



Queensland

Rural and Regional Adjustment Act 1994

Rural and Regional Adjustment Regulation 2011

Current as at 3 October 2014

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- The list of annotations endnote gives historical information at section level.

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Rural and Regional Adjustment Regulation 2011

[as amended by all amendments that commenced on or before 3 October 2014]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Rural and Regional Adjustment Regulation 2011*.

2 Definition

In this regulation—

repealed regulation means the repealed *Rural and Regional Adjustment Regulation 2000*.

Part 2 Approved assistance schemes

3 Approval of schemes—Act, s 11

- (1) Each scheme set out in each of schedules 1 to 8, 20, 21, 23 and 25 is approved under section 11(1)(c) of the Act.
- (2) Each scheme mentioned in schedule 16 is approved under section 11(4) of the Act.

[s 4]

Part 3 Repeal

4 Repeal of regulation

The Rural and Regional Adjustment Regulation 2000, SL No. 124 is repealed.

Part 4 Savings and transitional provisions

Division 1 Transitional provisions for SL No. 155 of 2011

5 Saving of operation of particular schemes and other provisions under repealed regulation

- (1) This section applies to the following provisions (each a *saved provision*) of the repealed regulation—
 - (a) part 5, divisions 2, 3 and 4;
 - (b) the schedule, parts 1, 2, 6, 9, 10, 13 to 17 and 19 to 27.
- (2) Each saved provision—
 - (a) is a law to which the *Acts Interpretation Act 1954*, section 20A applies; and
 - (b) continues to apply to the things mentioned in it as if the repealed regulation had not been repealed.

6 Continuation of particular schemes for particular purposes

- (1) This section applies if—
 - (a) before the commencement, a person applied for assistance under an approved assistance scheme under

- any of parts 3, 4, 5, 7, 8, 11, 12, 18 or 28 to 34 of the schedule of the repealed regulation; and
- (b) immediately before the commencement, any of the following applied—
- (i) the application had not been decided;
 - (ii) the authority had approved assistance for the person under the scheme and the person had not been given all of the assistance;
 - (iii) the scheme had otherwise not been fully administered in relation to the person.
- (2) The scheme, as in force immediately before the commencement, continues to apply in relation to deciding the application, giving the assistance or otherwise administering the scheme, as if the repealed regulation had not been repealed.
- (3) In this section—
- commencement* means commencement of this section.

Division 2 Transitional provision for Rural and Regional Adjustment Amendment Regulation (No. 1) 2013

7 References to eligible natural disaster

In a document, a reference to an eligible natural disaster may, if the context permits, be taken to be a reference to an eligible disaster.

[s 8]

Division 3 **Transitional provision for Rural and
Regional Adjustment Amendment
Regulation (No. 2) 2014**

8 **Saving of operation of particular schedules**

Schedules 12 and 24, as in force immediately before the commencement of this section, are declared to be laws to which the *Acts Interpretation Act 1954*, section 20A applies.

Division 4 **Transitional provision for Rural and
Regional Adjustment Amendment
Regulation (No. 3) 2014**

9 **Saving of operation of provision of sch 1 for particular
purpose**

- (1) This section applies to an application for assistance under the scheme mentioned in schedule 1 if—
 - (a) the application was made before the commencement; and
 - (b) immediately before the commencement, the application had not been decided.
- (2) Section 10 of the schedule, as in force immediately before the commencement, continues to apply for deciding the application.
- (3) In this section—

commencement means commencement of this section.

Schedule 1 Primary Industry Productivity Enhancement Scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to provide assistance that will—

- (a) strengthen the economy of Queensland regions; and
- (b) facilitate the development of sustainable primary production in Queensland.

2 Application of scheme

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

3 Definitions for sch 1

In this schedule—

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

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.

eligible activities means the eligible activities decided under section 5.

first start program means the part of the scheme set out in parts 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 timely whole of business approach to sustainable primary production and includes components of sustainable management relevant to—
 - (i) viability; and
 - (ii) productivity; and
 - (iii) managing the impacts of the activity on the natural resource base where the activity is to be carried out and other ecosystems affected by the activity; and
 - (iv) managing business and climate risks; and
- (c) if the assistance is for on-farm activities—identifies and states the area of land affected by the application; and
- (d) complies with the guidelines for management plans under the scheme that are issued by the authority.

Editor's note—

A copy of the guidelines for management plans under the scheme may be obtained from the authority.

mutual obligation condition see section 11(1).

primary producer means—

- (a) a sole trader who spends the majority of his or her labour on, and derives the majority of his or her income from, a primary production enterprise; or
- (b) in relation to a partnership, company or trust that carries on a primary production enterprise, the partners in the partnership, shareholders in the company or beneficiaries of the trust who 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 the 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.

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.

sustainability program means the part of the scheme set out in parts 2 and 4.

Part 2 General provisions for scheme

4 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 14 or 18, are eligible to receive assistance under the scheme.

5 Eligible activities

- (1) The chief executive must—

- (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.

6 Interest rate

- (1) The initial interest rate under the scheme for a loan to an applicant will be worked out when the applicant first draws down the loan or part of the loan.
- (2) The initial interest rate for the loan—
- (a) depends on whether the applicant decides to have the interest rate fixed for 1, 3 or 5 years when the applicant first draws down the loan or part of the loan; 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) If, under subsection (3), the authority decides to increase the interest rate because the applicant's financial capacity improves during the term of the loan, the authority may decide the extent to which the interest rate for the loan is to increase—
- (a) in an annual review of the loan; and
 - (b) based on the improvement.
- (5) The authority may decide the extent to which the interest rate is to increase under subsection (4) more than once in relation to the applicant.
- (6) 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%.

7 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 6.

8 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 that is—
 - (i) satisfactory to the authority; and
 - (ii) commensurate with the amount of the loan; and
 - (b) any other security the authority considers necessary, including, for example, a bill of sale, crop lien or stock mortgage.

9 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) given to the authority.

10 Deciding applications

- (1) Subject to subsection (2), the authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.
- (2) The authority must refuse an application for assistance if the authority's assistance funds for the scheme are not sufficient to pay for the assistance.

11 Mutual obligation condition of loan—reporting outcomes

- (1) It is a condition (*mutual obligation condition*) of a loan under the scheme that the applicant for the loan give the authority reports on the outcomes achieved with the funds loaned to the applicant.
- (2) The reports must be given to the authority in the form, and at the intervals, stated in the written offer of a loan given to the applicant by the authority.

Part 3 First start program

12 Purpose of assistance under 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 to become a primary producer by assisting the applicant—
 - (a) to acquire and operate a viable primary production enterprise; or
 - (b) to acquire and operate a primary production enterprise on a staged basis, as part of a longer term plan for the

applicant to operate a viable primary production enterprise; or

- (c) to enter the existing primary production enterprise of the applicant's parents or other family member, as a part of a longer term plan for the applicant to operate a viable primary production enterprise in the applicant's own right; or
- (d) to enter into a leasing, sharefarming or sharefishing arrangement that will lead to the applicant operating a viable primary production enterprise; or
- (e) to upgrade, build up or develop 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.

13 Maximum loan amounts

The maximum amount of a loan, or the total outstanding loan balance, under the first start program is \$650,000.

14 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 6 months; and
 - (b) not own, or have disposed of, a viable primary production enterprise; and
 - (c) provide evidence of financial need for the assistance; and
 - (d) if the loan is to enter the existing primary production enterprise or 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 or satisfy the authority that the applicant's entry into the existing primary production enterprise of the applicant's parents or other family member is part of a longer term plan to ultimately trade in the applicant's own right; and
 - (j) give the authority a management plan that shows the stages of a planned progression towards a viable first primary production enterprise.
- (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 the applicant has stable off-farm or other income from land or other assets

15 Maximum term of loan

The maximum term of a loan is 20 years.

Part 4 Sustainability program**16 Purpose of assistance under sustainability program**

The purpose of assistance under the sustainability program is to enable a primary producer to implement systems and management practices that enhance sustainable primary production by—

- (a) increasing productivity and long-term viability; and
- (b) avoiding or minimising adverse impacts on—
 - (i) the natural resource base where the activity for which the assistance is received is performed; and
 - (ii) other ecosystems affected by the activity; and
- (c) adopting systems and practices to mitigate the effects of climate, drought and market risks.

17 Maximum loan amounts and outstanding loan balances

- (1) The maximum amount of a loan under the sustainability program is \$650,000.
- (2) The maximum combined outstanding loan balance under the sustainability program and any of the following is \$650,000—
 - (a) the former development program;
 - (b) the former resource management program;
 - (c) the former development program and former resource management program.

Examples—

- 1 A person who has an outstanding loan balance of \$200,000 under the former development program may obtain a loan of up to \$450,000 under the sustainability program.

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- 2 A person who has an outstanding loan balance of \$150,000 under the former resource management program may obtain a loan of up to \$500,000 under the sustainability program.
 - 3 A person who has an outstanding loan balance of \$300,000 under the former development program and \$100,000 under the former resource management program may obtain a loan of up to \$250,000 under the sustainability program.
- (3) The maximum amount of a loan under the sustainability program to buy livestock is \$200,000.
 - (4) The maximum amount of a loan under the sustainability program to do 1 or more of the following is \$200,000—
 - (a) upgrade plant or machinery;
 - (b) buy plant or machinery;
 - (c) replace plant or machinery.
 - (5) In this section—

former development program means the development program in force under the repealed regulation, schedule, part 3, divisions 2 and 4 immediately before 10 December 2010.

former resource management program means the resource management program in force under the repealed regulation, schedule, part 3, divisions 2 and 5 immediately before 10 December 2010.

18 Eligibility criteria

To be eligible to receive assistance under the sustainability program, the applicant must—

- (a) demonstrate to the satisfaction of the authority—
 - (i) that the applicant is a primary producer; and
 - (ii) that the applicant is working full-time and has worked full-time for at least 2 years in the applicant's primary production enterprise; and
 - (iii) sound prospects for commercial viability, and the ability to service the loan, in the long term; and

-
- (iv) 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
 - (v) if the assistance is sought to rationalise a partnership—that the proposal for the rationalisation is not merely a refinance arrangement; and
 - (vi) if the assistance is sought to upgrade, buy or replace plant or machinery—the plant or machinery will be used predominantly for the enterprise; and
- (b) provide evidence of a financial need for the assistance; and
 - (c) give the authority a management plan that outlines the intended outcomes associated with the activity for which the applicant is applying for assistance; and
 - (d) if the assistance is sought for on-farm activities for which a licence, permit, approval or other authorisation under an Act is required before the activity can be conducted—give the authority a copy of the authorisation.

19 Maximum term of loan

- (1) The maximum term of a loan for 1 or more of the following is 7 years—
 - (a) buying livestock;
 - (b) upgrading plant or machinery;
 - (c) buying plant or machinery;
 - (d) replacing plant or machinery.
- (2) However, the authority may extend the maximum term of the loan to not more than 20 years if—
 - (a) the activities mentioned in subsection (1) are a minor part of the activities for which the applicant is applying for loans under the sustainability program; or

Schedule 1

- (b) having a maximum term of 7 years for a loan would adversely affect the applicant's prospects for commercial viability and the ability to service the loan in the long term.
- (3) The maximum term of a loan, other than a loan mentioned in subsection (1), is 20 years.

Schedule 2 Natural Disaster Relief (Primary Producers) Scheme

section 3(1)

Part 1 Preliminary

1 Definitions for sch 2

In this schedule—

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 5(b).

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

Editor's note—

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

development see the *Sustainable Planning Act 2009*, section 7.

eligible disaster see section 2.

IDSP certificate, in relation to an applicant's primary production enterprise, means a certificate issued by the chief executive stating—

- (a) for an enterprise involving commercial wild-catch fishing—that in the chief executive's opinion, a boat or equipment used to carry on the enterprise has been lost

or damaged because of an eligible disaster that has significantly affected, or will significantly affect, the enterprise; or

- (b) otherwise—the property where the enterprise is carried on has sustained damage because of an eligible disaster that has significantly affected, or will significantly affect, the enterprise.

individual disaster stricken enterprise see section 3.

natural disaster relief and recovery 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 section, the funding arrangements were described in the document called 'Queensland Disaster Relief and Recovery Arrangements Guidelines 2009-2010', published by Emergency Management Queensland and available on the website at <www.disaster.qld.gov.au>.

primary producer means—

- (a) a sole trader who spends the majority of his or her labour on, and derives the majority of his or her income from, a primary production enterprise; or
- (b) in relation to a partnership, company or trust that carries on a primary production enterprise, the partners in the partnership, shareholders in the company or beneficiaries of the trust who 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 the agricultural, apicultural, aquacultural, commercial wild-catch fishing, forestry, grazing and horticultural industries; and
- (b) for which an entity holds an Australian Business Number.

property, of an applicant, means the land on which the applicant carries on a primary production enterprise other than commercial wild-catch fishing and in relation to which the applicant has applied for assistance under the scheme.

scheme means the scheme set out in this schedule.

2 Meaning of *eligible disaster*

- (1) An *eligible 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;
 - (ii) rain;
 - (iii) wind;
 - (f) a storm surge;
 - (g) a landslide;
 - (h) a meteorite strike;
 - (i) a terrorist event;
 - (j) a tornado;
 - (k) a tsunami.
- (2) However, an *eligible disaster* does not include an event under subsection (1) if the authority considers that development has significantly contributed to the event.

3 Meaning of *individual disaster stricken enterprise*

- (1) A primary production enterprise involving commercial wild-catch fishing is an *individual disaster stricken enterprise* if—

- (a) the enterprise has been, or will be, significantly affected by the loss of, or damage to, a boat or equipment used in carrying on the enterprise because of an eligible 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 boat or equipment was not in the area when the disaster happened.
- (2) Another primary production enterprise is an *individual disaster stricken enterprise* if—
- (a) the enterprise has been, or will be, significantly affected by damage to the property where the enterprise is carried on because of an eligible 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.

4 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 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.

Part 2 **Natural disaster relief assistance**

5 **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) replanting, restoring or re-establishing areas affected by an eligible disaster; or
 - (ii) sustenance; or
 - (iii) essential property operations; or
 - (iv) paying rent or rates, or costs of repair or replacement of farm buildings.

6 **Maximum loan amounts**

- (1) Subject to subsection (2), the maximum amount of a loan under the scheme for an eligible disaster for which the natural disaster relief and recovery arrangements were activated before 13 January 2008 is—
 - (a) \$100,000 for restocking; or
 - (b) \$100,000 for meeting carry-on requirements.
- (2) The total amount lent to an applicant under the scheme for an eligible disaster mentioned in subsection (1) must not be more than \$150,000.
- (3) The total amount lent to an applicant under the scheme for any 1 eligible disaster for which the natural disaster relief and recovery arrangements were activated on or after 13 January 2008 must not be more than \$250,000.

7 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance under the scheme for an eligible disaster, the authority must be satisfied—
 - (a) the applicant is a primary producer; and
 - (b) if the applicant's primary production enterprise involves wild-catch fishing—
 - (i) a boat or equipment used in carrying on the enterprise has been lost or damaged as a direct result of the disaster; and
 - (ii) either—
 - (A) the boat or equipment was in the defined disaster area for the disaster when the disaster happened; or
 - (B) the enterprise is an individual disaster stricken enterprise as a result of the disaster; and
 - (c) if paragraph (b) does not apply to the primary production enterprise—
 - (i) the property where the enterprise is carried on has been damaged as a direct result of the disaster; and
 - (ii) either—
 - (A) the property is in the defined disaster area for the disaster; or
 - (B) the enterprise is an individual disaster stricken enterprise as a result of the disaster; and
 - (d) if the applicant claims the primary production enterprise is an individual disaster stricken enterprise, the applicant has given the authority an IDSP certificate or made reasonable efforts to obtain an IDSP certificate for the enterprise; and
 - (e) the applicant has taken reasonable precautions to avoid or minimise loss or damage from the disaster; and

Example for paragraph (e)—

The applicant had adequate insurance against loss or damage from the disaster.

