



Queensland

Rural and Regional Adjustment Amendment Regulation (No. 2) 2016

Subordinate Legislation 2016 No. 133

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 Amendment Regulation (No. 2) 2016*.

2 Regulation amended

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

3 Replacement of sch 23, hdg (Special Disaster Assistance Scheme)

Schedule 23, heading—

omit, insert—

**Schedule 23 Natural Disaster
Recovery Grants
Scheme**

4 Amendment of sch 23, s 2 (Purpose of assistance)

Schedule 23, section 2(1), ‘arising out of’—

omit, insert—

of clean up and reinstatement of eligible entities
that have suffered

5 Amendment of sch 23, s 3 (Definitions for sch 23)

(1) Schedule 23, section 3, definition *defined disaster area*, editor’s note, ‘at <www.qraa.qld.gov.au>’—

omit.

(2) Schedule 23, section 3, definition *natural disaster relief and recovery arrangements*, editor’s note—

omit, insert—

Editor's note—

The funding arrangements are described in the following documents available on the Australian Government Disaster Assist website—

- Natural disaster relief and recovery arrangements—determination 2012 (version 2)
- Natural disaster relief and recovery arrangements guideline 3—Category C interim assessment framework.

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

- (1) Schedule 23, section 5(2)(b), ‘to clean and restore’—

omit, insert—

for the clean-up and reinstatement of

- (2) Schedule 23, section 5—

insert—

- (3A) Despite subsection (3)(c), a business is a small business if the sole trader—

- (a) immediately before an eligible disaster, derived the majority of the sole trader’s income from the business; and
- (b) in the opinion of the authority, would have derived the majority of the sole trader’s income from the small business again, but for the eligible disaster.

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

Schedule 23, section 6, editor’s note—

omit.

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

- (1) Schedule 23, section 7(1), ‘clean and restore’—

[s 9]

omit, insert—

clean-up and reinstate

- (2) Schedule 23, section 7(2)(a), ‘(e)’—

omit, insert—

(f)

- (3) Schedule 23, section 7(2)(b), ‘(e) or 9(1)(b) to (f)’—

omit, insert—

(f) or (2)

9 Replacement of sch 23, ss 8 and 9

Schedule 23, sections 8 and 9—

omit, insert—

8 Assistance under standard grant or exceptional circumstances grant

- (1) A standard grant or an exceptional circumstances grant for an eligible entity’s primary production enterprise, small business or means for conducting its operations as a non-profit organisation may cover the cost of any of the following things—
- (a) purchasing, hiring or leasing equipment or materials to clean premises or a property or equipment;
 - (b) employing a person to clean premises or a property 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 premises, property or equipment that would ordinarily have been incurred in the

absence of an event mentioned in section 4(1);

- (c) removing and disposing of debris or damaged goods and material;
- (d) repairing buildings;
- (e) for a primary production enterprise, any of the following—
 - (i) repairing or reconditioning essential plant or equipment;
 - (ii) repairing or replacing fencing on a property, other than to the extent, if any, the cost may be recovered under other assistance from the Commonwealth or State;

Examples of other assistance—

- a freight subsidy under the natural disaster relief and recovery arrangements for transporting fencing materials
 - a concessional loan under the Natural Disaster Relief (Primary Producers) Scheme under schedule 2 for purposes including paying the costs of repair or replacement of fencing
- (iii) salvaging crops, grain or feed;
 - (iv) maintaining the health of livestock;
 - (v) purchasing fodder, other than to the extent, if any, the cost may be recovered under other assistance from the Commonwealth or State;

Examples of other assistance—

- a freight subsidy under the natural disaster relief and recovery arrangements for carting emergency fodder
- a concessional loan under the Natural Disaster Relief (Primary Producers)

[s 9]

Scheme under schedule 2 for purposes including paying for fodder

- (vi) replacing essential water that has been used for fire fighting;
- (vii) carting water;
- (f) for a small business or non-profit organisation, any of the following—
 - (i) repairing or replacing fittings in a building;
 - (ii) engaging a person to conduct a safety inspection of premises;
 - (iii) purchasing, hiring or leasing equipment or materials that are essential for immediately resuming business activities or operations as a non-profit organisation;
 - (iv) replacing lost or damaged stock if the replacement is essential for immediately resuming business activities or operations as a non-profit organisation;
 - (v) leasing temporary premises for the purpose of resuming business activities or operations as a non-profit organisation.
- (2) An exceptional circumstances grant for an eligible entity's primary production enterprise may also cover the cost of purchasing, hiring or leasing equipment or materials that are essential for immediately resuming farming activities.
- (3) In this section—
 - buildings**, for a primary production enterprise, does not include housing.
 - damaged goods**, for a primary production enterprise, includes injured or dead livestock.

employing includes engaging under a contract for services.

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

Schedule 23, section 12(2), note—

omit.

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

Schedule 23, section 13(3), definition, *community recovery fund* and editor's note—

omit, insert—

community recovery fund means a community recovery fund described in the following documents—

- Natural disaster relief and recovery arrangements—determination 2012 (version 2)
- Natural disaster relief and recovery arrangements guideline 3—category C interim assessment framework.

Editor's note—

The documents are published on the Australian Government Disaster Assist website.

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

Schedule 23, section 17(3), definition *relevant cost*, '(e) or 9(1)(b) to (f)'—

omit, insert—

(f) or (2)

ENDNOTES

- 1 Made by the Governor in Council on 11 August 2016.
- 2 Notified on the Queensland legislation website on 12 August 2016.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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