



Queensland

*Rural and Regional Adjustment Act 1994*

# **Rural and Regional Adjustment Regulation 2000**

**Reprinted as in force on 21 April 2006**

**Reprint No. 2B**

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This regulation is reprinted as at 21 April 2006. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
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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.**

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Queensland

# 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 21 April 2006]

## **Part 1 Preliminary**

### **1 Short title**

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

### **2 Notes in text**

A note in the text of this regulation is part of the regulation.

## **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**

(1) 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.

(2) In this section—

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

**entity** see the *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.

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

- (1) 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.
- (2) In this section—

***rural irrigation water user*** means a water entitlement holder charged, under the *Rural Water Pricing Direction Notice (No. 1) 2000*,<sup>1</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.

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

## 5 State loans for residential services

- (1) The authority has the following functions in relation to the making of residential service loans by the State under the *Housing Act 2003*—

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<sup>1</sup> This notice was published in the gazette on 6 October 2000 at page 429.

- (a) to prepare criteria for assessing the financial viability of residential services for which loans are required, the financial risk to the State 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 the State about the outcome of each assessment including whether the authority recommends that the State make the loan;
- (d) if the authority recommends that the State make a loan—to recommend to the State 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 the State about the outcomes of the reviews;
- (h) at the request of the State, to provide advice to assist the State to manage the loans;
- (i) to perform functions incidental to a function under another paragraph of this section.

(2) In this section—

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

***residential service loan*** means a loan to help meet the costs of building and related work carried out for the purpose of conducting a residential service under the *Residential Services (Accreditation) Act 2002*.

## 6 Adjustment package

- (1) The authority has each of the following functions in relation to the adjustment package—

*Rural and Regional Adjustment Regulation 2000*

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- (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;
- (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;

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- (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.
- (2) In this section—

***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>2</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—

- (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.

## **Part 3**                      **Approved assistance schemes**

### **7**            **Approval of schemes—Act, s 11**

Each of the following schemes is approved—

- (a) the Citrus Industry Recovery Scheme set out in the schedule, part 1;
- (b) the FarmBis Program Scheme set out in the schedule, part 2;

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<sup>2</sup> See the *Fisheries Act 1994*, section 7 (Meaning of *fishery*).

- (c) the Primary Industry Productivity Enhancement Scheme set out in the schedule, part 3;
- (d) the Drought Carry-on Finance Scheme set out in the schedule, part 4;
- (e) the Drought Recovery Scheme set out in the schedule, part 5;
- (f) the Citrus Reimbursement and Re-establishment Scheme set out in the schedule, part 6;
- (g) the Small Business Emergency Assistance Scheme set out in the schedule, part 7;
- (h) the Exceptional Circumstances Scheme set out in the schedule, part 8;
- (i) the Natural Disaster Relief—TC Larry (Primary Producers) Scheme set out in the schedule, part 9;
- (j) the Natural Disaster Relief—TC Larry (Small Business) Scheme set out in the schedule, part 10.

*Note—*

The approval of a scheme mentioned in paragraph (a), (b), (c), (d) or (e) is stated for information only. The approval was given under this regulation before the commencement of this section.

## **Part 4                      Miscellaneous**

### **8                      Amendment of existing approved assistance scheme for primary producers—Act, s 54**

- (1) The Natural Disaster Relief Assistance (Instantaneous for Primary Producers - Floods, Cyclones, Storms etc.) Scheme, a transitional scheme taken, under section 54 of the Act, to be an approved assistance scheme (the *scheme*) is amended as stated in subsections (2) and (3).
- (2) The scheme, item 5, before ‘Applicants’—  
*insert—*  
‘5.1’.



- (3) The scheme, at the end of item 5—  
*insert—*
- ‘5.2 A person is not eligible for assistance under this scheme if—
- (a) the person’s application for assistance relates to loss or damage suffered as a result of TC Larry; and
  - (b) the person is eligible for, or has received, assistance under the Natural Disaster Relief—TC Larry (Primary Producers) Scheme set out in the *Rural and Regional Adjustment Regulation 2000*, schedule, part 9.
- ‘5.3 In this item—  
*TC Larry* means the cyclone known as Tropical Cyclone Larry that affected certain communities in North Queensland in March 2006.’.

## **9 Amendment of existing approved assistance scheme for small business—Act, s 54**

- (1) The Natural Disaster Relief Assistance (Small Business) Scheme, a transitional scheme taken, under section 54 of the Act, to be an approved assistance scheme (the *scheme*) is amended as stated in subsections (2) and (3).
  - (2) The scheme, item 5, before ‘Applicants’—  
*insert—*  
‘5.1’.
  - (3) The scheme, at the end of item 5—  
*insert—*
- ‘5.2 A person is not eligible for assistance under this scheme if—
- (a) the person’s application for assistance relates to loss or damage suffered as a result of TC Larry; and
  - (b) the person is eligible for, or has received, assistance under the Natural Disaster Relief—TC Larry (Small Business) Scheme set out in the *Rural and Regional Adjustment Regulation 2000*, schedule, part 10.
- ‘5.3 In this item—

*TC Larry* means the cyclone known as Tropical Cyclone Larry that affected certain communities in North Queensland in March 2006.’.

**10 Expiry of pt 4**

This part expires at the beginning of the day after it commences.

## Schedule                      Approved assistance schemes

section 7

### Part 1                              Citrus Industry Recovery Scheme

#### Division 1                      Preliminary

##### 1                      Definitions for pt 1

In this part—

***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>3</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.

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<sup>3</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;

### Schedule (continued)

- (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 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>4</sup> must—
  - (a) include details of the activity for which the assistance is sought and the productivity expected to be generated from it; and

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<sup>4</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>5</sup> must—

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<sup>5</sup> Guidelines on the content of a business plan may be obtained from the authority.

**Schedule (continued)**

- (a) adopt a whole of business approach to planning, and include components dealing with matters such as marketing and financial and risk management; and
  - (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.

## Schedule (continued)

- (2) Section 12(2) applies as if ‘section 6’ were replaced by ‘section 12F’.

## Part 2 FarmBis Program Scheme

### 13 Definitions for pt 2

In this part—

*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

**Schedule (continued)**

- (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.

*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—

**Schedule (continued)**

- (a) to increase the adoption of management practices that lead to greater sustainability of natural resources and improved profitability or competitiveness; and
- (b) if the eligible participant is a primary producer—to enhance the participant’s ability—
  - (i) to manage effectively change and risk; and
  - (ii) to benefit from the adoption of innovation and best practice management techniques; and
- (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.

**Schedule (continued)**

- (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
  - (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).



**Schedule (continued)**

- (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—
- (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.

**Schedule (continued)**

*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.

**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—

**Schedule (continued)**

- (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.

**20 Determinations by Minister**

- (1) The Minister must publish determinations made under this scheme on the scheme's website.<sup>6</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) An applicant may, in each financial year, make more than 1 application for assistance.
- (3) However, the amount paid to an applicant in each financial year must not be greater than the maximum contribution to the applicant's approved costs that is determined under section 22(1).
- (4) 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;

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<sup>6</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)**

- (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.
- (5) The rate of the contribution—
- (a) is the rate applying on the day the relevant properly made application is approved by the authority; and
  - (b) may vary according to the category of the learning activities proposed to be undertaken.
- (6) 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 financial 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.

## Schedule (continued)

**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.

**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.

**Schedule (continued)**

- (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 within 6 months after the learning activities start; and
    - (iii) 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
  - (c) requiring an undertaking from each of the eligible participants 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.

**Schedule (continued)****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.
- (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

**Schedule (continued)**

- (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.

## **Part 3                      Primary Industry Productivity Enhancement Scheme**

### **Division 1                Preliminary**

#### **27        Objectives of scheme**

The objectives of the scheme are—

- (a) to strengthen the economy of Queensland regions; and
- (b) to increase the capability of primary producers to improve their sustainable production, to protect the environment and to achieve self-reliance.

#### **28        Application of scheme**

- (1) The scheme consists of the following programs—
  - (a) the first start program;
  - (b) the development program;
  - (c) the resource management program.
- (2) An applicant may apply for assistance under more than 1 program.



## Schedule (continued)

**29 Definitions for pt 3**

In this part—

***approved application form***, for a program under the scheme, means the application form approved by the authority for the program.