- (f) the applicant has used all of the applicant's liquid assets and all normal credit sources up to normal credit limits; and
 - (g) the primary production enterprise will be viable with the assistance given; and
 - (h) the applicant has not taken excessive risks in carrying on the primary production enterprise.
- (2) For deciding whether or not a primary production enterprise is an individual disaster affected enterprise under subsection (1)(b)(ii)(B) or (1)(c)(ii)(B), the authority must have regard to—
- (a) the IDSP certificate, if any, issued for the enterprise; or
 - (b) if the chief executive has refused to issue an IDSP certificate for the enterprise—the reasons for the refusal.

8 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 primary production enterprise is an individual disaster stricken enterprise, 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.

9 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; and
 - (b) other security, if any, the authority considers necessary, including, for example, a crop lien or stock mortgage.

10 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.

11 Review by authority

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

12 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 primary production enterprise 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.

Schedule 3 Natural Disaster Relief (Small Business) Scheme

section 3(1)

1 Definitions for sch 3

In this schedule—

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

development see the *Sustainable Planning Act 2009*, section 7.

eligible disaster see section 2.

natural disaster relief and recovery 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 section, the funding arrangements were described in the document called 'Natural disaster relief and recovery arrangements—Community recovery package guidelines 2011' published by the Commonwealth Attorney-General's Department and available on that department's website at <www.em.gov.au>.

scheme means the scheme set out in this schedule.

small business see section 3.

small business owner means—

- (a) a sole trader who spends the majority of his or her labour on, and derives the majority of his or her income from, a small business; or
- (b) in relation to a partnership, company or trust that carries on a small business, the partners in the partnership, shareholders in the company or beneficiaries of the trust who spend the majority of their labour on, and derive the majority of their income from, the small business.

2 Meaning of *eligible disaster*

- (1) An *eligible 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;
 - (ii) rain;
 - (iii) wind;
 - (f) a storm surge;
 - (g) a landslide;
 - (h) a meteorite strike;
 - (i) a terrorist event;
 - (j) a tornado;
 - (k) a tsunami.
- (2) However, an *eligible disaster* does not include an event under subsection (1) if the authority considers that development has significantly contributed to the event.

3 Meaning of *small business*

- (1) A *small business* is a business—
- (a) for which an entity holds an Australian Business Number; and
 - (b) in which are employed fewer than—
 - (i) 20 full-time employees; or
 - (ii) if the business has employees other than full-time employees—20 equivalent full-time employees; and

- (c) that is not operated by a public company.
- (2) For subsection (1)(b), the number of equivalent full-time employees of a business is worked out using the formula—

$$E = F + \frac{P}{35}$$

where—

E means the number of equivalent full-time employees of the business.

F means the number of full-time employees of the business.

P means the total number of hours worked each week by employees other than full-time employees.

- (3) In this section—

full-time employee, of a business, means an individual who ordinarily works for at least 35 hours each week for the business.

public company means a public company within the meaning of the Corporations Act.

4 Purpose of assistance

- (1) The purpose of assistance under the scheme is to provide concessional loans to small business owners—
- (a) whose buildings, plant and equipment or stock have been significantly damaged by an eligible 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.

5 Nature of assistance

The nature of the assistance under the scheme for a small business is the provision of concessional loans for

re-establishing the viable operation of the business, including by doing any of the following—

- (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.

6 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 disaster to which the applicant's application relates.
- (2) However, the amount of loan assistance for an applicant under the scheme for an eligible disaster for which the natural disaster relief and recovery arrangements were activated before 13 January 2008 must not be more than—
 - (a) \$100,000; or
 - (b) if there is more than 1 loan given to the applicant under the scheme—a cumulative total of \$150,000.
- (3) Also, the total amount lent to an applicant under the scheme for any 1 eligible disaster for which the natural disaster relief and recovery arrangements were activated on or after 13 January 2008 must not be more than \$250,000.

7 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance under the scheme—
 - (a) the applicant must be a small business owner; 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 disaster; 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 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.

8 Security

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

9 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.

10 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.

Schedule 4 Drought Carry-on Finance Scheme

section 3(1)

1 Definitions for sch 4

In this schedule—

primary producer means—

- (a) a sole trader who spends the majority of his or her labour on, and derives the majority of his or her income from, a primary production enterprise; or
- (b) in relation to a partnership, company or trust that carries on a primary production enterprise, the partners in the partnership, shareholders in the company or beneficiaries of the trust who 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 the agricultural, apicultural, aquacultural, forestry, grazing and horticultural industries; and
- (b) for which an entity holds an Australian Business Number.

2 Objective of scheme

The objective of the scheme is to assist primary producers who are carrying on primary production enterprises in areas notified by the Minister under section 5(2) to recover from the impact of drought to which the notification relates.

3 Nature of assistance

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

4 Maximum loan amounts

The maximum amount of a loan, or total outstanding loan balance, under the scheme is \$100,000.

5 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance under the scheme—
 - (a) the applicant must—
 - (i) be a primary producer; and
 - (ii) own or occupy land, and carry on a primary production enterprise on the land, in an area of a local government that the Minister decides is severely drought affected; and
 - (iii) demonstrate that the current net value of the land is not greater than \$2m; and
 - (b) the authority must be satisfied that—
 - (i) the applicant's primary production enterprise has sound prospects for commercial viability, and the applicant has the ability to service the loan, in the long term; and
 - (ii) the amount of the applicant's non-enterprise or liquid assets, other than insurance bonds and superannuation, is not more than the assets test limit for homeowners—couple (combined) for all Centrelink allowances and full pensions; and

Editor's note—

At the commencement of this section, the assets test limit for homeowners—couple (combined) for all Centrelink allowances and full pensions was stated on Centrelink's website at <www.humanservices.gov.au>.

- (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.

- (2) The Minister must notify each decision made by the Minister under subsection (1)(a)(ii) on the authority's website.

Editor's note—

The address of the authority's website is <www.qraa.qld.gov.au>.

6 Maximum term of loan

The maximum term of a loan is 7 years.

7 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 8.

8 Interest rate

- (1) The initial interest rate under the scheme for a loan to an applicant will be worked out when the applicant first draws down the loan or part of the loan.
- (2) The initial interest rate for the loan—
- (a) depends on whether the applicant decides to have the interest rate fixed for 1, 3 or 5 years when the applicant first draws down the loan or part of the loan; 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) If, under subsection (3), the authority decides to increase the interest rate because the applicant's financial capacity improves during the term of the loan, the authority may decide

the extent to which the interest rate for the loan is to increase—

- (a) in an annual review of the loan; and
 - (b) based on the improvement.
- (5) The authority may decide the extent to which the interest rate is to increase under subsection (4) more than once in relation to the applicant.
- (6) 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%.

9 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.

10 Applications

- (1) An application for assistance under the scheme must be—
- (a) made on the application form approved by the authority; and
 - (b) accompanied by the documents stated on the application form; and
 - (c) given to the authority.
- (2) Applications must be made no later than the day decided by the Minister.

- (3) The Minister must notify each decision made by the Minister under subsection (2) on the authority's website.

Editor's note—

The address of the authority's website is <www.qraa.qld.gov.au>.

11 Deciding applications

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

Schedule 5 Drought Recovery Scheme

section 3(1)

1 Definitions for sch 5

In this schedule—

crop materials see section 3(a).

primary producer means—

- (a) a sole trader who spends the majority of his or her labour on, and derives the majority of his or her income from, a primary production enterprise; or
- (b) in relation to a partnership, company or trust that carries on a primary production enterprise, the partners in the partnership, shareholders in the company or beneficiaries of the trust who 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 the agricultural, apicultural, aquacultural, forestry, grazing and horticultural industries; and
- (b) for which an entity holds an Australian Business Number.

2 Objective of scheme

The objective of the scheme is to assist primary producers who are carrying on primary production enterprises in areas notified by the Minister under section 6(2) to recover from the impact of drought to which the notification relates.

3 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, fertiliser, fuel, seed or seedlings (*crop materials*); and
- (b) to restock by assisting them to buy stock.

4 Nature of assistance

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

5 Maximum loan amounts

- (1) The maximum amount of a loan, or total outstanding loan balance, under the scheme is \$200,000.
- (2) If a loan is to assist with planting or invigorating crops—
 - (a) the maximum loan amount to buy crop materials is \$60,000; 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—\$200,000; or
 - (b) for buying stock other than breeding stock—\$100,000.

6 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance under the scheme—
 - (a) the applicant must—
 - (i) be a primary producer; and
 - (ii) own or occupy land, and carry on a primary production enterprise on the land, in an area of a local government that the Minister decides is severely drought affected; and

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- (iii) demonstrate that the current net value of the land is not greater than \$2m; and
 - (b) the authority must be satisfied that—
 - (i) the applicant's primary production enterprise has sound prospects for commercial viability, and the applicant has the ability to service the loan, in the long term; and
 - (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.
 - (2) The Minister must notify each decision made by the Minister under subsection (1)(a)(ii) on the authority's website.

Editor's note—

The address of the authority's website is <www.qraa.qld.gov.au>.

7 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.

8 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 9.

9 Interest rate

- (1) The initial interest rate under the scheme for a loan to an applicant will be worked out when the applicant first draws down the loan or part of the loan.
- (2) The initial interest rate for the loan—
- (a) depends on whether the applicant decides to have the interest rate fixed for 1, 3 or 5 years when the applicant first draws down the loan or part of the loan; 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) If, under subsection (3), the authority decides to increase the interest rate because the applicant's financial capacity improves during the term of the loan, the authority may decide the extent to which the interest rate for the loan is to increase—
- (a) in an annual review of the loan; and
 - (b) based on the improvement.
- (5) The authority may decide the extent to which the interest rate is to increase under subsection (4) more than once in relation to the applicant.
- (6) 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%.

10 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.

11 Applications

- (1) An application for assistance under the scheme must be—
 - (a) made on the application form approved by the authority; and
 - (b) accompanied by the documents stated on the application form; and
 - (c) given to the authority.
- (2) Applications must be made no later than the day decided by the Minister.
- (3) The Minister must notify each decision made by the Minister under subsection (2) on the authority's website.

Editor's note—

The address of the authority's website is <www.qraa.qld.gov.au>.

12 Deciding applications

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

13 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.

Schedule 6 **Small Business Emergency Assistance Scheme**

section 3(1)

1 **Definitions for sch 6**

In this schedule—

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

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

Editor's note—

At the commencement of this section, 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>.

small business see section 2.

2 **Meaning of *small business***

- (1) A *small business* is a business—
 - (a) for which an entity holds an Australian Business Number; and
 - (b) in which are employed fewer than—
 - (i) 100 full-time employees of the business; or
 - (ii) if the business has employees other than full-time employees—100 equivalent full-time employees of the business.
- (2) For subsection (1)(b), the number of equivalent full-time employees of a business must be worked out using the formula—

$$E = F + \frac{P}{35}$$

where—

E means the number of equivalent full-time employees of the business.

F means the number of full-time employees of the business.

P means the total number of hours worked each week by employees other than full-time employees.

(3) In this section—

full-time employee, of a business, means an individual who ordinarily works for at least 35 hours each week for the business.

3 Objective of scheme

(1) The objective of the scheme is to assist small business owners 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.

4 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.

5 Maximum subsidy amount

(1) Subject to subsection (5), the maximum interest subsidy that may be given for a loan is \$10,000 a year for each EC period.

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- (2) The interest subsidy will be not more than 50% of the interest payable on new or existing loans for the period of the assistance, if the lender's rate is competitive for the loan being subsidised.
 - (3) Payment of the interest subsidy will be made in advance to the commercial lender for not more than 1 year and then be subject to a second year review.
 - (4) 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.
 - (5) Any subsidies already given under the former small business drought assistance scheme must be deducted from the amount mentioned in subsection (1).
 - (6) In this section—

EC period means a period, that is 1 year or less, for which an EC declaration applies and for which assistance may be given under the scheme.

former small business drought assistance scheme means the scheme set out in schedule 8 as in force immediately before the commencement of this definition.

6 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 3(1)(b); and

- (b) the authority must be satisfied that the business enterprise has sound prospects of commercial viability given normal conditions.

7 Applications

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

8 Deciding applications

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

Schedule 7 **Natural Disaster Relief (Essential Working Capital) Scheme**

section 3(1)

Part 1 **Preliminary**

1 **Objective of scheme**

The objective of the scheme is to provide assistance to eligible entities that have suffered a significant loss of income as a result of an eligible disaster.

2 **Purpose of assistance**

- (1) The purpose of the assistance under the scheme is to provide an eligible entity with essential working capital, by way of a loan, to continue its farming, business or non-profit operations that have been affected by an eligible disaster.
- (2) However, assistance under the scheme is not intended to compensate eligible entities for loss of income suffered as a result of an eligible disaster.
- (3) Also, the scheme is not intended to provide assistance relating to direct damage suffered as a result of an eligible disaster.

3 **Definitions for sch 7**

In this schedule—

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

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

defined disaster area, for an eligible disaster, means an area—

- (a) defined by the appropriate Minister for the purpose of activating the natural disaster relief and recovery arrangements for communities affected by the eligible disaster; and
- (b) described in a document held by the authority and available for inspection by members of the public.

Editor's note—

Defined disaster areas are published on the authority's website at <www.qraa.qld.gov.au>.

eligible disaster see section 4.

eligible entity means a person eligible under section 8 for assistance under the scheme.

essential working capital see section 6(2).

natural disaster relief and recovery 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 section, the funding arrangements were described in the document called 'Natural disaster relief and recovery arrangements: determination 2012 (version 1)' available on the Australian Government Disaster Assist website at <www.disasterassist.gov.au>.

non-profit organisation—

- 1 A *non-profit organisation* is an incorporated charitable or other organisation that—
 - (a) is not operating for the profit or gain, either direct or indirect, of its individual members; and
 - (b) provides a benefit to the community.
- 2 Paragraph 1(a) applies—
 - (a) while the organisation is operating; and
 - (b) when it winds up, as if it were still operating.

- 3 Also, any profit made by the organisation must go back into the operation of the organisation to carry out its purposes and not be distributed to any of its members.

official receipt means a receipt including—

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

primary producer means—

- (a) a sole trader who—
 - (i) spends the majority of his or her labour on a primary production enterprise; and
 - (ii) either—
 - (A) derives the majority of his or her 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 eventually derive the majority of his or her 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 eventually derive the majority of their

income from the primary production enterprise.

primary production enterprise means a business—

- (a) that involves primary production, including the 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.

small business see section 5.

small business owner means—

- (a) a sole trader who spends the majority of his or her labour on, and derives the majority of his or her income from, a small business; or
- (b) in relation to a partnership, private company or trust that carries on a small business, the partners in the partnership, shareholders in the company or beneficiaries of the trust who spend the majority of their labour on, and derive the majority of their income from, the small business.

