



Queensland

Rural and Regional Adjustment (Variation of Resilient Homes Assistance Scheme) Amendment Regulation 2023

Subordinate Legislation 2023 No. 184

made under the

Rural and Regional Adjustment Act 1994

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Rural and Regional Adjustment (Variation of Resilient Homes Assistance Scheme)
Amendment Regulation 2023

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1 Short title

This regulation may be cited as the *Rural and Regional Adjustment (Variation of Resilient Homes Assistance Scheme) Amendment Regulation 2023*.

2 Regulation amended

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

3 Amendment of sch 44, s 2 (Purpose of assistance)

Schedule 44, section 2—

insert—

- (e) to demolish an affected part of an eligible home and rebuild that part with a higher floor level.

4 Amendment of sch 44, s 3 (Definitions for schedule)

- (1) Schedule 44, section 3, definitions *contribution threshold*, *eligible works*, *hardship certificate* and *home raising works—omit*.

- (2) Schedule 44, section 3—

insert—

affected part, of an eligible home, means a part of a home that—

- (a) was inundated by floodwaters during a disaster event mentioned in section 4(1)(c);
or
- (b) is below the flood hazard level that applies to the home.

demolition and replacement works means works to—

- (a) demolish an eligible home and build a new home, or install a removable home, on the land on which the eligible home is located so that the lowest habitable floor level of the new home, or removable home, is at or above the higher of the following levels—
 - (i) the flood hazard level that applies to the home;
 - (ii) the flood event level that applies to the home; or
- (b) demolish an eligible home if a new home has already been built with its lowest habitable floor level at or above the higher of the following levels—
 - (i) the flood hazard level that applies to the home;
 - (ii) the flood event level that applies to the home; or
- (c) demolish an affected part of an eligible home and build a new part of the home so that the lowest floor level of the part is at or above the higher of the following levels—
 - (i) the flood hazard level that applies to the home;
 - (ii) the flood event level that applies to the home.

eligible works means—

- (a) repair or retrofit works; or
- (b) home raising works; or
- (c) relocation works; or
- (d) demolition and replacement works.

flood event level, for a home, means the highest level at which floodwaters inundated the home during a disaster event mentioned in section

4(1)(c).

home raising works—

- (a) means works to raise all or part of an eligible home so an affected part is at or above the higher of the following levels—
 - (i) the flood hazard level that applies to the home;
 - (ii) the flood event level that applies to the home; and
- (b) includes preliminary investigation, design and approval works that are required to facilitate works mentioned in paragraph (a).

relocation works means works to relocate an eligible home to a new location on the land on which the eligible home is located so that the habitable floor level of the eligible home is at or above the higher of the following levels—

- (a) the flood hazard level that applies to the home;
- (b) the flood event level that applies to the home.

repair or retrofit works means works to repair or retrofit an eligible home to incorporate flood resilient design and materials in the home.

- (3) Schedule 44, section 3, definition *licensed contractor*, paragraph (a)—

omit, insert—

- (a) means—
 - (i) a person who holds an electrical licence under the *Electrical Safety Act 2002*; or
 - (ii) a person who holds a licence under the *Plumbing and Drainage Act 2018*; or

- (iii) a person who holds a licence under the *Queensland Building and Construction Commission Act 1991*; or
- (iv) a person registered as an architect under the *Architects Act 2002*; or
- (v) a person who is a registered professional engineer under the *Professional Engineers Act 2002*; or
- (vi) a person registered as a surveyor under the *Surveyors Act 2003*; and

5 Amendment of sch 44, s 4 (What is an *eligible home*)

Schedule 44, section 4(2), definition *building envelope*—
omit, insert—

building envelope, for a home—

- (a) means the outermost sides of the aggregation of the components of the home that have the primary function of separating the internal part of the home from the external environment; and
- (b) includes the foundations of the home.

6 Replacement of sch 44, s 5 (Nature and amount of assistance)

Schedule 44, section 5—

omit, insert—

5 Nature of assistance

- (1) The nature of the assistance available under the scheme is a grant of financial assistance to carry out eligible works to an eligible home.
- (2) However, financial assistance may be granted for only 1 type of eligible works.

Note—

The types of eligible works are—

- (a) repair or retrofit works; and
- (b) home raising works; and
- (c) relocation works; and
- (d) demolition and replacement works.

5A Amount of financial assistance—repair or retrofit works

- (1) The maximum amount of financial assistance available under the scheme for repair or retrofit works is the full cost of the works subject to a 50% contribution from the applicant to the extent the works cost more than \$50,000.
- (2) The repair or retrofit works must be for a part of an eligible home that is below either of the following levels—
 - (a) the flood hazard level that applies to the home;
 - (b) the flood event level that applies to the home.