***authorised officer*** means an individual stated on the approved application form for the resource management program to be an authorised officer under the program.

***certified activities*** see section 47(1)(d).

***commercial wild catch-fishing*** means the fishing and harvesting for commercial purposes of marine and freshwater species from a wild population that are caught in their natural environment.

***development program*** means the part of the scheme set out in divisions 2 and 4.

***eligible activities*** means the eligible activities decided under section 31.

***first start program*** means the part of the scheme set out in divisions 2 and 3.

***management plan***, of an applicant applying for assistance under the scheme, means a plan that—

- (a) includes details of the activity for which the applicant is applying for assistance; and
- (b) adopts a whole of business approach to planning, and include components dealing with matters relevant to the activity including natural resources management, productivity, marketing and financial and risk management; and
- (c) if the assistance is for on-farm activities—identifies and states the area of land affected by the application; and

**Schedule (continued)**

- (d) must comply with the guidelines for management plans under the scheme that are issued by the authority.<sup>7</sup>

***primary producer*** means a person who spends the majority of the person's labour on, and derives the majority of the person's income from a primary production enterprise.

***primary production enterprise*** means a business carried on in a primary production industry, including the agricultural, apicultural, aquacultural, commercial wild catch-fishing, forestry, grazing and horticultural industries.

***resource management program*** means the part of the scheme set out in divisions 2 and 5.

***sharefisher*** means a person who—

- (a) works in a business in the commercial wild catch-fishing industry; and
- (b) shares the proceeds of the business with the owner of the business.

**Division 2                    General provisions for scheme****30            Nature of assistance**

The nature of the assistance that may be given under the scheme is loans at concessional rates of interest to applicants who—

- (a) are carrying out eligible activities; and
- (b) under section 39, 43 or 47, are eligible to receive assistance under the scheme.

**31            Eligible activities**

- (1) The chief executive must—

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<sup>7</sup> A copy of the guidelines for management plans under the scheme may be obtained from the authority.

**Schedule (continued)**

- (a) decide the activities that are eligible activities for each program under the scheme; and
  - (b) notify the authority about the decision made under paragraph (a).
- (2) When deciding whether an activity is an eligible activity for a program, the chief executive must consult with relevant public sector entities.

**32 Interest rate**

- (1) The initial interest rate under the scheme for a loan to an applicant will be worked out 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, 3 or 5 years, as decided by the authority; and
  - (b) is worked out by the authority based on the base lending rate for the relevant period.
- (3) The authority may, during the term of the loan, increase the interest rate from the interest rate mentioned in subsection (2) to a commercial rate.
- (4) The authority may decide the extent to which the interest rate for the loan will increase under subsection (3)—
- (a) in an annual review of the loan; and
  - (b) based on the improved financial capacity of the applicant.
- (5) In this section—

***base lending rate***, means the rate decided by the authority for each 6 month period in each year that is the 1, 3 or 5 year lending rate, as appropriate, of the Queensland Treasury Corporation, plus 1%.

**Schedule (continued)****33 Terms of repayment**

- (1) Repayment of principal and interest on a loan granted to an applicant under the scheme will be—
  - (a) initially calculated using a period of up to the maximum term of the loan; and
  - (b) tailored to the applicant's individual requirements based on the applicant's income patterns.
- (2) An interest only period of not more than 2 years may be available.
- (3) The loan will have an initial interest rate that is fixed under section 32.

**34 Security**

- (1) If an applicant is granted a loan under the scheme, the applicant must give security for the loan.
- (2) The security required is—
  - (a) a mortgage of land or other assets, commensurate with the amount of the loan; or
  - (b) any other security the authority considers necessary, including, for example, a crop lien or stock mortgage.

**35 Applications**

An application for assistance under the scheme must be—

- (a) made on the approved application form for the program under which the applicant is applying; and
- (b) accompanied by the documents stated on the approved application form; and
- (c) lodged with the authority.

**36 Deciding applications**

The authority must consider and decide to approve or refuse to approve each application for assistance.

## Schedule (continued)

**Division 3                      First start program****37                      Purpose of assistance under the first start program**

- (1) The first start program is designed to provide finance to an applicant in the first years of establishment of the applicant's primary production enterprise.
- (2) The purpose of assistance under the first start program is to enable an applicant—
  - (a) to acquire, including from the applicant's parents, or other family member, a viable primary production enterprise; or
  - (b) to acquire a primary production enterprise on a staged basis, as part of a longer term plan for the applicant to own a viable primary production enterprise; or
  - (c) to enter into a leasing, sharefarming or sharefishing arrangement that may lead to the applicant owning a viable primary production enterprise; or
  - (d) to upgrade the applicant's existing non-viable primary production enterprise that has not generated the majority of the applicant's income to one of an economically sustainable size.

**38                      Maximum loan amounts**

The maximum amount of a loan, or the total outstanding loan balance, under the first start program is \$500000.

**39                      Eligibility criteria**

- (1) For an applicant to be eligible to receive assistance under the first start program, the applicant must—
  - (a) have resided in Queensland for at least 2 years; and
  - (b) not own, or have disposed of, a viable primary production enterprise; and

**Schedule (continued)**

- (c) provide evidence of financial need for the assistance; and
  - (d) if the loan is to buy the applicant's parents' or other family member's assets—be able to demonstrate—
    - (i) the parents or family member is not in a financial position to completely effect a transfer of the assets; and
    - (ii) the purchase is not merely a refinance arrangement; and
  - (e) demonstrate adequate experience or other qualifications to give the applicant a reasonable prospect of success in the particular industry the applicant wishes to enter; and
  - (f) be able to demonstrate—
    - (i) for buying a primary production enterprise—the applicant will have 50% equity in the enterprise; or
    - (ii) for a leasing, sharefarming or sharefishing arrangement—the applicant will pay 50% of the set up costs of the enterprise; and
  - (g) demonstrate adequate funding for carry-on purposes; and
  - (h) demonstrate sound prospects for commercial viability in the long term development of the primary production enterprise, in accordance with the planned progression, and the capacity to service proposed debt from the enterprise and other forms of income; and
  - (i) trade in the applicant's own right; and
  - (j) give the authority a management plan.
- (2) However, for subsection (1)(f), the authority may, in relevant circumstances, vary the amount of equity in the enterprise that the applicant is required to demonstrate.

*Examples of relevant circumstances—*

- 1 a joint lending proposal with a commercial lender
- 2 applicant has stable off-farm or other income from land or other assets

**Schedule (continued)**

- (3) The authority may require the applicant's management plan to show the stages of a planned progression towards a viable first enterprise.

**40 Maximum term of loan**

The maximum term of a loan is 20 years.

**Division 4 Development program****41 Purpose of assistance under the development program**

The purpose of assistance under the development program is to enable an applicant to increase the productivity and long term viability of the applicant's primary production business, in the context of sustainable development, by—

- (a) encouraging enterprise build-up, rationalisation, expansion or diversification to enhance viability, including value-adding and investment in supply chain activities; and

*Example of supply chain activities—*

facilities for processing primary produce

- (b) improving water quality and supply for domestic, stock or irrigation purposes; and
- (c) supporting risk management strategies, including strategies to prepare for climatic risk.

*Example of climatic risk—*

drought, frost, hail

**42 Maximum loan amounts and outstanding loan balances**

The maximum amount of a loan, or the total outstanding loan balance, under the development program is—

**Schedule (continued)**

- (a) if the loan is to buy stock or upgrade plant or machinery—\$100000; or
- (b) otherwise—\$500000.

**43 Eligibility criteria**

For an applicant to be eligible to receive assistance under the development program, the applicant must—

- (a) demonstrate sound prospects for commercial viability, and the ability to service the loan, in the long-term; and
- (b) provide evidence of a financial need for the assistance; and
- (c) demonstrate that the amount of non-enterprise or liquid assets owned by the applicant is not more than the amount needed for prudent risk management; and
- (d) if the assistance is sought to rationalise a partnership—demonstrate that the proposal for the rationalisation is not merely a refinance arrangement; and
- (e) if the assistance is sought to upgrade plant and machinery—demonstrate that the plant and machinery will be used predominantly for the enterprise; and
- (f) demonstrate that the applicant has worked full-time for at least 2 years in the applicant's primary production business—
  - (i) as a leaseholder, owner, sharefarmer or sharefisher; or
  - (ii) as a member or employee of a company or partnership; and
- (g) ordinarily obtain the applicant's major source of income from the enterprise or value-adding activities related to the enterprise; and
- (h) give the authority a management plan.