4 Meaning of *eligible disaster*

An ***eligible disaster*** means any of the following events—

- (a) a bushfire;
- (b) a cyclone;
- (c) an earthquake;
- (d) a flood;
- (e) a landslide;
- (f) a meteorite strike;
- (g) a storm, including any of, or any combination of, the following—

- (i) hail;
- (ii) rain;
- (iii) wind;
- (h) a storm surge;
- (i) a terrorist event;
- (j) a tornado;
- (k) a tsunami.

5 Meaning of *small business*

- (1) A *small business* is a business—
- (a) for which an entity holds an Australian Business Number; and
 - (b) in which are employed fewer than—
 - (i) 20 full-time employees; or
 - (ii) if the business has employees other than full-time employees—20 equivalent full-time employees; and
 - (c) that is not operated by a public company.
- (2) For subsection (1)(b), the number of equivalent full-time employees of a business is worked out using the formula—

$$E = F + \frac{P}{35}$$

where—

E means the number of equivalent full-time employees of the business.

F means the number of full-time employees of the business.

P means the total number of hours worked each week by employees other than full-time employees.

- (3) In this section—

full-time employee, of a business, means an individual who ordinarily works for at least 35 hours each week for the business.

public company means a public company within the meaning of the Corporations Act.

Part 2 General provisions for scheme

6 Nature of assistance

- (1) The nature of the assistance that may be given under the scheme is the provision of a loan at a concessional interest rate for an amount to be used as essential working capital for a primary production enterprise, small business or non-profit activities of an eligible entity for up to 1 year.
- (2) *Essential working capital*, for a primary production enterprise, small business or non-profit activities, is money that is necessary to continue the normal operation of the primary production enterprise, small business or non-profit activities.

Examples of uses of essential working capital—

- paying salaries or wages
- paying creditors
- paying rent or rates
- buying goods, including, for example, fuel, essential to carrying on the primary production enterprise, small business or non-profit activities
- for a primary production enterprise, buying fodder or water for livestock or produce or transporting livestock or produce

7 Maximum loan amount

- (1) The amount of a loan to an applicant under the scheme for an eligible disaster—

-
- (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 essential working capital the authority considers is reasonably required for the applicant's primary production enterprise, small business or non-profit activities for 1 year.
- (2) However, the amount of a loan to an applicant under the scheme for an eligible disaster must not be more than \$100,000.

8 Eligibility criteria

- (1) An applicant is eligible for assistance for an eligible disaster under the scheme if the authority is satisfied—
- (a) the applicant is a primary producer, small business owner or non-profit organisation; and
 - (b) before the eligible disaster, the applicant carried on a primary production enterprise, small business or non-profit activities (each the *relevant activity*) in the defined disaster area; and
 - (c) the applicant has suffered a significant loss of income as a result of the eligible disaster; and
 - (d) the applicant is continuing the relevant activity in the defined disaster area; and
 - (e) there are reasonable prospects for the long-term viability of the relevant activity if the assistance is provided; and
 - (f) the applicant has used all liquid assets and normal credit sources up to normal credit limits; and
 - (g) the applicant has no reasonable prospects of obtaining finance on ordinary commercial terms to carry on the relevant activity; and
 - (h) the applicant has not received another concessional loan for loss or damage that was related to the eligible disaster.

- (2) However, an applicant is not eligible for assistance for an eligible disaster under both—
 - (a) this scheme; and
 - (b) the scheme set out in schedule 2, 3 or 21.

9 Security

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

10 Terms of repayment

- (1) The maximum term of a loan under the scheme is 7 years.
- (2) However, the term of the loan may be increased to a maximum of 10 years if—
 - (a) the loan has been operating for at least 4 years; and
 - (b) the authority considers the increase in the term of the loan is appropriate in the circumstances.
- (3) A loan under the scheme may be given at a concessional interest rate decided by the authority and published on the authority's website.

Editor's notes—

- 1 At the commencement of this section, the concessional interest rate for a loan under the scheme was 1.7% a year.
 - 2 The address of the authority's website is <www.qraa.qld.gov.au>.
- (4) However, 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 payments under the loan to be accrued interest only for up to 2 years, if the principal and interest are repaid over the balance of the term of the loan.

11 Conditions

- (1) Payment of assistance under the scheme is subject to the conditions stated in subsections (2) and (3).
- (2) The applicant must, if requested by the authority, from time to time provide appropriate evidence to the authority that all amounts drawn against a loan under the scheme have been used for essential working capital for the applicant's primary production enterprise, small business or non-profit activities.
- (3) If an applicant asks for the authority's consent to substitute a security for an existing security for a loan under the scheme and the authority consents to the substitution, the applicant must pay to the authority—
 - (a) the authority's reasonable fee for giving the consent; and
 - (b) any other reasonable costs of the authority relating to the substitution.
- (4) In this section—

appropriate evidence means evidence in the form of tax invoices, official receipts for payment or bank statements showing full details of the goods or services acquired.

12 Applications

- (1) An application for assistance under the scheme must—
 - (a) be made on the authority's application form; and
 - (b) be accompanied by the documentation stated on the application; and
 - (c) be given to the authority.
- (2) The authority may ask an applicant to provide further relevant information required to decide the application.

13 Deciding applications

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

Schedule 8 **Queensland East Coast Commercial Net Fishing Reduction Scheme (No. 3)**

section 3(1)

Part 1 **Preliminary**

1 **Objective of scheme**

The objective of the scheme is to make the net fishery (east coast no. 1) commercial net fishery under the *Fisheries Regulation 2008* more sustainable by the voluntary removal of relevant fishery symbols from particular licences and surrender of relevant licences.

Note—

See the *Fisheries Regulation 2008*, chapter 9, part 2.

2 **Purpose of assistance**

The purpose of the scheme is to pay each holder of a relevant fishery symbol or licence whose surrender offer is accepted by the authority the relevant amount for the surrender offer.

Part 2 **Interpretation**

Division 1 **General**

3 **Definitions for sch 8**

In this schedule—

approved form means a form approved by the authority.

authority's website means the authority's website on the internet.

Editor's note—

The address of the authority's website is <www.qraa.qld.gov.au>.

closing day—

- (a) for a stage 1 offer, see section 14(c); or
- (b) for a stage 2 offer, see section 15(2)(c); or
- (c) for a stage 3 offer, see section 16(2)(c).

fishery symbol—

- (a) generally—see the *Fisheries Regulation 2008*, schedule 11, part 2; or
- (b) if specifically referred to by description—see section 11.

holder—

- (a) of a licence—see section 12(1); or
- (b) of a fishery symbol—see section 12(2).

invitation notice—

- (a) for stage 1 offers—means the notice mentioned in section 14; or
- (b) for stage 2 offers—means the notice mentioned in section 15(2); or
- (c) for stage 3 offers—means the notice mentioned in section 16(2).

licence means a commercial fishing boat licence under the *Fisheries Regulation 2008*.

prescribed amount, for a relevant fishery symbol, see section 10.

relevant amount, for a surrender offer, see section 9.

relevant fishery symbol means a fishery symbol mentioned in the table in section 27.

relevant holder for a surrender offer, see section 8.

relevant licence means a licence on which the fishery symbol ‘N1’ or ‘N2’ is written.

removal, of a relevant fishery symbol, means an amendment of the licence on which the fishery symbol is written, under the *Fisheries Act 1994*, section 63(4)(d) and (5), by which the fishery symbol is removed from the licence.

scheme means the scheme set out in this schedule.

stage 1 offer see section 5.

stage 2 offer see section 6.

stage 3 offer see section 7.

surrender, of a relevant licence, means the surrender of the licence under the *Fisheries Act 1994*, section 72.

surrender offer see section 4.

Division 2 Key definitions

4 What is a *surrender offer*

Each of the following is a *surrender offer*—

- (a) a stage 1 offer;
- (b) a stage 2 offer;
- (c) a stage 3 offer.

5 What is a *stage 1 offer*

A *stage 1 offer* is a request, in the approved form, made by the holder of an ‘N1’ or ‘N2’ fishery symbol, in response to an invitation notice, to remove the fishery symbol in consideration for the relevant amount.

6 What is a *stage 2 offer*

A *stage 2 offer* is a request, in the approved form, made by the holder of a relevant licence, in response to an invitation

notice, to surrender the licence in consideration for the relevant amount.

7 What is a *stage 3 offer*

A *stage 3 offer* is a request, in the approved form, made by the holder of a ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’, ‘N4’ or ‘N10’ fishery symbol, in response to an invitation notice, to remove the fishery symbol in consideration for the relevant amount.

8 Who is the *relevant holder* for a surrender offer

The *relevant holder* for a surrender offer is as follows—

- (a) for a stage 1 offer—the holder of an ‘N1’ or ‘N2’ fishery symbol;
- (b) for a stage 2 offer—the holder of a relevant licence;
- (c) for a stage 3 offer—the holder of a ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’, ‘N4’ or ‘N10’ fishery symbol.

9 What is the *relevant amount* for a surrender offer

The *relevant amount* for a surrender offer is as follows—

- (a) for a stage 1 offer— the prescribed amount for the ‘N1’ or ‘N2’ fishery symbol to which the offer relates, exclusive of GST;
- (b) for a stage 2 offer—the amount, exclusive of GST, that is the lesser of the following amounts—
 - (i) \$140,000;
 - (ii) the total of—
 - (A) the prescribed amounts for each relevant fishery symbol written on the licence immediately before it is surrendered; and
 - (B) \$15,000;

- (c) for a stage 3 offer—the amount, exclusive of GST, that is the total of the prescribed amounts for each relevant fishery symbol to which the offer relates.

10 What is the *prescribed amount* for a fishery symbol

- (1) The *prescribed amount* for a relevant fishery symbol is the amount mentioned opposite the fishery symbol in the table in section 27.
- (2) However, if the fishery symbol appears on a licence more than once, the prescribed amount for the fishery symbol is the amount mentioned in subsection (1) for each occurrence of the fishery symbol on the licence.

Division 3 Other definitions

11 References to a fishery symbol by description

- (1) A reference in this schedule to a particular fishery symbol by description is a reference to the fishery symbol of that description under the *Fisheries Regulation 2008*.
- (2) A reference in this schedule to a particular fishery symbol by description, followed by a number in brackets (the *stated number*), is a reference to the fishery symbol of that description under which the stated number of tender boats is authorised for use under the *Fisheries Regulation 2008*, section 245(2).

12 Who is the *holder* of a licence or fishery symbol

- (1) The *holder*, of a licence, is the person to whom it is issued or transferred, other than by a temporary transfer under the *Fisheries Act 1994*, section 65C.
- (2) The *holder*, of a fishery symbol, is the person who, under subsection (1), is the holder of the licence on which the fishery symbol is written.

Part 3 General provisions for scheme

Division 1 Nature of assistance

13 Nature of assistance

The nature of the assistance that may be given under this scheme to a relevant holder whose surrender offer is accepted by the authority is the payment to the holder of the relevant amount for the offer.

Division 2 Invitations for surrender offers

14 Invitation notice for stage 1 offers

The authority must invite stage 1 offers from the relevant holders by publishing on the authority's website a notice stating the following—

- (a) each relevant holder is invited to make a stage 1 offer;
- (b) the day from when stage 1 offers can be made;
- (c) the day (the *closing day*) that is 7 weeks after the day the notice is published by which the authority must receive all stage 1 offers.

15 Invitation notice for stage 2 offers

- (1) This section applies—
 - (a) if any stage 1 offers are received in response to the invitation notice for stage 1 offers—when all the stage 1 offers have been dealt with under division 4; or
 - (b) otherwise—after the closing day for stage 1 offers.
- (2) The authority must invite stage 2 offers from the relevant holders by publishing on the authority's website a notice stating the following—
 - (a) each relevant holder is invited to make a stage 2 offer;

- (b) the day from when stage 2 offers can be made;
 - (c) the day (the *closing day*) that is 4 weeks after the day the notice is published by which the authority must receive all stage 2 offers.
- (3) Despite subsections (1) and (2), this section applies only if the authority considers the authority's assistance funds for surrender offers are sufficient to pay the relevant amount for each stage 2 offer likely to be made.

16 Invitation notice for stage 3 offers

- (1) This section applies—
- (a) if an invitation notice for stage 2 offers is published under section 15(2); and
 - (b) either—
 - (i) if any stage 2 offers are received in response to the invitation notice—when all the stage 2 offers have been dealt with under division 4; or
 - (ii) otherwise—after the closing day for stage 2 offers.
- (2) The authority must invite stage 3 offers from the relevant holders by publishing on the authority's website a notice stating the following—
- (a) each relevant holder is invited to make a stage 3 offer;
 - (b) the day from when stage 3 offers can be made;
 - (c) the day (the *closing day*) that is 4 weeks after the day the notice is published by which the authority must receive all stage 3 offers.
- (3) Despite subsections (1) and (2), this section applies only if the authority considers the authority's assistance funds for surrender offers are sufficient to pay the relevant amount for each stage 3 offer likely to be made.

17 Authority must give relevant holders copy of invitation notice

- (1) As soon as practicable after publishing an invitation notice for stage 1, 2 or 3 offers, the authority must give a written copy of the invitation notice to each of the relevant holders invited to make the offers.
- (2) However, failure to comply with subsection (1) does not invalidate or otherwise affect the validity of an invitation notice.

Division 3 Eligibility**18 Eligibility criteria**

A person is eligible for assistance under this scheme if—

- (a) the person, in response to an invitation notice, makes a surrender offer on or before the closing day for the offer; and
- (b) the authority accepts the offer by written notice to the person; and
- (c) from the time the offer is made until it is accepted, the person is the relevant holder for the offer; and
- (d) the person complies with the conditions of the assistance under section 24; and
- (e) for a stage 1 or 3 offer, from making the offer until the removal of each relevant fishery symbol to which the offer relates—
 - (i) the person does not transfer the licence on which the fishery symbol is written; and
 - (ii) the fishery symbol remains on the licence; and
- (f) for a stage 2 offer, from making the offer until the surrender of the relevant licence to which the offer relates—
 - (i) the person does not transfer the licence; and

- (ii) each fishery symbol written on the licence remains on the licence.

Division 4 Dealing with surrender offers

19 Authority must accept or reject surrender offer

- (1) This section applies if—
 - (a) a relevant holder makes a surrender offer in response to an invitation notice on or before the closing day for the offer; and
 - (b) the closing day for the offer has ended.
- (2) The authority, for the State, must accept or reject the surrender offer under this division.

20 State not required to accept surrender offer

Subject to section 22, the State is not required to accept a surrender offer.

21 Surrender offer may be accepted only if sufficient funds

The authority, for the State, may accept a surrender offer only if the authority's assistance funds for surrender offers are sufficient to pay the relevant amount for the offer.

22 Priority for earlier stage 1, 2 or 3 offers

- (1) This section applies subject to section 21.
- (2) A stage 1, 2 or 3 offer received by the authority earlier than another stage 1, 2 or 3 offer (each a *later offer*) must be accepted in priority to the later offer.

23 Rejection of surrender offer

If the authority decides to reject a surrender offer, the authority must give the relevant holder who made the offer written notice of the decision and the reasons for it.

Division 5 Other provisions**24 Conditions of assistance for surrender offer**

- (1) This section applies if the authority, by notice under section 18(b), accepts a surrender offer made by a relevant holder.
- (2) The relevant holder must, within the period stated in the surrender offer, give the authority—
 - (a) for a stage 1 or 3 offer, each licence on which is written each relevant fishery symbol to which the offer relates; and
 - (b) for a stage 2 offer—
 - (i) the relevant licence to which the offer relates; and
 - (ii) a notice of the surrender of the licence in the approved form under the *Fisheries Act 1994*.
- (3) If the relevant holder complies with subsection (2), payment under this scheme must be made under the terms of the surrender offer.

