



Queensland

# Rural and Regional Adjustment Amendment Regulation (No. 4) 2013

## Explanatory Notes for SL 2013 No. 136

made under the

*Rural and Regional Adjustment Act 1994*

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## General outline

### Short title

*Rural and Regional Adjustment Amendment Regulation (No. 4) 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

The policy objective is to make a minor amendment to the Bovine Johne's Disease Assistance Scheme (Scheme) which is Schedule 25 of the *Rural and Regional Adjustment Regulation 2011*. Schedule 25 was gazetted on 31 May 2013.

The intent of this minor amendment is to ensure that a particular type of activity will be eligible for assistance under the Scheme.

The Scheme provides financial assistance to certain categories of cattle owners who have been impacted by the outbreak of bovine Johne's disease (BJD) in Queensland. The categories of eligible assistance available in the

Scheme were developed in consultation with a cattle industry advisory committee.

This Scheme has two forms of assistance: the Direct market assistance in Part 3 of Schedule 25; and the Supply chain pathway assistance in Part 4 of Schedule 25. Part 3 provides a partial rebate on the costs of certain categories of cattle slaughtered in order to resolve a property's BJD status. Three categories of cattle slaughtered should be eligible for assistance under Part 3 of the Scheme namely:

1. Cattle that were identified as coming from a property confirmed to be infected (also known as trace forward cattle).
2. Cattle slaughtered on properties where BJD was confirmed.
3. Cattle slaughtered after having tested positive to a BJD test.

The regulatory amendment that is proposed only relates to the third category of cattle that has been slaughtered as a consequence of testing positive to an indicative BJD test. It is estimated that there are a small number of cattle (approximately 12) that this amendment would affect.

With regards to the slaughter of cattle that have tested positive to BJD it should be noted that non-slaughter tests cannot absolutely confirm the presence of BJD, BJD presence can only absolutely be confirmed through tests carried out post slaughter.

These cattle are included in the definition of planned slaughter however in a review conducted of the Regulation it was determined that the wording contained in the eligibility criteria (section 8) of Part 3 could potentially exclude some applicants. It was the original intention that cattle slaughtered after having tested positive to a BJD test be captured by the Scheme, however it has become apparent that this may not be the case and therefore the Scheme requires amendment.

Accordingly, this regulatory amendment is proposed to modify the wording of the eligibility criteria (section 8) provision to ensure that QRAA has the regulatory certainty that cattle owners who have slaughtered cattle after having tested positive to a BJD test are eligible to apply for assistance.

## **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*.

### **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 the owners of cattle impacted by movement restrictions as a consequence of the incidence of BJD in Queensland.

### **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 financial assistance to cattle owners affected by quarantine as a consequence of BJD on or from 20 November 2012. Only a very small number of additional cattle (approximately 12) would be eligible for assistance under the Scheme due to this amendment and therefore the cost of this amendment will be negligible.

### **Consistency with fundamental legislative principles**

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

### **Consultation**

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

The Office of Best Practice Regulation (OBPR) was consulted as to whether this amendment would be required to undergo a Regulatory Impact Statement. The OBPR noted that as this amendment regulation to

amend the Scheme was not likely to have significant adverse impacts it did not have to undergo the Regulatory Impact Statement process.

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#### ENDNOTES

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

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