## Schedule (continued)

**44 Maximum term of loan**

- (1) The maximum term of a loan is—
  - (a) for buying stock or upgrading plant or machinery—7 years; or
  - (b) otherwise—20 years.
- (2) However, the authority may, in relevant circumstances, decide that the maximum term of a loan for purchasing stock can vary.

*Example of relevant circumstances—*

a contract to purchase land and the plant, machinery and stock on the land

**Division 5 Resource management program****45 Purpose of assistance under the resource management program**

The purpose of assistance under the resource management program is to enable an applicant to achieve sustainable development through the adoption of appropriate resource management practices, the prevention of degradation or the rehabilitation of degraded areas.

**46 Maximum loan amounts and outstanding loan balances**

The maximum amount of a loan, or the total outstanding loan balance, under the resource management program is \$300000.

**47 Eligibility criteria**

- (1) For an applicant to be eligible to receive assistance under the resource management program for the applicant's primary production enterprise, the applicant must—
  - (a) demonstrate sound prospects for commercial viability, and the ability to service the loan, in the long-term; and

**Schedule (continued)**

- (b) demonstrate that the applicant is working full-time in the primary production enterprise—
    - (i) as a leaseholder, owner, sharefarmer or sharefisher; or
    - (ii) as a member or employee of a company or partnership; and
  - (c) ordinarily obtain the applicant's major source of income from the primary production enterprise; and
  - (d) for on-farm activities—obtain certification by an authorised officer that the activities stated on the applicant's approved application form for the resource management program (the *certified activities*) are eligible activities; and
  - (e) give the authority a management plan.
- (2) Assistance under the resource management program is not means tested.

**48 Maximum term of loan**

The maximum term of a loan is 20 years.

**49 Payment**

- (1) This section applies to the authority making payments to a primary producer receiving assistance under the resource management program.
- (2) Payment may be made to the primary producer only if—
  - (a) the primary producer gives the authority an invoice or receipt as evidence for the amounts to be paid; and
  - (b) for on-farm activities—an authorised officer certifies that the amounts stated on the invoice or receipt were necessarily incurred for the certified activities.
- (3) If the primary producer carries out the work without employing outside labour, payment may be made only for the costs of fuel and machinery.

## Schedule (continued)

- (4) Invoices for on-farm activities must be certified by an authorised officer.

## Part 4                      Drought Carry-on Finance Scheme

### 50      Definitions for pt 4

In this part—

*drought affected area* see section 51.

*primary production enterprise* means a business carried on in a primary production industry, including the agricultural, apicultural, aquacultural, grazing and horticultural industries, other than the retail amenity horticultural industry.

*Example of a business carried on in a retail amenity horticultural industry—*

retail nursery

### 51      What is a *drought affected area*

A *drought affected area* is any area of a local government that the Minister decides is severely affected by drought.

### 52      Objective of scheme

The objective of the scheme is to assist primary producers who are carrying on primary production enterprises in drought affected areas.

### 53      Nature of assistance

The nature of the assistance that may be given under the scheme is loans at concessional rates of interest.

**Schedule (continued)****54 Maximum loan amounts**

The maximum amount of a loan, or total outstanding loan balance, under the scheme is \$100000.

**55 Eligibility criteria**

For an applicant to be eligible to receive assistance under the scheme—

- (a) the applicant must—
  - (i) own or occupy land, and carry on a primary production enterprise on the land, in a drought affected area; and
  - (ii) demonstrate that the current net value of the land is not greater than \$2m; and
  - (iii) demonstrate that the applicant occupies the land and spends the majority of the applicant's labour on the primary production enterprise—
    - (A) as a leaseholder, owner or sharefarmer; or
    - (B) as a member or employee of a company, trust or partnership; and
  - (iv) ordinarily obtain the applicant's major source of income from the enterprise; and
  - (v) not have been granted assistance from 1 April 2003 under a scheme called the Drought Relief Assistance Scheme,<sup>8</sup> administered by the chief executive; and
- (b) the authority must be satisfied that—
  - (i) the applicant's enterprise has sound prospects for commercial viability, and the applicant has the ability to service the loan, in the long-term; and

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<sup>8</sup> At the commencement of section 55, the Drought Relief Assistance Scheme was set out in detail on the department's website at <[www.dpi.qld.gov.au/drought](http://www.dpi.qld.gov.au/drought)>.

**Schedule (continued)**

- (ii) the amount of the applicant's non-enterprise or liquid assets, other than insurance bonds and superannuation, is not more than the limit for the Assets test for homeowners—Partnered (combined) for the Newstart Allowance;<sup>9</sup> and
- (iii) the applicant has taken reasonable precautions to minimise the effects of drought; and
- (iv) the drought has impacted adversely on the applicant's primary production enterprise, causing a financial need for the assistance.

**56 Maximum term of loan**

The maximum term of a loan is 7 years.

**57 Terms of repayment**

- (1) Repayment of principal and interest on a loan will be initially calculated using a period of up to 7 years.
- (2) An interest only period of not more than 2 years may be available.
- (3) A loan will have an initial interest rate that is fixed under section 58.

**58 Interest rate**

- (1) The initial interest rate under the scheme for a loan to an applicant will be worked out 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, 3 or 5 years, as decided by the authority; and

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<sup>9</sup> At the commencement of section 55, the limit for the Assets test for homeowners—Partnered (combined) for the Newstart Allowance was stated on Centrelink's website at <[www.centrelink.gov.au](http://www.centrelink.gov.au)>.

**Schedule (continued)**

- (b) is worked out by the authority based on the base lending rate for the relevant period.
- (3) A 3 year or 5 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 or 5 years under subsection (3), at the end of the relevant period, and on each subsequent anniversary, the interest rate reverts to the base lending rate that is the 1 year lending rate applying 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 may decide the extent to which the interest rate for the loan will increase under subsection (5)—
  - (a) in an annual review of the loan; and
  - (b) based on the improved financial capacity of the applicant.
- (7) In this section—

*base lending rate*, means the rate decided by the authority for each 6 month period in each year that is the 1, 3 or 5 year lending rate, as appropriate, of the Queensland Treasury Corporation, plus 1%.

**59 Security**

- (1) If an applicant is granted a loan under the scheme, the applicant must give security for the loan.
- (2) The security required is—
  - (a) a mortgage of land or other assets, commensurate with the amount of the loan; or
  - (b) any other security the authority considers necessary, including, for example, a crop lien or stock mortgage.

## Schedule (continued)

**60 Applications**

- (1) An application for assistance under the scheme must be—
  - (a) made on the application form approved by the authority;<sup>10</sup> and
  - (b) accompanied by the documents stated on the application form; and
  - (c) lodged with the authority.
- (2) Applications must be made before the later of the following days—
  - (a) 30 June 2006;
  - (b) another day decided by the Minister.

**61 Deciding applications**

The authority must consider and decide to approve or refuse to approve each application for assistance.

**Part 5 Drought Recovery Scheme****62 Definitions for pt 5**

In this part—

*crop materials* see section 65(a).

*drought affected area* see section 63.

*primary production enterprise* means a business carried on in a primary production industry, including the agricultural,

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<sup>10</sup> At the commencement of section 55, a copy of an application form was available on the authority's website at <[www.qraa.qld.gov.au](http://www.qraa.qld.gov.au)>.

### Schedule (continued)

apicultural, aquacultural, grazing and horticultural industries, other than the retail amenity horticultural industry.

*Example of a business carried on in a retail amenity horticultural industry—*

retail nursery

#### **63 What is a *drought affected area***

A *drought affected area* is any area of a local government that the Minister decides is severely affected by drought.

#### **64 Objective of scheme**

The objective of the scheme is to assist primary producers who are carrying on primary production enterprises in drought affected areas to recover from the impact of the drought.

#### **65 Purpose of assistance**

The purpose of assistance under the scheme is to enable applicants—

- (a) to plant or invigorate crops by assisting them to buy chemicals, fertilizer, fuel, seed or seedlings (*crop materials*); and
- (b) to restock by assisting them to buy stock.

