



Queensland

*Rural and Regional Adjustment Act 1994*

# **Rural and Regional Adjustment Regulation 2000**

**Reprinted as in force on 24 March 2005  
(includes commenced amendments up to 2005 SL No. 42)**

**Reprint No. 1F**

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# Information about this reprint

This regulation is reprinted as at 24 March 2005. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

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.

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.



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# Rural and Regional Adjustment Regulation 2000

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# Rural and Regional Adjustment Regulation 2000

[as amended by all amendments that commenced on or before 24 March 2005]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Rural and Regional Adjustment 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).

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

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

- (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.

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

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

***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;

- (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.

## **Part 3                      Approved assistance schemes**

### **7                      Purpose of pt 3**

The purpose of this part is to approve schemes under section 11<sup>3</sup> of the Act.

### **8                      Approval of Citrus Industry Recovery Scheme**

The Citrus Industry Recovery Scheme set out in the schedule is approved.

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3      Section 11 (Approved assistance schemes) of the Act

## Part 4 Miscellaneous

### 9 Amendment of existing approved assistance scheme—Act, s 54

- (1) The Rural Adjustment Scheme, Part 1.1—Exceptional Circumstances, a transitional scheme taken, under section 54 of the Act, to be an approved assistance scheme (the *scheme*)<sup>4</sup> is amended as stated in this section.
- (2) The scheme, Schedule 1—Peak Downs Region, after paragraph (B)—  
*insert*—  
‘(C) Third Year  
19 December 2004 to 18 December 2005’.
- (3) The scheme, Schedule 2—South West Region, after paragraph (B)—  
*insert*—  
‘(C) Third Year  
5 February 2005 to 4 February 2006’.
- (4) The scheme, schedule 5a, ‘(excluding sugar cane producers)’—  
*omit*.
- (5) The scheme, schedule 5a, after ‘Period of Support’—  
*insert*—  
‘for all primary producers other than sugar cane producers’.
- (6) The scheme, schedule 5a, after paragraph (B)—  
*insert*—  
‘Period of support for sugar cane producers  
(A) First year  
24 December 2004 to 23 December 2005

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4 The scheme is set out in detail on the authority’s website at <[www.qraa.qld.gov.au](http://www.qraa.qld.gov.au)>.

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- (B) Second year  
24 December 2005 to 23 December 2006’.
- (7) The scheme, schedule 14, after ‘livestock producers’—  
*insert—*  
‘and all dryland and partially irrigated sugar cane producers’.
- (8) The scheme, schedule 14, after ‘Period of support’—  
*insert—*  
‘for livestock producers’.
- (9) The scheme, schedule 14, after paragraph (B)—  
*insert—*  
‘Period of support for dryland and partially irrigated sugar  
cane producers
- (A) First year  
24 December 2004 to 23 December 2005
- (B) Second year  
24 December 2005 to 23 December 2006’.

# Schedule                      Citrus Industry Recovery Scheme

section 8

## 1            Definitions for schedule

In this schedule—

*canker outbreak* means the outbreak of citrus canker in 2004 in the area that was declared to be a pest quarantine area for citrus canker under the *Plant Protection Act 1989*.<sup>5</sup>

*relevant grower* means a commercial grower of citrus who has been adversely affected by the canker outbreak.

## 2            Objective of scheme

The objective of the scheme is to assist relevant growers who will have a crop available for harvesting in 2005 or 2006 to recover from the impacts of the canker outbreak.

## 3            Purpose of assistance

The purpose of assistance under the scheme is to enable relevant growers to maintain their viability by—

- (a) encouraging the accumulation, rationalisation, expansion or diversification of the growers' citrus growing businesses, including value adding and investment in supply chain activities both on-farm and off-farm; and
- (b) supporting ongoing farm maintenance to enable the growers to recover from restrictions on market access.

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<sup>5</sup> See the repealed *Plant Protection (Canker) Notice 2004*, section 3 (Declaration of pest quarantine area).