25 Applications

- (1) An application for assistance under this scheme must—
 - (a) be in the approved form; and
 - (b) include or be accompanied by a surrender offer; and
 - (c) be accompanied by the other documents stated in the approved form; and
 - (d) be given to the authority.
- (2) A surrender offer must not be made to the authority other than under subsection (1).

- (3) A surrender offer must be received by the authority no later than the closing day for the offer.
- (4) The authority may request that a person who has made a surrender offer provide further relevant information required to consider the offer.
- (5) A person who has made a surrender offer may withdraw the offer on or before the closing day for the offer by giving the authority a written request for the withdrawal.

26 Deciding applications

The authority must consider and decide each application by—

- (a) considering the surrender offer included in or accompanying the application; and
- (b) deciding to accept or reject the offer.

Part 4 Relevant fishery symbols and prescribed amounts

27 Prescribed amounts for relevant fishery symbols

The prescribed amount for a relevant fishery symbol mentioned in the following table is the amount stated opposite the fishery symbol—

Relevant fishery symbol	Prescribed amount \$
C1	30,000
C2	10,000
K1	50,000
K2	50,000
K3	50,000

Relevant fishery symbol	Prescribed amount \$
K4	50,000
K5	50,000
K6	50,000
K7	50,000
K8	50,000
L1	10,000
L2	10,000
L3	10,000
L4	20,000
L8	45,000
M1	25,000
N1	40,000
N2	75,000
N3	75,000
N4	80,000
N10	50,000
N11	5,000
P	25,000
RQ	15,000
RQ(1)	20,000
RQ(2)	25,000
RQ(3)	30,000
RQ(4)	35,000
S	10,000

Schedule 8

Relevant fishery symbol	Prescribed amount \$
SM	20,000
SM(1)	20,000
SM(2)	25,000
SM(3)	30,000
SM(4)	35,000
T1	25,000
T2	20,000
T5	20,000
T6	20,000
T7	20,000
T8	20,000
T9	20,000

Note—

Under section 9, the relevant amount for a surrender offer is exclusive of GST.

**Schedule 16 Schemes approved under Act,
section 11(4)**

section 3(2)

- 1 The scheme set out in the Australian Government Policy Guidelines for the Subsidised Interest Rate Scheme for Pastoralists and Service Businesses Involved in Live Cattle Exports to Indonesia, published by the Commonwealth Department of Agriculture, Fisheries and Forestry.

Editor's note—

At the commencement of this item, the guidelines were available at the website of the Commonwealth Department of Agriculture, Fisheries and Forestry <www.daff.gov.au>.

- 2 The scheme set out in the document called 'Farm Finance: Concessional Loans Scheme—Scheme Guidelines for Queensland', published by the authority.

Editor's note—

At the commencement of this item, the document was available at the authority's website at <www.qraa.qld.gov.au>.

- 3 The scheme set out in the document called 'Drought Concessional Loans Scheme—Scheme Guidelines for Queensland', published by the authority.

Note—

At the commencement of this item, the document was available at the authority's website at <www.qraa.qld.gov.au>.

Schedule 20 Hendra virus PPE Rebate Scheme

section 3(1)

1 Objective of scheme

The objective of the scheme is to assist eligible applicants in offsetting the purchase price of prescribed PPE for eligible veterinary surgeons who may be at significant risk of being exposed to the Hendra virus.

2 Nature of assistance

- (1) The nature of assistance that may be given to an applicant under the scheme is a rebate to offset the purchase price of prescribed PPE for eligible veterinary surgeons.
- (2) The following rebates are payable under the scheme—
 - (a) a rebate for the initial purchase of prescribed PPE for an eligible veterinary surgeon (the *start-up rebate*);
 - (b) a rebate for the purchase of prescribed PPE payable after an approved test of a suspected Hendra virus infection sample has been completed (the *replenishment rebate*).

3 Definitions for sch 20

In this schedule—

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

approved entity means the department in which the *Exotic Diseases in Animals Act 1981* is administered.

approved test means 1 or more tests of a suspected Hendra virus infection sample—

- (a) carried out by the approved entity for diagnosing the Hendra virus; and
- (b) for which the approved entity has issued a unique identifying number.

Examples of diagnostic tests—

- polymerase chain reaction test
- virus isolation test
- enzyme linked immunosorbent assay test
- virus neutralisation test

eligible veterinary surgeon, for an applicant, see section 5(1)(d).

official receipt means a receipt including—

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

prescribed PPE see section 4.

replenishment rebate see section 2(2)(b).

scheme means the scheme set out in this schedule.

start-up rebate see section 2(2)(a).

suspected Hendra virus infection sample means a sample taken by a veterinary surgeon from a horse that, when the sample was taken—

- (a) was showing symptoms of disease; and
- (b) was suspected by the veterinary surgeon of being infected with the Hendra virus.

veterinary surgeon see the *Veterinary Surgeons Act 1936*, schedule.

4 Meaning of *prescribed PPE*

Prescribed PPE means—

- (a) any of the following items of personal protective equipment—
- biohazard bag
 - disposable boot covers
 - disposable overalls
 - disposable respirator
 - duct tape
 - full face shield
 - nitrile gloves
 - safety eyewear
 - sharps disposal container; or
- (b) a pack containing any of the items of personal protective equipment mentioned in paragraph (a).

Editor's note—

Information about the types and use of personal protective equipment for eligible veterinarians is contained in the department's publication 'Guidelines for veterinarians handling potential Hendra virus infection in horses_version 4.2', published in December 2011. As at the commencement of this section, the document was available on the department's website at <www.daff.qld.gov.au>.

5 General eligibility criteria

- (1) An applicant is eligible for assistance under the scheme if the authority is satisfied that—
- (a) the applicant is 1 of the following entities conducting a veterinary practice—
- (i) an individual conducting the veterinary practice on the individual's own account (a *sole trader*);
 - (ii) 2 or more individuals in a partnership;
 - (iii) a corporation; and
- (b) the applicant holds an Australian Business Number for the veterinary practice; and

-
- (c) the applicant is not—
- (i) the State, the Commonwealth or another State; or
 - (ii) an instrumentality or agent of the State, the Commonwealth or another State; or
 - (iii) an entity established or operated under an Act that is funded to any extent with moneys of, or otherwise financially assisted by, the State, the Commonwealth or another State; and
- (d) any of the following persons is a veterinary surgeon (an *eligible veterinary surgeon*) whose practice of veterinary science relates to horses—
- (i) for an applicant who is a sole trader—the applicant;
 - (ii) for an applicant that is a partnership—a partner in the partnership;
 - (iii) for any applicant—a person employed, engaged or otherwise acting under the direction of the applicant in the person’s practice of veterinary science; and
- (e) the eligibility criteria under section 6 or 7 have been met.
- (2) In this section—
- veterinary science* see the *Veterinary Surgeons Act 1936*, section 2A.

6 Eligibility criteria for start-up rebate

For an applicant to be eligible for the start-up rebate, the authority must be satisfied that—

- (a) the applicant bought prescribed PPE on or after 24 March 2012; and
- (b) the applicant has not already received the start-up rebate.

7 Eligibility criteria for replenishment rebate

For an applicant to be eligible for the replenishment rebate, the authority must be satisfied—

- (a) an eligible veterinary surgeon for the applicant took a suspected Hendra virus infection sample from a horse; and
- (b) the sample was given to the approved entity for testing for the Hendra virus; and
- (c) the approved entity completed an approved test of the sample on or after 24 March 2012; and
- (d) the replenishment rebate has not already been paid for the approved test.

8 Amount and payment of assistance

- (1) The amount of the start-up rebate payable for an application is the amount paid for prescribed PPE up to a maximum of \$250 for each eligible veterinary surgeon to whom the application relates.
- (2) The start-up rebate can be paid to an applicant only once.
- (3) The amount of the replenishment rebate is \$250 for each approved test that is completed.
- (4) The replenishment rebate can be paid for an approved test only once.

9 Applications

- (1) An application for assistance under the scheme must be—
 - (a) made on the application form approved by the authority; and
 - (b) accompanied by the documents mentioned in the application form.
- (2) Without limiting subsection (1)(b), an application for the start-up rebate must be accompanied by tax invoices and

official receipts for the purchase of the prescribed PPE to which the application relates.

- (3) The authority may request that an applicant provide further relevant information required to decide the application.
- (4) An application for assistance under the scheme must be received by the authority no later than 30 June 2016.

10 Deciding applications

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

Schedule 21 Natural Disaster Relief (Non-profit Organisations) Scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to provide assistance to eligible entities that have suffered direct damage caused by an eligible disaster.

2 Purpose of assistance

- (1) The purpose of the assistance under the scheme is to help an eligible entity pay for costs arising out of direct damage caused by an eligible disaster.
- (2) However, assistance under the scheme is not intended to compensate eligible entities for loss of income suffered as a result of an eligible disaster.

3 Definitions for sch 21

In this schedule—

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

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

defined disaster area, for an eligible disaster, means an area—

- (a) defined by the appropriate Minister for the purpose of activating the natural disaster relief and recovery

arrangements for communities affected by the eligible disaster; and

- (b) described in a document held by the authority and available for inspection by members of the public.

Editor's note—

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

development see the *Sustainable Planning Act 2009*, section 7.

eligible entity means a non-profit organisation eligible for assistance under the scheme.

eligible disaster see section 4.

natural disaster relief and recovery 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 section, the funding arrangements were described in the document called 'Natural disaster relief and recovery arrangements—determination 2011 (version 1)' available on the Commonwealth Attorney-General's Department website at <www.em.gov.au>.

non-profit organisation—

- 1 A non-profit organisation is an incorporated charitable or other organisation that—
 - (a) is not operating for the profit or gain, either direct or indirect, of its individual members; and
 - (b) provides a benefit to the community.
- 2 Paragraph 1(a) applies—
 - (a) while the organisation is operating; and
 - (b) when it winds up, as if it were still operating.
- 3 Also, any profit made by the organisation must go back into the operation of the organisation to carry out its purposes and not be distributed to any of its members.

official receipt means a receipt including—

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

scheme means the scheme set out in this schedule.

4 Meaning of *eligible disaster*

(1) An ***eligible disaster*** means any of the following events—

- (a) a bushfire;
- (b) a cyclone;
- (c) an earthquake;
- (d) a flood;
- (e) a landslide;
- (f) a meteorite strike;
- (g) a storm, including any of, or any combination of, the following—
 - (i) hail;
 - (ii) rain;
 - (iii) wind;
- (h) a storm surge;
- (i) a terrorist event;
- (j) a tornado;
- (k) a tsunami.

(2) However, an ***eligible disaster*** does not include an event under subsection (1) if the authority considers that development has significantly contributed to the event.

Part 2 General provisions for scheme

5 Nature of assistance

The nature of the assistance under the scheme is the provision of a concessional loan and a grant for re-establishing the normal operation of an eligible entity, including doing any of the following—

- (a) repairing or replacing damaged plant and equipment;
- (b) repairing or restoring essential premises, including grounds, amenities and infrastructure;
- (c) supplying stock for up to 1 month to replace lost stock and maintain liquidity of the eligible entity.

6 Maximum loan and grant amounts

- (1) Assistance under the scheme is by way of both a loan and a grant.
- (2) The amount of loan and grant assistance for an applicant under the scheme for an eligible disaster—
 - (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 caused by the eligible disaster.
- (3) However—
 - (a) the amount of loan assistance for an applicant under the scheme for an eligible disaster must not be more than \$100,000; and
 - (b) the amount of grant assistance for an applicant under the scheme for an eligible disaster must not be more than \$5000.
- (4) The first \$30,000 or part of \$30,000 of assistance for an applicant under the scheme for an eligible disaster must be in the ratio of loan to grant of 5:1.

8 Eligibility criteria

An applicant is eligible for assistance under the scheme if—

- (a) the applicant is a non-profit organisation; and
- (b) the applicant has suffered direct damage as a result of an eligible disaster; and
- (c) the applicant is located in a defined disaster area; and
- (d) the applicant can not repair or replace assets directly damaged as a result of the eligible disaster or return to the applicant's normal operations from the applicant's own resources without assistance under the scheme; and
- (e) the applicant has used all liquid assets and normal credit sources up to normal credit limits; and
- (f) the applicant has taken reasonable precautions to avoid or minimise loss or damage from the eligible disaster; and

Example—

The applicant has adequate insurance against loss or damage from the eligible disaster.

- (g) the applicant is responsible for the cost of repairing or replacing the damaged assets; and
- (h) the applicant demonstrates the ability to repay the loan applied for.

9 Security

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

10 Terms of repayment

- (1) The maximum term of a loan under the scheme is 7 years.
- (2) However, 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 applicant demonstrates a financial need for the increase in the term of the loan.
 - (3) The applicant may be given a loan under the scheme at a concessional interest rate decided by the authority.

Editor's note—

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

11 Conditions

- (1) Payment of assistance under the scheme is subject to the conditions stated in subsections (2) and (3).
- (2) The applicant must, if requested by the authority, provide evidence to the authority from time to time in the form of tax invoices, official receipts for payment, or bank statements, showing—
 - (a) full details of the goods or services acquired; and
 - (b) that all amounts claimed by the applicant under the scheme have been paid by the applicant.
- (3) If an applicant asks for the authority's consent to substitute a security for an existing security for the loan and the authority consents to the substitution, the applicant must pay to the authority—
 - (a) the authority's reasonable fee for giving the consent; and
 - (b) any other reasonable costs of the authority in relation to the substitution.

12 Applications

- (1) An application for assistance under the scheme must—
 - (a) be made on the authority's application form; and
 - (b) be accompanied by the documentation stated on the application; and
 - (c) be given to the authority.

- (2) The authority may request that an applicant provide further relevant information required to decide the application.

13 Deciding applications

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

Schedule 23 **Special Disaster Assistance Scheme**

section 3(1)

Part 1 **Preliminary**

1 **Objective of scheme**

The objective of the scheme is to support community recovery by providing assistance, under agreements entered into from time to time between the Commonwealth and the State, to eligible entities that have suffered direct damage caused by an eligible disaster.

2 **Purpose of assistance**

- (1) The purpose of the assistance under the scheme is to help an eligible entity pay for costs arising out of direct damage caused by an eligible disaster.
- (2) However, assistance under the scheme is not intended to compensate eligible entities for loss of income suffered because of an eligible disaster.

3 **Definitions for sch 23**

In this schedule—

applicant means an entity applying for assistance under the scheme.

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

assistance establishment notice see section 6(2).

closing day, for an application for assistance under the scheme for an eligible disaster, means the day by which the authority must receive the application as stated in the

assistance establishment notice for the eligible disaster under—

- (a) section 6(3)(i); or
- (b) if the day is changed under section 6(6), section 6(7).

defined disaster area, for an eligible disaster, means an area—

- (a) defined by the appropriate Minister for the purpose of activating the natural disaster relief and recovery arrangements for the communities affected by the disaster; and
- (b) described in a document held by the authority and available for inspection by members of the public.