#### **66 Nature of assistance**

The nature of the assistance that may be given under the scheme is loans at concessional rates of interest.

#### **67 Maximum loan amounts**

- (1) The maximum amount of a loan, or total outstanding loan balance, under the scheme is \$200000.



**Schedule (continued)**

- (2) If a loan is to assist with planting or invigorating crops—
  - (a) the maximum loan amount to buy crop materials is \$60000; and
  - (b) the loan will be limited to the cost of planting or invigorating a crop for an area that is the average of the areas planted for the previous 3 crops.
- (3) If the loan is for restocking, the maximum amount of a loan is—
  - (a) for buying breeding stock—\$200000; or
  - (b) for buying stock other than breeding stock—\$100000.

**68 Eligibility criteria**

For an applicant to be eligible to receive assistance under the scheme—

- (a) the applicant must—
  - (i) own or occupy land, and carry on a primary production enterprise on the land, in a drought affected area; and
  - (ii) demonstrate that the current net value of the land is not greater than \$2m; and
  - (iii) demonstrate that the applicant occupies the land and spends the majority of the applicant's labour on the primary production enterprise—
    - (A) as a leaseholder, owner or sharefarmer; or
    - (B) as a member or employee of a company, trust or partnership; and
  - (iv) ordinarily obtain the applicant's major source of income from the enterprise; and
- (b) the authority must be satisfied that—
  - (i) the applicant's enterprise has sound prospects for commercial viability, and the applicant has the ability to service the loan, in the long-term; and

**Schedule (continued)**

- (ii) the applicant has exhausted all liquid assets and lines of credit the authority considers suitable; and
- (iii) there is a financial need for the assistance.

**69 Maximum term of loan**

The maximum term of a loan is—

- (a) for buying crop materials—5 years; or
- (b) for buying stock—7 years.

**70 Terms of repayment**

- (1) Repayment of principal and interest on a loan to a primary producer will be initially worked out—
  - (a) for buying crop materials—using a period of up to 5 years; or
  - (b) for buying stock—using a period of up to 7 years.
- (2) However, repayment of principal and interest on the loan will be tailored to the primary producer's individual requirements based on the producer's income patterns.
- (3) If a loan is to buy crop materials for planting or invigorating a crop, repayment of the loan must be made from proceeds of the sale of the crop and, if the authority decides, from proceeds of the sale of any subsequent crop.
- (4) A loan will have an initial interest rate that is fixed under section 71.

**71 Interest rate**

- (1) The initial interest rate under the scheme for a loan to an applicant will be worked out 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, 3 or 5 years, as decided by the authority; and

**Schedule (continued)**

- (b) is worked out by the authority based on the base lending rate for the relevant period.
- (3) A 3 year or 5 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 or 5 years under subsection (3), at the end of the relevant period, and on each subsequent anniversary, the interest rate reverts to the base lending rate that is the 1 year lending rate applying 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 may decide the extent to which the interest rate for the loan will increase under subsection (5)—
  - (a) in an annual review of the loan; and
  - (b) based on the improved financial capacity of the applicant.
- (7) In this section—

*base lending rate*, means the rate decided by the authority for each 6 month period in each year that is the 1, 3 or 5 year lending rate, as appropriate, of the Queensland Treasury Corporation, plus 1%.

**72 Security**

- (1) If an applicant is granted a loan under the scheme, the applicant must give security for the loan.
- (2) The security required is—
  - (a) a mortgage of land or other assets, commensurate with the amount of the loan; or
  - (b) any other security the authority considers necessary, including, for example, a crop lien or stock mortgage.

**Schedule (continued)****73 Applications**

- (1) An application for assistance under the scheme must be—
  - (a) made on the application form approved by the authority;<sup>11</sup> and
  - (b) accompanied by the documents stated on the application form; and
  - (c) lodged with the authority.
- (2) Applications must be made before the later of the following days—
  - (a) 30 June 2006;
  - (b) another day decided by the Minister.

**74 Deciding applications**

The authority must consider and decide to approve or refuse to approve each application for assistance.

**75 Payment**

- (1) This section applies to the authority making payments to—
  - (a) a primary producer who is receiving assistance under the scheme; or
  - (b) a person from whom the producer has bought crop materials or stock.
- (2) Payment may be made only if the primary producer gives the authority an invoice or receipt as evidence for the amounts to be paid.

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<sup>11</sup> At the commencement of section 73, a copy of the application form was available on the authority's website at <[www.qraa.qld.gov.au](http://www.qraa.qld.gov.au)>.

## Schedule (continued)

**Part 6****Citrus Reimbursement and Re-establishment Scheme****76 Definitions for pt 6**

In this part—

***canker*** see the *Plant Protection Regulation 2002*, section 131E.

***citrus plant*** means—

- (a) a plant of any of the following species—
  - (i) *Citrus aurantifolia*, *Citrus grandis*, *Citrus limon*, *Citrus medica*, *Citrus paradisi*, *Citrus reticulata* or *Citrus sinensis*;
  - (ii) *Fortunella margarita* or *Fortunella japonica*; or
- (b) a plant that is a hybrid between any of the species mentioned in paragraph (a)(i).

***permitted local government area*** means the local government area of the Shire of Bauhinia, Shire of Emerald or Shire of Peak Downs.

***pest quarantine area*** means the pest quarantine area for canker declared under the *Plant Protection Regulation 2002*, section 131F.

***relevant property*** means a following property—

- (a) lots 8 and 9 on RP 881529 (commonly known as the Cordoma property);
- (b) lot 28 on DSN 905 (commonly known as the Citricorp property);
- (c) lot 3 on RP 841443 (commonly known as the 2PH Capricorn property);

**Schedule (continued)**

- (d) lot 37 on SP 161099 (commonly known as the 2PH Gumtrees property).

*Note—*

A copy of a plan mentioned in paragraph (a), (b), (c) or (d) is held by the department at its head office and Emerald office.<sup>12</sup>

**77 Purpose of assistance**

The purpose of assistance under the scheme is to assist each owner of a relevant property who maintained citrus plants on the property until 3 June 2005.

**78 Nature of assistance**

- (1) The nature of the assistance that may be given to the owner of a relevant property is—
- (a) reimbursement of an amount for the owner's costs of nurturing the citrus plants growing on the property at 3 June 2005 (the **June 2005 orchard**); and
  - (b) payment of an amount to assist the owner re-establish a citrus orchard on a property owned by the owner in a permitted local government area when the replanting is allowed under the *Plant Protection Regulation 2002* in the pest quarantine area.
- (2) The amount that may be reimbursed under subsection (1)(a) is \$80 for each citrus plant comprising the June 2005 orchard.
- (3) The amount that may be paid under subsection (1)(b) is—
- (a) not more than \$20 for each citrus plant, up to the number of citrus plants comprising the June 2005 orchard, to be replanted by the owner; and

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<sup>12</sup> The department's head office is at level 3, Primary Industries Building, 80 Ann Street, Brisbane and its Emerald office is at Emerald Government Offices, 99 Hospital Road, Emerald.

**Schedule (continued)**

- (b) worked out on a pro rata basis according to the number of citrus plants for which properly made applications are received.
- (4) In this section—  
*properly made application* means an application complying with section 81.

**79 Eligibility criteria**

- (1) For a person to be eligible to receive assistance mentioned in section 78(1)(a)—
  - (a) the citrus plants for which the reimbursement is sought must have been felled and stacked; and
  - (b) the person must provide verification, acceptable to the authority—
    - (i) that the person was the owner of a relevant property at 3 June 2005; and
    - (ii) of the number of citrus plants growing on the property at that date.
- (2) For a person to be eligible to receive assistance mentioned in section 78(1)(b), the person must—
  - (a) be eligible for, or have received, assistance mentioned in section 78(1)(a); and
  - (b) provide verification, acceptable to the authority—
    - (i) of the person's purchase of citrus plant stock for which the assistance is sought; and
    - (ii) that either—
      - (A) the citrus plant stock are to be planted on the person's property in a permitted local government area when the replanting is allowed under the *Plant Protection Regulation 2002* in the pest quarantine area; or

**Schedule (continued)**

- (B) the citrus plant stock were planted on the person's property in a permitted local government area after the replanting was allowed under that regulation in the pest quarantine area.

