



Queensland

*Rural and Regional Adjustment Act 1994*

# **Rural and Regional Adjustment Regulation 2000**

**Reprinted as in force on 3 June 2005**

**Reprint No. 1H**

**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 3 June 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.



Queensland

# Rural and Regional Adjustment Regulation 2000

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	5
2	Definitions . . . . .	5
<b>Part 2</b>	<b>Other functions of authority</b>	
2A	Application of pt 2 . . . . .	7
3	DSAP scheme . . . . .	7
4	Rural irrigation water users . . . . .	8
5	QHC loans for residential services . . . . .	8
6	Adjustment package . . . . .	9
<b>Part 3</b>	<b>Approved assistance schemes</b>	
7	Purpose of pt 3 . . . . .	11
8	Approval of Citrus Industry Recovery Scheme . . . . .	11
8A	Approval of FarmBis Program Scheme . . . . .	12
<b>Part 4</b>	<b>Miscellaneous</b>	
9	Amendment of existing approved assistance scheme—Act, s 54 . . . . .	12
<b>Schedule</b>	<b>Approved assistance schemes</b> . . . . .	14
<b>Part 1</b>	<b>Citrus Industry Recovery Scheme</b>	
<b>Division 1</b>	<b>Preliminary</b>	
1	Definitions for schedule, pt 1 . . . . .	14
<b>Division 2</b>	<b>Loans to relevant growers</b>	
2	Objective of scheme . . . . .	15
3	Purpose of assistance . . . . .	15
4	Nature of assistance . . . . .	15
5	Maximum loan amounts . . . . .	16
6	Eligibility criteria . . . . .	16
7	Requirements for business plan . . . . .	17

---

8	Terms of repayment . . . . .	18
9	Interest rate . . . . .	19
10	Security . . . . .	20
11	Terms and conditions . . . . .	20
12	Applications . . . . .	20
<b>Division 3</b>	<b>Refinancing loans to domestic market growers</b>	
12A	Objective of scheme . . . . .	21
12B	Purpose of assistance . . . . .	21
12C	Nature of assistance . . . . .	21
12D	Maximum loan amounts . . . . .	21
12E	Further assistance under division 2 scheme permitted . . . . .	21
12F	Eligibility criteria . . . . .	22
12G	Requirements for business plan . . . . .	22
12H	Terms of repayment . . . . .	23
12I	Interest rate . . . . .	23
12J	Other provisions of the scheme . . . . .	23
<b>Part 2</b>	<b>FarmBis Program Scheme</b>	
13	Definitions for schedule, pt 2 . . . . .	24
14	Who is an eligible participant . . . . .	25
15	Purpose of scheme . . . . .	25
16	Type of assistance . . . . .	26
17	Principles for delivering learning activities . . . . .	26
18	Restrictions on giving assistance . . . . .	27
19	Eligibility criteria . . . . .	29
20	Determinations by Minister . . . . .	30
21	Amount of contribution to approved costs . . . . .	30
22	Maximum and minimum contribution amounts . . . . .	31
23	Applications . . . . .	31
24	Deciding applications . . . . .	32
25	Terms and conditions . . . . .	32
26	Payment . . . . .	33
<b>Endnotes</b>		
1	Index to endnotes . . . . .	35
2	Date to which amendments incorporated . . . . .	35
3	Key . . . . .	35
4	Table of reprints . . . . .	36

*Rural and Regional Adjustment Regulation 2000*

---

5	List of legislation . . . . .	36
6	List of annotations . . . . .	37



# Rural and Regional Adjustment Regulation 2000

[as amended by all amendments that commenced on or before 3 June 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).

---

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

*Rural and Regional Adjustment Regulation 2000*

---

**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.

---

<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;

*Rural and Regional Adjustment Regulation 2000*

---

- (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, part 1, is approved.

