



Queensland

Rural and Regional Adjustment Act 1994

Rural and Regional Adjustment Regulation 2000

Reprinted as in force on 7 October 2006

Reprint No. 2G

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This regulation is reprinted as at 7 October 2006. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

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

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

Also see endnotes for information about—

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

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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 7 October 2006]

Part 1 Preliminary

1 Short title

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

Part 2 Other functions of authority

2A Application of pt 2

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

3 DSAP scheme

- (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*,¹ 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*—
 - (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***);

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

- (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—
- (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;

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- (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;
 - (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;

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- (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 Marine Park 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*;² 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;
- (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;

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

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- (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 - TC Monica (Primary Producers) Scheme set out in the schedule, part 9;
- (j) the Natural Disaster Relief—TC Larry - TC Monica (Small Business) Scheme set out in the schedule, part 10;
- (k) the Natural Disaster Relief (Primary Producers) Scheme, set out in the schedule, part 11;
- (l) the Natural Disaster Relief (Small Business) Scheme, set out in the schedule, part 12;
- (m) the Queensland Vegetation Management Framework, Financial Assistance for Farm Businesses Enterprise Assistance Scheme, set out in the schedule, part 13;
- (n) the Queensland Vegetation Management Framework, Financial Assistance for Farm Businesses Exit Assistance Scheme, set out in the schedule, part 14.

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.

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*.³

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.

³ See the repealed *Plant Protection (Canker) Quarantine 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 plan⁴ must—
 - (a) include details of the activity for which the assistance is sought and the productivity expected to be generated from it; and

⁴ 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 plan⁵ must—

⁵ 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.⁶
- (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;

⁶ The address of the FarmBis website at the commencement of this part is <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.⁷

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—

⁷ 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,⁸ 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

⁸ 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>.

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;⁹ 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

⁹ 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>.

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;¹⁰ 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,

¹⁰ 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>.

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;¹¹ 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.

¹¹ 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>.

Schedule (continued)

Editor's 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.¹²

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
 - (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—

¹² 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)

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
 - (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.

Schedule (continued)**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;¹³ 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.

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

In this part—

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

13 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>.

Schedule (continued)

EC declaration means a declaration under the Commonwealth Act of an area as an area undergoing exceptional circumstances.¹⁴

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.

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.

¹⁴ 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>.

Schedule (continued)

- (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—
- (a) made on the application form approved by the authority;¹⁵ and
 - (b) accompanied by the documents stated on the application form; and
 - (c) lodged with the authority.

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>.

Schedule (continued)

- (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.¹⁶

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.

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>.

Schedule (continued)

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.¹⁷

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—

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—

¹⁷ At the commencement of section 89, information about the allowance was stated on Centrelink's website at <www.centrelink.gov.au>.

Schedule (continued)

- (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—
 - (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

Schedule (continued)

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.
- (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.

Schedule (continued)**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 requirements imposed by the Commonwealth under the rural adjustment scheme.¹⁸
- (3) The authority must be satisfied that—
 - (a) the primary production enterprise is in financial difficulty because of the exceptional circumstances; and

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>.

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>.

Schedule (continued)

- (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
 - (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

Schedule (continued)

- (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;
 - (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.

Schedule (continued)

- (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;¹⁹ 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.
- (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.

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>.

Schedule (continued)

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 - TC Monica (Primary
Producers) Scheme****99 Definitions for pt 9**

In this part—

applicant means a person applying for assistance under the scheme.

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.

Editor's 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

Schedule (continued)

Department of Emergency Services and available on that department's website at <www.disaster.qld.gov.au>.

prescribed disaster area means an area that the appropriate Minister has defined for the purpose of activating the natural disaster relief arrangements for the communities affected by TC Larry, TC Monica and flooding.

Editor's note—

At the commencement of this definition, the prescribed disaster areas, by reference to the areas of stated local governments, were published on the authority's website at <www.qraa.qld.gov.au>.

relevant cyclone event means—

- (a) TC Larry; or
- (b) TC Monica; or
- (c) a combination of TC Larry and TC Monica.

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.

TC Monica means the cyclone known as Tropical Cyclone Monica that affected certain communities in north Queensland in April 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 a relevant cyclone event to recover from the impact of the event.
- (2) However, assistance under the scheme is not intended to compensate primary producers for losses suffered because of a relevant cyclone event.

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—

Schedule (continued)

- (a) restocking;
- (b) meeting requirements for carrying on production, including—
 - (i) re-planting, restoring or re-establishing areas affected by a relevant cyclone event; 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 a prescribed disaster area; and
 - (b) the applicant's application for assistance must relate to loss or damage suffered as a result of a relevant cyclone event; and
 - (c) the applicant must be in working occupation of the applicant's property; and

Schedule (continued)

- (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 the relevant cyclone event; 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—
 - (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.

