



Queensland

# Rural and Regional Adjustment Amendment Regulation (No. 2) 2015

## Subordinate Legislation 2015 No. 74

made under the

*Rural and Regional Adjustment Act 1994*

## Contents

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		Page
1	Short title .....	3
2	Regulation amended .....	3
3	Insertion of new pt 4, div 5 .....	3
	Division 5      Transitional provision for Rural and Regional Adjustment Amendment Regulation (No. 2) 2015	
	10      Special provision for TC Marcia .....	3
4	Amendment of sch 23, s 3 (Definitions for sch 23) .....	4
5	Amendment of sch 23, s 5 (Meaning of small business) .....	5
6	Insertion of new sch 23, s 5A .....	5
	5A      Small businesses in development .....	5
7	Replacement of sch 23, pts 2 and 3 .....	6
	Part 2      Establishment of assistance	
	6      Publication of assistance establishment notice .....	6
	6A      Requirements for assistance establishment notice ..	6
	6B      Amending assistance establishment notice to change closing day .....	8
	Part 3      Nature of assistance	
	7      Nature of assistance under scheme .....	8
	8      Assistance under standard grant .....	9

Contents

---

	9	Assistance under exceptional circumstances grant . . .	10
8		Insertion of new sch 23, s 9A . . . . .	12
	9A	Purpose of pt 4. . . . .	12
9		Replacement of sch 23, s 11 (Eligibility criteria—primary producer)	12
	11	Eligibility criteria—primary producer. . . . .	12
10		Amendment of sch 23, s 12 (Eligibility criteria—small business owner)	13
11		Replacement of sch 23, s 13 (Eligibility criteria—non-profit organisation)	14
	13	Eligibility criteria—non-profit organisation . . . . .	14
12		Replacement of sch 23, pts 5 and 6. . . . .	16
	15	Eligibility for standard grant . . . . .	16
	16	Eligibility for exceptional circumstances grant . . . . .	17
	17	Effect of insurance on eligibility for exceptional circumstances grant . . . . .	17
	18	Financial evidence for application . . . . .	18
	Part 5	Conditions of assistance	
	19	Keeping records for audit . . . . .	18
13		Renumbering of sch 23, pt 7 (Amount of assistance) . . . . .	19
14		Amendment of sch 23, s 20 (Maximum amount of assistance) . .	19
15		Insertion of new sch 23, s 20A . . . . .	19
	20A	Assistance given for damage in 2 or more disaster zones	19
16		Amendment of sch 23, s 21 (Special provisions for primary producers and small business owners) . . . . .	20
17		Amendment of sch 23, s 22 (Special provisions for non-profit organisations). . . . .	20
18		Renumbering of sch 23, pt 8 (Other provisions about applications)	20
19		Replacement of sch 23, s 23 (Requirements for applications) . .	21
	23	Requirements for applications . . . . .	21

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**1 Short title**

This regulation may be cited as the *Rural and Regional Adjustment Amendment Regulation (No. 2) 2015*.

**2 Regulation amended**

This regulation amends the *Rural and Regional Adjustment Regulation 2011*.

**3 Insertion of new pt 4, div 5**

After section 9—

*insert—*

**Division 5 Transitional provision for  
Rural and Regional  
Adjustment Amendment  
Regulation (No. 2) 2015**

**10 Special provision for TC Marcia**

- (1) Existing schedule 23 continues to apply to administering the special disaster assistance scheme in relation to TC Marcia as if the schedule had not been amended.
- (2) To remove any doubt, it is declared that subsection (1) applies even if an assistance establishment notice or an amendment of an assistance establishment notice under existing schedule 23, section 6, for TC Marcia, is published on the authority's website on or after the commencement.
- (3) In this section—  
*eligible disaster* means an eligible disaster under schedule 23, section 4 as in force before the commencement.

**existing**, for schedule 23 or a provision of schedule 23, means the schedule or provision as in force immediately before the commencement.

**special disaster assistance scheme** means the scheme under existing schedule 23.

**TC Marcia** means the eligible disaster described as ‘Severe Tropical Cyclone Marcia and South East QLD trough’ in the assistance establishment notice published on the authority’s website on 23 March 2015.

#### 4 **Amendment of sch 23, s 3 (Definitions for sch 23)**

(1) Schedule 23, section 3, definitions *closing day* and *small business*—

*omit.*

(2) Schedule 23, section 3—

*insert—*

**closing day**, for an application for assistance under the scheme for an eligible disaster, means—

- (a) the day by which the authority must receive the application as stated in the assistance establishment notice for the eligible disaster; or
- (b) if the day is changed under section 6B, the day as changed.