## Schedule (continued)

**4 Nature of assistance**

(1) The nature of the assistance that may be given under the scheme is the provision of loans at concessional rates of interest to applicants who meet the eligibility criteria for any of the following activities—

- (a) diversifying into other on-farm enterprises;
- (b) investing in value adding or supply chain activities on-farm and off-farm;
- (c) accumulating property by purchasing, leasing or sharefarming whole or partial additional properties;
- (d) rationalising partnerships, including family partnerships;
- (e) expanding farming operations;
- (f) developing farm water supplies;
- (g) purchasing livestock, if—
  - (i) the purchase is included in a contract to purchase property mentioned in paragraph (c); or
  - (ii) the purchase is directly related to the activity for which assistance is approved under this scheme;
- (h) improving or carrying out capital works on-farm;
- (i) syndicated purchasing of plant and machinery, if appropriate security exists;
- (j) upgrading farm plant and machinery, other than excluded vehicles, that is predominantly for use on land used by the applicant for a purpose approved by the authority;
- (k) purchasing new trees;
- (l) maintaining, replanting or reinvigorating orchards.

(2) In this section—

***excluded vehicle*** means a motor vehicle with a gross vehicle mass of less than 4 t.

**Schedule (continued)****5 Maximum loan amounts**

- (1) The maximum amount of a loan, or the total of more than 1 loan, that may be made under the scheme to an applicant who meets the eligibility criteria is \$500 000.
- (2) However, the maximum amount of a loan for an activity mentioned in section 4(1)(g) or (j) is \$100 000.

**6 Eligibility criteria**

To be eligible to receive assistance under the scheme, an applicant must—

- (a) be a relevant grower who—
  - (i) will have a crop available for harvesting in 2005 or 2006; and
  - (ii) requires financial assistance to recover from the impacts of the canker outbreak; and
- (b) demonstrate sound prospects for commercial viability, and the ability to service the loan, in the long-term; and
- (c) provide evidence of a financial need for the assistance; and
- (d) demonstrate that the amount of off-farm or liquid assets owned by the applicant is not more than the amount needed for prudent risk management; and
- (e) if the assistance is sought to rationalise a partnership—demonstrate that the proposal for the rationalisation is not merely a refinance arrangement; and
- (f) if the assistance is sought to upgrade farm plant and machinery—demonstrate that the plant and machinery will be used predominantly for on-farm purposes and not for off-farm contracting work; and
- (g) have used land for commercial citrus growing for not less than 2 years; and



### Schedule (continued)

- (h) ordinarily obtain the applicant's major source of income from commercial citrus growing or value-adding activities related to commercial citrus growing; and
- (i) give the authority a business plan for the applicant's on-farm business that complies with section 7.

## **7 Requirements for business plan**

- (1) For section 6(i), a business plan<sup>6</sup> must—
  - (a) include details of the activity for which the assistance is sought and the productivity expected to be generated from it; and
  - (b) adopt a whole of business approach to planning, and include components dealing with matters such as marketing and financial and risk management; and
  - (c) relate to the whole of the applicant's business.
- (2) The authority may ask the applicant for further information in relation to the business plan submitted by the applicant.

## **8 Terms of repayment**

- (1) The maximum term of a loan is—
  - (a) if the loan is for an activity mentioned in section 4(1)(g)—7 years unless a longer term is approved by the authority; or
  - (b) if the loan is for an activity mentioned in section 4(1)(j)—7 years; or
  - (c) otherwise—10 years.
- (2) If the land used by the relevant grower for commercial citrus growing is not within the local government area of the Emerald Shire Council—
  - (a) repayment of principal and interest on the loan will be—

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<sup>6</sup> Guidelines on the content of a business plan may be obtained from the authority.

**Schedule (continued)**

- (i) initially calculated using a period of up to 10 years; and
  - (ii) tailored to the grower's individual requirements based on the grower's income patterns; and
  - (b) an interest only period of not more than 2 years may be available; and
  - (c) the loan will have an initial interest rate that is fixed for either 1 or 3 years under section 9.
- (3) If the land used by the grower for commercial citrus growing is within the local government area of the Emerald Shire Council—
- (a) no interest will apply for the first 2 years of the loan; and
  - (b) after the first 2 years, interest will be payable at the rate provided for under section 9; and
  - (c) the loan will have a non-repayment period of 2 years.