---

3      Section 11 (Approved assistance schemes) of the Act

**8A Approval of FarmBis Program Scheme**

The FarmBis Program Scheme set out in the schedule, part 2, is approved.

**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)—

---

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

*Rural and Regional Adjustment Regulation 2000*

---

*insert—*

‘Period of support for sugar cane producers

(A) First year

24 December 2004 to 23 December 2005

(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                      **Approved assistance schemes**

section 8

### Part 1                              **Citrus Industry Recovery Scheme**

#### Division 1                      **Preliminary**

##### 1                      **Definitions for schedule, pt 1**

In part 1 of 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>

***division 2 scheme*** see section 12E(1).

***domestic market grower*** means the following relevant growers—

- (a) MC and CS Iddles, trading as Selma Citrus;
- (b) Gillian Crest Pty Ltd, trading also as Cordoma Farms.

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

***scheme*** means—

- (a) for division 2—the part of the Citrus Industry Recovery Scheme set out in division 2; and
- (b) for division 3—the part of the Citrus Industry Recovery Scheme set out in division 3.

---

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



## Schedule (continued)

**Division 2                      Loans to relevant growers****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.

**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;

**Schedule (continued)**

- (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 4t.

**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 \$500000.
- (2) However, the maximum amount of a loan for an activity mentioned in section 4(1)(g) or (j) is \$100000.

**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

**Schedule (continued)**

- (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
- (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

---

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

**Schedule (continued)**

- (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—
    - (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

**Schedule (continued)**

- (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.
- (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

### Schedule (continued)

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;
- (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.

**Schedule (continued)**

- (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.

**Division 3                      Refinancing loans to domestic market growers****12A      Objective of scheme**

The objective of the scheme is to assist domestic market growers who maintained citrus varieties in the expectation of obtaining access to the domestic market in 2005.

**12B      Purpose of assistance**

The purpose of assistance under the scheme is to mitigate hardship for domestic market growers, incurred as a result of the canker outbreak.

**12C      Nature of assistance**

The nature of the assistance that may be given under the scheme is the refinancing of loans, relating to commercial citrus growing, at concessional rates of interest.

**12D      Maximum loan amounts**

The maximum amount of a loan, or the total of more than 1 loan, that may be refinanced under the scheme is \$500000.

**12E      Further assistance under division 2 scheme permitted**

- (1) Refinancing of an applicant's loan under the scheme does not stop the applicant applying for assistance under the scheme mentioned in division 2 (the *division 2 scheme*).

**Schedule (continued)**

- (2) However, the maximum amount of all loans granted under the division 2 scheme and the scheme to an applicant is \$500000.

**12F Eligibility criteria**

- (1) To be eligible to receive assistance under the scheme, an applicant must—
- (a) be a domestic market grower who 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) ordinarily have obtained the applicant's major source of income from commercial citrus growing or value-adding activities related to commercial citrus growing; and
  - (f) give the authority a business plan for the applicant's on-farm business that complies with section 12G.
- (2) However, an applicant is eligible to receive assistance for the applicant's on-farm business only if the land on which the citrus varieties are grown is within the local government area of the Emerald Shire Council.

**12G Requirements for business plan**

- (1) For section 12F(1)(f), a business plan<sup>7</sup> must—
- (a) adopt a whole of business approach to planning, and include components dealing with matters such as marketing and financial and risk management; and

---

<sup>7</sup> Guidelines on the content of a business plan may be obtained from the authority.



**Schedule (continued)**

- (b) 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.

**12H Terms of repayment**

- (1) The maximum term of a loan is 10 years.
- (2) No interest will apply for the first 2 years of the loan.
- (3) After the first 2 years, interest will be payable at the rate provided for under section 12I.
- (4) The loan will have a non-repayment period of 2 years.

**12I Interest rate**

- (1) The initial interest rate for a loan under the scheme will be worked out at the end of the interest free period mentioned in section 12H(2).
- (2) Section 9(2) to (8) applies to the refinancing of the loan as if—
  - (a) it were a loan under division 2; and
  - (b) a domestic market grower were a relevant grower.

