



Queensland

# Rural and Regional Adjustment (2019–2020 Extraordinary Bushfires Disaster Recovery Funding) Amendment Regulation 2020

## Subordinate Legislation 2020 No. 5

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 (2019–2020 Extraordinary Bushfires Disaster Recovery Funding) Amendment Regulation 2020*.

## 2 Regulation amended

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

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

(1) Schedule 23, section 3—

*insert—*

**2019–2020 extraordinary bushfire disaster** means an eligible disaster mentioned in section 4(1)(a) that—

- (a) happens during the 2019–2020 financial year; and
- (b) is defined by the appropriate Minister for the purpose of activating the disaster recovery funding arrangements.

*Note—*

See also—

- (a) the summary of the appropriate Minister’s approval activating the disaster recovery funding arrangements for the eligible disaster published on the website of the Queensland Reconstruction Authority; and
- (b) the assistance establishment notice for the eligible disaster published on the authority’s website.

**damaged goods**, for a primary production enterprise, includes injured or dead livestock.

**employing** includes engaging under a contract for services.

*non-farm income* means gross income derived from sources other than a primary production enterprise.

- (2) Schedule 23, section 3, definition *primary producer*, paragraph (a)—

*insert—*

(iii) if the sole trader is an applicant for assistance for a 2019–2020 extraordinary bushfire disaster—ordinarily derives non-farm income of less than \$100,000 in a financial year; or

- (3) Schedule 23, section 3, definition *primary producer*, paragraph (b)—

*insert—*

(iii) if the partnership, company or trust is an applicant for assistance for a 2019–2020 extraordinary bushfire disaster—each ordinarily derive non-farm income of less than \$100,000 in a financial year.

#### **4 Amendment of sch 23, s 6A (Requirements for assistance establishment notice)**

Schedule 23, section 6A(3)(b), note, ‘23(4)’—

*omit, insert—*

23(5)

#### **5 Amendment of sch 23, s 7 (Nature of assistance under scheme)**

- (1) Schedule 23, section 7(2), after ‘section 8(2)(a) to (h)’—

*insert—*

or 9(2)(a) to (o)

- (2) Schedule 23, section 7(3)(c)—

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*omit, insert—*

- (c) if the grant is for an eligible entity that is a primary producer for a 2019–2020 extraordinary bushfire disaster—\$75,000; or
- (d) otherwise—\$25,000.

## **6 Amendment of sch 23, s 8 (Assistance under standard or exceptional circumstances grant)**

- (1) Schedule 23, section 8, heading, after ‘grant’—

*insert—*

### **generally**

- (2) Schedule 23, section 8—

*insert—*

- (3A) This section does not apply to an exceptional circumstances grant if the grant is for a 2019–2020 extraordinary bushfire disaster.

- (3) Schedule 23, section 8(4), definitions *damaged goods* and *employing*—

*omit.*

- (4) Schedule 23, section 8(3A) and (4)—

*renumber* as schedule 23, section 8(4) and (5).

## **7 Insertion of new sch 23, s 9**

Schedule 23, after section 8—

*insert—*

### **9 Assistance under exceptional circumstances grant for 2019–2020 extraordinary bushfire disaster**

- (1) This section applies to an exceptional circumstances grant for an eligible entity’s primary production enterprise if the grant is for a

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2019–2020 extraordinary bushfire disaster.

- (2) The exceptional circumstances grant may cover a cost that has been incurred for any of the following things because of direct damage caused by the eligible disaster—
- (a) engaging a tradesperson to conduct a safety inspection of damage to a property, premises or equipment;
  - (b) purchasing, hiring or leasing equipment or materials to clean a property, premises or equipment;
  - (c) purchasing, hiring or leasing equipment that is essential for immediately resuming operation of the primary production enterprise;
  - (d) employing a person to clean a property, premises or equipment if—
    - (i) the cost would not ordinarily have been incurred in the absence of the eligible disaster; or
    - (ii) the cost exceeds the cost of employing a person to clean the property, premises or equipment that would ordinarily have been incurred in the absence of the eligible disaster;
  - (e) removing or disposing of damaged goods, including any associated costs;
  - (f) repairing a building or repairing or replacing fittings in a building, if the repair or replacement is essential for resuming operation of the primary production enterprise;
  - (g) repairing, reconditioning or replacing essential plant or equipment, including, for example, water tanks, water reticulation