**80 Terms and conditions**

- (1) The terms and conditions of the assistance are the terms and conditions decided by the authority.
- (2) The owner of a relevant property must enter into a contract with the authority for the assistance.

**81 Applications**

- (1) An application for assistance must be—
  - (a) made on the application form approved by the authority;<sup>13</sup> and
  - (b) accompanied by the documents stated on the application form; and
  - (c) lodged with the authority.
- (2) Applications for assistance mentioned in section 78(1)(a) must be made within 1 year after this section commences.
- (3) Applications for assistance mentioned in section 78(1)(b) must be made not later than 1 year after the replanting mentioned in the paragraph is allowed.

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<sup>13</sup> At the commencement of section 81, a copy of the application form was available on the authority's website at <[www.qraa.qld.gov.au](http://www.qraa.qld.gov.au)>.



## Schedule (continued)

**Part 7**                      **Small Business Emergency Assistance Scheme****82**      **Definitions for pt 7**

In this part—

*Commonwealth Act* means the *Rural Adjustment Act 1992* (Cwlth).

*EC declaration* means a declaration under the Commonwealth Act of an area as an area undergoing exceptional circumstances.<sup>14</sup>

**83**      **Objective of scheme**

(1) The objective of the scheme is to assist owners of locally owned small businesses to meet operating and other essential costs if the business enterprise is—

- (a) located in, adjacent to or dependent on, an EC area; or
- (b) affected by another significant event decided by the Minister.

(2) In this section—

*EC area* means an area declared under an EC declaration.

*small business* means a business employing not more than 100 employees.

**84**      **Nature of assistance**

The nature of the assistance that may be given under the scheme is an interest subsidy for new or existing commercial loans.

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<sup>14</sup> At the commencement of section 82, information about the declaration and declared area was available on the Australian Government Department of Agriculture, Fisheries and Forestry website at <[www.daff.gov.au](http://www.daff.gov.au)>.

**Schedule (continued)****85 Maximum subsidy amount**

- (1) The maximum interest subsidy that may be given for a loan is \$10000 a year for 2 years.
- (2) The interest subsidy will be not more than 50% of the interest payable on new or existing loans for the period of the assistance, if the lender's rate is competitive for the loan being subsidised.
- (3) Payment of the interest subsidy will be made in advance to the commercial lender for not more than 1 year and then be subject to a second year review.

**86 Eligibility criteria**

For an applicant to be eligible to receive assistance—

- (a) the applicant must—
  - (i) own (whether as sole owner, in partnership or as a private company) and operate a small business; and
  - (ii) demonstrate that the applicant has owned and operated the business for at least 2 years; and
  - (iii) ordinarily obtain the applicant's major source of income from the business enterprise; and
  - (iv) demonstrate a need for the assistance; and
  - (v) provide evidence that the need for the assistance is related to the effect of the exceptional circumstances or other significant event decided under section 83(1)(b); and
- (b) the authority must be satisfied that the business enterprise has sound prospects of commercial viability given normal conditions.

**87 Applications**

- (1) An application for assistance must be—

**Schedule (continued)**

- (a) made on the application form approved by the authority;<sup>15</sup> and
  - (b) accompanied by the documents stated on the application form; and
  - (c) lodged with the authority.
- (2) If drought is the main cause of the need for assistance—
- (a) the application must be made not later than 6 months after the EC declaration is revoked under the Commonwealth Act; and
  - (b) if the application is made within 6 months after the revocation, assistance may be given for up to 1 year.

**88 Deciding applications**

The authority must consider, and decide to approve or refuse to approve, each application for assistance.

**Part 8 Exceptional Circumstances Scheme****89 Definitions for pt 8**

In this part—

*Commonwealth Act* means the *Rural Adjustment Act 1992* (Cwlth).

*EC area* means an area declared under an EC declaration.<sup>16</sup>

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15 At the commencement of section 87, a copy of an application form was available on the authority's website at <[www.qraa.qld.gov.au](http://www.qraa.qld.gov.au)>.

16 At the commencement of section 89, information about the declaration and declared area was available on the Australian Government Department of Agriculture, Fisheries and Forestry website at <[www.daff.gov.au](http://www.daff.gov.au)>.

### Schedule (continued)

***EC declaration*** means a declaration under the Commonwealth Act of an area as an area undergoing exceptional circumstances.

***EC period*** means a period for which an EC declaration applies and for which assistance may be given under a rural adjustment scheme.

***exceptional circumstances*** means circumstances that have detrimentally affected a primary producer's income, leading to financial difficulty.

***Newstart Allowance*** means the Newstart Allowance administered by Centrelink.<sup>17</sup>

***primary production enterprise*** means a business carried on in a primary production industry, including the agricultural, apicultural, aquacultural, grazing and horticultural industries, other than the retail amenity horticultural industry.

*Example of a business carried on in a retail amenity horticultural industry—*

retail nursery

***rural adjustment scheme*** means a Rural Adjustment Scheme within the meaning of the Commonwealth Act.

## 90 Objectives of scheme

- (1) The objectives of the scheme are—
  - (a) to assist affected primary producers if, had exceptional circumstances not happened, the primary production enterprises carried on by the producers would have long term prospects of profitability and sustainability; and
  - (b) to assist affected primary producers to recover from the effects of exceptional circumstances.
- (2) In this section—

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<sup>17</sup> At the commencement of section 89, information about the allowance was stated on Centrelink's website at <[www.centrelink.gov.au](http://www.centrelink.gov.au)>.

**Schedule (continued)**

*affected primary producer* means a primary producer who is carrying on a primary production enterprise in an EC area.

**91 Purpose of assistance**

The purpose of assistance under this scheme is to facilitate 1 or more of the following strategies—

- (a) improvements in productivity, including for recovery purposes;
- (b) the provision of carry-on finance;
- (c) debt restructuring.

**92 Nature of assistance**

The nature of the assistance that may be given is an interest subsidy for new or existing loans for primary production enterprises.

**93 Level of assistance**

- (1) The level of assistance to be given to a primary producer must be decided by the extent of assistance needed for the strategies mentioned in section 91.
- (2) The interest subsidy given to a primary producer in the first EC period must be not more than 50% of the eligible interest.
- (3) The interest subsidy given to a primary producer in the second or a subsequent EC period must be not more than 80% of the eligible interest.
- (4) If a primary producer has received an interest subsidy of not more than 50% of the eligible interest for the second, or a subsequent, EC period that includes 30 May 2005, the producer may make a further application for not more than 30% of the eligible interest for that EC period.
- (5) The level of assistance to be given to a primary producer must be decided from—

## Schedule (continued)

- (a) the budgets from the producer's enterprise that allow for financial demands on the enterprise appropriate to the exceptional circumstances; and
  - (b) an assessment of the living expenses for the household at the relevant Newstart Allowance rate.
- (6) In deciding the amount of subsidy to be given to a primary producer, the authority must take into account the level of assistance the producer has already received under a rural adjustment scheme.
- (7) The amount of interest subsidy payable to a primary producer must not result in the producer receiving, under a rural adjustment scheme, more than—
- (a) \$100000 in any 1 year period; or
  - (b) a cumulative total of \$300000 over the previous 5 year period.
- (8) If a primary producer has purchased additional farming property during the exceptional circumstances, the authority, in deciding the level of loans to be supported for an initial interest subsidy, must deduct the full cost of the purchase from the balance of the existing loans.
- (9) Any loans or associated costs already subsidised under any other Commonwealth scheme must not be considered for support.
- (10) In this section—
- eligible interest* means the interest payable on, and associated costs of, the loans for which an interest subsidy is sought.

**94 Period of assistance**

- (1) The period for which an interest subsidy is given is to be decided in each case by the authority.
- (2) The period will be not more than 1 year for each application.
- (3) Subject to section 93(4), a maximum of 2 tranches of interest subsidy (1 in the first EC period and 1 in the second EC period) may be given.

**Schedule (continued)**

- (4) However, if under the EC declaration, assistance may be given for more than 2 EC periods, an interest subsidy may be applied for and given for each additional EC period.

