



Queensland

*Rural Adjustment Authority Act 1994*

# **Rural Adjustment Authority Regulation 2000**

**Reprinted as in force on 27 August 2004  
(includes commenced amendments up to 2004 SL No. 169)**

**Reprint No. 1C**

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

# Information about this reprint

This regulation is reprinted as at 27 August 2004. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

**Replacement reprint date** If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

# Rural Adjustment Authority Regulation 2000

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# Rural Adjustment Authority Regulation 2000

[as amended by all amendments that commenced on or before 27 August 2004]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Rural Adjustment Authority Regulation 2000*.

### 2 Definitions

In this regulation—

***adjustment package*** means the scheme known as the ‘Great Barrier Reef Marine Park Structural Adjustment Package 2004’

***affected person***—

- (a) means a person who may be significantly adversely affected by the rezoning of the Great Barrier Reef Marine Park under the *Great Barrier Reef Zoning Plan 2003* (Cwlth); and
- (b) includes—
  - (i) a person who holds a commercial fisher licence under the *Fisheries Act 1994*; and
  - (ii) a person who carries on a business relating to a fishery or fisheries within the meaning of the *Fisheries Act 1994*;<sup>1</sup> and
  - (iii) an employee of a person mentioned in subparagraph (i) or (ii).

***component***, of the adjustment package, means any of the following, within the meaning of the package—

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<sup>1</sup> See the *Fisheries Act 1994*, section 7 (Meaning of *fishery*).

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- (a) business advice assistance;
- (b) business exit assistance;
- (c) business restructuring assistance;
- (d) employee assistance.

**DEH** means the Commonwealth Department of the Environment and Heritage.

**DSAP scheme** see *Dairy Produce Act 1986* (Cwlth), schedule 2, clause 10.

**entity** see *Dairy Produce Act 1986* (Cwlth), schedule 2, clause 5.

**farm business assessment** means a farm business assessment mentioned in the *Dairy Produce Act 1986* (Cwlth), schedule 2, clause 17.

**QHC** means the Queensland Housing Commission constituted under the *State Housing Act 1945*, section 9.

**residential service** see the *Residential Services (Accreditation) Act 2002*, section 4.

**rural irrigation water user** means a water entitlement holder charged, under the *Rural Water Pricing Direction Notice (No. 1) 2000*,<sup>2</sup> for the supply of rural irrigation water in the following water supply projects mentioned in the notice—

- (a) Burdekin Channel;
- (b) Burdekin River;
- (c) Burdekin (Other);
- (d) Mareeba Channel;
- (e) Mareeba River;
- (f) Proserpine.

**SunWater** means the entity continued in existence under the *Government Owned Corporations Regulation 2004*, section 34.

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<sup>2</sup> This notice was published in the gazette on 6 October 2000 at page 429.

*water entitlement holder* means a holder of a water entitlement under the *Water Act 2000*.

## **Part 2 Other functions of authority**

### **2A Application of pt 2**

This part prescribes, for section 8(2)(h) of the Act, other functions of the authority.

### **3 DSAP scheme**

The authority has the following functions—

- (a) to consider whether entities have carried out farm business assessments in compliance with the rules of the DSAP scheme (*compliant farm business assessments*);
- (b) to consult, and liaise with, the following persons about farm business assessments—
  - (i) dairy farmers;
  - (ii) organisations representing the interests of persons likely to receive assistance under the Act;
  - (iii) commercial lenders and financial advisers;
  - (iv) public sector units with the function of helping the rural and small business sectors of the economy, and equivalent entities of other States or the Commonwealth;
- (c) to certify that compliant farm business assessments have been carried out in accordance with the DSAP scheme;
- (d) to perform functions incidental to a function under another paragraph of this section.

### **4 Rural irrigation water users**

The authority has the following functions—

- (a) to prepare criteria for deciding whether rural irrigation water users are experiencing financial hardship (*hardship criteria*);
- (b) to advise rural irrigation water users and their representatives about applying for assistance because of financial hardship (*hardship applications*);
- (c) to assess hardship applications and decide whether the applications satisfy the hardship criteria;
- (d) to notify SunWater about decisions made under paragraph (c);
- (e) if the authority decides an application satisfies the hardship criteria—to recommend to SunWater the repayment terms, interest rate or other matters required to assist the applicant through the financial hardship;
- (f) to keep a register of inquiries about hardship applications, and of hardship applications received by the authority, including information about decisions made under paragraph (c) and recommendations made under paragraph (e);
- (g) to make the register mentioned in paragraph (f) available for inspection by SunWater;
- (h) to perform functions incidental to a function under another paragraph of this section.

## **5 QHC loans for residential services**

The authority has the following functions in relation to the making of loans by QHC under the *State Housing Act 1945*, section 29T—

- (a) to prepare criteria for assessing the financial viability of residential services for which loans are required, the financial risk to QHC and the ability of applicants to repay the loans (the *assessment criteria*);
- (b) to assess applications for loans using the assessment criteria;



- (c) to notify QHC about the outcome of each assessment including whether the authority recommends that QHC make the loan;
- (d) if the authority recommends that QHC make a loan—to recommend to QHC the repayment terms and other matters required to assist the applicant to be able to repay the loan;
- (e) to develop documentation for loans including application forms, loan agreements and security documents;
- (f) to undertake annual reviews of the financial position of persons to whom loans have been made;
- (g) to notify QHC about the outcomes of the reviews;
- (h) at the request of QHC, to provide advice to assist QHC to manage the loans;
- (i) to perform functions incidental to a function under another paragraph of this section.

