

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

Explanatory Notes for SL 2015 No. 74

made under the

*Rural and Regional Adjustment Act 1994*

## **General Outline**

### **Short title**

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

### **Authorising law**

Sections 10, 11 and 44 of the *Rural and Regional Adjustment Act 1994* (the Act)

### **Policy objectives and the reasons for them**

Natural disaster assistance in Australia is delivered through the joint Commonwealth-State Natural Disaster Relief and Recovery Arrangements (NDRRA). The NDRRA establishes a suite of pre-approved cost sharing measures which can be activated by the States to assist with the response and recovery from natural disasters. These measures are grouped into Categories A, B, C and D.

The purpose of NDRRA assistance programs is to support community recovery after a natural disaster through the provision of financial assistance to eligible small business, primary producers and non-profit organisations to help with clean up and restoration activities.

In Queensland, Category C Recovery Grants are known as the Special Disaster Assistance Scheme (the Scheme). Activation of Category C requires the written approval of the Prime Minister. Activated schemes are administered by QRAA. The Scheme is established under schedule 23 of the *Rural and Regional Adjustment Regulation 2011* (the Regulation). Category C recovery grants under the Scheme are potentially available to primary producers, small businesses and non-profit organisations to assist with the clean-up and restoration from a severe natural disaster.

The states/territories administer NDRRA assistance in accordance with the Australian Government guidelines.

The Australian Government has revised the guidelines for the administration of Category C assistance. These changes mean that in some cases the Regulation which reflected previous guidelines is no longer fully reflective of the NDRRA policy.

The policy objective of the subordinate legislation is to amend the provisions of the Regulation to ensure that the guidelines for disaster assistance available in Queensland are consistent with the guidelines established by the Australian Government.

## **Achievement of policy objectives**

The subordinate legislation will achieve its objectives by amending schedule 23 of the Regulation to ensure that the Scheme is administered in accordance with the revised Australian Government guidelines.

## **Consistency with policy objectives of authorising law**

The subordinate legislation is consistent with the main policy objectives of the Act in that it provides financial assistance to rural and regional sector in Queensland. The Act was established to allow QRAA to administer financial assistance schemes of both the Queensland and Australian Governments. The NDRRA program being amended is jointly funded by the Queensland and Australian Governments.

## **Inconsistency with policy objectives of other legislation**

This subordinate legislation is not inconsistent with the policy objectives of any other legislation.

## **Benefits and costs of implementation**

The subordinate legislation will ensure that NDRRA assistance schemes administered in Queensland are done in accordance with the guidelines established by the Australian Government for that assistance. NDRRA assistance measures are cost shared between the Queensland and Australian Governments in accordance with a cost sharing formula determined by the NDRRA policy document *NDRRA Determination 2012*.

No additional costs accrue to the Queensland Government or are being imposed on potential applicants for assistance as a result of the changes being made.

The Australian Government has made significant change to the guidelines for Category C assistance. These changes mean that Category C assistance offered under schedule 23 for disasters where it is made available will be significantly different from previous events where Category C assistance has been made available.

The amendments to Schedule 23 are to apply to all natural disasters for which Category C assistance is activated after Severe Tropical Cyclone Marcia. That is to say, the eligibility criteria for the Category C assistance made available in response to Severe Tropical Cyclone Marcia are the criteria contained in schedule 23 before the making of this amendment.

## **Consistency with fundamental legislative principles**

The subordinate legislation is consistent with fundamental legislative principles.

## Consultation

The Queensland Government consulted with Emergency Management Australia of the Australian Government to ensure that the subordinate legislation is consistent with the policy intent of the Category C Guidelines. AgForce and Queensland Farmers' Federation were informed that the Australian Government had made changes to the Category C guidelines and were provided with a copy of the new guidelines.

The Office of Best Practice Regulation noted that a Regulatory Impact Statement (RIS) is not required as it considered that these were consequential amendments necessary to mirror state regulation with Australian Government guidelines.

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