**disaster zone** see section 6A(2).

**exceptional circumstances grant** see section 7(2)(b).

**livestock** includes poultry.

**small business** means a small business under section 5 or 5A.

**standard grant** see section 7(2)(a).

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*stated closing day* see section 6A(1)(f).

- (3) Schedule 23, section 3, definition *eligible entity*, ‘eligible for’—

*omit, insert*—

eligible under part 4 for

## **5 Amendment of sch 23, s 5 (Meaning of *small business*)**

- (1) Schedule 23, section 5(2)(b), ‘the eligible disaster’—

*omit, insert*—

an eligible disaster

- (2) Schedule 23, section 5(3)—

*omit, insert*—

- (3) Also, a business is not a *small business* if—

- (a) the business is carried on by a sole trader; and
- (b) the business has no employees, other than the sole trader; and
- (c) the sole trader does not derive the majority of the sole trader’s income from the business.

## **6 Insertion of new sch 23, s 5A**

Schedule 23, after section 5—

*insert*—

### **5A Small businesses in development**

- (1) This section applies if—

- (a) an individual is developing an enterprise to become a small business under section 5; and
- (b) in the authority’s opinion, the enterprise will be developed into a small business under

[s 7]

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section 5 that will be carried on by the individual as a sole trader.

- (2) The enterprise is taken to be a small business.
- (3) The individual is taken to be carrying on the small business.
- (4) Activities carried on for the purpose of the development are taken to be business activities.

## 7 Replacement of sch 23, pts 2 and 3

Schedule 23, parts 2 and 3—

*omit, insert—*

### **Part 2                      Establishment of assistance**

#### **6 Publication of assistance establishment notice**

- (1) This section applies if the Commonwealth and the State have agreed that assistance should be given under the natural disaster relief and recovery arrangements to eligible entities for an event mentioned in section 4(1).
- (2) The Minister may publish, on the authority's website, a notice (an *assistance establishment notice*) complying with section 6A for the event.

*Editor's note—*

At the commencement of this section, the address of the authority's website was <[www.qraa.qld.gov.au](http://www.qraa.qld.gov.au)>.

#### **6A Requirements for assistance establishment notice**

- (1) The assistance establishment notice must state—
  - (a) a description of the event; and

(b) whether either or both of the following are eligible to apply for assistance for the event—

- (i) primary producers;
- (ii) small business owners and non-profit organisations; and

*Note—*

Under section 10, an entity may apply for assistance in only 1 capacity.

(c) whether assistance for the event is available by way of either or both of the following—

- (i) a standard grant;
- (ii) an exceptional circumstances grant; and

*Note—*

Even if both grants are available, under section 23(3) an applicant may apply for only 1 of the grants.

(d) the maximum total amount of assistance that may be given to an eligible entity for the event; and

*Note—*

See section 20.

(e) whether or not section 18(3) applies in relation to an application for the assistance and, if so, whether section 18(3) applies in relation to the total or another stated amount of the assistance; and

(f) the day (the *stated closing day*) by which an application for the assistance must be received by the authority.

(2) Subsection (3) applies if, for the natural disaster relief and recovery arrangements, a matter mentioned in any of subsection (1)(b) to (e) applies differently in relation to the assistance for

[s 7]

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the event for damage suffered in different areas (each of which is a *disaster zone*) within the defined disaster area.

- (3) The assistance establishment notice must also state—
- (a) a description of the location of each disaster zone; and
  - (b) as relevant, the matter mentioned in subsection (1)(b) to (e) as it applies in relation to the assistance for damage suffered in each disaster zone.

*Note—*

See sections 18(2) and (3) and 23(4).

- (4) For subsection (3)(a), a disaster zone may be described by reference to a map or plan accompanying the assistance establishment notice.

## **6B Amending assistance establishment notice to change closing day**

The Minister may, on or before the stated closing day, amend the assistance establishment notice to change the stated closing day to a later day.