**12J Other provisions of the scheme**

- (1) Subject to subsection (2), sections 10 to 12 apply to the scheme as if—
  - (a) the scheme were the division 2 scheme; and
  - (b) a domestic market grower were a relevant grower; and
  - (c) an application for refinancing a loan were an application for a loan under division 2.
- (2) Section 12(2) applies as if 'section 6' were replaced by 'section 12F'.

## Schedule (continued)

**Part 2**                      **FarmBis Program Scheme****13**      **Definitions for schedule, pt 2**

In part 2 of this schedule—

*approved costs* means costs approved by the authority that are—

- (a) associated with eligible participants taking part in learning activities; and
- (b) based on the costs of a learning activities provider delivering learning activities.

*eligible participant* see section 14.

*indigenous land manager* see section 14(b).

*learning activities* see section 15.

*learning activities provider* means an entity carrying on the business of delivering learning activities to eligible participants.

*primary producer* see section 14(a).

*primary production business enterprise* means any of the following—

- (a) a business carried on within the State in the agricultural, apicultural, aquacultural, horticultural or pastoral industries;
- (b) the fishing and harvesting for commercial purposes of marine and freshwater species, caught in their natural environment from a wild population, carried on by—
  - (i) a business registered in the State; or
  - (ii) a corporation whose registered office is in the State; or
  - (iii) an individual who is resident in the State;
- (c) the taking for commercial purposes of wild fauna from its natural environment within the State.

## Schedule (continued)

*properly made application* see section 24(4).

*rural land manager* see section 14(c).

**14 Who is an eligible participant**

An *eligible participant* is any of the following—

- (a) an individual (a *primary producer*) who spends the majority of the individual's labour on, and derives the majority of the individual's income from, a primary production business enterprise;
- (b) an individual (an *indigenous land manager*) who is involved in the management decisions of land within the State that is zoned for rural purposes if the land is owned, managed, controlled or operated by—
  - (i) an indigenous community or trust; or
  - (ii) an Aborigine or Torres Strait Islander;
- (c) an individual (a *rural land manager*) who owns or manages the natural resources of land within the State if the land—
  - (i) has an area of at least 2ha; and
  - (ii) is zoned for rural or rural residential purposes.

**15 Purpose of scheme**

The purpose of assistance under the scheme is to encourage participation by eligible participants in structured learning processes (*learning activities*) that are designed—

- (a) to increase the adoption of management practices that lead to greater sustainability of natural resources and improved profitability or competitiveness; or
- (b) if the eligible participant is a primary producer—to enhance the participant's ability—
  - (i) to manage effectively change and risk; and

**Schedule (continued)**

- (ii) to benefit from the adoption of innovation and best practice management techniques; or
- (c) if the eligible participant is an indigenous land manager—to improve the participant’s business practices and ability to manage land zoned for rural purposes; and
- (d) if the eligible participant is a rural land manager—to improve the participant’s ability to manage natural resources.

**16 Type of assistance**

The assistance available under the scheme is a contribution to the approved costs of an eligible participant taking part in learning activities.

**17 Principles for delivering learning activities**

- (1) The main focus of the scheme is on maximising educational outcomes for eligible participants by adopting a best practice approach to the delivery of learning activities.
- (2) A best practice approach to the delivery of learning activities includes ensuring the following—
  - (a) the learning activities are not long-term;
  - (b) the entity delivering the learning activities is the best learning activities provider available;
  - (c) competition between learning activities providers is encouraged.
- (3) The learning activities delivered under the scheme by learning activities providers must—
  - (a) be driven by demand from eligible participants; and
  - (b) give eligible participants flexible options to best meet their needs; and
  - (c) encourage eligible participants to adopt a strategic, planned approach to learning; and

