



Queensland

Rural and Regional Adjustment (Farming in Reef Catchments Rebate Scheme) Amendment Regulation 2019

Subordinate Legislation 2019 No. 158

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 (Farming in Reef Catchments Rebate Scheme) Amendment Regulation 2019*.

2 Regulation amended

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

3 Amendment of s 3 (Approved schemes—Act, s 11)

Section 3(1), ‘1 to 12’—

omit, insert—

1 to 13

4 Insertion of new sch 13

After schedule 12—

insert—

Schedule 13 Farming in reef catchments rebate scheme

section 3(1)

1 Objective of scheme

The objective of the scheme is to provide for assistance to primary producers for primary production enterprises in eligible areas to obtain eligible professional advice from an approved agricultural adviser.

2 Definitions

In this schedule—

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

approved agricultural adviser means a person—

- (a) whom the authority considers has the appropriate qualifications and experience to give eligible professional advice; and
- (b) who is listed on the authority’s website as an approved agricultural adviser.

eligible area means the area shown as the Great Barrier Reef catchment on the map, held by the environment department, called ‘Great Barrier Reef catchment and river basins’ dated 23 August 2018.

Editor’s note—

A copy of the map may be obtained from the environment department’s head office.

eligible professional advice means written advice—

- (a) about managing nutrient and sediment pollution in the eligible area to contribute to achieving the targets for water quality improvement for the Great Barrier Reef under the Reef 2050 Water Quality Improvement Plan; and
- (b) mentioning actions that may be taken to contribute to achieving the targets.

environment department means the department in which the *Environmental Protection Act 1994* is administered.

primary producer means—

- (a) a sole trader who spends the majority of his or her labour on, and derives the majority of

his or her income from, a primary production enterprise; or

- (b) in relation to a partnership, proprietary company or trust that carries on a primary production enterprise, the partners in the partnership, shareholders in the company or the trustees or beneficiaries of the trust who spend the majority of their labour on, and derive the majority of their income from, the primary production enterprise.

primary production enterprise means a business—

- (a) involving primary production in any of the following forms—
- (i) cattle grazing;
 - (ii) cultivating bananas;
 - (iii) cultivating sugarcane; and
- (b) for which an entity holds an Australian Business Number.

proprietary company means a proprietary company within the meaning of the Corporations Act.

Reef 2050 Water Quality Improvement Plan means the plan called ‘Reef 2050 Water Quality Improvement Plan 2017–2022’, prepared by the Australian Government and Queensland Government.

Editor’s note—

The plan is published on the environment department’s website.

scheme means the scheme set out in this schedule.

3 Nature of assistance

The nature of the assistance that may be given

under the scheme is a rebate to offset the cost of obtaining eligible professional advice to the maximum amount under section 5.

4 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance under the scheme, the authority must be satisfied that—
 - (a) the applicant is a primary producer; and
 - (b) the applicant is carrying on a primary production enterprise on land that is substantially in the eligible area; and
 - (c) the applicant has been given eligible professional advice, no earlier than 1 year before the commencement, relevant to carrying on the primary production enterprise; and
 - (d) the applicant was a primary producer carrying on the primary production enterprise when the advice was given; and
 - (e) the person who gave the advice was an approved agricultural adviser when the applicant applied for the assistance; and
 - (f) when the advice was given, the approved agricultural adviser was not—
 - (i) related to the applicant; or
 - (ii) employed by an entity owned or partially owned by the applicant; and
 - (g) the applicant has paid for the advice; and
 - (h) assistance has not already been given under the scheme in relation to the primary production enterprise; and
 - (i) no other assistance from the Commonwealth or State has been given in relation to the

primary production enterprise for improving water quality on land that is substantially in the eligible area.

- (2) For subsection (1), land is *substantially* in the eligible area if at least 75% of the area of the land is within the eligible area.

5 Amount of assistance

The amount of assistance payable under the scheme to an applicant who has obtained eligible professional advice is the lesser of—

- (a) the cost of obtaining the advice; and
- (b) \$1,000.

6 Applications

- (1) An application for assistance under the scheme must be—
- (a) made by the applicant in the form approved by the authority; and
 - (b) accompanied by—
 - (i) a copy of the eligible professional advice to which the application relates; and
 - (ii) a tax invoice and a document evidencing payment of the amount claimed by the applicant for the advice; and
 - (iii) a declaration signed by the approved agricultural adviser who gave the advice stating that the actions mentioned in the advice, if taken, should contribute to achieving the targets for water quality improvement for the Great Barrier Reef under the

Reef 2050 Water Quality Improvement
Plan; and

- (iv) any other documents stated in the form.
- (2) The authority may ask an applicant to provide further relevant information required to decide the application.

7 Deciding applications

- (1) Subject to subsections (2) and (3), the authority must consider, and decide to approve or refuse to approve, each application for assistance.
- (2) The authority must consider applications in the order they are received.
- (3) The authority may approve an application only if the authority's assistance funds for the scheme are sufficient to pay for the assistance.

ENDNOTES

- 1 Made by the Governor in Council on 22 August 2019.
- 2 Notified on the Queensland legislation website on 23 August 2019.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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