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 - TC Monica (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.

relevant cyclone event means—

- (a) TC Larry; or
- (b) TC Monica; or
- (c) a combination of TC Larry and TC Monica.

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.

TC Monica means the cyclone known as Tropical Cyclone Monica that affected certain communities in north Queensland in April 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 a relevant cyclone event; and
 - (b) who have sound prospects of long term viability.

Schedule (continued)

- (2) However, assistance under the scheme is not intended to compensate business owners for losses suffered as a result of a relevant cyclone event.

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;
- (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 a relevant cyclone event.
- (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—

Schedule (continued)

- (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—
 - (i) the cost of essential repairs or replacement of damage to buildings, plant, equipment or stock as a result of a relevant cyclone event;
 - (ii) a reduction in the business' cash flow that is otherwise directly related to a relevant cyclone event; 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.

Schedule (continued)**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.
- (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.

Schedule (continued)

- (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.

Part 11 Natural Disaster Relief (Primary Producers) Scheme

Division 1 Preliminary

115 Definitions for pt 11

In this part—

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

application means an application for financial assistance under the scheme.

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

carry-on requirements see section 119(b).

defined disaster area, for an eligible natural disaster, means an area that the appropriate Minister has defined for the purpose of activating the natural disaster relief arrangements for the communities affected by the disaster.

Editor's note—

At the commencement of this definition, defined disaster areas were published on the authority's website at <www.qraa.qld.gov.au>.

development see the *Integrated Planning Act 1997*, schedule 10.

eligible natural disaster see section 116.

Schedule (continued)

IDSP certificate, in relation to an applicant's property, means a certificate—

- (a) issued by the chief executive; and
- (b) stating that, in the chief executive's opinion, the applicant has suffered loss or damage from an eligible natural disaster that has significantly affected, or will significantly affect, the farming enterprise on the property.

individual disaster stricken property see section 117.

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.

Editor's 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>.

property, of an applicant, means the property in relation to which the applicant has applied for assistance under the scheme.

scheme means the scheme set out in this part.

116 Meaning of ***eligible natural disaster***

- (1) An ***eligible natural disaster*** means any of the following events—
 - (a) a bushfire;
 - (b) a cyclone;
 - (c) a flood;
 - (d) an earthquake;
 - (e) a storm, including any of, or any combination of, the following—
 - (i) hail;

Schedule (continued)

- (ii) rain;
 - (iii) wind;
 - (f) a storm surge;
 - (g) a landslide caused by an event mentioned in paragraphs (a) to (f).
- (2) However, an *eligible natural disaster* does not include an event under subsection (1), if the authority considers that development has significantly contributed to the event.

117 Meaning of *individual disaster stricken property*

A property is an *individual disaster stricken property* if—

- (a) the farming enterprise operated on the property has been, or will be, significantly affected by loss or damage from an eligible natural disaster; and
- (b) either—
 - (i) there is no defined disaster area for the disaster; or
 - (ii) there is a defined disaster area for the disaster and the property is not in the area.

118 Purpose of assistance

- (1) The purpose of assistance under the scheme is to assist in meeting the needs of primary producers affected by an eligible natural disaster of substantial magnitude, to recover from the disaster.
- (2) However, assistance under the scheme is not intended to—
 - (a) compensate primary producers for losses suffered; or
 - (b) encourage primary producers in marginal production areas to increase risks in their farming operations.

Schedule (continued)

Division 2 Natural disaster relief assistance**119 Nature of assistance**

The nature of the assistance that may be given under the scheme is the provision of loans for—

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

120 Maximum loan amounts

- (1) Subject to subsection (2), the maximum amount of a loan under the scheme is—
 - (a) \$100000 for restocking; or
 - (b) \$100000 for meeting carry-on requirements.
- (2) The total amount lent to an applicant under the scheme must not be more than \$150000.