**Schedule (continued)**

- (d) be given on a competitive basis, taking into account the following—
    - (i) value for money;
    - (ii) the suitability of learning activities providers to deliver learning activities;
    - (iii) learning activities that promote best practice in eligible participants' businesses; and
  - (e) involve a transfer of skills and knowledge from providers to eligible participants; and
  - (f) use strategies for learning that are suited to adult learners.
- (4) Procedures to identify the learning needs of eligible participants, or a group of eligible participants in a particular industry, must be consistent with the priorities and program framework identified by the Commonwealth and States under the scheme.
- (5) It is expected that learning activities may, if appropriate, be linked to industry competency standards—
- (a) to achieve recognition of skills, achievements and qualifications of eligible participants taking part in the activities; and
  - (b) to facilitate the portability of accreditation for the activities.
- (6) Institutions delivering formal education will be encouraged to apply a flexible approach to accrediting a variety of learning activities that meet the industry competency standards mentioned in subsection (4).
- (7) Eligible participants must, to show their commitment to learning, pay a part of the approved costs of learning activities in which they take part.

**18 Restrictions on giving assistance**

- (1) Assistance under the scheme must not be given to pay the costs, or part of the costs, incurred by an eligible participant—

**Schedule (continued)**

- (a) for taking part in any of the following—
- (i) ongoing secondary or tertiary education;
  - (ii) conferences, study tours or other similar activities that do not have clearly defined learning outcomes;
  - (iii) ongoing group mentoring;
  - (iv) educational activities that have a primary focus on technical or operational training;
  - (v) educational activities undertaken to satisfy regulatory or statutory requirements;
  - (vi) educational activities subsidised by other government programs or agencies, although special consideration may be given if the individual receiving the subsidy is an Aborigine or Torres Strait Islander;
  - (vii) if the Minister makes a determination that assistance may not be given for taking part in particular educational activities—the activities; or
- (b) for receiving professional advice and services, including an individual consultation, other than if the advice or service is removing a barrier to the participant's taking part in learning activities; or
- Example of a barrier to an eligible participant's taking part in learning activities—*
- eligible participant has a non-English speaking background
- (c) for buying goods that are not an integral part of the learning activity.
- Example—*
- computer software
- (2) However, assistance may be given under the scheme for the costs of establishing group mentoring and for the initial development cycle of the group.

**Schedule (continued)****19 Eligibility criteria**

- (1) For an applicant to be eligible to receive assistance under the scheme—
  - (a) the applicant must—
    - (i) be an eligible participant; and
    - (ii) show the assistance for which the applicant applies is to pay the approved costs of the learning activities; and
  - (b) the authority must be satisfied the proposed learning activities—
    - (i) are consistent with the purpose of the scheme and the principles for the delivery of the learning activities; and
    - (ii) are likely to enhance the profitability, competitiveness or sustainability of the applicant's business; and
    - (iii) have expected outcomes that are measurable and sustainable; and
    - (iv) are cost effective; and
    - (v) have a strategy to evaluate the effectiveness of the learning; and
    - (vi) if the applicant is a rural land manager—have a primary focus of managing natural resources.
- (2) For subsection (1)(b)(iv), whether the learning activities are cost effective is measured by taking into account the following—
  - (a) the number of eligible participants proposing to take part in the learning activities;
  - (b) the nature and extent of the learning activities to be supplied;
  - (c) the expected measurable outcomes of the learning activities;
  - (d) the total cost of delivering the learning activities.

## Schedule (continued)

**20 Determinations by Minister**

- (1) The Minister must publish determinations made under this scheme on the scheme's website.<sup>8</sup>
- (2) In this schedule, a reference to a determination includes a reference to a determination as amended.

