



Queensland

Rural and Regional Adjustment (Carbon Farming Advice Assistance Scheme) Amendment Regulation 2023

Subordinate Legislation 2023 No. 48

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 (Carbon Farming Advice Assistance Scheme) Amendment Regulation 2023*.

2 Regulation amended

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

3 Insertion of new sch 49

After schedule 48—

insert—

Schedule 49 Carbon Farming Advice Assistance Scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to encourage eligible landholders to implement carbon farming on the landholder's land.

2 Purpose of scheme

The purpose of assistance under the scheme is to provide financial assistance to offset the cost to an eligible landholder of obtaining eligible carbon farming advice.

3 Definitions for schedule

In this schedule—

applicant means an entity applying for assistance under the scheme.

application for conditional approval means an application for conditional approval that complies with section 10.

approved adviser means a person who is—

- (a) approved by the department of environment and science to give advice about the implementation of carbon farming in accordance with the person's area of specialty; and
- (b) listed on the authority's website as an approved adviser.

conditional approval, for assistance under the scheme, means conditional approval given under section 11.

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

eligible carbon farming advice means written advice that—

- (a) complies with the requirements contained in the document called 'Carbon Farming Advice Scheme Standards Guide' published on the department of environment and science's website; and
- (b) is given by an approved adviser to an eligible landholder about the implementation of carbon farming on the landholder's land.

eligible landholder see section 4.

landholder see section 5.

scheme means the scheme set out in this schedule.

4 Who is an *eligible landholder*

- (1) An *eligible landholder* is a landholder who is any of the following entities—
- (a) an individual;
 - (b) a local government;
 - (c) a non-profit organisation;
 - (d) a small to medium sized business.

- (2) In this section—

non-profit organisation means a charity or other non-profit entity that—

- (a) is incorporated under a law of the Commonwealth or a State; and
- (b) holds an Australian Business Number.

small to medium sized business means 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 not operated by a public company within the meaning of the Corporations Act.

5 Who is a *landholder*

A *landholder* is any of the following entities—

- (a) if the land is freehold land—the registered owner of the land;
- (b) if the land is the subject of a lease registered under the *Land Title Act 1994*—the lessee of the land;

- (c) if the land is the subject of a lease registered under the *Land Act 1994*—the lessee of the land;
- (d) if the land is a reserve—the trustee of the reserve;
- (e) if a person has occupation rights in relation to the land under a licence or permit—the licensee or permittee.

Part 2 General provisions for scheme

6 Nature and maximum amount of assistance

- (1) The nature of the assistance available to an applicant under the scheme is payment of all or part of the cost of eligible carbon farming advice received by the applicant.
- (2) The maximum amount of assistance available under the scheme is the cost of the applicant receiving the eligible carbon farming advice (inclusive of GST) up to a maximum of \$10,000.

7 Scheme to operate in rounds

- (1) The scheme will operate in rounds.
- (2) A round of the scheme—
 - (a) opens on the day stated on the authority’s website as the day on which the round opens; and
 - (b) closes on the day stated on the authority’s website as the day on which the round closes.

8 Round to operate in stages

- (1) Each round of the scheme will operate in 2 stages.
- (2) The first stage of a round of the scheme is an application for conditional approval stage.
- (3) The second stage of a round of the scheme is an application for assistance stage.

9 Eligibility criteria—conditional approval

An applicant is eligible for conditional approval within a round only if—

- (a) the applicant is an eligible landholder; and
- (b) the applicant has not previously—
 - (i) received assistance under the scheme for substantially similar eligible carbon farming advice; or
 - (ii) applied for conditional approval in the round.

10 Applications for conditional approval

- (1) An application for conditional approval must be—
 - (a) made in the approved form; and
 - (b) accompanied by the documents stated in the approved form; and
 - (c) for a round of the scheme—given to the authority before—
 - (i) the end of the day stated on the authority’s website as the day on which the round closes; and
 - (ii) the applicant applies for assistance under section 13.
- (2) If the authority asks the applicant to provide

further information to decide the application for conditional approval, the applicant must provide the information.

11 Deciding applications for conditional approval

- (1) The authority must consider each application for conditional approval and decide to approve, or refuse to approve, the application.
- (2) The authority must consider applications for conditional approval in the order they are received by the authority.
- (3) If the authority approves an application for conditional approval, the authority must give the applicant written notice of the decision.
- (4) The approval is subject to a condition requiring the applicant to engage a stated approved adviser to give the applicant eligible carbon farming advice in accordance with the adviser's area of specialty as stated on the authority's website.
- (5) The authority must refuse an application for conditional approval if the authority is satisfied the approved adviser to be engaged by the applicant—
 - (a) is an employee of the applicant; or
 - (b) has a registered interest in the land the subject of the proposed advice.
- (6) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

12 Eligibility criteria—assistance

An applicant is eligible to receive assistance under the scheme if the authority is satisfied the applicant has received—

- (a) conditional approval; and

- (b) eligible carbon farming advice in accordance with the conditional approval; and
- (c) a tax invoice for the eligible carbon farming advice.

13 Applications for assistance

- (1) An application for assistance under the scheme must be—
 - (a) made in the approved form; and
 - (b) accompanied by—
 - (i) a copy of the eligible carbon farming advice; and
 - (ii) a copy of the tax invoice for the eligible carbon farming advice; and
 - (iii) any other documents stated in the approved form.
- (2) If the authority asks an applicant to provide further information to decide the application, the applicant must provide the information.

14 Deciding applications for assistance

- (1) The authority must consider each application for assistance under the scheme that complies with section 13 and decide to approve, or refuse to approve, the application.
- (2) The authority must consider applications for assistance in the order they are received by the authority.
- (3) The authority must refuse to approve an application for assistance if—
 - (a) the authority is not satisfied the eligible carbon farming advice represents reasonable value for money; or

- (b) the authority's funds for assistance for the scheme are not sufficient to pay for the assistance.
- (4) If the authority refuses to approve an application for assistance, the authority must give written notice of the decision to the applicant.
- (5) The authority may, with the agreement of the applicant, approve an amount of assistance that is less than the amount applied for.

15 Payment of assistance directly to adviser

- (1) This section applies if the authority approves an application for assistance.
- (2) The authority must pay the amount of the assistance directly to the approved adviser who issued the tax invoice for the eligible carbon farming advice.

ENDNOTES

- 1 Made by the Governor in Council on 8 June 2023.
- 2 Notified on the Queensland legislation website on 9 June 2023.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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