Editor's note—

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

eligible disaster see section 4.

eligible entity means any of the following eligible for assistance under the scheme—

- (a) a primary producer;
- (b) a small business owner;
- (c) a non-profit organisation.

natural disaster relief and recovery 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 section, the funding arrangements were described in the following documents available on the Australian Government Disaster Assist website at <www.disasterassist.gov.au>—

- Natural disaster relief and recovery arrangements—determination 2012 (version 1)
- Natural disaster relief and recovery arrangements guideline 4—Community recovery package guidelines

- Natural disaster relief and recovery arrangements guideline 9—Category C assistance: interim assessment framework and forms.

non-profit organisation—

- 1 A non-profit organisation is an incorporated charitable or other organisation that—
 - (a) is not operating for the profit or gain, either direct or indirect, of its individual members; and
 - (b) provides a benefit to the community.
- 2 Paragraph 1(a) applies—
 - (a) while the organisation is operating; and
 - (b) when it winds up, as if it were still operating.
- 3 Also, any profit made by the organisation must go back into the operation of the organisation to carry out its purposes and not be distributed to any of its members.

official receipt means a receipt including—

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

primary producer means—

- (a) a sole trader who—
 - (i) spends the majority of his or her labour on a primary production enterprise; and
 - (ii) either—
 - (A) derives the majority of his or her 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 eventually derive the majority of his or her

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 eventually derive the majority of their income from the primary production enterprise.

primary production enterprise means a business—

- (a) that involves primary production, including the 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.

small business see section 5.

small business owner means a sole trader, partnership, private company or trust that carries on a small business.

4 Meaning of *eligible disaster*

- (1) An ***eligible disaster*** means any of the following events described in an assistance establishment notice—
 - (a) a bushfire;
 - (b) a cyclone;

-
- (c) an earthquake;
 - (d) a flood;
 - (e) a landslide;
 - (f) a meteorite strike;
 - (g) a storm, including any, or any combination, of the following—
 - (i) hail;
 - (ii) rain;
 - (iii) wind;
 - (h) a storm surge;
 - (i) a terrorist event;
 - (j) a tornado;
 - (k) a tsunami.
- (2) However, an *eligible disaster* does not include an event mentioned in subsection (1) if the authority considers that development has significantly contributed to the event.
- (3) In this section—
development see the *Sustainable Planning Act 2009*, section 7.

5 Meaning of *small business*

- (1) A *small business* is a business—
- (a) for which an entity holds an Australian Business Number; and
 - (b) in which are employed fewer than—
 - (i) 20 full-time employees; or
 - (ii) if the business has employees other than full-time employees—20 equivalent full-time employees.
- (2) However, a business is not a *small business* if—
- (a) the business is operated by a public company; or

- (b) the business is a charitable business that, under the natural disaster relief and recovery arrangements, is eligible to receive assistance to clean and restore the business in relation to direct damage caused by the eligible disaster.
- (3) Also, a business is not a *small business* if—
 - (a) the business is operated by a sole owner; and
 - (b) the business has no employees, other than the sole owner; and
 - (c) the sole owner does not derive the majority of the owner's income from the business.
- (4) For subsection (1)(b), the number of equivalent full-time employees of a business is worked out using the formula—

$$E = F + \frac{P}{35}$$

where—

E means the number of equivalent full-time employees of the business.

F means the number of full-time employees of the business.

P means the total number of hours worked each week by employees other than full-time employees.

- (5) In this section—

charitable business means a business that does not operate to make a profit.

full-time employee, of a business, means an individual who ordinarily works for at least 35 hours each week for the business.

public company means a public company within the meaning of the Corporations Act.

Part 2 Establishment of assistance

6 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 subsection (3) 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>.

- (3) The notice must state—
 - (a) a description of the event; and
 - (b) whether any or all of the following are eligible to apply for assistance for the event—
 - (i) primary producers;
 - (ii) small business owners;
 - (iii) non-profit organisations; and
 - (c) the day from when an applicant can apply for the assistance; and
 - (d) subject to paragraphs (e) and (f), the maximum total amount of the assistance that may be given to an eligible entity for the event; and
 - (e) whether different maximum total amounts of assistance are available to eligible entities for damage suffered in different areas (*disaster zones*) within the defined disaster area; and
 - (f) if assistance of the type mentioned in paragraph (e) is available—
 - (i) a description of the location of each disaster zone; and

- (ii) the maximum total amount of assistance for an eligible entity for damage suffered in the disaster zone; and
 - (g) whether or not part 5 applies to an application for the assistance and, if assistance of the type mentioned in paragraph (e) is available, whether or not part 5 applies to the applications for assistance relating to each disaster zone; and
 - (h) if part 5 applies to an application for assistance, whether it applies to the total or another stated amount of the assistance; and
 - (i) the day (the *stated closing day*) by which an application for the assistance must be received by the authority.
- (4) For subsection (3)(f), a disaster zone may be described by reference to a map or plan accompanying the notice.
- (5) Subsection (3)(d) and (f)(ii) is subject to sections 21(3) and 22(3).
- (6) The Minister may, before the stated closing day, change the day by which an application must be received by the authority to a later day.
- (7) If the Minister changes the day under subsection (6), the Minister must amend the notice to show the later day as the stated closing day.

Part 3 Nature of assistance

7 Nature of assistance under scheme

The nature of the assistance under the scheme is the provision of a grant to help an eligible entity—

- (a) if the eligible entity is a primary producer—clean and restore its primary production enterprise that has suffered direct damage caused by the eligible disaster; or

- (b) if the eligible entity is a small business owner—clean and restore his or her small business that has suffered direct damage caused by the eligible disaster; or
- (c) if the eligible entity is a non-profit organisation—clean and restore its means for conducting its operations that have suffered direct damage caused by the eligible disaster.

8 Assistance for primary production enterprises and small businesses

- (1) Without limiting section 7, assistance may be provided to cover the following costs for cleaning and restoring an eligible entity's primary production enterprise or small business—
 - (a) purchasing, hiring or leasing plant, equipment or materials—
 - (i) to clean premises or a property; or
 - (ii) that are essential to immediately resume farming or other business activities;
 - (b) engaging a person to clean premises or a property;
 - (c) clearing or disposing of debris, damaged goods or injured or dead livestock;
 - (d) repairing and restoring agricultural land to the condition it was in before the eligible disaster;
 - (e) repairing buildings other than houses if the repairs are essential to immediately resume farming or other business activities;
 - (f) repairing or replacing fencing on a property;
 - (g) repairing or reconditioning essential plant or equipment;
 - (h) repairing or replacing fittings in a building, other than a house, if repairing or replacing the fittings is essential to immediately resume farming or other business activities;

Example—

repairing electrical wiring or replacing floor coverings

- (i) repairing internal roads or infrastructure essential to the operation of the eligible entity's primary production enterprise or small business;
 - (j) leasing temporary premises for the purpose of resuming trading;
 - (k) purchasing fodder, or salvaging crops or feed for livestock;
 - (l) maintaining the health of livestock or poultry;
 - (m) replacing lost or damaged stock, other than livestock, if replacement of the stock is essential to immediately resume farming or other business activities;
 - (n) engaging a person to conduct a safety inspection of premises;
 - (o) paying wages to an employee of the eligible entity, if the payment—
 - (i) is for cleaning or restoration work essential to immediately resume farming or other business activities; and
 - (ii) is more than the wages that would ordinarily have been paid to the employee.
- (2) In this section—
- internal road* means a road—
- (a) within premises where the eligible entity's primary production enterprise or small business is situated; and
 - (b) that the eligible entity is responsible for maintaining.

9 Assistance for non-profit organisations

- (1) Without limiting section 7, assistance may be provided to cover the following costs for cleaning and restoring a non-profit organisation's means for conducting its operations—
- (a) purchasing, hiring or leasing plant, equipment or materials—

- (i) to clean premises or a property; or
- (ii) that are essential to immediately resume the non-profit organisation's operations;
- (b) engaging a person to clean premises or a property;
- (c) clearing or disposing of debris or damaged goods or materials;
- (d) repairing or restoring essential premises, including grounds, amenities and infrastructure that are essential to immediately resume the non-profit organisation's operations;
- (e) repairing or reconditioning essential plant or equipment;
- (f) repairing or replacing fittings in buildings if repairing or replacing the fittings is essential to immediately resume the non-profit organisation's operations;

Example—

repairing electrical wiring or replacing floor coverings

- (g) leasing temporary premises for the purpose of resuming the non-profit organisation's operations;
- (h) engaging a person to conduct a safety inspection of premises;
- (i) paying wages to an employee of the non-profit organisation, if the payment—
 - (i) is for cleaning or restoration work essential to immediately resume the non-profit organisation's operations; and
 - (ii) is more than the wages that would ordinarily have been paid to the employee.

Part 4 Eligibility for assistance

10 Application may be made in 1 capacity only

An entity may apply for assistance under the scheme in only 1 of the following capacities—

- (a) primary producer;
- (b) small business owner;
- (c) non-profit organisation.

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) the applicant's primary production enterprise has suffered direct damage as a result of the eligible disaster; and
- (c) the primary production enterprise is located in the defined disaster area for the eligible disaster; and
- (d) the applicant is primarily responsible for meeting the costs claimed in the application; and
- (e) the applicant was engaged in the primary production enterprise when the area where the enterprise is located became part of the defined disaster area for the eligible disaster; and
- (f) the authority is satisfied the applicant intends to re-establish the primary production enterprise.

12 Eligibility criteria—small business owner

- (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) the small business has suffered direct damage as a result of the eligible disaster; and
 - (c) the small business is located in the defined disaster area for the eligible disaster; and
 - (d) the applicant is primarily responsible for meeting the costs claimed in the application; and
 - (e) the applicant was engaged in conducting the business when the area where the business is located became part of the defined disaster area for the eligible disaster; and
 - (f) the authority is satisfied the applicant intends to re-establish the small business.
- (2) However, an applicant is not eligible for assistance under the scheme for damage to a property the applicant lets to a person for residential or commercial purposes, unless the applicant lets the property in the course of operating a business.

Note—

At the commencement of this section, the Natural disaster relief and recovery arrangements guideline 4—Community recovery package guidelines relevantly provided for property owners who have incurred loss or damage to an investment property under the heading ‘Rental properties’ at page 19, and attachment C (Assessing a bona-fide property rental business).

13 Eligibility criteria—non-profit organisation

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) the applicant’s means for conducting its operations have suffered direct damage as a result of the eligible disaster; and
- (c) the non-profit organisation is located in the defined disaster area for the eligible disaster; and

- (d) the applicant is primarily responsible for meeting the costs claimed in the application; and
- (e) the applicant was engaged in conducting its operations when the area where the applicant is located became part of the defined disaster area for the eligible disaster; and
- (f) the authority is satisfied the applicant intends to re-establish its operations; and
- (g) 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.

14 Additional restrictions on eligibility—non-profit organisation

- (1) A non-profit organisation is not eligible for assistance under the scheme for an item for which a claim is made in the application if the non-profit organisation has received or been approved to receive financial assistance, other than partial assistance, under another scheme, whether or not of the Commonwealth government or another government.
- (2) In this section—
partial assistance, in relation to another scheme, means assistance under that scheme to fund part of the cost of the item for which a claim is made in the application.

Part 5 Financial evidence for applications

15 Application of pt 5

This part applies to an application for assistance for an eligible disaster—

-
- (a) if the assistance establishment notice for the disaster states that this part applies to the application; and
 - (b) in relation to the amount of the assistance stated in the notice.

16 Special requirements for assistance

An applicant is eligible for assistance for the eligible disaster under the scheme only if—

- (a) 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; or
- (b) the applicant demonstrates financial hardship under section 17 and provides evidence to the authority, in the form of quotations for work, equipment or materials that all amounts claimed by the applicant under the scheme are needed for cleaning and restoring the applicant's primary production enterprise or small business or means for conducting its operations as a non-profit organisation.

17 Financial hardship

- (1) To demonstrate financial hardship for section 16(b), an application for assistance must be accompanied by 1 of the following—
 - (a) for an applicant who is a primary producer—
 - (i) either—
 - (A) if the applicant is an individual—evidence that the applicant is the holder of a health care card under the *Social Security Act 1991* (Cwlth); or
 - (B) if the applicant is a partnership, company or trust—evidence that at least 1 of the partners, shareholders or beneficiaries of the

partnership, company or trust is the holder of a health care card under the *Social Security Act 1991* (Cwlth); or

- (ii) a financial hardship certificate for the applicant's primary production enterprise;
- (b) for an applicant who is a small business owner—
 - (i) if the small business is owned by 1 or more individuals—evidence that the owner or at least 1 of the owners is the holder of a health care card under the *Social Security Act 1991* (Cwlth); or
 - (ii) a financial hardship certificate for the applicant's small business;
- (c) for an applicant that is a non-profit organisation, a financial hardship certificate for the organisation's activities that are not for profit.

(2) In this section—

financial hardship certificate, for an applicant that is a primary producer, small business owner or non-profit organisation, means a certificate from a suitably qualified person stating that—

- (a) the applicant can not pay the amounts claimed in the application because of financial hardship; and
- (b) the continuation of the applicant's ability to continue to carry out its primary production enterprise, small business or activities that are not for profit is in doubt because the applicant can not pay the amounts claimed.

suitably qualified person means—

- (a) generally, a person who—
 - (i) has financial qualifications that enable the person to give a certificate mentioned in subsection (1); and
 - (ii) is a member of a professional association whose members normally provide financial advice; and

- (iii) is not an office holder in, or otherwise associated with, the applicant; or
- (b) for an applicant for whom it is not reasonably practical to engage a person mentioned in paragraph (a), including, for example, because the applicant's residence is not located near a populated area, a person who—
 - (i) has experience in financial matters because of the person's occupation, whether or not the person normally provides or provided financial advice; and

Examples—

 - accountant, bank manager, tax agent
 - (ii) is a member of a relevant professional association; and
 - (iii) is not an office holder in, or otherwise associated with, the applicant.

Part 6 Conditions of assistance

18 General conditions

- (1) 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 obtaining information or documents from an insurer about the applicant's primary production enterprise, small business or its 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;
 - (c) 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.
- (2) However, subsection (1)(b) applies only if part 5 applies to the applicant's application for assistance.

19 Special provision about insurance

- (1) This section applies if—
- (a) part 5 applies to an application; and
 - (b) the applicant receives, or is entitled to receive, an amount (an *insurance amount*) under a policy of insurance relating to direct damage caused by an eligible disaster.
- (2) The applicant is not eligible to receive a grant under the scheme to cover particular costs of cleaning and restoring the applicant's primary production enterprise, small business or means for conducting its operations as a non-profit organisation if the applicant receives, or is entitled to receive, an insurance amount to cover the costs.

Part 7 Amount of assistance

20 Maximum amount of assistance

Subject to sections 21 and 22, the maximum amount of assistance that may be given under the scheme to an eligible entity for an eligible disaster is the amount stated in the assistance establishment notice for the eligible disaster.

21 Special provisions for primary producers and small business owners

- (1) This section applies if—
 - (a) either—
 - (i) an eligible entity that is a primary producer operates more than 1 primary production enterprise (each a *separate business*) at separate locations; or
 - (ii) an eligible entity that is a small business owner operates more than 1 small business (each also a *separate business*) at separate locations; and
 - (b) the authority is satisfied the separate business would be a commercially viable and autonomous business (an *eligible separate business*) if the other separate businesses operated by the eligible entity ceased to operate.
- (2) The eligible entity may apply for assistance under the scheme for each eligible separate business as if each eligible separate business were a separate primary production enterprise or small business in relation to which the applicant may be eligible for assistance under the scheme.
- (3) The maximum amount of assistance that may be given under the scheme to an eligible entity for each eligible separate business, for an eligible disaster, is the maximum amount of the assistance stated in the assistance establishment notice under—
 - (a) section 6(3)(d); or

- (b) section 6(3)(f)(ii), if relevant.
- (4) For subsection (1)(b), the authority may have regard to the following—
 - (a) the staffing arrangements of the separate business;
 - (b) whether the separate business has its own plant, equipment or stock;
 - (c) the accounting and insurance arrangements of the separate business;
 - (d) whether the separate business operates under its own trading name.
- (5) Subsection (4) does not limit the matters to which the authority may have regard.