121 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance under the scheme for an eligible natural disaster—
 - (a) either—
 - (i) the applicant's property must be in a defined disaster area for the disaster; or

Schedule (continued)

- (ii) the authority must be satisfied the property is an individual disaster stricken property as a result of the disaster; and
- (b) if the applicant's property is not in a defined disaster area for the disaster—
 - (i) the applicant must give the authority an IDSP certificate for the property; or
 - (ii) the authority must be satisfied that the applicant has made reasonable efforts to obtain an IDSP certificate; and
- (c) the authority must be satisfied that—
 - (i) the applicant is in working occupation of the applicant's property; and
 - (ii) the applicant has taken reasonable precautions to avoid or minimise loss or damage from the disaster; and

Example for subparagraph (ii)—

the applicant has adequate insurance against loss or damage from the disaster
 - (iii) the applicant has used all of the applicant's liquid assets and all normal credit sources up to normal credit limits; and
 - (iv) the applicant's property will be viable with the assistance given; and
 - (v) the applicant has not taken excessive risks in performing the applicant's farming operations.
- (2) For deciding whether or not a property is an individual disaster affected property under subsection (1)(a)(ii), the authority must have regard to—
 - (a) the IDSP certificate, if any, issued for the property; or
 - (b) if the chief executive has refused to issue an IDSP certificate for the property—the reasons for the refusal.
- (3) An applicant is not eligible for assistance under the scheme, if—

Schedule (continued)

- (a) the applicant's application relates to loss or damage suffered as a result of TC Larry or TC Monica; and
- (b) the applicant is eligible for, or has received, assistance under the Natural Disaster Relief—TC Larry - TC Monica (Primary Producers) Scheme under part 9.

(4) In this section—

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

TC Monica means the cyclone known as Tropical Cyclone Monica that affected certain communities in far north and north Queensland in April 2006.

122 Interest rates

- (1) If an applicant's property is in a defined disaster area for the disaster to which the applicant's application relates, the applicant may be given a loan under the scheme at a concessional interest rate decided by the authority.
- (2) Subject to subsection (3), if an applicant's property is an individual disaster stricken property, the applicant may only be given a loan under the scheme at a current commercial lending rate.
- (3) An applicant under subsection (2) may be given a loan at a concessional interest rate if the authority considers—
 - (a) the applicant's financial position is desperate but viable; and
 - (b) the applicant's circumstances are exceptional.

Editor's note—

At the commencement of this section, the concessional interest rate for a loan under the scheme was 4% a year.

123 Security

- (1) If an applicant is granted a loan under the scheme, the applicant must give security for the loan.

Schedule (continued)

- (2) The security required is—
 - (a) a mortgage of land or other assets, commensurate with the amount of the loan; and
 - (b) other security, if any, the authority considers necessary, including, for example, a crop lien or stock mortgage.

124 Terms of repayment

- (1) Subject to subsection (5), the maximum term of a loan under the scheme is 7 years.
- (2) The amount payable under the loan is subject to any changes in the interest rate decided by the authority under subsection (3).
- (3) The authority may—
 - (a) review an applicant's financial situation annually to decide whether or not to increase the interest rate charged for the loan; and
 - (b) if the authority considers the applicant's financial situation has improved—increase the interest rate up to a commercial rate of interest.
- (4) The authority may allow deferral of repayments of the principal under the loan for up to 2 years if the principal and interest are repaid over the balance of the term of the loan.
- (5) The term of a 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.

125 Review by authority

Assistance given to a primary producer under the scheme is subject to an annual review by the authority.

Schedule (continued)

126 Application

- (1) An application must be—
 - (a) made on the application form approved by the authority;
and
 - (b) accompanied by—
 - (i) the documentation stated on the application form;
and
 - (ii) if an IDSP certificate has been issued for the property to which the application relates—the IDSP certificate.
- (2) An applicant must give the completed application form to the authority or the applicant's commercial lender for referral to the authority.

Part 12 Natural Disaster Relief (Small Business) Scheme**127 Definitions for pt 12**

In this part—

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

development see the *Integrated Planning Act 1997*, schedule 10.

eligible natural disaster see section 128.

scheme means the scheme set out in this part.

128 Meaning of *eligible natural disaster*

- (1) An *eligible natural disaster* means any of the following events—
 - (a) a bushfire;

Schedule (continued)

- (b) a cyclone;
 - (c) a flood;
 - (d) an earthquake;
 - (e) a storm, including any of, or any combination of, the following—
 - (i) hail;
 - (ii) rain;
 - (iii) wind;
 - (f) a storm surge;
 - (g) a landslide caused by an event mentioned in paragraphs (a) to (f).
- (2) However, an *eligible natural disaster* does not include an event under subsection (1), if the authority considers that development has significantly contributed to the event.

129 Purpose of assistance

- (1) The purpose of assistance under the scheme is to provide concessional loans to owners of small businesses—
- (a) whose buildings, plant and equipment or stock have been significantly damaged by an eligible natural disaster; and
 - (b) who are unable to obtain finance on ordinary commercial terms but have sound prospects of long-term viability.
- (2) However, assistance under the scheme is not intended to compensate business owners for losses suffered.

