



Queensland

Rural and Regional Adjustment (Rural Agricultural Development Grants Scheme) Amendment Regulation 2022

Subordinate Legislation 2022 No. 54

made under the

Rural and Regional Adjustment Act 1994

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Rural and Regional Adjustment (Rural Agricultural Development Grants Scheme)
Amendment Regulation 2022

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1 Short title

This regulation may be cited as the *Rural and Regional Adjustment (Rural Agricultural Development Grants Scheme) Amendment Regulation 2022*.

2 Regulation amended

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

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

Section 3(1), ‘40’—

omit, insert—

41

4 Insertion of new sch 41

After schedule 40—

insert—

**Schedule 41 Rural agricultural
development (sheep
and goats) grants
scheme**

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to provide assistance that will support economic development in relevant rural areas by—

- (a) creating employment relating to eligible primary production enterprises; and
- (b) increasing sales or the value of products or materials derived from eligible primary production enterprises.

2 Purpose of assistance

The purpose of assistance under the scheme is to enable an eligible entity to—

- (a) create employment relating to an eligible primary production enterprise; or
- (b) increase sales or the value of products or materials derived from an eligible primary production enterprise.

3 Definitions for schedule

In this schedule—

applicant means an entity applying for financial assistance under the scheme.

approved form means a form approved by the authority.

eligible activity see section 4.

eligible entity see section 5.

eligible primary production enterprise means a primary production enterprise that—

- (a) is located in a relevant rural area; and
- (b) involves 50 or more sheep or goats, in any combination.

expression of interest, in applying for assistance under the scheme, means an expression of interest that complies with section 10(3).

medium-size business see section 6.

primary production enterprise means a business—

- (a) that involves primary production, including the agricultural and grazing industries; and
- (b) for which an entity holds an Australian Business Number.

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

relevant rural area means an area in Queensland, other than any of the following local government areas—

- (a) Brisbane;
- (b) Ipswich;
- (c) Logan;
- (d) Redland.

scheme means the scheme set out in this schedule.

4 Meaning of *eligible activity*

An ***eligible activity*** is an activity the authority is satisfied will create employment relating to, or increase sales or the value of products or materials derived from, an eligible primary production enterprise, including, for example, in any of the following ways—

- (a) by developing a new market for a product derived from sheep or goats;
- (b) by expanding the capabilities of businesses within the supply chain for producing, processing, manufacturing or selling products derived from sheep or goats;
- (c) by providing specialised training or equipment to an eligible primary production enterprise.

5 Meaning of *eligible entity*

- (1) Each of the following entities is an *eligible entity*—
- (a) an entity that carries on a medium-size business;
 - (b) an association incorporated under the *Associations Incorporation Act 1981*;
 - (c) a co-operative registered under the Co-operatives National Law (Queensland);
 - (d) an Aboriginal and Torres Strait Islander corporation registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cwlth);
 - (e) a primary producer;
 - (f) an entity established to represent—
 - (i) primary producers; or
 - (ii) primary production enterprises;
 - (g) an entity that is a federation of entities mentioned in paragraph (f);
 - (h) a university located in Queensland;
 - (i) a tertiary education institution, or another institution or organisation, that provides vocational training in Queensland;
 - (j) a local government.
- (2) In this section—
- primary producer*** means—
- (a) a sole trader who spends the majority of the trader's labour on, and derives the majority of the trader's income from, a primary production enterprise; or
 - (b) a partner in a partnership that carries on a primary production enterprise, if the partner spends the majority of the partner's labour

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- on, and derives the majority of the partner's income from, the enterprise; or
- (c) a shareholder in a proprietary company that carries on a primary production enterprise, if the shareholder spends the majority of the shareholder's labour on, and derives the majority of the shareholder's income from, the enterprise; or
 - (d) a beneficiary of a trust that carries on a primary production enterprise, if the beneficiary spends the majority of the beneficiary's labour on, and derives the majority of the beneficiary's income from, the enterprise.

6 Meaning of *medium-size business*

- (1) A *medium-size business* is a business—
 - (a) that is carried on by a sole trader, partnership, proprietary company or trust; and
 - (b) for which an entity holds an Australian Business Number; and
 - (c) that is registered for GST; and
 - (d) that employs fewer than—
 - (i) 250 full-time employees; or
 - (ii) if the business has employees other than full-time employees—250 equivalent full-time employees; and
 - (e) that is not operated by a public company within the meaning of the Corporations Act.
- (2) For subsection (1)(d)(ii), the number of equivalent full-time employees of a business is worked out using the formula—

where—

$$E = F + \frac{P}{35}$$

E means the number of equivalent full-time employees of the business.

F means the number of full-time employees of the business.

P means the total number of hours worked each week by employees other than full-time employees.

(3) In this section—

full-time employee, of a business, means an individual who ordinarily works at least 35 hours each week for the business.

Part 2 General provisions for scheme

7 Nature and amount of assistance

- (1) The nature of assistance available under the scheme is a grant of financial assistance to an eligible entity for an eligible activity.
- (2) A grant of financial assistance is not available for—
 - (a) funding an activity that commenced, or was completed, before an application for assistance under the scheme was made; or
 - (b) funding an activity associated with installing or maintaining cluster fencing or predator-proof fencing; or
 - (c) making payments towards a debt; or
 - (d) purchasing land; or

- (e) undertaking training, or paying professional costs, not related to the eligible activity; or
 - (f) conducting feasibility studies; or
 - (g) paying administration costs.
- (3) The amount of a grant of financial assistance under the scheme for an eligible activity that is the subject of an application—
- (a) is based on the authority's assessment of the applicant's financial position, including the applicant's ability to provide a cash contribution to the activity that is equal to, or more than, the amount of assistance the applicant is applying for; and
 - (b) must not be more than the amount the applicant will contribute to the activity.
- (4) However, the maximum amount of a grant of financial assistance under the scheme for an eligible entity for an eligible activity is \$200,000.

