster', in place of the previous 'eligible natural disaster', following the Commonwealth Government's announcement of the extension of the NDRRA to include terrorist events.

### **Achievement of policy objectives**

Section 10 of the Act provides that QRAA may only give assistance under an approved scheme and section 11 provides that an approved assistance scheme is one which is approved by regulation.

Consequently approved assistance schemes under which QRAA administers financial assistance are prescriptively detailed in the *Rural and Regional Adjustment Regulation 2011*.

The establishment of the new Scheme delivers on the policy objectives of the NDRRA which is to assist community recovery through the provision of financial assistance to those suffering direct damage in order to help recovery from eligible disasters.

### **Consistency with policy objectives of authorising law**

This subordinate legislation is consistent with the objects as outlined in section 3 of the Act in that it will enable QRAA to support the State's economy by providing assistance to primary producers, small business and other elements of the economy in periods when they are experiencing temporary difficulty.

### **Inconsistency with policy objectives of other legislation**

This subordinate legislation is not inconsistent with the policy objectives of any other legislation.

## **Benefits and costs of implementation**

This subordinate legislation is of a beneficial nature in that it provides a grant to eligible small business, not-for-profit organisations and primary producers that have suffered direct damage from an eligible disaster. Costs only occur under this Scheme when the assistance is activated by the Commonwealth and Queensland Governments.

## **Consistency with fundamental legislative principles**

No fundamental legislative principle issues have been identified in the preparation of this subordinate legislation.

## **Consultation**

QRAA, the Department of Tourism, Major Events, Small Business and the Commonwealth Games, the Department of Communities, Child Safety and Disability Services and the Regulatory Review Branch of Queensland Treasury and Trade were consulted in regard to establishing the Scheme. These agencies are supportive of the new assistance scheme.

QRAA as the administrator of approved assistance schemes had extensive involvement in the development of the Scheme.

The Regulatory Review Branch noted that a full Regulatory Assessment Statement does not need to occur for this subordinate legislation as it does not impose an appreciable cost on business, community or the government.

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### **ENDNOTES**

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Agriculture, Fisheries and Forestry.