130 Nature of assistance

The nature of the assistance under the scheme for a business is the provision of concessional loans for re-establishing the viable operation of the business, including by doing any of the following—

Schedule (continued)

- (a) repairing or replacing damaged plant and equipment;
- (b) repairing or replacing buildings;
- (c) supplying stock for up to 1 month to replace lost stock and maintain liquidity of the business.

131 Maximum loan amounts

- (1) The amount of loan assistance for an applicant under the scheme—
 - (a) is 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 caused by the eligible natural disaster to which the applicant's application relates.
- (2) Subject to subsection (1)(b), the amount of loan assistance for an applicant under the scheme must not be more than—
 - (a) \$100000; or
 - (b) if there is more than 1 loan given to the applicant under the scheme—a cumulative total of \$150000.

132 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 that—
 - (i) the applicant has sustained substantial damage to buildings, plant, equipment or stock as a result of an eligible natural disaster; and
 - (ii) the applicant has taken reasonable precautions to avoid or minimise loss or damage from the disaster; and

Schedule (continued)

Example for subparagraph (ii)—

the applicant has adequate insurance against loss or damage from the disaster

- (iii) the applicant is responsible for the cost of essential repairs or replacement of the damaged assets and as a result has had liquidity severely affected; and
 - (iv) the applicant can not repair or replace the damaged assets, or return to viable operations from the applicant's own resources without assistance under the scheme; and
 - (v) the applicant has used all liquid assets and normal credit sources up to normal credit limits; and
 - (vi) with the assistance under the scheme, the applicant has reasonable prospects of re-establishing the applicant's business on a viable basis.
- (2) A public company, whether acting alone or with another company, is not eligible for assistance under the scheme.
- (3) An applicant is not eligible for assistance under the scheme, if—
- (a) the applicant's application for assistance under the scheme relates to loss or damage suffered as a result of TC Larry or TC Monica; and
 - (b) the applicant is eligible for, or has received, assistance under the Natural Disaster Relief—TC Larry - TC Monica (Small Business) Scheme under part 10.
- (4) In this section—

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

TC Monica means the cyclone known as Tropical Cyclone Monica that affected certain communities in far north and north Queensland in April 2006.

Schedule (continued)**133 Security**

A loan under the scheme must be secured to the satisfaction of the authority.

134 Terms of repayment

- (1) Subject to subsection (6), the maximum term of a loan to an applicant under the scheme is 7 years.
- (2) When a loan under the scheme is approved by the authority, the authority will work out the initial repayments of principal and interest on the full term of the loan.

Editor's note—

At the commencement of this section, the initial interest rate for a loan under the scheme was 4% a year.

- (3) The amount payable under the loan is subject to any changes in the interest rate decided by the authority under subsection (4).
- (4) The authority may—
 - (a) review an applicant's financial situation annually to decide whether or not to increase the interest rate charged for the loan; and
 - (b) if the authority considers the applicant's financial situation has improved—increase the interest rate up to a commercial rate of interest.
- (5) The authority may allow deferral of repayments of the principal under the loan for up to 2 years, if the principal and interest are repaid over the balance of the approved term of the loan.
- (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.

Schedule (continued)

135 Application

An application for assistance under the scheme must be—

- (a) made on the authority's application form; and
- (b) given to the authority or to the applicant's lender for referral to the authority.

Part 13 Vegetation Management (Enterprise Assistance) Scheme

Division 1 Preliminary

136 Definitions for pt 13

In this part—

affected area certificate, for an area of land, means a certificate—

- (a) issued by the appropriate chief executive; and
- (b) stating that the area of land is, in the chief executive's opinion, an affected area of land.

affected area of land see section 137.

appropriate chief executive means the chief executive of the department in which the Vegetation Management Act is administered.

broadscale application see the Vegetation Management Act, schedule.

broadscale clearing, for vegetation, means clearing vegetation under a development approval for a broadscale application.

clear see the Vegetation Management Act, schedule.

Schedule (continued)

development approval see the Vegetation Management Act, schedule.

eligible farm entity means a farm entity that is eligible to receive assistance under the scheme.

enterprise management plan see section 138.

exit assistance scheme means the scheme set out in part 14.

farm entity means an individual, a partnership, or a proprietary company, solely or mainly engaged in a farming business.

farming business means a business that involves primary production, including, for example, the agricultural, apicultural, aquacultural, horticultural or pastoral industries.

member, of a person's family, means any of the following—

- (a) the person's spouse or same-sex partner;
- (b) a parent of the person or the person's spouse;
- (c) a grandparent of the person or the person's spouse;
- (d) a brother, sister, nephew or niece of the person or the person's spouse;
- (e) a child, stepchild or grandchild of the person;
- (f) the spouse of anyone mentioned in paragraph (d) or (e).

old vegetation management legislation means the laws of the State applying to the clearing of vegetation as in force before 21 May 2004.