## **6 Adjustment package**

The authority has each of the following functions in relation to the adjustment package—

- (a) to make information about the package available to the public, including giving information sessions about the package to affected persons interested in applying for assistance;
- (b) to take advice from a committee established by DEH when applying, for each component of the adjustment package, the following—
  - (i) DEH's criteria for deciding the eligibility of applicants under the component (the *eligibility criteria*);
  - (ii) DEH's criteria for the assessment of applications under the component (the *assessment criteria*);
- (c) to assess the eligibility of applicants and decide whether the applicants satisfy the eligibility criteria;

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- (d) if the authority decides an applicant satisfies the eligibility criteria for a component of the package—to assess the application and decide whether the application satisfies the assessment criteria for the component;
- (e) for the following components of the adjustment package, to notify DEH about decisions made under paragraphs (c) and (d)—
  - (i) business advice assistance;
  - (ii) employee assistance;
- (f) for the other components of the adjustment package, to make recommendations to DEH about whether, in the opinion of the authority—
  - (i) an applicant satisfies the eligibility criteria for the component; and
  - (ii) if the authority assesses an application under paragraph (d)—the applicant satisfies the assessment criteria for the component;
- (g) to give DEH information about the applications, including information about the following—
  - (i) the number of applications the authority receives;
  - (ii) the number of applicants under each component of the adjustment package and the amount of assistance for which each applicant applies;
  - (iii) the bases for the decisions and recommendations made by the authority;
  - (iv) any payments made by the authority to applicants;
- (h) to give each applicant—
  - (i) written notice of any decision made by the authority or DEH about the application; and
  - (ii) if the authority or DEH decides to refuse the application—written notice of the reasons for the decision;

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- (i) if a decision made by the authority or DEH authorises payment to an applicant—to pay the applicant the amount authorised;
- (j) to keep an electronic register of details about applications received by the authority, including the following—
  - (i) decisions about applications;
  - (ii) payments made to applicants;
  - (iii) recommendations and other information given to DEH under this section;
- (k) if an applicant is dissatisfied with a decision made by the authority or DEH about an application and appeals to DEH for reconsideration of the decision—to give DEH the appeal documents the authority receives from the applicant;
- (l) to perform functions incidental to a function under another paragraph of this section.

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 27 August 2004. Future amendments of the Rural Adjustment Authority Regulation 2000 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Reprint date
1	None	23 June 2000	23 June 2000
1A	to 2002 SL No. 16	8 February 2002	22 February 2002 (Column discontinued) Notes
1B	to 2002 SL No. 206	23 August 2002	
1C	to 2004 SL No. 169	27 August 2004	

## 5 List of legislation

### **Rural Adjustment Authority Regulation 2000 SL No. 124**

made by the Governor in Council on 22 June 2000

notfd gaz 23 June 2000 pp 652–4

commenced on date of notification

exp 1 September 2010 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Rural Adjustment Authority Amendment Regulation (No. 1) 2002 SL No. 16**

notfd gaz 8 February 2002 pp 442–3

commenced on date of notification

### **Rural Adjustment Authority Amendment Regulation (No. 2) 2002 SL No. 206**

notfd gaz 23 August 2002 pp 1478–81

ss 1–2 commenced on date of notification

remaining provisions commenced 23 August 2002

### **Government Owned Corporations Regulation 2004 SL No. 166 ss 1, 45**

notfd gaz 27 August 2004 pp 1330–2

commenced on date of notification

### **Rural Adjustment Authority Amendment Regulation (No. 1) 2004 SL No. 169**

notfd gaz 27 August 2004 pp 1330–2

commenced on date of notification

## 6 List of annotations

### **PART 1—PRELIMINARY**

**pt hdg** ins 2004 SL No. 169 s 3

#### **Definitions**

- s 2** def “**adjustment package**” ins 2004 SL No. 169 s 4  
 def “**affected person**” ins 2004 SL No. 169 s 4  
 def “**component**” ins 2004 SL No. 169 s 4  
 def “**DEH**” ins 2004 SL No. 169 s 4  
 def “**QHC**” ins 2002 SL No. 206 s 4  
 def “**residential service**” ins 2002 SL No. 206 s 4  
 def “**rural irrigation water user**” ins 2002 SL No. 16 s 3  
 def “**SunWater**” ins 2002 SL No. 16 s 3  
 sub 2004 SL No. 166 s 45(2)  
 def “**water entitlement holder**” ins 2002 SL No. 16 s 3

### **PART 2—OTHER FUNCTIONS OF AUTHORITY**

**pt hdg** ins 2004 SL No. 169 s 5

#### **Application of pt 2**

**s 2A** ins 2004 SL No. 169 s 5

#### **DSAP scheme**

**prov hdg** sub 2002 SL No. 16 s 4(1); 2004 SL No. 169 s 6(1)

**s 3** amd 2002 SL No. 16 s 4(2); 2002 SL No. 206 s 5; 2004 SL No. 169 s 6(2)–(4)

#### **Rural irrigation water users**

**prov hdg** ins 2004 SL No. 169 s 6(5)

**s 4** amd 2004 SL No. 169 s 7

#### **QHC loans for residential services**

**prov hdg** ins 2004 SL No. 169 s 6(6)

**s 5** amd 2004 SL No. 169 s 8

#### **Adjustment package**

**s 6** ins 2004 SL No. 169 s 9