## **Part 3 Nature of assistance**

### **7 Nature of assistance under scheme**

- (1) The nature of the assistance that may be given under the scheme is a grant to help an eligible entity clean and restore the entity's—
- (a) primary production enterprise; or
  - (b) small business; or



- 
- (c) means for conducting its operations as a non-profit organisation;  
that has suffered direct damage caused by an eligible disaster.
- (2) The grant may be for—
- (a) an amount of up to \$10,000 to cover the cost of any of the things to which section 8(1)(a) to (e) applies (a *standard grant*); or
- (b) an amount of up to \$25,000 to cover the cost of any of the things to which section 8(1)(a) to (e) or 9(1)(b) to (f) applies (an *exceptional circumstances grant*).

## **8 Assistance under standard grant**

- (1) A standard grant for an eligible entity's primary production enterprise, small business or means for conducting its operations as a non-profit organisation may cover the cost of any of the following things—
- (a) purchasing, hiring or leasing equipment or materials to clean premises or a property or equipment;
- (b) removing and disposing of debris or damaged goods;
- (c) repairing buildings;
- (d) for a primary production enterprise, any of the following—
- (i) repairing or reconditioning essential equipment;
- (ii) repairing or replacing fencing on a property, other than to the extent, if any, the cost may be recovered under other assistance from the Commonwealth or State;

[s 7]

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*Examples of other assistance—*

- a freight subsidy under the natural disaster relief and recovery arrangements for transporting fencing materials
  - a concessional loan under the Natural Disaster Relief (Primary Producers) Scheme under schedule 2 for purposes including paying the costs of repair or replacement of fencing
- (e) for a small business or non-profit organisation, any of the following—
- (i) repairing or replacing fittings in a building;
  - (ii) engaging a person to conduct a safety inspection of premises.
- (2) In this section—
- buildings***, for a primary production enterprise, does not include housing.
- damaged goods***, for a primary production enterprise, includes injured or dead livestock.

## **9 Assistance under exceptional circumstances grant**

- (1) An exceptional circumstances grant for an eligible entity's primary production enterprise, small business or means for conducting its operations as a non-profit organisation may cover the cost of any of the following things—
- (a) a thing to which section 8(1)(a) to (e) applies;
  - (b) employing a person to clean premises or a property or equipment if—
    - (i) the cost would not ordinarily have been incurred in the absence of an event mentioned in section 4(1); or

- 
- (ii) the cost exceeds the cost of employing a person to clean the premises, property or equipment that would ordinarily have been incurred in the absence of an event mentioned in section 4(1);
  - (c) purchasing, hiring or leasing equipment or materials that are essential to immediately resume farming activities, other business activities or operations as a non-profit organisation;
  - (d) for a primary production enterprise, any of the following—
    - (i) salvaging crops, grain or feed;
    - (ii) maintaining the health of livestock;
    - (iii) purchasing fodder, other than to the extent, if any, the cost may be recovered under other assistance from the Commonwealth or State;

*Examples of other assistance—*

- a freight subsidy under the natural disaster relief and recovery arrangements for carting emergency fodder
  - a concessional loan under the Natural Disaster Relief (Primary Producers) Scheme under schedule 2 for purposes including paying for fodder
- (iv) replacing essential water that has been used for fire fighting;
  - (v) carting water;
  - (e) for a small business—replacing lost or damaged stock if the replacement is essential to immediately resume business activities;
  - (f) for a small business or non-profit organisation—leasing temporary premises

[s 8]

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for the purpose of resuming business activities or operations as a non-profit organisation.

(2) In this section—

***employing*** includes engaging under a contract for services.

## **8 Insertion of new sch 23, s 9A**

Schedule 23, part 4—

*insert*—

### **9A Purpose of pt 4**

This part provides for the eligibility of an entity for assistance under the scheme.

## **9 Replacement of sch 23, s 11 (Eligibility criteria—primary producer)**

Schedule 23, section 11—

*omit, insert*—

### **11 Eligibility criteria—primary producer**

An applicant who is a primary producer is eligible for assistance under the scheme for an eligible disaster if—

- (a) an assistance establishment notice states that primary producers are eligible to apply for the assistance; and
- (b) either—
  - (i) the applicant's primary production enterprise is located in the defined disaster area for the eligible disaster and has suffered direct damage as a result of the eligible disaster; or
  - (ii) both of the following apply—

- 
- (A) the applicant's primary production enterprise is located outside the defined disaster area for the eligible disaster but is carried on at least sometimes on a regular basis in the area;
  - (B) plant or equipment of the primary production enterprise situated in the defined disaster area has been damaged as a result of the eligible disaster; and
  - (c) the applicant was engaged in the primary production enterprise when the eligible disaster happened; and
  - (d) the applicant is primarily responsible for meeting the costs claimed in the application; and
  - (e) the authority is satisfied the applicant intends to re-establish the primary production enterprise in the defined disaster area for the eligible disaster.