Editor's note—

The relevant provisions of the *Vegetation Management and Other Legislation Amendment Act 2004* commenced on 21 May 2004.

relevant family transfer, of an affected area of land or a relevant interest in an affected area of land, means a transfer of the land or interest to which each of the following applies—

- (a) the transferor held the land or interest immediately before 22 May 2003;

Schedule (continued)

- (b) the transferee was a member of the transferor's family;
- (c) the transfer was not on commercial terms.

relevant interest, in an affected area of land, means—

- (a) a leasehold interest in the land; or
- (b) a right under a share farming agreement in relation to the land.

scheme means the scheme set out in this part.

vegetation see the Vegetation Management Act, schedule.

Vegetation Management Act means the *Vegetation Management Act 1999*.

137 Meaning of *affected area of land*

- (1) An area of land is an ***affected area of land*** if—
 - (a) the area contains vegetation that could have been cleared under the old vegetation management legislation; and
 - (b) development approval has not been obtained and will not be able to be obtained for a broadscale application for clearing the vegetation.
- (2) A reference to an ***affected area of land*** includes a reference to a parcel of land in which the affected area of land is situated.

138 Meaning of *enterprise management plan*

An ***enterprise management plan*** for a farm entity means a plan that—

- (a) shows an area of land, owned by the farm entity or in which the entity has a relevant interest, as an affected area of land; and
- (b) includes the following—
 - (i) a project for improving the productivity, sustainability and viability of the farm entity;

Schedule (continued)

- (ii) a ‘whole of property’ approach to the future development of the farm entity including a sustainable approach to resource management;
- (iii) strategies for improved management of the farm entity;
- (iv) a plan for action.

139 Purpose of assistance

The purpose of assistance under the scheme is to allow an eligible farm entity that owns or has a relevant interest in an affected area of land to adjust its operations if—

- (a) the inability to carry out broadscale clearing of vegetation in the affected area of land is directly responsible for imposing a significant impact on the potential viability of the entity’s farming business; and
- (b) with the assistance provided under the scheme, the entity can achieve long-term economic viability and sustainable resource use in operating its farming business.

Division 2 Enterprise assistance**140 Nature of assistance**

The nature of the assistance under the scheme is the provision of a grant to an eligible farm entity for undertaking a project to improve productivity, sustainability and viability of the farm entity’s farming business, including, for example, by doing any of the following—

- (a) introducing new farming systems or technology;
- (b) developing the farming business for improved productivity, including, for example, by purchasing land;
- (c) performing value adding activities directly related to the activities of the farm entity;

Schedule (continued)

- (d) buying livestock or other inputs to primary production related to the project;
- (e) enhancing the sustainable use of resources associated with developing or consolidating the farming business;
- (f) using debt restructuring or capital restructuring while taking new action to improve the productivity and viability of the farming business;
- (g) restructuring the farm entity, including partnership restructuring and succession planning, leading to improved productivity and long-term viability.

141 Eligibility criteria

- (1) For a farm entity to be eligible to receive assistance under the scheme, the authority must be satisfied that—
 - (a) the farm entity owns, or has a relevant interest in, an area of land that is an affected area of land; and
 - (b) the area of land is shown as an affected area of land in the farm entity's enterprise management plan; and
 - (c) an affected area certificate has been issued for the area of land or the farm entity has made reasonable efforts to obtain an affected area certificate for the area of land; and
 - (d) either—
 - (i) the farm entity acquired, or entered into a contract to acquire or use, the affected area of land or the relevant interest in the affected area of land before 22 May 2003; or
 - (ii) the affected area of land or the relevant interest was transferred to the farm entity on or after 22 May 2003 and the transfer was a relevant family transfer; and
 - (e) the project under the enterprise management plan for which assistance is sought under the scheme (the

Schedule (continued)

- relevant project*) is consistent with the objectives and purpose of the scheme; and
- (f) having regard to the enterprise management plan, each of the following applies—
 - (i) carrying out broadscale clearing of vegetation in the affected area of land would be necessary to achieve or maintain sustainable long-term viability of the farm entity;
 - (ii) the relevant project will substitute for broadscale clearing in the affected area of land by achieving or maintaining long-term viability of the farm entity;
 - (iii) the action proposed under the plan is consistent with managing vegetation in a way that achieves the purposes of the Vegetation Management Act;
 - (iv) the farm entity has the capacity to become financially independent of the assistance under the scheme within a reasonable period; and
 - (g) the farm entity can achieve long-term viability with the assistance provided under the scheme, taking into account the viability factors; and
 - (h) the assistance given under the scheme is likely to contribute to, or facilitate, improvements in the viability of the farm entity by—
 - (i) reducing the average costs of operating the farm entity's farming business; or
 - (ii) providing a sustainable increase in the value of the production of the farming business; and
 - (i) the person operating the farm entity's farming business, under normal circumstances—
 - (i) is responsible for contributing the majority of the person's labour to the farming business; and
 - (ii) generates, or has the potential to generate, the majority of the person's income from the farming business.