8 Scheme to operate in rounds

- (1) The scheme will operate in rounds.
- (2) The first round of the scheme consists of an expression of interest stage and an application stage.
- (3) Each subsequent round of the scheme may consist of—
 - (a) an expression of interest stage and an application stage; or
 - (b) an application stage only.
- (4) Each round of the scheme opens on—
 - (a) if the round includes an expression of interest stage—the day stated on the authority's website as the day on or after which an expression of interest in applying

for assistance under the scheme may be made; or

- (b) otherwise—the day stated on the authority’s website as the day on or after which an application for assistance under the scheme may be made.
- (5) Each round of the scheme closes on the day stated on the authority’s website as the day on which the round closes.

9 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance under the scheme the applicant must—
- (a) be an eligible entity; and
 - (b) be applying for assistance for an eligible activity; and
 - (c) be able to state the relevant rural area in which the eligible activity will primarily be undertaken (the *stated rural area*); and
 - (d) not have previously received assistance under the scheme for a substantially similar activity; and
 - (e) not have received other government funding for the eligible activity; and
 - (f) demonstrate to the authority’s satisfaction that—
 - (i) the applicant has the ability to provide a cash contribution to the activity that is equal to, or more than, the amount of assistance the applicant is applying for; and
 - (ii) the applicant has adequate experience or other qualifications to give the applicant a reasonable prospect of success in carrying out the activity; and

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- (iii) the activity has sound prospects for commercial viability in the long term; and
 - (iv) the activity will provide a significant economic benefit to the stated rural area.
- (2) However, if an application for assistance under the scheme is made jointly by 2 or more applicants, only 1 applicant must demonstrate the matters mentioned in subsection (1)(f)(i) and (ii).
- (3) In this section—
- government funding*** means financial assistance, other than a loan, provided by the Commonwealth government, the government of a State or a local government.

10 Expressions of interest

- (1) This section applies if a round of the scheme includes an expression of interest stage.
- (2) The authority must state on its website, on or before the day the round opens under section 8, the day that is the last day by which the authority must receive an expression of interest in applying for assistance under the scheme.
- (3) An expression of interest in applying for assistance under the scheme must—
- (a) be made in the approved form; and
 - (b) be accompanied by the documents stated in the approved form; and
 - (c) be given to the authority on or before the day mentioned in subsection (2).
- (4) The authority must decide to accept or reject each expression of interest made under subsection (3).
- (5) If the authority decides to accept an expression of

interest, the authority must give the entity that made the expression of interest a written notice stating the entity is invited to apply for assistance under the scheme.

- (6) If the authority decides to reject an expression of interest—
 - (a) the authority must give the entity that made the expression of interest written notice of the decision; and
 - (b) for part 3A of the Act, the decision is taken to be a decision under section 12(1)(a) of the Act.

11 Applications

- (1) For each round of the scheme, an application for assistance under the scheme must—
 - (a) be made in the approved form; and
 - (b) be accompanied by the documents stated in the approved form; and
 - (c) be given to the authority—
 - (i) on or after the day stated on the authority's website as the day on or after which the application may be made; and
 - (ii) before the end of the day on which the round of the scheme closes.
- (2) Also, an application for assistance under the scheme may be made only if—
 - (a) the applicant has previously made an expression of interest in applying for assistance under the scheme, whether for the first round or any subsequent round; and
 - (b) the authority—

- (i) decided to accept the applicant's expression of interest; and
 - (ii) gave the applicant a written notice stating the applicant is invited to apply for assistance under the scheme.
- (3) If the authority asks the applicant to give further information to decide the application, the applicant must give the authority the information.

12 Deciding applications

- (1) The authority must decide to approve, or refuse to approve, each application for assistance under the scheme that complies with section 11.
- (2) In approving an application, the authority may, with the agreement of the applicant, approve a lesser amount of assistance than the amount applied for in the application.
- (3) The authority must refuse to approve an application if the authority's funds for assistance for a round of the scheme are not sufficient to pay for the assistance applied for in the application.
- (4) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

13 Priority of consideration for approval of applications

The authority must consider approving applications for assistance under the scheme in the following decreasing order of priority—

- (a) applications for assistance for eligible activities the authority considers will provide the greatest benefit to a relevant rural area in relation to economic development;

- (b) applications for assistance for eligible activities the authority considers will provide the least benefit to a relevant rural area in relation to economic development.

14 Conditions of assistance

The payment to an eligible entity of a grant of financial assistance under the scheme is subject to the following conditions—

- (a) before receiving the assistance, the entity must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;
- (b) the entity must not disclose that an application for assistance under the scheme has been approved by the authority until the authority has publicly announced the approval;
- (c) if requested by the authority, the entity must, from time to time, give the authority a report about how the assistance is enabling the entity to achieve outcomes consistent with the purpose of the assistance mentioned in section 2;
- (d) the entity must comply with the terms of the agreement mentioned in paragraph (a).

15 Payment of financial assistance

The authority may make a grant of financial assistance under the scheme in a single payment or in instalments, at intervals decided by the authority.

ENDNOTES

- 1 Made by the Governor in Council on 12 May 2022.
- 2 Notified on the Queensland legislation website on 13 May 2022.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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