5B Amount of financial assistance—home raising works

- (1) The maximum amount of financial assistance available under the scheme for home raising works is—
 - (a) for category A works—the full cost of the works subject to a 50% contribution from the applicant to the extent the works cost more than \$100,000; or
 - (b) for category B works—\$100,000; or
 - (c) for category C works—\$50,000.
- (2) However, financial assistance is available under

the scheme for home raising works only if the report for the eligible home assessment mentioned in section 6(1)(d) states that it is practicable to raise the eligible home.

- (3) Home raising works for an eligible home are **category A works** if the habitable floor level of the home is below—
 - (a) the flood hazard level that applies to the home; and
 - (b) the flood event level that applies to the home.
- (4) Home raising works for an eligible home are **category B works** if category A does not apply but the habitable floor level of the home is below—
 - (a) the flood hazard level that applies to the home; or
 - (b) the flood event level that applies to the home.
- (5) Home raising works for an eligible home are **category C works** if the works are not category A works or category B works.

5C Amount of financial assistance—relocation works

- (1) The maximum amount of financial assistance available under the scheme for relocation works is—
 - (a) for category A works—\$100,000; or
 - (b) for category B works—\$50,000.
- (2) Relocation works for an eligible home are **category A works** if the habitable floor level of the home is below—
 - (a) the flood hazard level that applies to the home; or

- (b) the flood event level that applies to the home.
- (3) Relocation works for an eligible home are *category B works* if the works are not category A works.

5D Amount of financial assistance—demolition and replacement works

- (1) The maximum amount of financial assistance available under the scheme for demolition and replacement works is—
 - (a) for category A works—\$100,000; or
 - (b) for category B works—\$50,000.
- (2) Demolition and replacement works for an eligible home are *category A works* if the habitable floor level of the home is below—
 - (a) the flood hazard level that applies to the home; or
 - (b) the flood event level that applies to the home.
- (3) Demolition and replacement works for an eligible home are *category B works* if the works are not category A works.

5E Additional assistance for hardship

- (1) This section applies if—
 - (a) an application for financial assistance under the scheme is for either of the following types of eligible works—
 - (i) repair or retrofit works;
 - (ii) category A home raising works; and
 - (b) the applicant is the stated person for a hardship certificate.

(2) Despite sections 5A(1) and 5B(1)(a), the amount of financial assistance available under the scheme for the eligible works is not subject to a contribution from the applicant.

(3) In this section—

category A home raising works means home raising works that are category A works under section 5B(3).

hardship certificate means a certificate issued by the department of energy and public works stating that the chief executive of that department is satisfied that, due to exceptional circumstances, a stated person is unable to contribute to the cost of carrying out eligible works to the person's home.

5F Multiple eligible homes on same property

(1) This section applies if there are 2 or more eligible homes on the same property.

(2) The maximum amount of financial assistance available under the scheme for eligible works under sections 5A to 5D applies to all the eligible homes on the property collectively.

Example—

If there are 2 eligible homes on the same property, the maximum amount of financial assistance available under the scheme for category B relocation works to both houses is \$50,000 (and not \$50,000 for each house).

(3) The maximum amount of financial assistance available under the scheme for eligible works is to be divided between the grants of financial assistance relating to the homes in the following way—

(a) if all the owners of the eligible homes apply for a grant of financial assistance at the same time and have agreed how the amount

of financial assistance is to be divided—the agreed way;

- (b) otherwise—the way decided by the authority.
- (4) However, unless subsection (3)(a) applies, the division of the maximum amount of financial assistance under this section is to be applied in a way that benefits earlier applications over later applications.

Example—

Houses 1 and 2 are eligible homes on the same property. The cost of category B home raising works to each house is \$120,000. The owner of house 1 applies for a grant of financial assistance for the full amount of the works (***house 1 application***). As the owner of house 2 has not applied for a grant of financial assistance when the house 1 application is being decided, the maximum amount of financial assistance available under the scheme for the house 1 application is \$100,000 and no amount of financial assistance would be available under the scheme for house 2.

- (5) This section—
- (a) applies regardless of whether the eligible homes have different owners; and
 - (b) does not apply to an eligible home that is a manufactured home located in a residential park under a site agreement.
- (6) In this section—

category B home raising works means home raising works that are category B works under section 5B(4).

category B relocation works means relocation works that are category B works under section 5C(3).

property means—

- (a) a lot within the meaning of the *Land Title Act 1994* but does not include a lot under the

[s 7]

Building Units and Group Titles Act 1980;
or

- (b) land subject to a lease held under the *Land Act 1994*.

residential park see the *Manufactured Homes (Residential Parks) Act 2003*, section 12.

site agreement see the *Manufactured Homes (Residential Parks) Act 2003*, section 14.