Schedule (continued)

- (2) For deciding whether or not an area of land is an affected area of land under subsection (1)(a), the authority must have regard to—
- (a) the affected area certificate, if any, issued for the area of land; or
 - (b) if the appropriate chief executive has refused to issue an affected area certificate for the area of land—the reasons for the refusal.
- (3) A farm entity is not eligible to receive assistance under the scheme if the farm entity is eligible for, or has received, assistance under the exit assistance scheme.
- (4) Also, a farm entity is not eligible to receive assistance under the scheme in relation to an affected area of land if assistance under the scheme has been given to another farm entity that owns or has a relevant interest in the affected area of land.
- (5) In this section—
- viability factors***, in relation to a farm entity, mean each of the following—
- (a) the previous and expected viability of the farm entity measured by its ability to meet the following financial commitments—
 - (i) operating costs of the farm entity’s farming business;
 - (ii) living costs of the person operating the farming business;
 - (iii) investment in sustainable farming systems;
 - (iv) allowance for depreciation of capital and future capital requirements;
 - (v) servicing and repayment of debt of the farm entity;
 - (b) the sustainable productive capacity of the farm entity’s farming business;
 - (c) the long-term economic trends that impact on the farm entity;

Schedule (continued)

- (d) the provision by lenders of financial support for the farm entity;
- (e) the demonstrated technical, financial and business management performance of the person operating the farm entity's farming business.

142 Amount and payment of assistance

- (1) The amount of financial assistance given to a farm entity under the scheme must be decided in each case by the authority.
- (2) The maximum amount of assistance available for a farm entity under the scheme is \$100000.
- (3) The assistance may be paid as a lump sum or by instalments.
- (4) If the assistance is paid by instalments—
 - (a) the first payment may be made when the assistance is approved; and
 - (b) later payments may be made after the authority receives evidence of certain work being completed within certain periods, as agreed between the authority and the farm entity.

143 Terms

- (1) Assistance for a farm entity under the scheme must be used only for a project under the farm entity's enterprise management plan that has been approved by the authority.
- (2) Assistance under the scheme is subject to an annual review by the authority.
- (3) A farm entity receiving assistance under the scheme must sign a Letter of Intent, in a form approved by the authority, stating the conditions of the assistance.
- (4) A farm entity may continue to receive assistance under the scheme only if the farm entity continues to comply with the conditions of the assistance and be viable.

Schedule (continued)

- (5) A project for which assistance is given under the scheme must be completed within 3 years after the authority approves the assistance.
- (6) All payments under the scheme must be made by 23 May 2010.

144 Applications

- (1) An application by a farm entity for assistance under the scheme (an *assistance application*) must be—
 - (a) made on the authority's application form; and
 - (b) accompanied by—
 - (i) the documents mentioned in the application form; and
 - (ii) the farm entity's enterprise management plan; and
 - (iii) the affected area certificate for the area of land shown in the enterprise management plan, if an affected area certificate has been issued.
- (2) The farm entity must give the completed application form to the authority or the farm entity's commercial lender for referral to the authority.
- (3) Subsection (4) applies if—
 - (a) a broadscale application has been made for clearing vegetation in the affected area of land to which the assistance application relates; and
 - (b) the broadscale application has not been decided.
- (4) The farm entity must inform the authority of the broadscale application and the authority must not assess the assistance application until the broadscale application has been decided.
- (5) All applications for assistance under the scheme must be received by the authority on or before 21 February 2007.

Schedule (continued)

Part 14 **Vegetation Management (Exit Assistance) Scheme**

Division 1 **Preliminary**

145 **Definitions for pt 14**

In this part—

affected area of land see section 146.

broadscale application see the Vegetation Management Act, schedule.

broadscale clearing, for vegetation, means clearing vegetation under a development approval for a broadscale application.

clear see the Vegetation Management Act, schedule.

development approval see the Vegetation Management Act, schedule.

eligible farm entity means a farm entity that is eligible to receive assistance under the scheme.

enterprise assistance scheme means the scheme set out in part 13.

farm entity means an individual, a partnership, or a proprietary company, solely or mainly engaged in a farming business.

farming business means a business that involves primary production, including, for example, the agricultural, apicultural, aquacultural, horticultural or pastoral industries.

member, of a person's family, means any of the following—

- (a) the person's spouse;
- (b) a parent of the person or the person's spouse;
- (c) a grandparent of the person or the person's spouse;

Schedule (continued)

- (d) a brother, sister, nephew or niece of the person or the person's spouse;
- (e) a child, stepchild or grandchild of the person;
- (f) the spouse of anyone mentioned in paragraph (d) or (e).

old vegetation management legislation means the laws of the State applying to the clearing of vegetation as in force before 21 May 2004.