**21 Amount of contribution to approved costs**

- (1) The nature of assistance that may be given under the scheme is a contribution to the approved costs of taking part in learning activities.
- (2) The assistance may be given only for 1 financial year.
- (3) The amount of the contribution to an applicant that the authority may make is decided on the basis of the approved costs for the proposed learning activities, taking into account the following—
  - (a) the cost effectiveness of the learning activities;
  - (b) the removal of barriers to access learning activities;
  - (c) the transparency of the true cost of supplying the learning activities;
  - (d) the need to ensure that in the future the applicant accepts greater responsibility for the applicant's long-term learning and educational needs;
  - (e) the rate of the contribution for the proposed learning activities;
  - (f) if the Minister makes a determination that other matters must be taken into account—the other matters.
- (4) The rate of the contribution—
  - (a) is the rate applying on the day the relevant properly made application is approved by the authority; and

---

<sup>8</sup> The address of the FarmBis website at the commencement of this part is <[www.farmbis.gov.au](http://www.farmbis.gov.au)>.



**Schedule (continued)**

- (b) may vary according to the category of the learning activities proposed to be undertaken.
- (5) The Minister may make a determination about the rate of the contribution for each category of learning activities.

**22 Maximum and minimum contribution amounts**

- (1) The Minister may make a determination about the following that may be paid to an applicant each year under the scheme—
  - (a) the maximum contribution to the applicant's approved costs; and
  - (b) the minimum contribution to the applicant's approved costs.
- (2) However, the maximum contribution must not be greater than 65% of the approved costs.
- (3) A contribution to an applicant's approved costs may be made only if the authority decides the approved costs of the proposed learning activities is greater than the minimum contribution.

**23 Applications**

- (1) An application for assistance under the scheme—
  - (a) must be made on the application form approved by the authority; and
  - (b) may only be made—
    - (i) by an eligible participant; or
    - (ii) on behalf of a group of eligible participants by a learning activities provider who is proposing to deliver learning activities to the participants; and
  - (c) must be lodged with the authority.
- (2) The authority assesses properly made applications in the order in which they are received.
- (3) Applications must be made on or before 31 March 2008.

## Schedule (continued)

**24 Deciding applications**

- (1) The authority must consider and decide to approve or refuse to approve each application for assistance.
- (2) The authority must refuse to approve an application for assistance if the applicant is, on the commencement of this section, taking part or has taken part in the learning activities for which the application is made.
- (3) If the application is not a properly made application, the authority must—
  - (a) refuse to approve the application; and
  - (b) return the application form to the applicant.
- (4) An application is a *properly made application* if the authority is satisfied the applicant has provided sufficient information to decide the application.
- (5) A learning activities provider applying on behalf of a group of eligible participants must show the provider has the appropriate ability and experience to deliver learning activities to the rural sector.
- (6) The authority must refuse to approve an application for assistance if the allocation of funding by the Commonwealth is exhausted.

**25 Terms and conditions**

- (1) The terms and conditions applying under this scheme for an eligible participant, or a group of eligible participants, to receive assistance include—
  - (a) unless the authority decides otherwise, requiring the relevant learning activities—
    - (i) to start within 3 months after approval of the application; and
    - (ii) to finish on or before 30 June 2008; and
  - (b) requiring each of the eligible participants to give the authority an evaluation of the learning activities; and

**Schedule (continued)**

- (c) requiring an undertaking from each of the eligible participant and the relevant learning activities provider to take part in any surveys, program research or evaluation the State or Commonwealth decides; and
  - (d) any other terms and conditions decided by the authority.
- (2) The authority may require that the relevant learning activities provider gives the authority an attendance record of the eligible participants taking part in the learning activities.
  - (3) The attendance record must be in sufficient detail to identify each of the eligible participants and the locality of the participant's business.
  - (4) If the authority makes a decision under subsection (1)(d), the authority must give each eligible participant and learning activities provider affected by the decision written notice of the other terms and conditions.

