



Queensland

# Rural and Regional Adjustment (Flood Affected Livestock Grants Scheme) Amendment Regulation 2023

## Subordinate Legislation 2023 No. 78

made under the

*Rural and Regional Adjustment Act 1994*

## Contents

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		Page
1	Short title .....	2
2	Regulation amended .....	2
3	Insertion of new sch 50 .....	2
	Schedule 50 Flood affected livestock grants scheme .....	2
	Part 1 Preliminary	
1	Objective of scheme .....	2
2	Purpose of assistance .....	2
3	Definitions for schedule .....	3
4	Meaning of animal welfare activity .....	5
	Part 2 General provisions of scheme	
5	Nature and amount of assistance .....	5
6	Eligibility criteria .....	6
7	Financial evidence for assistance .....	7
8	Conditions for assistance—keeping records for audit	7
9	Requirements for applications .....	8
10	Extension of closing day .....	8
11	Deciding applications .....	9

**1 Short title**

This regulation may be cited as the *Rural and Regional Adjustment (Flood Affected Livestock Grants Scheme) Amendment Regulation 2023*.

**2 Regulation amended**

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

**3 Insertion of new sch 50**

After schedule 49—

*insert—*

**Schedule 50 Flood affected livestock grants scheme**

section 3(1)

**Part 1 Preliminary**

**1 Objective of scheme**

The objective of the scheme is to provide assistance, under agreements entered into from time to time between the Commonwealth and the State, to primary producers that have suffered damage as a direct result of the disaster.

**2 Purpose of assistance**

- (1) The purpose of the assistance under the scheme is to help reimburse primary producers who paid for particular activities relating to livestock affected by the disaster.

- (2) However, assistance under the scheme is not intended to compensate primary producers for loss of income suffered because of the disaster.

### 3 Definitions for schedule

In this schedule—

*animal welfare activities* see section 4.

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

*closing day* means the later of the following days—

- (a) 29 September 2023;
- (b) the day stated in an extension notice made under section 10.

*disaster* means the disaster defined by the relevant Minister, for the purpose of activating the disaster recovery funding arrangements, as ‘Communities within Northern and Central Queensland affected by recent monsoon activity including heavy rainfall and flash flooding 20 December 2022 – 30 April 2023’.

*disaster area*, for the disaster, means the area—

- (a) defined by the relevant Minister for the purpose of activating the disaster recovery funding arrangements for providing assistance mentioned in the scheme for communities affected by the disaster; and
- (b) described in a document held by the authority and available for inspection by members of the public.

*disaster recovery funding arrangements* means the funding arrangements for providing financial assistance to communities affected by a natural disaster, as agreed between the Commonwealth and the State.

*livestock* includes poultry.

*primary producer* means—

- (a) a sole trader who—
  - (i) spends the majority of their labour on a primary production enterprise; and
  - (ii) either—
    - (A) derives the majority of their income from the primary production enterprise; or
    - (B) in the opinion of the authority, based on the demonstrated production potential of the primary production enterprise, will, within a reasonable time, derive the majority of their income from the primary production enterprise; or
- (b) a partnership, company or trust that carries on a primary production enterprise for which the partners, shareholders or beneficiaries—
  - (i) spend the majority of their labour on a primary production enterprise; and
  - (ii) either—
    - (A) derive the majority of their income from the primary production enterprise; or
    - (B) in the opinion of the authority, based on the demonstrated production potential of the primary production enterprise, will, within a reasonable time, derive the majority of their income from the primary production enterprise.

***primary production enterprise*** means a business—

- (a) that involves primary production, including, for example, agricultural, apicultural, aquacultural, commercial wild-catch fishing, forestry, grazing or horticultural industries; and
- (b) for which an entity holds an Australian Business Number.

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

***scheme*** means the scheme set out in this schedule.

#### **4 Meaning of *animal welfare activity***

Each of the following is an ***animal welfare activity***—

- (a) purchasing and distributing emergency fodder for livestock affected by the disaster;
- (b) removing and disposing of livestock that died because of, or in connection with, the disaster.