22 Special provisions for non-profit organisations

- (1) This section applies if—
 - (a) an eligible entity that is a non-profit organisation carries on more than 1 operation (each a *separate non-profit operation*) as a non-profit organisation; and
 - (b) the authority is satisfied each separate non-profit operation (an *eligible separate operation*) would continue to run autonomously if other separate non-profit operations carried on by the eligible entity ceased to operate.
- (2) The eligible entity may apply for assistance under the scheme for each eligible separate operation as if each eligible separate operation were a separate non-profit organisation in relation to which the applicant may be eligible for assistance under the scheme.
- (3) The maximum amount of assistance that may be given under the scheme to an eligible entity for each eligible separate operation for an eligible disaster is the maximum amount of the assistance stated in the assistance establishment notice under—
 - (a) section 6(3)(d); or

- (b) section 6(3)(f)(ii), if relevant.
- (4) For subsection (1)(b), the authority may have regard to the following—
 - (a) the staffing arrangements of the separate operation;
 - (b) the accounting and insurance arrangements of the separate operation;
 - (c) whether the separate operation operates under its own trading name;
 - (d) the financial independence and autonomy of the separate operation.
- (5) Subsection (4) does not limit the matters to which the authority may have regard.

Part 8 **Other provisions about applications**

23 **Requirements for applications**

- (1) An application for assistance under the scheme must—
 - (a) be made on the authority's application form; and
 - (b) be accompanied by the documentation stated in the application; and
 - (c) be given to the authority.
- (2) An application for assistance under the scheme must be received by the authority no later than the closing day for the application.
- (3) The authority may request that an applicant provide further relevant information required to decide the application.

24 Deciding applications

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

Schedule 25 **Bovine Johne's Disease Assistance Scheme**

section 3(1)

Part 1 **Preliminary**

1 **Objective of scheme**

The objective of the scheme is to provide assistance to eligible applicants who, because of an occurrence of bovine Johne's disease in Queensland, have suffered financial loss as a result of 1 or more of the following—

- (a) the slaughter of cattle;
- (b) alternative supply actions affecting cattle;
- (c) the short-term quarantine of cattle.

2 **Purpose of assistance**

- (1) The purpose of the assistance under the scheme is to help an eligible applicant recover from the financial impact of slaughtering, taking alternative supply actions affecting, or carrying out the short-term quarantine of, cattle under planned slaughter or testing conditions.
- (2) However, assistance under the scheme is not intended to compensate eligible applicants for losses suffered as a result of slaughtering, taking alternative supply actions affecting, or carrying out the short-term quarantine of, cattle.

3 **Definitions for sch 25**

In this schedule—

accepted value, of an animal to which an application relates, means—

- (a) if the applicant bought the animal—the purchase price for the animal; or
- (b) otherwise—the value of the animal stated in the latest approved valuation report for the animal.

alternative supply actions, affecting cattle, means the actions for managing the cattle stated in the supply chain plan for the cattle.

Examples of alternative supply actions—

- feeding, agisting or consigning the cattle to a feedlot
- transporting the cattle to an alternative market

animal means a head of cattle.

applicant means a person applying for assistance under the scheme.

application means an application for financial assistance under the scheme.

approved valuation report means a valuation report prepared—

- (a) by a person accredited as an A1, A2 or A3 assessor of cattle by AuctionsPlus Pty Ltd ACN 072 403 984; and

Editor's note—

At the commencement of this definition, the requirements for gaining A1, A2 and A3 assessor accreditation were stated on AuctionsPlus Pty Ltd's website at <<http://www.auctionsplus.com.au>>.

- (b) in accordance with the Ausvetplan operational procedures.

Ausvetplan operational procedures means the document called 'Ausvetplan Operational Procedures Manual Valuation and Compensation', version 3.0, published by the Primary Industries Ministerial Council in 2006, or any earlier or later version of the document.

Editor's note—

At the commencement of this definition the document was available on the Animal Health Committee's website at <www.animalhealthaustralia.com.au>.

bovine Johne's disease means the bovine strains of *Mycobacterium avium* paratuberculosis.

cattle holding means a place where cattle are kept, pastured or grazed.

Examples—

- a farm
- a feedlot

certificate of health means a certificate of health that complies with the Stock Regulation 1988, section 10.

direct market assistance see section 5(a).

disease plan, for part 4A, see section 11A.

eligible applicant means an applicant who is eligible for assistance under the scheme.

inspector see the *Stock Act 1915*, schedule 2.

official receipt means a receipt including—

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

PDIP guide means the document called 'Property Disease Investigation Plan', version 4.1, published by the department on 1 April 2013, or any earlier or later version of the document.

Editor's note—

At the commencement of this definition the document was available on the department's website at <www.daff.qld.gov.au>.

planned slaughter or testing conditions means conditions—

- (a) affecting cattle—
 - (i) that are infected, or suspected to be infected with bovine Johne's disease; and
 - (ii) to which either of the following relate—

- (A) a notice under the *Stock Act 1915*, section 14(1); or
 - (B) an undertaking under the *Stock Act 1915*, section 14(2); and
- (b) stated in a property disease investigation plan or property disease eradication plan.

property disease eradication plan means a written plan for eradicating bovine Johne's disease by destocking prepared consistently with the PDIP guide.

Note—

At the commencement of this definition, the processes for destocking under a property disease eradication plan were set out in item 2.9 of the PDIP guide.

property disease investigation plan means a written plan for investigating suspected bovine Johne's disease prepared in accordance with the PDIP guide and the standard definitions rules and guidelines.

related entity see section 4.

scheme means the scheme set out in this schedule.

short-term assistance see section 5(c).

short-term quarantine, of cattle, means the quarantine of cattle for a period of at least 2 months, but not more than 6 months.

standard definitions rules and guidelines means the document called 'National Johne's Disease Program Standard Definitions and Rules For Cattle—BJD Standard Definitions, Rules and Guidelines for the control of cattle strains of *Mycobacterium paratuberculosis* in cattle and for goats, deer and camelids', version 8, published by the Animal Health Committee in May 2012, or any earlier or later version of the document.

Editor's note—

At the commencement of this definition the document was available on the Animal Health Committee's website at <www.animalhealthaustralia.com.au>.

supply chain pathway assistance see section 5(b).

supply chain plan means a written plan for managing cattle affected by planned slaughter or testing conditions, stating the actions that have been, are being, or are to be, taken to manage the cattle in response to the conditions.

4 Meaning of *related entity*

- (1) An applicant is a *related entity* of a person to whom section 7(e)(i) or (ii) applies if the authority considers—
 - (a) a relationship of a type to which this section applies exists between them; or
 - (b) a series of relationships of a type to which this section applies can be traced between them through another person or other persons.
- (2) This section applies to relationships between the applicant and the person of any of the following types—
 - (a) a marriage, de facto relationship or registered relationship;
 - (b) a relationship of ascendant and descendant (including the relationship of parent and child) or the relationship of persons who have a parent or grandparent in common;
 - (c) a relationship of employer and employee;
 - (d) a relationship in which the applicant and the person own or control the same—
 - (i) cattle; or
 - (ii) land where cattle are kept; or
 - (iii) infrastructure or equipment for keeping cattle;
 - (e) a relationship in which one of them is accustomed, or under an obligation (whether formal or informal), to act in accordance with the directions, instructions or wishes of the other;

- (f) a relationship in which one of them is a corporation and the other is in a position to control or substantially influence the corporation's conduct.

Part 2 **General provisions for scheme**

5 **Nature of assistance**

The nature of the assistance that may be given under the scheme is the provision of 1 or more of the following—

- (a) a grant to help an eligible applicant recover from the financial impact of the slaughter of cattle under planned slaughter or testing conditions (*direct market assistance*);
- (b) a grant to help an eligible applicant recover from the financial impact of taking alternative supply actions affecting cattle under planned slaughter or testing conditions (*supply chain pathway assistance*);
- (c) a grant (*short-term assistance*) to help an eligible applicant recover from the financial impact of carrying out the short-term quarantine of cattle under planned slaughter or testing conditions.

6 **Maximum amount of total assistance under scheme**

The maximum amount of the total assistance that may be given to an eligible applicant for all forms of assistance under the scheme is \$100,000.

Note—

See section 11C(2) for the maximum amount of short-term assistance that may be given to an eligible applicant.

7 **Eligibility criteria**

An applicant is eligible for assistance under the scheme if—

-
- (a) the applicant owns cattle in Queensland; and
 - (b) either—
 - (i) an inspector has given a notice under the *Stock Act 1915*, section 14(1), for any of the cattle because the cattle are infected, or suspected to be infected, with bovine Johne's disease; or
 - (ii) the applicant has given an undertaking under the *Stock Act 1915*, section 14(2), relating to any of the cattle because of bovine Johne's disease or suspected bovine Johne's disease; and
 - (c) the notice or undertaking—
 - (i) was in force on 20 November 2012; or
 - (ii) has been in force at any time since that day; and
 - (d) the applicant is eligible for 1 or more of the following—
 - (i) direct market assistance under section 8;
 - (ii) supply chain pathway assistance under section 10;
 - (iii) short-term assistance under section 11B; and
 - (e) the applicant is not a related entity of a person who—
 - (i) has been granted assistance under the scheme; or
 - (ii) has made an application that has not been decided; and
 - (g) the applicant has not already received the maximum amount of assistance under the scheme; and
 - (h) if the applicant has brought cattle into Queensland from another State on or after 20 November 2010—the applicant has obtained a certificate of health for the cattle.

Part 3 Direct market assistance

8 Eligibility criteria

- (1) An applicant is eligible for direct market assistance for slaughtering cattle if, in addition to being satisfied of the matters mentioned in section 7, the authority is satisfied—
 - (a) the applicant has prepared a property disease investigation plan or a property disease eradication plan (each a **relevant plan**) in response to bovine Johne's disease; and
 - (b) the applicant has slaughtered relevant cattle under the relevant plan.
- (2) However, the applicant is not eligible for direct market assistance for slaughtering an animal—
 - (a) that was 11 years or older; or
 - (b) in relation to which—
 - (i) assistance under the scheme has already been granted; or
 - (ii) an earlier application has been made but is yet to be decided.

- (3) In this section—

chief inspector see the *Stock Act 1915*, schedule 2.

relevant cattle means cattle of any of the following categories, required to be slaughtered under planned slaughter or testing conditions under a relevant plan—

- (a) cattle that have come from a cattle holding where there have been cattle infected with bovine Johne's disease;

Editor's note—

In property disease investigation plans, this category of cattle is commonly referred to as 'trace forward' cattle.

- (b) cattle kept on a cattle holding where there are, or have been, other cattle infected with bovine Johne's disease;

-
- (c) cattle from which a blood or faecal sample, taken by an inspector or veterinary surgeon, reacts positively to a test for bovine Johne's disease that is—
- (i) of a type approved by the chief inspector; and
 - (ii) conducted by a laboratory accredited by the National Association of Testing Authorities Australia ABN 59 004 379 748 to conduct veterinary testing.

veterinary surgeon see the *Veterinary Surgeons Act 1936*, schedule.

9 Amount of direct market assistance

- (1) The amount of direct market assistance that may be given to an eligible applicant for the slaughter of an animal to which section 8(1)(b) applies is the amount that is the relevant percentage of the animal's accepted value worked out under subsection (2) less the amount of the deduction, if relevant, worked out under subsection (3).
- (2) For subsection (1), the amount that is the relevant percentage of the animal's accepted value is—
- (a) if the accepted value is no more than \$2500—25% of the accepted value; or
 - (b) if the accepted value is more than \$2500 but no more than \$3000—35% of the accepted value; or
 - (c) if the accepted value is more than \$3000—50% of the accepted value.
- (3) If the animal was older than 7 years when slaughtered, the amount worked out under subsection (2) must be reduced by 25% of that amount for each whole year the animal was above that age.

Example—

An animal had an accepted value of \$4000 and was 10 years and 3 months old when slaughtered. Under subsection (2)(c) the amount of assistance would have been \$2000 (50% of \$4000) but, under subsection (3), is reduced by \$1500 (25% of \$2000 cumulatively over 3 years). The amount of assistance is therefore \$500.

- (4) This section is subject to section 6.

Part 4 **Supply chain pathway assistance**

10 **Eligibility criteria**

- (1) An applicant is eligible for supply chain pathway assistance if, in addition to being satisfied of the matters mentioned in section 7, the authority is satisfied—
- (a) cattle owned by the applicant are, or have been—
 - (i) subject to planned slaughter or testing conditions; or
 - (ii) kept on a cattle holding where cattle are, or have been, subject to planned slaughter or testing conditions; and
 - (b) the applicant has prepared a supply chain plan for the cattle that has been approved by the chief executive; and
 - (c) the applicant has taken the alternative supply actions affecting the cattle stated in the plan.
- (2) However, the applicant is not eligible for supply chain pathway assistance for the costs incurred in taking alternative supply actions that affect any of the cattle if—
- (a) supply chain pathway assistance has already been granted for—
 - (i) the same costs in relation to the cattle; or
 - (ii) the costs incurred in taking alternative supply actions in relation to the cattle under a supply chain plan other than the plan mentioned in subsection (1)(b); or
 - (b) direct market assistance has already been granted in relation to the cattle; or

-
- (c) an earlier application has been made in relation to the cattle but is yet to be decided.

11 Amount of supply chain pathway assistance

- (1) The amount of supply chain pathway assistance that may be given to an eligible applicant is half of the amount of the costs incurred by the applicant in carrying out the alternative supply actions to which the application relates.
- (2) This section is subject to section 6.

Part 4A Short-term assistance

11A Definition for pt 4A

In this part—

disease plan means—

- (a) a property disease investigation plan; or
- (b) a property disease eradication plan.

11B Eligibility criteria

- (1) An applicant is eligible for short-term assistance if, in addition to being satisfied of the matters mentioned in section 7, the authority is satisfied—
 - (a) cattle owned by the applicant have been, but are no longer—
 - (i) under short-term quarantine; and
 - (ii) subject to planned slaughter or testing conditions under a disease plan prepared by the applicant in response to bovine Johne's disease; and
 - (b) the applicant has incurred costs in implementing the disease plan; and

- (c) the applicant has not already received the maximum amount of short-term assistance that may be given to an eligible applicant.
- (2) However, the applicant is not eligible for short-term assistance for the costs incurred in carrying out the short-term quarantine of any of the cattle if—
- (a) short-term assistance has already been granted for—
 - (i) the same costs in relation to the cattle; or
 - (ii) the costs incurred in carrying out the short-term quarantine of the cattle under a disease plan other than the plan mentioned in subsection (1)(a)(ii); or
 - (b) direct market assistance has already been granted in relation to the cattle; or
 - (c) an earlier application has been made in relation to the cattle but is yet to be decided.

11C Amount of short-term assistance

- (1) The amount of short-term assistance that may be given to an eligible applicant is half of the amount of the costs incurred by the applicant in implementing the disease plan.

Examples of costs—

- costs of feeding or agisting the cattle or consigning the cattle to a feedlot
 - costs of transporting the cattle to an alternative market
- (2) However, the maximum amount of short-term assistance that may be given to an eligible applicant is \$20,000.
- (3) Also, this section is subject to section 6.