**26 Payment**

- (1) This section applies to the authority making payments under the scheme to an eligible participant or a learning activities provider.
- (2) If the applicant for assistance is an eligible participant, the authority may make a payment to the participant for the relevant learning activities if the participant—
  - (a) gives the authority—
    - (i) evidence of payment of part of the approved costs of the learning activities; and
    - (ii) a completed evaluation form for the learning activities; and
  - (b) satisfies the authority that the participant has complied with—
    - (i) the terms and conditions applying to the participant under the scheme; and
    - (ii) the other terms and conditions decided by the authority.

**Schedule (continued)**

- (3) If the applicant for assistance is a learning activities provider applying on behalf of a group of eligible participants, payment may be made to the provider for the relevant learning activities if the provider—
  - (a) gives the authority—
    - (i) evidence of payment by each eligible participant of part of the approved costs of the learning activities; and
    - (ii) an evaluation form for the learning activities that has been completed by each eligible participant; and
  - (b) satisfies the authority that the provider has complied with—
    - (i) the terms and conditions applying to the provider under the scheme; and
    - (ii) the other terms and conditions decided by the authority.
- (4) Unless the authority decides otherwise, requests for payment for assistance under the scheme must be made—
  - (a) within 6 months after the application for assistance is approved; and
  - (b) on or before 31 July 2008.

## Endnotes

### 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	35
3 Key . . . . .	35
4 Table of reprints . . . . .	36
5 List of legislation . . . . .	36
6 List of annotations . . . . .	37

### 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 3 June 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 to	Effective	Reprint date
1	none	23 June 2000	23 June 2000
1A	2002 SL No. 16	8 February 2002	22 February 2002

Reprint No.	Amendments included	Effective	Notes
1B	2002 SL No. 206	23 August 2002	
1C	2004 SL No. 166 2004 SL No. 169	27 August 2004	
1D	2004 SL No. 306	17 December 2004	
1E	2005 SL No. 24	25 February 2005	
1F	2005 SL No. 42	24 March 2005	
1G	2005 SL No. 60	15 April 2005	
1H	2005 SL No. 106	3 June 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

**Rural and Regional Adjustment Amendment Regulation (No. 3) 2005 SL No. 60**

notfd gaz 15 April 2005 pp 1214–15  
commenced on date of notification

**Rural and Regional Adjustment Amendment Regulation (No. 4) 2005 SL No. 106**

notfd gaz 3 June 2005 pp 415–19  
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 hdg** ins 2005 SL No. 24 s 4**Purpose of pt 3****s 7** ins 2005 SL No. 24 s 4**Approval of Citrus Industry Recovery Scheme****s 8** ins 2005 SL No. 24 s 4

amd 2005 SL No. 60 s 3

**Approval of FarmBis Program Scheme****s 8A** ins 2005 SL No. 60 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—APPROVED ASSISTANCE SCHEMES****sch hdg** sub 2005 SL No. 60 s 5(1)**sch** ins 2005 SL No. 24 s 5**PART 1—CITRUS INDUSTRY RECOVERY SCHEME****pt hdg** ins 2005 SL No. 60 s 5(2)**Division 1—Preliminary****div hdg** ins 2005 SL No. 106 s 3(1)**Definitions for schedule, pt 1****prov hdg** sub 2005 SL No. 60 s 5(3)**s 1** ins 2005 SL No. 24 s 5

amd 2005 SL No. 60 s 5(4)

def “**division 2 scheme**” ins 2005 SL No. 106 s 3(2)def “**domestic market grower**” ins 2005 SL No. 106 s 3(2)def “**scheme**” ins 2005 SL No. 106 s 3(2)**Division 2—Loans to relevant growers****div hdg** ins 2005 SL No. 106 s 3(3)**Division 3—Refinancing loans to domestic market growers****div 3 (ss 12A–12J)** ins 2005 SL No. 106 s 3(4)



**PART 2—FARMBIS PROGRAM SCHEME**

**pt 2 (ss 13–26)** ins 2005 SL No. 60 s 5(5)