**95 Eligibility criteria**

- (1) For an applicant to be eligible to receive assistance, the applicant must satisfy the criteria stated in subsection (2) and the authority must be satisfied of the matters stated in subsection (3).
- (2) The applicant must—
- (a) be a primary producer to whom an EC declaration applies; and
  - (b) own or occupy land, and carry on a primary production enterprise on the land, in the EC area or the buffer zone declared under the EC declaration; and
  - (c) demonstrate that, under normal circumstances, the applicant occupies the land and—
    - (i) spends at least 75% of the applicant's labour on the enterprise; and
    - (ii) obtains at least 50% of the applicant's income from the enterprise; and
  - (d) demonstrate that the applicant has been a primary producer for at least 2 years; and
  - (e) demonstrate that the enterprise is in financial difficulty because of the exceptional circumstances; and
  - (f) demonstrate that the applicant, under normal circumstances, satisfies any other eligibility

**Schedule (continued)**

requirements imposed by the Commonwealth under the rural adjustment scheme.<sup>18</sup>

- (3) The authority must be satisfied that—
- (a) the primary production enterprise is in financial difficulty because of the exceptional circumstances; and
  - (b) the assistance is necessary to achieve 1 or more of the strategies mentioned in section 91; and
  - (c) without the assistance, the enterprise would not have the capacity to achieve or maintain commercial viability; and
  - (d) the applicant has—
    - (i) on commercial terms, disposed of—
      - (A) all non-essential farm assets; and
      - (B) off-farm assets, so that the net value of off-farm assets is not more than double the Newstart Allowance assets test for homeowners (partnered); and
    - (ii) applied the proceeds to the enterprise (unless this would result in extreme hardship to the applicant); and
- Note—*
- Investments in bona fide insurance and superannuation funds are exempt from the off-farm assets test mentioned in subparagraph (i)(B).
- (e) each loan for which the interest subsidy is sought is given—
    - (i) on commercial terms at arm's length; and

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18 At the commencement of section 95, information about any requirements was available on the Australian Government Department of Agriculture, Fisheries and Forestry website at <[www.daff.gov.au](http://www.daff.gov.au)>.

The information may also be obtained from the authority at Level 9, 307 Queen Street, Brisbane, or the authority's website at <[qraa.qld.gov.au](http://qraa.qld.gov.au)>.



**Schedule (continued)**

- (ii) at an interest rate that is competitive with the rate generally applicable to loans of the same type.
- (4) In deciding whether the primary production enterprise is in financial difficulty, the authority—
  - (a) must consider each of the following—
    - (i) the total amount of interest payable each year;
    - (ii) the estimated surplus over the medium term;
    - (iii) the applicant's equity in the enterprise in relation to the amount of current and future indebtedness, together with both farm and off-farm assets and income; and
  - (b) must disregard the applicant's ability to purchase additional farming property during the exceptional circumstances.
- (5) In assessing the likelihood of the primary production enterprise being profitable in the long term, the authority must take account of each of the following—
  - (a) whether the enterprise has operated without assistance under a rural adjustment scheme in—
    - (i) at least 2 of the previous 5 years; or
    - (ii) another period decided by the Commonwealth under the Commonwealth Act;
  - (b) the expected future capacity of the enterprise to operate profitably (without assistance under the rural adjustment scheme) as measured by its ability to meet, from estimated surpluses, its future financial commitments for each of the following—
    - (i) its operating costs;
    - (ii) living costs of the farm family;
    - (iii) servicing of the enterprise debts;
    - (iv) future capital requirements for plant and improvements;

**Schedule (continued)**

- (v) investment requirements to return the enterprise to profitability;
  - (c) the long-term economic trends impacting on the enterprise;
  - (d) the applicant's demonstrated technical, financial and business management performance;
  - (e) the provision of financial support for the enterprise by lenders during and after the exceptional circumstances.
- (6) A primary producer not receiving assistance in a particular EC period may be eligible for assistance in a subsequent EC period.
- (7) If the EC declaration for an area ended before 30 May 2005, a primary producer in the area is not eligible for—
- (a) an additional interest subsidy mentioned in section 93(4); or
  - (b) the benefit of the change to the Newstart Allowance assets test for homeowners (partnered) allowing a primary producer's net value of off-farm assets to be not more than double the assets test.

**96 Applications**

- (1) An application for assistance must be—
- (a) made on the application form approved by the authority;<sup>19</sup> and
  - (b) accompanied by the documents stated on the application form; and
  - (c) lodged with the authority.
- (2) Applications must be made not later than 28 days after the EC period for which the assistance is sought ends.

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19 At the commencement of section 96, a copy of the application form was available on the authority's website at <[www.qraa.qld.gov.au](http://www.qraa.qld.gov.au)>.

**Schedule (continued)**

- (3) A primary producer can not apply for a further interest subsidy until 9 months after the day the producer last makes a successful interest subsidy application.
- (4) Subsection (3) does not apply to an application mentioned in section 93(4).

**97 Deciding applications**

The authority must consider, and decide to approve or refuse to approve, each application for assistance.

**98 Terms and conditions**

- (1) The giving of assistance in a particular EC period does not guarantee assistance in a subsequent EC period.
- (2) Payment of an interest subsidy for a loan will be made—
  - (a) to the lender on behalf of the primary producer receiving the assistance; or
  - (b) direct to the primary producer, after the authority has secured agreement from the producer as to the use of the assistance.

**Part 9 Natural Disaster Relief—TC  
Larry (Primary Producers)  
Scheme****99 Definitions for pt 9**

In this part—

*applicant* means a person applying for assistance under the scheme.

**Schedule (continued)**

***appropriate Minister*** means the Minister responsible for administering the *Disaster Management Act 2003*.

***closing day***, for applications, means 31 December 2007.

***loan and grant package*** means assistance consisting of a loan and a grant out of the amount of the loan.

***natural disaster relief arrangements*** means the funding arrangements agreed between the Commonwealth and the State for providing financial assistance to communities affected by natural disasters.

*Note—*

At the commencement of this definition, the funding arrangements were described in the document called ‘Natural Disaster Financial Assistance Arrangements within Queensland 2005/2006’, published by the Department of Emergency Services and available on that department’s website at <[www.disaster.qld.gov.au](http://www.disaster.qld.gov.au)>.

***prescribed disaster area*** means the area that the appropriate Minister has defined as the area affected by TC Larry to which relief measures under the natural disaster relief arrangements apply.

*Note—*

At the commencement of this definition, the area defined by the appropriate Minister as affected by TC Larry, by reference to the areas of stated local governments, was published on the authority’s website at <[www.qraa.qld.gov.au](http://www.qraa.qld.gov.au)>.

***scheme*** means the scheme set out under this part.

***TC Larry*** means the cyclone known as Tropical Cyclone Larry that affected certain communities in North Queensland in March 2006.

**100 Purpose of assistance**

- (1) The purpose of assistance under the scheme is to assist in meeting the needs of primary producers affected by TC Larry to recover from the impact of TC Larry.
- (2) However, assistance under the scheme is not intended to compensate primary producers for losses suffered because of TC Larry.

**Schedule (continued)****101 Nature of assistance**

The nature of the assistance that may be given under the scheme is the provision of a loan and grant package for any of the following—

- (a) restocking;
- (b) meeting requirements for carrying on production, including—
  - (i) re-planting, restoring or re-establishing areas affected by TC Larry; or
  - (ii) sustenance; or
  - (iii) essential property operations; or
  - (iv) paying rent or rates, or costs of repair or replacement of farm buildings.

**102 Maximum amount of assistance**

- (1) The maximum amount of a loan and grant package that may be given to an applicant under the scheme is—
  - (a) \$200000; or
  - (b) if the authority considers the applicant's property has sustained extreme damage—\$500000.
- (2) The amount of a grant under a loan and grant package is the lesser of—
  - (a) 25% of the total amount of the loan and grant package; or
  - (b) \$50000.

**103 Eligibility criteria**

- (1) For an applicant to be eligible to receive assistance under the scheme—
  - (a) the applicant's property must be in the prescribed disaster area; and

**Schedule (continued)**

- (b) the applicant's application for assistance must relate to loss or damage suffered as a result of TC Larry; and
  - (c) the applicant must be in working occupation of the applicant's property; and
  - (d) the applicant must not own or control liquid assets that are greater in value than an amount the authority considers would be reasonably required for prudent risk management; and
  - (e) the authority must be satisfied that—
    - (i) the applicant took reasonable precautions to minimise loss or damage from TC Larry; and
    - (ii) the applicant's farming enterprise will be viable with the assistance given; and
  - (f) the authority must receive the applicant's application for assistance no later than the closing day.
- (2) A public company, whether acting alone or with another company, is not eligible for assistance under the scheme.