Editor's note—

The relevant provisions of the *Vegetation Management and Other Legislation Amendment Act 2004* commenced on 21 May 2004.

prescribed buyer means—

- (a) the State; or
- (b) the trustee of the Queensland Trust for Nature.

relevant family transfer, of an affected area of land, means a transfer of the land to which each of the following applies—

- (a) the transferor held the land immediately before 22 May 2003;
- (b) the transferee was a member of the transferor's family;
- (c) the transfer was not on commercial terms.

scheme means the scheme set out in this part.

vegetation see the Vegetation Management Act, schedule.

Vegetation Management Act means the *Vegetation Management Act 1999*.

146 Meaning of *affected area of land*

- (1) An area of land is an ***affected area of land*** if—
 - (a) the area contains vegetation that could have been cleared under the old vegetation management legislation; and
 - (b) development approval has not been obtained and will not be able to be obtained for a broadscale application for clearing the vegetation.

Schedule (continued)

- (2) A reference to an *affected area of land* includes a reference to a parcel of land in which the affected area of land is situated.

147 Purpose of assistance

The purpose of assistance under the scheme is to help an eligible farm entity that owns an affected area of land if—

- (a) the entity is without prospects of sustainable long-term viability because of the inability to carry out broadscale clearing of vegetation in the affected area of land; and
- (b) the entity has decided to adjust out of primary production or relocate the entity's farming business.

Division 2 Exit assistance

148 Nature of assistance

The nature of assistance that may be given under the scheme is a single payment to the owner of an affected area of land for the transfer of the title to the land to a prescribed buyer.

149 Eligibility criteria

- (1) For a farm entity to be eligible to receive assistance under the scheme, the authority must be satisfied that—
- (a) the farm entity owns an affected area of land; and
 - (b) either—
 - (i) the farm entity acquired, or entered into a contract to acquire, the affected area of land, before 22 May 2003; or
 - (ii) the affected area of land was transferred to the farm entity on or after 22 May 2003 and the transfer was a relevant family transfer; and
 - (c) as a direct result of the inability to carry out broadscale clearing of vegetation in the affected area of land, the

Schedule (continued)

- farm entity can not achieve, or does not have the potential to achieve, sustainable long-term viability, taking into account the viability factors; and
- (d) broadscale clearing of vegetation in the affected area of land would have been necessary to achieve or maintain sustainable long-term viability for the farm entity, taking into account the viability factors; and
 - (e) the farm entity and all secured creditors are prepared to enter into an agreement to transfer the title to the affected area of land to a prescribed buyer; and
 - (f) the farm entity is able to transfer the title to the affected area of land to the prescribed buyer and agrees to take no further interest in the land after the transfer; and
 - (g) the person operating the farm entity's farming business, under normal circumstances—
 - (i) is responsible for contributing the majority of the person's labour to the farming business; and
 - (ii) generates, or has the potential to generate, the majority of the person's income from the farming business.
- (2) A farm entity is not eligible to receive assistance under the scheme, if the farm entity is eligible for, or has received, assistance under the enterprise assistance scheme.
- (3) Also, a farm entity is not eligible to receive assistance under the scheme if—
- (a) the farm entity has entered into a contract for the sale of the affected area of land and the contract has not been validly terminated; or
 - (b) a mortgagee has taken possession of the affected area of land; or
 - (c) the farm entity has become insolvent or bankrupt; or
 - (d) the farm entity has been evicted from the affected area of land or other property of the farm entity.
- (4) In this section—

Schedule (continued)

viability factors, in relation to a farm entity, mean the following—

- (a) the previous capacity of the farm entity to meet the following financial commitments—
 - (i) operating costs of the farm entity's farming business;
 - (ii) living costs of the person operating the farming business;
 - (iii) servicing of the debts of the farm entity;
 - (iv) future capital requirements for plant and improvements;
 - (v) investment in sustainable farming systems;
- (b) the potential viability of the farm entity, taking into account the following factors—
 - (i) the scale and nature of the operations of the farm entity's farming business;
 - (ii) development plans having regard to the productive capacity of the land held by the farm entity and the farm entity's capacity to finance implementation of the plans;
 - (iii) the capital contribution of the person operating the farming business that is required to acquire and develop the business;
 - (iv) the long-term economic trends that impact on the farm entity;
 - (v) the provision of financial support for the farm entity by lenders;
 - (vi) the demonstrated technical, financial and business management performance of the person operating the farming business.

