

# Rural and Regional Adjustment (Variation of Special Disaster Assistance Recovery Grants Scheme) Amendment Regulation 2022

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Mark Furner MP, Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities, make this human rights certificate with respect to the *Rural and Regional Adjustment (Variation of Special Disaster Assistance Recovery Grants Scheme) Amendment Regulation 2022* made under the *Rural and Regional Adjustment Act 1994*.

In my opinion, the *Rural and Regional Adjustment (Variation of Special Disaster Assistance Recovery Grants Scheme) Amendment Regulation 2022* is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

## Overview of the Subordinate Legislation

The *Rural and Regional Adjustment (Variation of Special Disaster Assistance Recovery Grants Scheme) Amendment Regulation 2022* is made under the *Rural and Regional Adjustment Act 1994*.

The authorising law for the regulation is section 44 of the *Rural and Regional Adjustment Act 1994*.

All schemes of financial assistance administered by the Queensland Rural and Industry Development Authority (QRIDA) are required to be set out in regulation.

This subordinate legislation makes two minor amendments to Schedule 23 the Special Disaster Assistance Recovery Grants Scheme (the Scheme), a business support measure under the Disaster Recovery Funding Arrangements (DRFA).

The proposed amendments are intended to provide improved clarity with regards to aspects of eligibility to assist QRIDA in its administration of this scheme (the definition of primary producer and the purchase of equipment). These two issues arise from time to time in QRIDA's administration of the Scheme, and the proposed amendments are intended to ensure assistance is provided in accordance with the intent of the DRFA policy (ensuring that only actual primary producers (as defined) receive assistance and that applicants can only purchase equipment with a grant if the purchase relates to conducting clean-up activities as opposed to purchases of equipment that are major capital investments such as tractors and bulldozers).

### Change to the definition of primary producer

To be eligible to apply for a grant as a primary producer, an applicant must demonstrate that the or she spends the majority of his or her labour on, and derives the majority of his or her income from, a primary production enterprise or that he or she will ‘eventually’ do so (see definition of primary producer in Schedule 23).

This amendment seeks to clarify the primary producer definition with respect to those applicants who do not currently derive the majority of their income from a primary production enterprise. For example, many production types such as macadamias have long lead times from planting until when the primary producer will derive the majority of his or her income from that planting. Such applicants are primary producers, even though they do not currently derive the majority of their income from their primary production enterprise. The use of the word ‘eventually’ in the definition of primary producer in Schedule 23 has been interpreted broadly by some applicants to be an open ended and undefined time period such that potential applicants with no realistically clear path to becoming genuine primary producers (as defined) consider themselves eligible to receive assistance as a primary producer. As a result of this, the wording in the regulation is to be changed with the word ‘eventually’ replaced with within a ‘reasonable f time.’ A reasonable time would be the reasonable period as considered by QRIDA taking into account the specific circumstances of the applicant, most notably his or her production type.

### Amendment of the scheme concerning the purchase of machinery

This amendment seeks to better define when the purchasing of equipment or materials to clean a property is eligible to receive a grant under the Scheme. The intent of DRFA recovery grants is for the purchase of consumable items and equipment for clean-up and reinstatement purposes, such as personal protective equipment, safety boots, coveralls, masks, brooms, shovels, disinfectants, and cleaning chemicals. Grants under the program are not intended for the purchase of large machinery such as tractors or dozers.

It is proposed to amend this eligible activity to make clear that where an applicant seeks a grant for the purchase any equipment or materials to clean a property, premises or equipment, such a purchase of equipment or materials will only be eligible for a grant if the ‘equipment or materials are not readily available for hire or lease’ such as cleaning chemicals, gloves, masks, brooms, mops shovels or buckets. The purchase of equipment and materials is also eligible if such a purchase is necessary to clean the property, premises or equipment and the equipment or materials are not readily available for hire or lease at a cost that is equal to or less than the cost of purchasing them.

## Human Rights Issues

### Human Rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The potential impact of the *Rural and Regional Adjustment (Variation of Special Disaster Assistance Recovery Grants Scheme) Amendment Regulation 2022* on the human rights in sections 15 to 37 of the *Human Rights Act 2019* was considered and no potential impact was identified.

## Conclusion

I consider that the *Rural and Regional Adjustment (Variation of Special Disaster Assistance Recovery Grants Scheme) Amendment Regulation 2022* is compatible with the Human Rights Act because it does not limit any of the human rights protected by the *Human Rights Act 2019*.

**Mark Furner MP**  
Minister for Agricultural Industry Development and Fisheries and  
Minister for Rural Communities

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