**10 Amendment of sch 23, s 12 (Eligibility criteria—small business owner)**

Schedule 23, section 12(1)—

*omit, insert—*

- (1) An applicant who is a small business owner is eligible for assistance under the scheme for an eligible disaster if—
  - (a) an assistance establishment notice states that small business owners are eligible to apply for the assistance; and
  - (b) either—
    - (i) the applicant's small business is located in the defined disaster area for

[s 11]

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the eligible disaster and has suffered direct damage as a result of the eligible disaster; or

(ii) both of the following apply—

(A) the applicant's small business is located outside the defined disaster area for the eligible disaster but is carried on at least sometimes on a regular basis in the area;

(B) plant or equipment of the small business situated in the defined disaster area has been damaged as a result of the eligible disaster; and

(c) the applicant was engaged in carrying on the small business when the eligible disaster happened; and

(d) the applicant is primarily responsible for meeting the costs claimed in the application; and

(e) the authority is satisfied the applicant intends to re-establish the small business in the defined disaster area for the eligible disaster.

## **11 Replacement of sch 23, s 13 (Eligibility criteria—non-profit organisation)**

Schedule 23, section 13—

*omit, insert—*

### **13 Eligibility criteria—non-profit organisation**

- (1) An applicant that is a non-profit organisation is eligible for assistance under the scheme for an eligible disaster if—

- (a) an assistance establishment notice states that non-profit organisations are eligible to apply for the assistance; and
- (b) either—
  - (i) the non-profit organisation is located in the defined disaster area for the eligible disaster and its means for conducting its operations have suffered direct damage as a result of the eligible disaster; or
  - (ii) both of the following apply—
    - (A) the non-profit organisation is located outside the defined disaster area for the eligible disaster but is operated at least sometimes on a regular basis in the area;
    - (B) plant or equipment of the non-profit organisation situated in the defined disaster area has been damaged as a result of the eligible disaster; and
- (c) the applicant was engaged in conducting its operations when the eligible disaster happened; and
- (d) the applicant is primarily responsible for meeting the costs claimed in the application; and
- (e) the applicant can not repair or replace assets directly damaged as a result of the eligible disaster from the applicant's own resources without assistance under the scheme; and
- (f) the authority is satisfied the applicant intends to re-establish its operations in the defined disaster area for the eligible disaster.

[s 12]

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- (2) However, a non-profit organisation is not eligible for assistance under the scheme for an eligible disaster if—
- (a) the natural disaster relief and recovery arrangements activated for the eligible disaster include a community recovery fund; and
  - (b) the non-profit organisation has claimed or received a grant under the community recovery fund for the eligible disaster.

- (3) In this section—

*community recovery fund* means a community recovery fund described in the following documents—

- ‘Natural disaster relief and recovery arrangements—determination 2012’ (version 1);
- ‘Natural disaster relief and recovery arrangements guideline 4—category C interim assessment framework’.

*Editor’s note—*

On the commencement of this section, the documents were available on the Australian Government Disaster Assist website at <[www.disasterassist.gov.au](http://www.disasterassist.gov.au)>.

## **12 Replacement of sch 23, pts 5 and 6**

Schedule 23, parts 5 and 6—

*omit, insert—*

### **15 Eligibility for standard grant**

An applicant is eligible for a standard grant for an eligible disaster if—

- (a) an assistance establishment notice states that assistance for the eligible disaster is available by way of a standard grant; and



- (b) the applicant has not applied for an exceptional circumstances grant for the eligible disaster.

## **16 Eligibility for exceptional circumstances grant**

An applicant is eligible for an exceptional circumstances grant for an eligible disaster if—

- (a) an assistance establishment notice states that assistance for the eligible disaster is available by way of an exceptional circumstances grant; and
- (b) the applicant has not applied for a standard grant for the eligible disaster; and
- (c) the applicant consents to the authority obtaining information or documents from an insurer about the applicant's primary production enterprise, small business or means for conducting its operations as a non-profit organisation, to allow the authority to verify the applicant's entitlements under an insurance policy taken out with the insurer.