Schedule (continued)

150 Amount of assistance

- (1) The authority must decide the amount of financial assistance given to a farm entity under the scheme.
- (2) However, the amount of the assistance is subject to an appropriate valuer performing an independent valuation of the affected area of land to which the farm entity's application for assistance relates.
- (3) For subsection (2), the valuation must be based on the value of the affected area of land at the date of the valuation, as if the old vegetation management legislation still applied.
- (4) In this section—
appropriate valuer means a valuer chosen by the authority from a panel of registered valuers.

151 Terms

- (1) If the authority approves assistance for a farm entity and the entity wishes to sell the affected area of land under the scheme, the entity must sign a contract for the sale of the affected area of land to a prescribed buyer within the relevant period.
- (2) If the farm entity does not sign a contract under subsection (1) within the relevant period, the entity is taken to have withdrawn the entity's application for assistance.
- (3) Payment under the scheme must be made in accordance with contractual arrangements between the farm entity and the prescribed buyer.
- (4) In this section—
relevant period means—
 - (a) 3 months after the State gives a written offer to the farm entity for the purchase of the affected area of land by a prescribed buyer; or
 - (b) if the farm entity and the State have, within the 3 months, agreed to a longer period—the longer period.

Schedule (continued)

152 Applications

- (1) An application by a farm entity for assistance under the scheme (an *assistance application*) must be—
 - (a) made on the authority's application form; and
 - (b) accompanied by the documents mentioned in the application form.
- (2) The farm entity must give the completed application form to the authority or the farm entity's commercial lender for referral to the authority.
- (3) Subsection (4) applies if—
 - (a) a broadscale application has been made for clearing vegetation in the affected area of land to which the assistance application relates; and
 - (b) the broadscale application has not been decided.
- (4) The farm entity must inform the authority of the broadscale application and the authority must not assess the assistance application until the broadscale application has been decided.
- (5) All applications for assistance under the scheme must be received by the authority on or before 21 February 2007.

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 7 October 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	
2C	—	22 April 2006	provs exp beginning of 22 April 2006
2D	2006 SL No. 170	30 June 2006	
2E	—	1 July 2006	provs exp beginning of 1 July 2006
2F	2006 SL No. 249	6 October 2006	
2G	—	7 October 2006	provs exp beginning of 7 October 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

Rural and Regional Adjustment Amendment Regulation (No. 3) 2006 SL No. 170

notfd gaz 30 June 2006 pp 1060–7
 commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 4) 2006 SL No. 249

notfd gaz 6 October 2006 pp 577–80
 commenced on date of notification

6 List of annotations

PART 1—PRELIMINARY

pt hdg ins 2004 SL No. 169 s 3

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s 2 amd 2002 SL No. 16 s 3; 2002 SL No. 206 s 4; 2004 SL No. 166 s 45(2); 2004
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 om 2006 SL No. 249 s 3

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 2005 SL No. 225 s 5

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prov hdg ins 2004 SL No. 169 s 6(6)
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Amendment of existing approved enterprise assistance scheme for vegetation management—Act, s 54

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def “**domestic market grower**” ins 2005 SL No. 106 s 3(2)
def “**scheme**” ins 2005 SL No. 106 s 3(2)

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- div hdg** ins 2005 SL No. 106 s 3(3)

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

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

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- div 3 (ss 12A–12J)** ins 2005 SL No. 106 s 3(4)

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- pt hdg** ins 2005 SL No. 60 s 5(5)

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amd 2006 SL No. 170 s 5(1)

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 def “**TC Larry**” amd 2006 SL No. 170 s 5(5)
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- s 103** ins 2006 SL No. 73 s 5
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- s 104** ins 2006 SL No. 73 s 5

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pt 11 (ss 115–126) ins 2006 SL No. 249 s 7(2)

PART 12—NATURAL DISASTER RELIEF (SMALL BUSINESS) SCHEME

pt 12 (ss 127–135) ins 2006 SL No. 249 s 7(2)

PART 13—VEGETATION MANAGEMENT (ENTERPRISE ASSISTANCE) SCHEME

pt 13 (ss 136–144) ins 2006 SL No. 249 s 7(2)

PART 14—VEGETATION MANAGEMENT (EXIT ASSISTANCE) SCHEME

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