**9 Interest rate**

- (1) The initial interest rate for a loan under the scheme will be worked out—
- (a) if the land used by the grower for commercial citrus growing is within the local government area of the Emerald Shire Council—at the end of the interest free period mentioned in section 8(3)(a); or
  - (b) otherwise—when the loan is approved by the authority.
- (2) The initial interest rate for the loan—
- (a) depends on whether the interest rate is fixed for 1 or 3 years, as decided by the authority; and
  - (b) will be worked out by the authority under subsection (7) and will be based on the 1 or 3 year base lending rate, as appropriate, plus 1%.
- (3) A 3 year fixed interest rate is available only when the loan is first drawn down.

### Schedule (continued)

- (4) If the initial interest rate for a loan is fixed for 3 years under subsection (3), at the end of the 3 year period, and on each subsequent anniversary, the interest rate reverts to the 1 year base lending rate, plus 1%, at the time.
- (5) However, the authority may, during the term of the loan, increase the interest rate from the interest rate mentioned in subsection (4) to a commercial rate.
- (6) The authority will decide the extent to which the interest rate for a loan will increase under subsection (5)—
  - (a) in an annual review of the loan; and
  - (b) based on the improved financial capacity of the grower.
- (7) The interest rates for new loans will be reviewed by the authority not later than 31 May and 30 November in each year and set for the 6 month period starting on the following 1 July and 1 January respectively.
- (8) In this section—

*base lending rate* means the 1 or 3 year lending rate, as appropriate, of the Queensland Treasury Corporation.

## 10 Security

- (1) Appropriate security for a loan as determined by the authority will be required.
- (2) A mortgage of land or other assets, commensurate with the amount of the loan, will be required.
- (3) Other security, including, for example, a crop lien, may also be required.

## 11 Terms and conditions

The terms and conditions of a loan under this scheme will be determined by the authority and may include, for example, any of the following—

- (a) review of the loan during its term;

**Schedule (continued)**

- (b) requiring the relevant grower to provide information relating to the performance of the grower's business during the term of the loan;
- (c) requiring the relevant grower to undertake to work the property.

**12 Applications**

- (1) Applications for assistance under the scheme must be made on the authority's application form and may be lodged with the authority or at a commercial lender.
- (2) Applications must be accompanied by all documentation required under section 6 or stated on the application form.
- (3) Also, the authority may request the applicant to provide further relevant information required to decide the application.
- (4) Applications must be made before 31 December 2005.

## 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 24 March 2005. Future amendments of the Rural and Regional Adjustment 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	
1D	to 2004 SL No. 306	17 December 2004	
1E	to 2005 SL No. 24	25 February 2005	
1F	to 2005 SL No. 42	24 March 2005	

## 5 List of legislation

**Rural and Regional Adjustment Regulation 2000 SL No. 124 (prev Rural Adjustment Authority Regulation 2000)**

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 (see s 2 and 2002 SL No. 214)

**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

**Rural Adjustment Authority Amendment Regulation (No. 2) 2004 SL No. 306**

notfd gaz 17 December 2004 pp 1277–85

commenced on date of notification

**Rural and Regional Adjustment Amendment Regulation (No. 1) 2005 SL No. 24**

notfd gaz 25 February 2005 pp 674–7

commenced on date of notification

**Rural and Regional Adjustment Amendment Regulation (No. 2) 2005 SL No. 42**

notfd gaz 24 March 2005 pp 996–7

commenced on date of notification

## 6 List of annotations

**PART 1—PRELIMINARY****pt hdg** ins 2004 SL No. 169 s 3**Short title****s 1** sub 2004 SL No. 306 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

**PART 3—APPROVED ASSISTANCE SCHEMES****pt 3 (ss 7–8)** ins 2005 SL No. 24 s 4**PART 4—MISCELLANEOUS****pt 4 hdg** (prev pt 3 hdg) ins 2004 SL No. 306 s 4  
renum 2005 SL No. 24 s 3**Amendment of existing approved assistance scheme—Act, s 54****s 9** (prev s 7) ins 2004 SL No. 306 s 4  
renum 2005 SL No. 24 s 3  
amd 2005 SL No. 42 s 3**SCHEDULE—CITRUS INDUSTRY RECOVERY SCHEME**

ins 2005 SL No. 24 s 5