## **17 Effect of insurance on eligibility for exceptional circumstances grant**

- (1) This section applies to an applicant for assistance for an eligible disaster by way of an exceptional circumstances grant if the applicant receives, or is entitled to receive, an amount under a policy of insurance for a relevant cost relating to direct damage caused by the eligible disaster.
- (2) The applicant is not eligible to receive assistance under the scheme to cover the relevant cost.
- (3) In this section—

*relevant cost* means the cost of a thing to which section 8(1)(a) to (e) or 9(1)(b) to (f) applies.

## **18 Financial evidence for application**

- (1) Subsection (3) applies in relation to an application for assistance under the scheme for an eligible disaster—
  - (a) if the assistance establishment notice for the disaster states subsection (3) applies to the application; and
  - (b) in relation to the amount of the assistance stated in the notice.
- (2) Also, if an eligible entity applies for assistance for damage suffered in 2 or more disaster zones, and the assistance establishment notice states that subsection (3) applies in relation to any of those zones, then subsection (3) applies to the application in relation to all of the zones.
- (3) An applicant is eligible for assistance for the eligible disaster only if the applicant provides evidence to the authority, in the form of tax invoices, official receipts for payment or bank statements, that all amounts claimed by the applicant under the scheme have been paid by the applicant.

## **Part 5                      Conditions of assistance**

### **19 Keeping records for audit**

Payment of assistance under the scheme is subject to the following conditions—

- (a) an applicant must, until 1 year after the closing day for the applicant's application for assistance, keep the following records

for amounts for which the applicant has received assistance under the scheme—

- (i) all tax invoices, official receipts, bank statements or other similar records of amounts paid;
  - (ii) all quotations or other similar records of amounts claimed;
- (b) an applicant must consent to the authority conducting an audit of the records mentioned in paragraph (a) to allow the authority to verify that amounts given to the applicant under the scheme have been used in accordance with the application for assistance.

**13 Renumbering of sch 23, pt 7 (Amount of assistance)**

Schedule 23, part 7—

*renumber* as part 6.

**14 Amendment of sch 23, s 20 (Maximum amount of assistance)**

Schedule 23, section 20, ‘21 and’—

*omit, insert*—

20A to

**15 Insertion of new sch 23, s 20A**

Schedule 23—

*insert*—

**20A Assistance given for damage in 2 or more disaster zones**

- (1) This section applies if—

[s 16]

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- (a) assistance is given under the scheme to an eligible entity for damage suffered in 2 or more disaster zones; and
  - (b) the assistance establishment notice states different maximum total amounts of assistance applying to those disaster zones.
- (2) The maximum total amount of assistance that may be given to the entity is the highest of the amounts mentioned in subsection (1)(b).

**16 Amendment of sch 23, s 21 (Special provisions for primary producers and small business owners)**

- (1) Schedule 23, section 21(1)(a), ‘operates’—  
*omit, insert—*  
carries on
- (2) Schedule 23, section 21(1)(b), ‘operated’—  
*omit, insert—*  
carried on
- (3) Schedule 23, section 21(3), from ‘under—’—  
*omit, insert—*  
under section 6A(1)(d).

**17 Amendment of sch 23, s 22 (Special provisions for non-profit organisations)**

- Schedule 23, section 22(3), from ‘under—’—  
*omit, insert—*  
under section 6A(1)(d).

**18 Renumbering of sch 23, pt 8 (Other provisions about applications)**

- Schedule 23, part 8—

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*renumber* as part 7.

**19 Replacement of sch 23, s 23 (Requirements for applications)**

Schedule 23, section 23—

*omit, insert—*

**23 Requirements for applications**

- (1) This section applies to an application for assistance under the scheme for damage caused by an eligible disaster.
- (2) An application must—
  - (a) be made on the authority's application form; and
  - (b) be accompanied by the documents stated in the application; and
  - (c) be given to the authority.
- (3) An applicant may apply for assistance for only 1 of the following—
  - (a) a standard grant;
  - (b) an exceptional circumstances grant.
- (4) Despite anything in an assistance establishment notice, an application for assistance for damage suffered by the applicant in one disaster zone may also relate to damage suffered by the applicant in another disaster zone.
- (5) An application must be received by the authority no later than the closing day for the application.
- (6) The authority may ask an applicant to give further relevant information required to decide the application.

ENDNOTES

- 1 Made by the Governor in Council on 23 July 2015.
- 2 Notified on the Queensland legislation website on 24 July 2015.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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Authorised by the Parliamentary Counsel