



Queensland

Rural and Regional Adjustment (Primary Producer Flood Management Grants Scheme) Amendment Regulation 2023

Subordinate Legislation 2023 No. 160

made under the

Rural and Regional Adjustment Act 1994

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1 Short title

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

2 Regulation amended

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

3 Insertion of new sch 54

After schedule 53—

insert—

Schedule 54 Primary producer flood management grants scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to assist primary producers carrying on primary production enterprises in particular areas to obtain eligible professional advice to improve the resilience to flooding and high rainfall of the primary production enterprises.

2 Purpose of assistance

The purpose of assistance under the scheme is to provide grants of financial assistance to primary producers carrying on primary production

enterprises in particular areas to offset all or part of the cost of obtaining eligible professional advice.

3 Definitions for schedule

In this schedule—

applicant means an entity applying for financial assistance under the scheme.

defined disaster area see section 4.

eligible professional advice see section 5.

flood management plan, for a primary production enterprise, see section 6.

primary producer means—

- (a) a sole trader who spends the majority of their labour on, and derives the majority of their income from, a primary production enterprise; or
- (b) a partnership, company or trust that carries on a primary production enterprise, for which the partners, shareholders or beneficiaries spend the majority of their labour on, and 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 and horticultural industries; and
- (b) for which an entity holds an Australian Business Number.

scheme means the scheme set out in this schedule.

suitably qualified professional adviser means a person who—

- (a) is an owner or employee of a business—
 - (i) that provides professional advice or services of a type relevant to improving the resilience to flooding and high rainfall of primary production enterprises; and
 - (ii) for which an entity holds an Australian Business Number; and
- (b) has the relevant qualifications and experience to provide the advice or service.

Examples of a suitably qualified professional adviser—

accountant, agronomist, farm irrigation consultant, financial planner, geographic information system technician, soil scientist

4 Meaning of *defined disaster area*

- (1) A ***defined disaster area*** is a local government area identified in a disaster activation document as—
 - (a) a DRFA Activated Area; and
 - (b) an area eligible for DRFA assistance measure ‘Disaster Assistance (Primary Producers) Loans’.
- (2) Each of the following documents published on the Queensland Reconstruction Authority’s website is a ***disaster activation document***—
 - (a) Disaster Recovery Funding Arrangements event: Central, Southern and Western Queensland Rainfall and Flooding, 10 November - 3 December 2021;

- (b) Disaster Recovery Funding Arrangements event: Ex-Tropical Cyclone Seth, 29 December 2021 - 10 January 2022;
- (c) Disaster Recovery Funding Arrangements event: South East Queensland Rainfall and Flooding, 22 February - 5 April 2022;
- (d) Disaster Recovery Funding Arrangements event: Southern Queensland Flooding, 06 - 20 May 2022.

5 Meaning of *eligible professional advice*

- (1) *Eligible professional advice*, for a primary production enterprise, is advice or a service provided by a suitably qualified professional adviser about improving the resilience to flooding and high rainfall of the primary production enterprise.

Examples of advice or a service—

accountancy advice, agronomic advice, financial planning, flood mapping, geotechnical surveying, soil mapping and assessment

- (2) However, *eligible professional advice* does not include a service provided in relation to implementing actions detailed in a flood management plan that an applicant may take to manage risks to a primary production enterprise.

6 Meaning of *flood management plan*

A *flood management plan*, for a primary production enterprise, is a plan that the authority is satisfied—

- (a) has been prepared in accordance with eligible professional advice for the primary production enterprise; and

- (b) addresses risks to the primary production enterprise from flooding and high rainfall; and
- (c) details the actions the applicant may take to manage the risks to the primary production enterprise to improve the resilience of the primary production enterprise.

Part 2 General provisions for scheme

7 Nature and maximum amount of assistance

- (1) The nature of the assistance available to an applicant under the scheme is a grant of financial assistance to offset all or part of the cost to the applicant of obtaining eligible professional advice for a primary production enterprise.
- (2) The amount of assistance available under the scheme is the cost to the applicant of obtaining the eligible professional advice for the primary production enterprise (exclusive of GST) up to a maximum of \$7,500.
- (3) An applicant may make more than 1 application for assistance under the scheme.
- (4) However, the maximum amount of assistance available under the scheme to an applicant is the amount of assistance mentioned in subsection (2).

8 Eligibility criteria

- (1) An applicant is eligible to receive assistance under the scheme if the authority is satisfied—
 - (a) the applicant is a primary producer carrying on a primary production enterprise in a defined disaster area; and

- (b) the applicant obtained eligible professional advice for the primary production enterprise on or after 18 May 2022; and
 - (c) the suitably qualified professional adviser who provided the eligible professional advice is not an employee of, or engaged as a contractor by, an entity owned wholly or partly by the applicant; and
 - (d) the applicant has paid for the eligible professional advice; and
 - (e) a flood management plan has been prepared for the primary production enterprise; and
 - (f) an industry recovery and resilience officer has confirmed in writing that the officer considers the eligible professional advice for the primary production enterprise and the flood management plan will improve the resilience to flooding and high rainfall of the primary production enterprise.
- (2) However, the applicant is not eligible for assistance under the scheme if the applicant has received other assistance from the State or the Commonwealth to offset all or part of the cost to the applicant of obtaining the eligible professional advice for the primary production enterprise.
- (3) In this section—

Burnett Mary Regional Group means Burnett Mary Regional Group for Natural Resource Management Ltd ACN 144 005 229.

industry recovery and resilience officer means a person who is employed or otherwise engaged by the Queensland Farmers' Federation or the Burnett Mary Regional Group as an industry recovery and resilience officer.

Queensland Farmers' Federation means Queensland Farmers' Federation Ltd ACN 055 764 488.

9 Operation of scheme

- (1) The scheme opens on the day stated on the authority's website as the day on or after which an application for assistance under the scheme may be made.
- (2) The scheme closes on the earlier of the following days—
 - (a) the day on which the authority's assistance funds for the scheme become insufficient to pay further assistance under the scheme;
 - (b) 31 March 2024 (the *closing day*).
- (3) However, the Minister may, by notice published on the authority's website (an *extension notice*), extend the closing day, once only, to a stated day that is not later than 24 December 2024.
- (4) 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.
- (5) The Minister must table a copy of the extension notice in the Legislative Assembly within 14 days after the day the extension notice is published.

10 Requirements for applications

- (1) An application for assistance under the scheme must—
 - (a) be made in the form approved by the authority; and
 - (b) be accompanied by the following documents—
 - (i) a copy of a flood management plan for the primary production enterprise;
 - (ii) a copy of the confirmation mentioned in section 8(1)(f);

- (iii) a copy of the tax invoice for the eligible professional advice for the primary production enterprise to which the application for assistance under the scheme relates;
 - (iv) an official receipt showing the applicant has paid the tax invoice;
 - (v) any other documents stated in the form; and
- (c) be received by the authority while the scheme is open under section 9.
- (2) If the authority asks the applicant to provide further information to decide the application, the applicant must provide the information.
- (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) the entity's Australian Business Number; and
 - (c) a description of each item to which the receipt relates; and
 - (d) the date the amount to which the receipt relates was paid.

11 Deciding applications

- (1) The authority must consider each application for assistance under the scheme that complies with section 10(1) 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 assistance funds for

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the scheme are not sufficient to pay for the assistance.

- (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 2 November 2023.
- 2 Notified on the Queensland legislation website on 3 November 2023.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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