**104 Security**

- (1) A loan under a loan and grant package given under the scheme must be secured to the satisfaction of the authority.
- (2) The security required by the authority may be, or include—
  - (a) a mortgage of land or other assets, commensurate with the amount of the loan; or
  - (b) a priority serving document, including, for example, a crop lien or stock mortgage.

**105 Terms of repayment**

- (1) Subject to subsection (6), the maximum term of a loan under a loan and grant package given to an applicant under the scheme is 9 years.
- (2) For the first 2 years of the loan—

**Schedule (continued)**

- (a) no repayments of the principal are payable; and
- (b) no interest on the loan will be charged.
- (3) Repayments of the principal and interest are calculated from the start of the third year of the loan.
- (4) The initial annual interest rate for the loan is 4%.
- (5) From the fourth year of the loan—
  - (a) the authority may review the applicant's financial situation annually to decide whether or not to increase the interest rate; and
  - (b) if the authority considers the applicant's financial situation has improved, the authority may increase the interest rate up to a commercial rate of interest.
- (6) The term of the loan may be increased to not more than 10 years if—
  - (a) the loan has been operative for at least 4 years; and
  - (b) the authority considers the increase in the term of the loan is appropriate in the circumstances.

**106 Applications**

- (1) An application for assistance under the scheme must be—
  - (a) made on the authority's application form; and
  - (b) accompanied by the documentation stated on the application form.
- (2) An applicant must give the completed application form—
  - (a) to a commercial lender for referral to the authority; or
  - (b) directly to the authority.
- (3) Applications for assistance under the scheme must be received by the authority no later than the closing day.

## Schedule (continued)

**Part 10**                      **Natural Disaster Relief—TC  
Larry (Small Business) Scheme****107**    **Definitions for pt 10**

In this part—

*applicant* means a person applying for assistance under the scheme.

*closing day*, for applications, means 31 December 2006.

*loan and grant package* means assistance consisting of a loan and a grant out of the amount of the loan.

*scheme* means the scheme set out under this part.

*TC Larry* means the cyclone known as Tropical Cyclone Larry that affected certain communities in North Queensland in March 2006.

**108**    **Purpose of assistance**

- (1) The purpose of assistance under the scheme is to provide assistance to owners of small businesses—
  - (a) whose buildings, plant and equipment or stock have been significantly damaged by TC Larry; and
  - (b) who have sound prospects of long term viability.
- (2) However, assistance under the scheme is not intended to compensate business owners for losses suffered as a result of TC Larry.

**109**    **Nature of assistance**

The nature of the assistance that may be given under the scheme, for a business, is the provision of a loan and grant package for re-establishing the viable operation of the business, including by doing any of the following—

- (a) repairing or replacing buildings or plant and equipment;



**Schedule (continued)**

- (b) supplying stock for up to 1 month to replace lost stock and maintain liquidity of the business;
- (c) meeting other requirements for carrying on the business.

**110 Maximum amount of assistance**

- (1) The amount of a loan and grant package that may be given to an applicant under the scheme—
  - (a) must be based on the authority's assessment of the applicant's financial position, including any amount recovered by the applicant under an insurance policy; and
  - (b) must not be more than the amount of the net loss to the applicant's business as a result of TC Larry.
- (2) Subject to subsection (1), the maximum amount of a loan and grant package that may be given to an applicant under the scheme is—
  - (a) \$200000; or
  - (b) if the authority considers the applicant's business property has sustained extreme damage—\$500000.
- (3) The amount of a grant under a loan and grant package is the lesser of—
  - (a) 25% of the total amount of the loan and grant package; or
  - (b) \$50000.

**111 Eligibility criteria**

- (1) For an applicant to be eligible to receive assistance under the scheme—
  - (a) the applicant must be a sole owner, partnership or proprietary company; and
  - (b) the authority must be satisfied the liquidity of the applicant's business has been severely affected because of either or both of the following—

**Schedule (continued)**

- (i) the cost of essential repairs or replacement of damage to buildings, plant, equipment or stock as a result of TC Larry;
- (ii) a reduction in the business' cash flow that is otherwise directly related to TC Larry; and
- (c) the applicant must not own or control liquid assets that are greater in value than an amount the authority considers would be reasonably required for prudent risk management; and
- (d) the authority must be satisfied that—
  - (i) the applicant can not repair or replace damaged assets or return to viable operations from the applicant's own resources without assistance under the scheme; and
  - (ii) with assistance under the scheme, the applicant has reasonable prospects of re-establishing the applicant's business on a viable basis; and
- (e) the authority receives the applicant's application for assistance no later than the closing day.
- (2) A public company, whether acting alone or with another company, is not eligible for assistance under the scheme.

**112 Security**

A loan under a loan and grant package given under the scheme must be secured to the satisfaction of the authority.

**113 Terms of repayment**

- (1) Subject to subsection (6), the maximum term of a loan under a loan and grant package given to an applicant under the scheme is 9 years.
- (2) For the first 2 years of the loan—
  - (a) no repayments of the principal are payable; and
  - (b) no interest on the loan will be charged.

**Schedule (continued)**

- (3) Repayments of the principal and interest are calculated from the start of the third year of the loan.
- (4) The initial annual interest rate for the loan is 4%.
- (5) From the fourth year of the loan—
  - (a) the authority may review the applicant's financial situation annually to decide whether or not to increase the interest rate; and
  - (b) if the authority considers the applicant's financial situation has improved, the authority may increase the interest rate up to a commercial rate of interest.
- (6) The term of the loan may be increased to not more than 10 years if—
  - (a) the loan has been operative for at least 4 years; and
  - (b) the authority considers the increase in the term of the loan is appropriate in the circumstances.

**114 Applications**

- (1) An application for assistance under the scheme must be—
  - (a) made on the authority's application form; and
  - (b) accompanied by the documentation stated on the application form.
- (2) An applicant must give the completed application form—
  - (a) to a commercial lender for referral to the authority; or
  - (b) directly to the authority.
- (3) Applications for assistance under the scheme must be received by the authority no later than the closing day.

## 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 21 April 2006. 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	4 August 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	
1I	2005 SL No. 132 2005 SL No. 133	24 June 2005	
1J	2005 SL No. 161	15 July 2005	
1K	2005 SL No. 189	12 August 2005	
1L	2005 SL No. 224	16 September 2005	
1M	2005 SL No. 225	17 September 2005	R1M withdrawn, see R2
2	—	17 September 2005	
2A rv	2006 SL No. 10	3 February 2006	
2B	2006 SL No. 73	21 April 2006	

## 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
- Rural and Regional Adjustment Amendment Regulation (No. 5) 2005 SL No. 132**  
notfd gaz 24 June 2005 pp 639–45  
commenced on date of notification
- Rural and Regional Adjustment Amendment Regulation (No. 6) 2005 SL No. 133**  
notfd gaz 24 June 2005 pp 639–45  
commenced on date of notification
- Rural and Regional Adjustment Amendment Regulation (No. 7) 2005 SL No. 161**  
notfd gaz 15 July 2005 pp 906–7  
commenced on date of notification
- Rural and Regional Adjustment Amendment Regulation (No. 8) 2005 SL No. 189**  
notfd gaz 12 August 2005 pp 1297–1303  
commenced on date of notification
- Rural and Regional Adjustment Amendment Regulation (No. 9) 2005 SL No. 224**  
notfd gaz 16 September 2005 pp 226–7  
commenced on date of notification

**Rural and Regional Adjustment Amendment Regulation (No. 10) 2005 SL No. 225**

notfd gaz 16 September 2005 pp 226–7

ss 1–2 commenced on date of notification

remaining provisions commenced 17 September 2005 (see s 2)