## **Part 2                      General provisions of scheme**

#### **5 Nature and amount of assistance**

- (1) The nature of the assistance that may be given under the scheme is a grant of financial assistance to help a primary producer pay for an animal welfare activity.
- (2) The grant may be for an amount up to \$75,000.

## 6 Eligibility criteria

- (1) An applicant is eligible for assistance under the scheme if the authority is satisfied—
  - (a) the applicant is a primary producer; and
  - (b) immediately before the disaster, the applicant carried on a primary production enterprise in the disaster area; and
  - (c) the applicant paid for an animal welfare activity during—
    - (i) for an animal welfare activity mentioned in section 4(a)—the distribution period; or
    - (ii) for an animal welfare activity mentioned in section 4(b)—the recovery period; and
  - (d) the applicant intends to re-establish the primary production enterprise in the disaster area; and
  - (e) the applicant consents to the authority obtaining information or documents from an insurer about the applicant’s primary production enterprise to allow the authority to verify the applicant’s entitlements under an insurance policy taken out with the insurer.
- (2) However, the applicant is not eligible for assistance under the scheme if the applicant has received other assistance to cover the same cost from—
  - (a) the State; or
  - (b) the Commonwealth; or
  - (c) an insurer.
- (3) In this section—

*distribution period* means the period—

- (a) starting on 1 March 2023; and
- (b) ending on 14 April 2023.

*recovery period* means the period—

- (a) starting on 1 March 2023; and
- (b) ending on 1 August 2023.

## **7 Financial evidence for assistance**

- (1) An applicant is eligible for assistance under the scheme only if the applicant provides evidence to the authority that all amounts claimed by the applicant under the scheme have been paid by the applicant.
- (2) The evidence mentioned in subsection (1) may be in the form of tax invoices, official receipts for payment or bank statements.
- (3) In this section—

*official receipt* means a receipt that includes—

- (a) the name and address of the entity that issued the receipt; and
- (b) if the issuing entity has an Australian Business Number—the Australian Business Number; and
- (c) a description of each item to which the receipt relates.

## **8 Conditions for assistance—keeping records for audit**

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

- (a) the applicant must keep the evidence mentioned in section 7(1) for 1 year after the closing day for applications under the scheme;

- (b) the applicant must enable the authority to conduct an audit of the evidence mentioned in paragraph (a) to verify amounts given to the applicant under the scheme are used in accordance with the application for assistance.

## **9 Requirements for applications**

- (1) An application for assistance under the scheme must—
  - (a) be made using the application form approved by the authority; and
  - (b) be accompanied by the documents stated on the application form; and
  - (c) be given to the authority.
- (2) An application must be received by the authority on or before the closing day.
- (3) If the authority asks the applicant to provide further information to decide the application, the applicant must provide the information.
- (4) If the applicant does not comply with a request made by the authority under subsection (3), the applicant's application is taken to be withdrawn.

## **10 Extension of closing day**

- (1) The Minister may, by notice published on the authority's website (an *extension notice*), extend the closing day to a stated day that is not more than 6 months after the commencement.
- (2) However, the Minister may publish an extension notice only if the Minister is satisfied applicants need more time in which to apply for assistance under the scheme.
- (3) The Minister must table a copy of the extension notice in the Legislative Assembly within 14 days



after the day the extension notice is made.

## **11 Deciding applications**

- (1) The authority must consider each application for assistance under the scheme that complies with section 9, and decide to approve or refuse to approve, the application.
- (2) The authority must consider applications in the order they are received by the authority.
- (3) The authority must refuse to approve an application if the authority's funds for assistance for a round of the scheme are not sufficient to pay for the assistance applied for in the application.
- (4) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

#### ENDNOTES

- 1 Made by the Governor in Council on 29 June 2023.
- 2 Notified on the Queensland legislation website on 30 June 2023.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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