Part 5 Other provisions

12 Conditions of assistance

- (1) Payment of assistance under the scheme is subject to the conditions stated in subsections (2) to (6).
- (2) The applicant must give the authority—
 - (a) each of the following documents that is relevant to the assistance applied for—
 - (i) the property disease investigation plan;
 - (ii) the property disease eradication plan;
 - (iii) the supply chain plan; and
 - (b) any other document the authority reasonably requires to decide whether or not the applicant is a related entity of a person to whom section 7(e)(i) or (ii) applies.

Examples of another document—

a lease, an agistment contract

- (3) If the application relates to the slaughter of, alternative supply actions affecting, or the short-term quarantine of, cattle that were brought into Queensland from another State on or after 20 November 2010, the applicant must give the authority the certificate of health for the cattle.
- (4) If the application is for direct market assistance, the applicant must give the authority evidence of the accepted value of each slaughtered animal in the form of—
 - (a) for an animal bought by the applicant—tax invoices, official receipts for payment or bank statements; or
 - (b) otherwise—the latest valuation report for the animal.
- (5) If the application is for supply chain pathway assistance, the applicant must give the authority evidence of the costs incurred in carrying out the alternative supply actions in the form of tax invoices, official receipts for payment or bank statements.

- (5A) If the application is for short-term assistance, the applicant must give the authority evidence of the costs incurred in carrying out the short-term quarantine of the cattle in the form of tax invoices, official receipts for payment or bank statements.
- (6) The applicant must consent to the authority obtaining from the department information about either of the following relevant to the applicant's eligibility for assistance—
 - (a) a document mentioned in subsection (2), (3), (4), (5) or (5A);
 - (b) slaughtering cattle.

13 Applications

- (1) An application for assistance under the scheme must be—
 - (a) made on the authority's application form; and
 - Editor's note—*
 - A copy of the application form is available on the authority's website at <www.qraa.qld.gov.au>.
 - (b) accompanied by the documentation stated on the application; and
 - (c) given to the authority.
- (2) An application for assistance under the scheme must be received by the authority no later than 27 March 2015.
- (3) The authority may request that an applicant provide further relevant information or documents required to decide the application.

14 Deciding applications

- (1) Subject to subsection (2), the authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.
- (2) The authority must refuse an application for assistance if the authority's assistance funds for the scheme are not sufficient to pay for the assistance.

Endnotes

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2 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 version
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory

Endnotes

requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
1	none	19 August 2011	
1A	2011 SL No. 192	30 September 2011	
1B	2012 SL No. 11	27 January 2012	
1C	2012 SL No. 44	17 February 2012	
1D	2012 SL No. 51	16 March 2012	
1E	2012 SL No. 76	22 June 2012	
1F	2012 SL No. 84	29 June 2012	
1G	2012 SL No. 85	1 July 2012	
1H	2012 SL No. 176	12 October 2012	
1I	2012 SL No. 195	9 November 2012	

Current as at	Amendments included	Notes
15 February 2013	2013 SL No. 19	
1 March 2013	2013 SL No. 26	
31 May 2013	2013 SL No. 81	
12 July 2013	2013 SL No. 136	
16 August 2013 rv	2013 SL No. 157	
4 October 2013	2013 SL No. 194	
31 January 2014	2014 SL No. 2	
24 April 2014	2014 SL No. 51	
13 June 2014	2014 SL No. 92	
20 June 2014	2014 SL No. 114	
1 July 2014	2014 SL No. 92	
8 August 2014	2014 SL No. 169	
22 August 2014	2014 SL No. 180	
3 October 2014	2014 SL No. 230	

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Rural and Regional Adjustment Regulation 2011 SL No. 155

made by the Governor in Council on 18 August 2011

notfd gaz 19 August 2011 pp 939–40

commenced on date of notification

exp 1 September 2021 (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 and Regional Adjustment Amendment Regulation (No. 5) 2011 SL No. 192

notfd gaz 30 September 2011 pp 238–40

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 1) 2012 SL No. 11

notfd gaz 27 January 2012 pp 139–40

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 2) 2012 SL No. 44

notfd gaz 17 February 2012 pp 340–3

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 3) 2012 SL No. 51

notfd gaz 16 March 2012 pp 742–3

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 4) 2012 SL No. 76

notfd gaz 22 June 2012 pp 364–5

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 5) 2012 SL No. 84

notfd gaz 29 June 2012 pp 704–10

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 6) 2012 SL No. 85

notfd gaz 29 June 2012 pp 704–10

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2012 (see s 2)

Rural and Regional Adjustment Amendment Regulation (No. 7) 2012 SL No. 176

notfd gaz 12 October 2012 pp 211–12

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 8) 2012 SL No. 195

notfd gaz 9 November 2012 pp 319–320

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 1) 2013 SL No. 19

notfd gaz 15 February 2013 pp 248–9

commenced on date of notification

Rural and Regional Adjustment Amendment Regulation (No. 2) 2013 SL No. 26

notfd gaz 1 March 2013 pp 331–2

commenced on date of notification

Endnotes

- Rural and Regional Adjustment Amendment Regulation (No. 3) 2013 SL No. 81**
notfd gaz 31 May 2013 pp 160–5
commenced on date of notification
- Rural and Regional Adjustment Amendment Regulation (No. 4) 2013 SL No. 136**
notfd gaz 12 July 2013 pp 850–1
commenced on date of notification
- Rural and Regional Adjustment Amendment Regulation (No. 5) 2013 SL No. 157**
notfd gaz 16 August 2013 pp 1002–3
commenced on date of notification
- Rural and Regional Adjustment Amendment Regulation (No. 6) 2013 SL No. 194**
notfd <www.legislation.qld.gov.au> 4 October 2013
commenced on date of notification
- Rural and Regional Adjustment Amendment Regulation (No. 1) 2014 SL No. 2**
notfd <www.legislation.qld.gov.au> 31 January 2014
commenced on date of notification
- Rural and Regional Adjustment Amendment Regulation (No. 2) 2014 SL No. 51**
notfd <www.legislation.qld.gov.au> 24 April 2014
commenced on date of notification
- Rural and Regional Adjustment Amendment Regulation (No. 3) 2014 SL No. 92**
notfd <www.legislation.qld.gov.au> 13 June 2014
ss 1–2 commenced on date of notification
ss 4–5 commenced 1 July 2014 (see s 2)
remaining provisions commenced on date of notification
- Rural and Regional Adjustment Amendment Regulation (No. 4) 2014 SL No. 114**
notfd <www.legislation.qld.gov.au> 20 June 2014
commenced on date of notification
- Rural and Regional Adjustment Amendment Regulation (No. 5) 2014 SL No. 169**
notfd <www.legislation.qld.gov.au> 8 August 2014
commenced on date of notification
- Rural and Regional Adjustment Amendment Regulation (No. 6) 2014 SL No. 180**
notfd <www.legislation.qld.gov.au> 22 August 2014
commenced on date of notification
- Rural and Regional Adjustment Amendment Regulation (No. 7) 2014 SL No. 230**
notfd <www.legislation.qld.gov.au> 3 October 2014
commenced on date of notification

5 List of annotations

Approval of schemes—Act, s 11

- s 3 amd 2011 SL No. 192 s 3; 2012 SL No. 44 s 3; 2012 SL No. 51; 2012 SL No. 85 s 4; 2012 SL No. 176 s 3; 2012 SL No. 195 s 3; 2013 SL No. 19 s 3;

2013 SL No. 26 s 3; 2013 SL No. 81 s 3; 2013 SL No. 194 s 3; 2014 SL No. 51 s 3; 2014 SL No. 169 s 3; 2014 SL No. 180 s 3

PART 4—SAVINGS AND TRANSITIONAL PROVISIONS

Division 1—Transitional provisions for SL No. 155 of 2011

div hdg ins 2013 SL No. 19 s 4

Continuation of particular schemes for particular purposes

s 6 amd 2011 SL No. 192 s 4

Division 2—Transitional provision for Rural and Regional Adjustment Amendment Regulation (No. 1) 2013

div 2 (s 7) ins 2013 SL No. 19 s 5

Division 3—Transitional provision for Rural and Regional Adjustment Amendment Regulation (No. 2) 2014

div 3 (s 8) ins 2014 SL No. 51 s 4

Division 4—Transitional provision for Rural and Regional Adjustment Amendment Regulation (No. 3) 2014

div 4 (s 9) ins 2014 SL No. 92 s 4

SCHEDULE 1—PRIMARY INDUSTRY PRODUCTIVITY ENHANCEMENT SCHEME

sch hdg amd 2011 SL No. 192 s 5

Deciding applications

s 10 sub 2014 SL No. 92 s 5

SCHEDULE 2—NATURAL DISASTER RELIEF (PRIMARY PRODUCERS) SCHEME

sch hdg amd 2011 SL No. 192 s 5

Definitions for sch 2

s 1 def *defined disaster area* amd 2013 SL No. 19 s 6

def *eligible disaster* (prev def *eligible natural disaster*) amd 2013 SL No. 19 s 6

def *IDSP certificate* amd 2013 SL No. 19 s 6

Meaning of *eligible disaster*

prov hdg amd 2013 SL No. 19 s 6

s 2 amd 2012 SL No. 176 s 4; 2013 SL No. 19 ss 6, 7

Meaning of *individual disaster stricken enterprise*

s 3 amd 2013 SL No. 19 s 6

Purpose of assistance

s 4 amd 2013 SL No. 19 s 6

Nature of assistance

s 5 amd 2013 SL No. 19 s 6

Maximum loan amounts

s 6 amd 2013 SL No. 19 s 6

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Eligibility criteria

s 7 amd 2013 SL No. 19 s 6

SCHEDULE 3—NATURAL DISASTER RELIEF (SMALL BUSINESS) SCHEME

sch hdg amd 2011 SL No. 192 s 5

Definitions for sch 3

s 1 def *eligible disaster* (prev def *eligible natural disaster*) amd 2013 SL No. 19 s 6

Meaning of *eligible disaster*

prov hdg amd 2013 SL No. 19 s 6

s 2 amd 2012 SL No. 176 s 5; 2013 SL No. 19 ss 6, 8

Purpose of assistance

s 4 amd 2013 SL No. 19 s 6

Maximum loan amounts

s 6 amd 2013 SL No. 19 s 6; 2014 SL No. 169 s 4

Eligibility criteria

s 7 amd 2013 SL No. 19 s 6

SCHEDULE 4—DROUGHT CARRY-ON FINANCE SCHEME

sch hdg amd 2011 SL No. 192 s 5

SCHEDULE 5—DROUGHT RECOVERY SCHEME

sch hdg amd 2011 SL No. 192 s 5

SCHEDULE 6—SMALL BUSINESS EMERGENCY ASSISTANCE SCHEME

sch hdg amd 2011 SL No. 192 s 5

Maximum subsidy amount

s 5 amd 2014 SL No. 51 s 5

SCHEDULE 7—NATURAL DISASTER RELIEF (ESSENTIAL WORKING CAPITAL) SCHEME

sch hdg prev sch hdg amd 2011 SL No. 192 s 5

om 2014 SL No. 51 s 6

pres sch hdg ins 2014 SL No. 169 s 5

PART 1—PRELIMINARY

pt hdg ins 2014 SL No. 169 s 5

Objective of scheme

s 1 prev s 1 om 2014 SL No. 51 s 6

pres s 1 ins 2014 SL No. 169 s 5

Purpose of assistance

s 2 prev s 2 om 2014 SL No. 51 s 6

pres s 2 ins 2014 SL No. 169 s 5

Definitions for sch 7

s 3 prev s 3 om 2014 SL No. 51 s 6

pres s 3 ins 2014 SL No. 169 s 5

Meaning of *eligible disaster*

s 4 prev s 4 om 2014 SL No. 51 s 6
 pres s 4 ins 2014 SL No. 169 s 5

Meaning of *small business*

s 5 prev s 5 om 2014 SL No. 51 s 6
 pres s 5 ins 2014 SL No. 169 s 5

PART 2—GENERAL PROVISIONS FOR SCHEME

pt hdg ins 2014 SL No. 169 s 5

Nature of assistance

s 6 prev s 6 om 2014 SL No. 51 s 6
 pres s 6 ins 2014 SL No. 169 s 5

Maximum loan amount

s 7 prev s 7 om 2014 SL No. 51 s 6
 pres s 7 ins 2014 SL No. 169 s 5

Eligibility criteria

s 8 prev s 8 om 2014 SL No. 51 s 6
 pres s 8 ins 2014 SL No. 169 s 5

Security

s 9 prev s 9 om 2014 SL No. 51 s 6
 pres s 9 ins 2014 SL No. 169 s 5

Terms of repayment

s 10 prev s 10 om 2014 SL No. 51 s 6
 pres s 10 ins 2014 SL No. 169 s 5

Conditions

s 11 ins 2014 SL No. 169 s 5

Applications

s 12 ins 2014 SL No. 169 s 5

Deciding applications

s 13 ins 2014 SL No. 169 s 5

**SCHEDULE 8—QUEENSLAND EAST COAST COMMERCIAL NET FISHING
REDUCTION SCHEME (No. 3)**

sch hdg prev sch 8 hdg amd 2011 SL No. 192 s 5
 om 2014 SL No. 51 s 6

sch 8 prev sch 8 om 2014 SL No. 51 s 6
 pres sch 8 ins 2014 SL No. 180 s 4

**SCHEDULE 9—SPECIAL DISASTER FLOOD ASSISTANCE (NOVEMBER 2010
TO JANUARY 2011) SCHEME**

sch hdg amd 2011 SL No. 192 s 5

sch 9 om 2014 SL No. 51 s 6

PART 1—PRELIMINARY

pt 1 (ss 1–4) om 2014 SL No. 51 s 6

Endnotes

PART 2—GENERAL PROVISIONS FOR SCHEME

pt hdg om 2014 SL No. 51 s 6

Nature of assistance

s 5 om 2014 SL No. 51 s 6

Eligibility criteria—primary producer

s 6 om 2014 SL No. 51 s 6

Eligibility criteria—small business

s 7 om 2014 SL No. 51 s 6

Special requirement for particular assistance

s 8 om 2014 SL No. 51 s 6

Financial hardship

s 9 om 2014 SL No. 51 s 6

Amount of assistance

s 10 om 2014 SL No. 51 s 6

Conditions

s 11 amd 2012 SL No. 11 s 3(1); 2012 SL No. 84 s 3(1)
om 2014 SL No. 51 s 6

Special provision for particular applications

s 12 om 2014 SL No. 51 s 6

Special provision about insurance

s 13 om 2014 SL No. 51 s 6

Applications

s 14 amd 2012 SL No. 11 s 3(2); 2012 SL No. 84 s 3(2)
om 2014 SL No. 51 s 6

Deciding applications

s 15 om 2014 SL No. 51 s 6

**SCHEDULE 10—SPECIAL DISASTER FLOODS (NOVEMBER 2010 TO
JANUARY 2011) NON-PROFIT ORGANISATIONS ASSISTANCE
SCHEME**

sch hdg amd 2011 SL No. 192 s 5

sch 10 om 2014 SL No. 51 s 6

PART 1—PRELIMINARY

pt 1 (ss 1–3) om 2014 SL No. 51 s 6

PART 2—GENERAL PROVISIONS FOR SCHEME

pt hdg om 2014 SL No. 51 s 6

Nature of assistance

s 4 om 2014 SL No. 51 s 6

Applicant must not have applied for assistance under sch 9 or repealed regulation, pt 29