**Rural and Regional Adjustment Amendment Regulation (No. 1) 2006 SL No. 10**

notfd gaz 3 February 2006 pp 426–7

commenced on date of notification

**Rural and Regional Adjustment Amendment Regulation (No. 2) 2006 SL No. 73**

notfd gaz 21 April 2006 pp 1544–5

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**Notes in text****s 2** amd 2002 SL No. 16 s 3; 2002 SL No. 206 s 4; 2004 SL No. 166 s 45(2); 2004 SL No. 169 s 4  
sub 2005 SL No. 225 s 4**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);  
2005 SL No. 225 s 5**Rural irrigation water users****prov hdg** ins 2004 SL No. 169 s 6(5)**s 4** amd 2004 SL No. 169 s 7; 2005 SL No. 225 s 6**State loans for residential services****prov hdg** ins 2004 SL No. 169 s 6(6)**s 5** amd 2004 SL No. 169 s 8  
sub 2005 SL No. 225 s 7**Adjustment package****s 6** ins 2004 SL No. 169 s 9

amd 2005 SL No. 225 s 8

**PART 3—APPROVED ASSISTANCE SCHEMES****pt hdg** ins 2005 SL No. 24 s 4

**Approval of schemes—Act, s 11**

- s 7** ins 2005 SL No. 24 s 4  
 sub 2005 SL No. 224 s 3  
 amd 2005 SL No. 225 s 9; 2006 SL No. 73 s 3

**PART 4—MISCELLANEOUS**

- pt hdg** prev pt 4 hdg (prev pt 3 hdg) ins 2004 SL No. 306 s 4  
 renum 2005 SL No. 24 s 3  
 om 2005 SL No. 225 s 10  
 pres pt 4 hdg ins 2006 SL No. 73 s 4  
exp 22 April 2006 (see s 10)

**Amendment of existing approved assistance scheme for primary producers—Act, s 54**

- s 8** prev s 8 ins 2005 SL No. 24 s 4  
 amd 2005 SL No. 60 s 3  
 om 2005 SL No. 224 s 3  
 pres s 8 ins 2006 SL No. 73 s 4  
exp 22 April 2006 (see s 10)

**Approval of FarmBis Program Scheme**

- s 8A** ins 2005 SL No. 60 s 4  
 om 2005 SL No. 224 s 3

**Approval of Primary Industry Productivity Enhancement Scheme**

- s 8B** ins 2005 SL No. 133 s 3  
 om 2005 SL No. 224 s 3

**Approval of Drought Carry-on Finance Scheme**

- s 8C** ins 2005 SL No. 189 s 3  
 om 2005 SL No. 224 s 3

**Approval of Drought Recovery Scheme**

- s 8D** ins 2005 SL No. 189 s 3  
 om 2005 SL No. 224 s 3

**Amendment of existing approved assistance scheme for small business—Act, s 54**

- s 9** prev 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; 2005 SL No. 161 s 3  
 om 2005 SL No. 225 s 10  
 pres s 9 ins 2006 SL No. 73 s 4  
exp 22 April 2006 (see s 10)

**Expiry of pt 4**

- s 10** ins 2006 SL No. 73 s 4  
exp 22 April 2006 (see s 10)



**SCHEDULE—APPROVED ASSISTANCE SCHEMES**

**sch hdg** ins 2005 SL No. 24 s 5  
sub 2005 SL No. 60 s 5(1)  
amd 2005 SL No. 133 s 4(1); 2005 SL No. 224 s 4

**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 pt 1**

**prov hdg** ins 2005 SL No. 24 s 5  
sub 2005 SL No. 60 s 5(3)  
amd 2005 SL No. 189 s 4(2)

**s 1** ins 2005 SL No. 24 s 5  
amd 2005 SL No. 60 s 5(4); 2005 SL No. 189 s 4(3)  
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)

**Objective of scheme**

**s 2** ins 2005 SL No. 24 s 5

**Purpose of assistance**

**s 3** ins 2005 SL No. 24 s 5

**Nature of assistance**

**s 4** ins 2005 SL No. 24 s 5

**Maximum loan amounts**

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**Requirements for business plan**

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**s 8** ins 2005 SL No. 24 s 5

**Interest rate**

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**s 10** ins 2005 SL No. 24 s 5

**Terms and conditions**

**s 11** ins 2005 SL No. 24 s 5

**Applications**

**s 12** ins 2005 SL No. 24 s 5

**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 hdg** ins 2005 SL No. 60 s 5(5)**Definitions pt 2****prov hdg** amd 2005 SL No. 189 s 4(4)**s 13** ins 2005 SL No. 60 s 5(5)  
amd 2005 SL No. 189 s 4(5)**Who is an eligible participant****s 14** ins 2005 SL No. 60 s 5(5)**Purpose of scheme****s 15** ins 2005 SL No. 60 s 5(5)  
amd 2005 SL No. 132 s 3(1)–(2)**Type of assistance****s 16** ins 2005 SL No. 60 s 5(5)**Principles for delivering learning activities****s 17** ins 2005 SL No. 60 s 5(5)**Restrictions on giving assistance****s 18** ins 2005 SL No. 60 s 5(5)**Eligibility criteria****s 19** ins 2005 SL No. 60 s 5(5)**Determinations by Minister****s 20** ins 2005 SL No. 60 s 5(5)**Amount of contribution to approved costs****s 21** ins 2005 SL No. 60 s 5(5)  
amd 2005 SL No. 132 s 3(3)–(4)**Maximum and minimum contribution amounts****s 22** ins 2005 SL No. 60 s 5(5)  
amd 2005 SL No. 132 s 3(5)**Applications****s 23** ins 2005 SL No. 60 s 5(5)**Deciding applications****s 24** ins 2005 SL No. 60 s 5(5)**Terms and conditions****s 25** ins 2005 SL No. 60 s 5(5)  
amd 2005 SL No. 132 s 3(6)–(8)**Payment****s 26** ins 2005 SL No. 60 s 5(5)**PART 3—PRIMARY INDUSTRY PRODUCTIVITY ENHANCEMENT SCHEME****pt hdg** ins 2005 SL No. 133 s 4(2)

**Division 1—Preliminary****div 1 (ss 27–29)** ins 2005 SL No. 133 s 4(2)**Division 2—General provisions for scheme****div 2 (ss 30–36)** ins 2005 SL No. 133 s 4(2)**Division 3—First start program****div 3 (ss 37–40)** ins 2005 SL No. 133 s 4(2)**Division 4—Development program****div 4 (ss 41–44)** ins 2005 SL No. 133 s 4(2)**Division 5—Resource management program****div hdg** ins 2005 SL No. 133 s 4(2)**Purpose of assistance under the resource management program****s 45** ins 2005 SL No. 133 s 4(2)**Maximum loan amounts and outstanding loan balances****s 46** ins 2005 SL No. 133 s 4(2)**Eligibility criteria****s 47** ins 2005 SL No. 133 s 4(2)**Maximum term of loan****s 48** ins 2005 SL No. 133 s 4(2)**Payment****s 49** ins 2005 SL No. 133 s 4(2)**PART 4—DROUGHT CARRY-ON FINANCE SCHEME****pt hdg** ins 2005 SL No. 189 s 4(6)**Definitions for pt 4****s 50** ins 2005 SL No. 189 s 4(6)**What is a “drought affected area”****s 51** ins 2005 SL No. 189 s 4(6)**Objective of scheme****s 52** ins 2005 SL No. 189 s 4(6)**Nature of assistance****s 53** ins 2005 SL No. 189 s 4(6)**Maximum loan amounts****s 54** ins 2005 SL No. 189 s 4(6)**Eligibility criteria****s 55** ins 2005 SL No. 189 s 4(6)**Maximum term of loan****s 56** ins 2005 SL No. 189 s 4(6)**Terms of repayment****s 57** ins 2005 SL No. 189 s 4(6)

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**PART 5—DROUGHT RECOVERY SCHEME**

pt hdg ins 2005 SL No. 189 s 4(6)

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**What is a “drought affected area”**

s 63 ins 2005 SL No. 189 s 4(6)

**Objective of scheme**

s 64 ins 2005 SL No. 189 s 4(6)

**Purpose of assistance**

s 65 ins 2005 SL No. 189 s 4(6)

**Nature of assistance**

s 66 ins 2005 SL No. 189 s 4(6)

**Maximum loan amounts**

s 67 ins 2005 SL No. 189 s 4(6)

**Eligibility criteria**

s 68 ins 2005 SL No. 189 s 4(6)

**Maximum term of loan**

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**Terms of repayment**

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s 71 ins 2005 SL No. 189 s 4(6)

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s 72 ins 2005 SL No. 189 s 4(6)

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s 73 ins 2005 SL No. 189 s 4(6)

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