7 Amendment of sch 44, s 6 (Eligibility for assistance)

- (1) Schedule 44, section 6(1)(g)—

omit, insert—

- (g) if the applicant is required to make a 50% contribution to the cost of the eligible works—the applicant is able to make the contribution.

Note—

See sections 5A to 5F for whether an applicant is required to make a contribution to the cost of eligible works.

- (2) Schedule 44, section 6(3), after ‘received’—

insert—

any combination of the following to a total amount equal to or more than the maximum amount of financial assistance available to the applicant under the scheme for carrying out the eligible works

- (3) Schedule 44, section 6(3)(a), ‘or’—

omit.

- (4) Schedule 44, section 6—

insert—

- (3A) Subsection (3B) applies if—

- (a) the applicant has received a grant or funding mentioned in subsection (3)(a) or (b) for the eligible works; and
 - (b) the total amount of the grant or funding received by the applicant is less than the maximum amount of financial assistance that would otherwise be available to the applicant under the scheme for carrying out the eligible works.
- (3B) Despite sections 5A to 5D, the maximum amount of financial assistance the applicant may receive under the scheme for carrying out the eligible works is limited to the difference between—
- (a) the maximum amount of financial assistance that would otherwise be available to the applicant under the scheme for carrying out the eligible works; and
 - (b) the total amount of the grant or funding mentioned in subsection (3)(a) or (b) received by the applicant.

8 Amendment of sch 44, s 7 (Effect of insurance)

- (1) Schedule 44, section 7(1)(a) and (b)—

omit, insert—

- (a) an applicant applies for a grant of financial assistance under the scheme for carrying out the following eligible works to an eligible home—
 - (i) repair and retrofit works;
 - (ii) demolition and replacement works; and
- (b) damage to the eligible home was caused by any of the following during a disaster event mentioned in section 4(1)(c)—
 - (i) inundation by floodwaters;

- (ii) storms;
 - (iii) stormwater runoff;
 - (iv) rainwater damage; and
- (2) Schedule 44, section 7(1)(c), (2), (5) and (6), ‘flood’—
omit.
- (3) Schedule 44, section 7—
insert—
 - (3A) However, subsections (2) and (3) apply to an insurance claim only to the extent the insurance claim relates to damage that would be addressed by the eligible works for which the financial assistance is sought.
- (4) Schedule 44, section 7(5), ‘subsections (3) and (4)’—
omit, insert—
 - subsections (3) and (5)
- (5) Schedule 44, section 7(6), ‘subsection (5)(b)’—
omit, insert—
 - subsection (6)(b)
- (6) Schedule 44, section 7(7)—
omit.
- (7) Schedule 44, section 7(3A) to (6)—
renumber as section 7(4) to (7).

9 Amendment of sch 44, s 8 (Requirement for applications)

- (1) Schedule 44, section 8(1)(c), ‘31 March 2024’—
omit, insert—
 - the closing date for applications decided by the authority
- (2) Schedule 44, section 8—
insert—

- (2A) The closing date decided by the authority under subsection (1)(c) must be published on the website of the department of energy and public works.

10 Amendment of sch 44, s 11 (Conditional approval)

Schedule 44, section 11—

insert—

- (4) Despite subsection (2), if the cost of carrying out the eligible works is less than \$3,300, the approval is subject to a condition requiring the applicant to give the authority a copy of—
- (a) a quote for carrying out the eligible works and written acceptance of the quote; or
 - (b) a contract for carrying out the eligible works; or
 - (c) a receipt of payment for carrying out the eligible works.

11 Amendment of sch 44, s 12 (Payment of financial assistance)

Schedule 44, section 12(2), after ‘section 11(2)’—

insert—

or (4)

12 Insertion of new sch 44, s 15

Schedule 44—

insert—

15 Change in circumstances causing hardship

- (1) This section applies if—

- (a) an application for a grant of financial assistance has been approved for eligible works mentioned in section 5E(1)(a); and
 - (b) the amount of the assistance is subject to a contribution from the applicant; and
 - (c) the applicant believes that, due to exceptional circumstances after the approval has been given, the applicant is unable to contribute to the cost of the eligible works; and
 - (d) the applicant is seeking a hardship certificate from the department of energy and public works.
- (2) The applicant may notify the authority of the exceptional circumstances.
- (3) If the department of energy and public works issues a hardship certificate to the applicant, the authority may increase the amount of financial assistance paid to the applicant under section 12 by the amount outstanding for the eligible works.
- (4) In this section—

hardship certificate means a certificate issued by the department of energy and public works stating that the chief executive of that department is satisfied that, due to exceptional circumstances, a stated person is unable to contribute to the cost of carrying out eligible works to the person's home.

ENDNOTES

- 1 Made by the Governor in Council on 7 December 2023.
- 2 Notified on the Queensland legislation website on 8 December 2023.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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