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- systems, forestry equipment and aquaculture and fishing equipment;
- (h) removing silt from a dam;
  - (i) repairing or replacing fencing or horticultural netting on a property, other than to the extent the cost may be recovered under other assistance from the Commonwealth or State;
  - (j) purchasing fodder, grain or other feed for livestock;
  - (k) agisting livestock, including any associated transport costs, other than to the extent the costs may be recovered under other assistance from the Commonwealth or State;
  - (l) assessing, treating or maintaining the health of livestock or aquaculture species;
  - (m) salvaging, but not replacing, crops, grain, feed, fertiliser or timber;
  - (n) replacing essential water that has been used for fire fighting;
  - (o) carting water.
- (3) For subsection (2), a reference to a building does not include a reference to a building that is used as a dwelling, unless the dwelling is used for carrying on the primary production enterprise.

*Example of a dwelling for subsection (3)—*

a dwelling used for temporary accommodation for workers for a primary production enterprise

## **8 Amendment of sch 23, s 11 (Eligibility criteria—primary producer)**

- (1) Schedule 23, section 11(1)(e), after ‘section 8(2)(g)(v), (vi) or (vii)’—

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*insert—*

or 9(2)(m)

(2) Schedule 23, section 11—

*insert—*

(4) Also, subsection (1)(d) does not apply to an applicant if—

(a) the applicant’s application for assistance is for a 2019–2020 extraordinary bushfire disaster; and

(b) the assistance establishment notice for the disaster states that this subsection applies to the applicant.

## **9 Amendment of sch 23, s 16 (Eligibility for exceptional circumstances grant)**

(1) Schedule 23, section 16(1)—

*insert—*

(ba) for a 2019–2020 extraordinary bushfire disaster—no other entity has applied for assistance for the primary production enterprise the subject of the applicant’s application; and

(2) Schedule 23, section 16(1)(ba) and (c)—

*renumber* as schedule 23, section 16(1)(c) and (d).

(3) Schedule 23, section 16—

*insert—*

(1A) However, if the applicant’s application for assistance is for a 2019–2020 extraordinary bushfire disaster, the applicant is not eligible for an exceptional circumstances grant for the eligible disaster to the extent the applicant has received, or has been approved to receive, financial assistance under another

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Commonwealth or State assistance scheme for costs incurred for a thing mentioned in section 9(2)(a) to (o).

- (4) Schedule 23, section 16(2), ‘Subsection (1)(c)’—

*omit, insert—*

Subsection (1)(d)

- (5) Schedule 23, section 16(2)(a)—

*omit, insert—*

(a) the applicant’s application for assistance is for—

- (i) the January–February 2019 Queensland flood disaster; or
- (ii) a 2019–2020 extraordinary bushfire disaster; and

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

Schedule 23, section 17(3), definition *relevant cost*, after ‘section 8(2)(a) to (h)’—

*insert—*

or 9(2)(a) to (o)

**11 Amendment of sch 23, s 23 (Requirements for applications)**

- (1) Schedule 23, section 23—

*insert—*

(3A) If the application for assistance is for a 2019–2020 extraordinary bushfire disaster—

(a) the application must also be accompanied by—



- (i) a list of the things under section 9(2) for which assistance under the scheme is claimed, including an estimate of the cost of each thing; and
    - (ii) photographic evidence of the direct damage caused by the disaster; and
  - (b) despite subsection (3), the applicant may make 1 or more further applications for assistance for an exceptional circumstances grant for the disaster if—
    - (i) the applicant has incurred further costs for any of the things mentioned in section 9(2)(a) to (o); and
    - (ii) the total amount the applicant has received, or has been approved to receive, for assistance under the scheme for the disaster is less than \$75,000.
- (2) Schedule 23, section 23(3A) to (6)—  
*renumber* as schedule 23, section 23(4) to (7).

### ENDNOTES

- 1 Made by the Governor in Council on 30 January 2020.
- 2 Notified on the Queensland legislation website on 31 January 2020.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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