s 5 om 2014 SL No. 51 s 6

Eligibility criteria

s 6 om 2014 SL No. 51 s 6

Special requirement for particular assistance

s 7 om 2014 SL No. 51 s 6

Financial hardship

s 8 om 2014 SL No. 51 s 6

Amount of assistance

s 9 om 2014 SL No. 51 s 6

Conditionss 10 amd 2012 SL No. 11 s 4(1); 2012 SL No. 84 s 4(1)
om 2014 SL No. 51 s 6**Special provision for particular applications**

s 11 om 2014 SL No. 51 s 6

Special provision about insurance

s 12 om 2014 SL No. 51 s 6

Applicationss 13 amd 2012 SL No. 11 s 4(2); 2012 SL No. 84 s 4(2)
om 2014 SL No. 51 s 6**Deciding applications**

s 14 om 2014 SL No. 51 s 6

**SCHEDULE 11—FLOODS (NOVEMBER 2010 TO JANUARY 2011) AND
TROPICAL CYCLONE YASI NON-PROFIT ORGANISATIONS
ASSISTANCE SCHEME**

sch hdg amd 2011 SL No. 192 s 5

sch 11 om 2014 SL No. 51 s 6

PART 1—PRELIMINARY

pt 1 (ss 1–3) om 2014 SL No. 51 s 6

PART 2—GENERAL PROVISIONS FOR SCHEME

pt hdg om 2014 SL No. 51 s 6

Nature of assistance

s 4 om 2014 SL No. 51 s 6

Maximum loan and grant amounts

s 5 om 2014 SL No. 51 s 6

Eligibility criteria

s 6 om 2014 SL No. 51 s 6

Endnotes

Security

s 7 om 2014 SL No. 51 s 6

Terms of repayment

s 8 om 2014 SL No. 51 s 6

Conditions

s 9 om 2014 SL No. 51 s 6

Applications

s 10 amd 2012 SL No. 11 s 5
om 2014 SL No. 51 s 6

Deciding applications

s 11 om 2014 SL No. 51 s 6

**SCHEDULE 12—FLOODS (NOVEMBER 2010 TO JANUARY 2011) AND
TROPICAL CYCLONE YASI (EXTREME DAMAGE) ASSISTANCE
SCHEME**

sch hdg amd 2011 SL No. 192 s 5

sch 12 om 2014 SL No. 51 s 6

PART 1—PRELIMINARY

pt 1 (ss 1–3) om 2014 SL No. 51 s 6

PART 2—GENERAL PROVISIONS FOR SCHEME

pt hdg om 2014 SL No. 51 s 6

Nature of assistance

s 4 om 2014 SL No. 51 s 6

Application may be made in 1 capacity only

s 5 om 2014 SL No. 51 s 6

Eligibility criteria—primary producer and business owner

s 6 om 2014 SL No. 51 s 6

Eligibility criteria—non-profit organisation

s 7 om 2014 SL No. 51 s 6

Restriction on eligibility

s 8 om 2014 SL No. 51 s 6

Maximum loan and grants amounts

s 9 amd 2012 SL No. 11 s 6(1)
om 2014 SL No. 51 s 6

Security

s 10 om 2014 SL No. 51 s 6

Terms of repayment

s 11 om 2014 SL No. 51 s 6

Conditions

s 12 om 2014 SL No. 51 s 6

Applications

s 13 amd 2012 SL No. 11 s 6(2)
 om 2014 SL No. 51 s 6

Deciding applications

s 14 om 2014 SL No. 51 s 6

SCHEDULE 13—SPECIAL DISASTER TROPICAL CYCLONE YASI ASSISTANCE SCHEME

sch hdg amd 2011 SL No. 192 s 5

sch 13 om 2014 SL No. 51 s 6

PART 1—PRELIMINARY

pt 1 (ss 1–4) om 2014 SL No. 51 s 6

PART 2—GENERAL PROVISIONS FOR SCHEME

pt hdg om 2014 SL No. 51 s 6

Nature of assistance

s 5 om 2014 SL No. 51 s 6

Application may be made in 1 capacity only

s 6 om 2014 SL No. 51 s 6

Eligibility criteria—primary producer

s 7 om 2014 SL No. 51 s 6

Eligibility criteria—small business

s 8 om 2014 SL No. 51 s 6

Eligibility criteria—non-profit organisation

s 9 om 2014 SL No. 51 s 6

Restrictions on eligibility

s 10 om 2014 SL No. 51 s 6

Special requirement for particular assistance

s 11 om 2014 SL No. 51 s 6

Financial hardship

s 12 om 2014 SL No. 51 s 6

Amount of assistance

s 13 om 2014 SL No. 51 s 6

Conditions

s 14 amd 2012 SL No. 11 s 7(1); 2012 SL No.84 s 5(1)
 om 2014 SL No. 51 s 6

Special provision for particular applications—primary producer or small business

s 15 om 2014 SL No. 51 s 6

Special provision for particular applications—non-profit organisations

s 16 om 2014 SL No. 51 s 6

Endnotes

Special provision about insurance

s 17 om 2014 SL No. 51 s 6

Applications

s 18 amd 2012 SL No. 11 s 7(2); 2012 SL No. 84 s 5(2)
om 2014 SL No. 51 s 6

Deciding applications

s 19 om 2014 SL No. 51 s 6

**SCHEDULE 14—DAWSON VALLEY IRRIGATORS FIXED WATER CHARGES
REBATE SCHEME**

sch hdg amd 2011 SL No. 192 s 5

sch 14 om 2014 SL No. 51 s 6

**SCHEDULE 15—QUEENSLAND GOVERNMENT SOLAR HOT WATER
REBATE SCHEME**

sch hdg amd 2011 SL No. 192 s 5

sch 15 om 2014 SL No. 51 s 6

Objective of scheme

s 1 om 2014 SL No. 51 s 6

Nature of assistance

s 2 om 2014 SL No. 51 s 6

Definitions for sch 15

s 3 om 2014 SL No. 51 s 6

def *eligibility period* ins 2012 SL No. 76 s 3(1)

def *final purchase day* ins 2012 SL No. 76 s 3(1)

General eligibility criteria

s 4 amd 2012 SL No. 76 s 3(2)–(3)

om 2014 SL No. 51 s 6

Additional eligibility criteria—final purchase day and installation

s 4A ins 2012 SL No. 76 s 3(4)

om 2014 SL No. 51 s 6

**Alternative general eligibility criteria for particular flood or cyclone damaged water
heaters**

s 5 om 2014 SL No. 51 s 6

Additional eligibility criteria for concessional rebate

s 6 om 2014 SL No. 51 s 6

Amount of assistance

s 7 om 2014 SL No. 51 s 6

Applications

s 8 amd 2012 SL No. 76 s 3(5)

om 2014 SL No. 51 s 6

Deciding applications

s 9 om 2014 SL No. 51 s 6

SCHEDULE 16—SCHEMES APPROVED UNDER ACT, SECTION 11(4)

ins 2011 SL No. 192 s 6
amd 2013 SL No. 157 s 3; 2014 SL No. 114 s 3

**SCHEDULE 17—SPECIAL DISASTER WESTERN QUEENSLAND TROPICAL
LOW 2012 ASSISTANCE SCHEME**

sch 17 ins 2012 SL No. 44 s 4
om 2014 SL No. 51 s 6

PART 1—PRELIMINARY

pt 1 (ss 1–4) om 2014 SL No. 51 s 6

PART 2—GENERAL PROVISIONS FOR SCHEME

pt hdg om 2014 SL No. 51 s 6

Nature of assistance

s 5 om 2014 SL No. 51 s 6

Application may be made in 1 capacity only

s 6 om 2014 SL No. 51 s 6

Eligibility criteria—primary producer

s 7 om 2014 SL No. 51 s 6

Eligibility criteria—small business owner

s 8 om 2014 SL No. 51 s 6

Eligibility criteria—non-profit organisation

s 9 om 2014 SL No. 51 s 6

Restrictions on eligibility

s 10 om 2014 SL No. 51 s 6

Special requirement for particular assistance

s 11 om 2014 SL No. 51 s 6

Financial hardship

s 12 om 2014 SL No. 51 s 6

Amount of assistance

s 13 om 2014 SL No. 51 s 6

Conditions

s 14 ins 2012 SL No. 44 s 4
amd 2012 SL No. 84 s 6(1)
om 2014 SL No. 51 s 6

**Special provision for particular applications—primary producer or small business
owner**

s 15 om 2014 SL No. 51 s 6

Special provision for particular applications—non-profit organisation

s 16 om 2014 SL No. 51 s 6

Endnotes

Special provision about insurance

s 17 om 2014 SL No. 51 s 6

Applications

s 18 ins 2012 SL No. 44 s 4
amd 2012 SL No. 84 s 6(2)
om 2014 SL No. 51 s 6

Deciding applications

s 19 om 2014 SL No. 51 s 6

**SCHEDULE 18—WESTERN QUEENSLAND TROPICAL LOW 2012
NON-PROFIT ORGANISATIONS ASSISTANCE SCHEME**

ins 2012 SL No. 44 s 4
om 2014 SL No. 51 s 6

**SCHEDULE 19—NORTH COAST STORM AND FLOODING FEBRUARY 2012
NON-PROFIT ORGANISATIONS ASSISTANCE SCHEME**

ins 2012 SL No. 51 s 4
om 2014 SL No. 51 s 6

SCHEDULE 20—HENDRA VIRUS PPE REBATE SCHEME

ins 2012 SL No. 85 s 5

**SCHEDULE 21—NATURAL DISASTER RELIEF (NON-PROFIT
ORGANISATIONS) SCHEME**

sch 21 ins 2012 SL No. 176 s 6

Objective of scheme

s 1 ins 2012 SL No. 176 s 6
amd 2013 SL No. 19 s 6

Purpose of assistance

s 2 ins 2012 SL No. 176 s 6
amd 2013 SL No. 19 s 6

Definitions for sch 21

s 3 ins 2012 SL No. 176 s 6
def *defined disaster area* amd 2013 SL No. 19 s 6
def *eligible disaster* (prev def *eligible natural disaster*) amd 2013 SL No. 19 s
6

Meaning of *eligible disaster*

prov hdg amd 2013 SL No. 19 s 6
s 4 ins 2012 SL No. 176 s 6
amd 2013 SL No. 19 ss 6, 9

Maximum loan and grant amounts

s 6 ins 2012 SL No. 176 s 6
amd 2013 SL No. 19 s 6; 2014 SL No. 169 s 6

Relationship with other approved assistance schemes

s 7 ins 2012 SL No. 176 s 6
amd 2013 SL No. 19 s 6

om 2014 SL No. 51 s 7

Eligibility criteria

s 8 ins 2012 SL No. 176 s 6
amd 2013 SL No. 19 s 6

**SCHEDULE 22—QUEENSLAND EAST COAST COMMERCIAL NET FISHING
REDUCTION SCHEME (No. 1)**

sch hdg amd 2013 SL No. 194 s 4(1)

sch 22 ins 2012 SL No. 195 s 4
om 2014 SL No. 51 s 6

PART 1—PRELIMINARY

pt 1 (ss 1–4) om 2014 SL No. 51 s 6

PART 2—GENERAL PROVISIONS FOR SCHEME

pt hdg om 2014 SL No. 51 s 6

Division 1—Nature of assistance

div 1 (s 5) om 2014 SL No. 51 s 6

Division 2—Notice of invitation for surrender offers

div 2 (s 6) om 2014 SL No. 51 s 6

Division 3—Eligibility

div 3 (s 7) om 2014 SL No. 51 s 6

Division 4—Dealing with surrender offers

div 4 (ss 8–12) om 2014 SL No. 51 s 6

Division 5—Other provisions

div hdg om 2014 SL No. 51 s 6

Conditions of assistance

s 13 ins 2012 SL No. 195 s 4
amd 2013 SL No. 194 s 4(2)
om 2014 SL No. 51 s 6

Applications

s 14 om 2014 SL No. 51 s 6

Deciding applications

s 15 om 2014 SL No. 51 s 6

SCHEDULE 23—SPECIAL DISASTER ASSISTANCE SCHEME

ins 2013 SL No. 19 s 10

**SCHEDULE 24—TROPICAL CYCLONE OSWALD EXCEPTIONAL DISASTER
ASSISTANCE SCHEME**

sch 24 ins 2013 SL No. 26 s 4
om 2014 SL No. 51 s 6

PART 1—PRELIMINARY

pt 1 (ss 1–3) om 2014 SL No. 51 s 6

PART 2—GENERAL PROVISIONS FOR SCHEME

pt hdg om 2014 SL No. 51 s 6

Nature of assistance

s 4 om 2014 SL No. 51 s 6

Application may be made in 1 capacity only

s 5 om 2014 SL No. 51 s 6

Eligibility criteria

s 6 om 2014 SL No. 51 s 6

Maximum loan and grants amounts

s 7 om 2014 SL No. 51 s 6

Security

s 8 om 2014 SL No. 51 s 6

Terms of repayment

s 9 om 2014 SL No. 51 s 6

Conditions

s 10 om 2014 SL No. 51 s 6

Applications

s 11 ins 2013 SL No. 26 s 4
amd 2013 SL No. 157 s 4
om 2014 SL No. 51 s 6

Deciding applications

s 12 om 2014 SL No. 51 s 6

SCHEDULE 25—BOVINE JOHNE'S DISEASE ASSISTANCE SCHEME

ins 2013 SL No. 81 s 4

Objective of scheme

s 1 sub 2014 SL No. 230 s 3(1)

Purpose of assistance

s 2 amd 2014 SL No. 230 s 3(2)

Definitions for sch 25

s 3 ins 2013 SL No. 81 s 4
def *disease plan* ins 2014 SL No. 230 s 3(3)
def *inspector* ins 2013 SL No. 136 s 3(1)
def *short-term assistance* ins 2014 SL No. 230 s 3(3)
def *short-term quarantine* ins 2014 SL No. 230 s 3(3)

Meaning of related entity

s 4 amd 2014 SL No. 230 s 3(4)

Nature of assistance

s 5 amd 2014 SL No. 230 s 3(5)–(6)

Maximum amount of total assistance under scheme

s 6 amd 2014 SL No. 2 s 3
 sub 2014 SL No. 230 s 3(7)

Eligibility criteria

s 7 ins 2013 SL No. 81 s 4
 amd 2013 SL No. 136 s 3(2); 2014 SL No. 230 s 3(8)–(10)

Eligibility criteria

s 8 ins 2013 SL No. 81 s 4
 amd 2013 SL No. 136 s 3(3)–(6); 2014 SL No. 230 s 3(11)

Amount of direct market assistance

s 9 amd 2014 SL No. 230 s 3(12)

Eligibility criteria

s 10 amd 2014 SL No. 230 s 3(13)

Amount of supply chain pathway assistance

s 11 amd 2014 SL No. 230 s 3(14)

PART 4A—SHORT-TERM ASSISTANCE

pt 4A (ss 11A–11C) ins 2014 SL No. 230 s 3(15)

Conditions of assistance

s 12 amd 2014 SL No. 230 s 3(16)–(19)

Applications

s 13 amd 2014 SL No. 92 s 6

**SCHEDULE 26—QUEENSLAND EAST COAST COMMERCIAL NET FISHING
REDUCTION SCHEME (No. 2)**

ins 2013 SL No. 194 s 5
om 2014 SL No. 51 s 6

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