



Queensland

Rural and Regional Adjustment (Drought Preparedness Grant Scheme) Amendment Regulation 2021

Subordinate Legislation 2021 No. 160

made under the

Rural and Regional Adjustment Act 1994

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1 Short title

This regulation may be cited as the *Rural and Regional Adjustment (Drought Preparedness Grant Scheme) Amendment Regulation 2021*.

2 Regulation amended

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

3 Amendment of s 3 (Approval of schemes—Act, s 11)

Section 3(1), ‘38’—
omit, insert—
39

4 Insertion of new sch 39

After schedule 38—
insert—

Schedule 39 Drought preparedness grant scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to assist sole traders, partnerships, proprietary companies and trusts carrying on primary production enterprises to offset the cost of new permanent capital infrastructure to improve the resilience to drought of the primary production enterprises.

2 Purpose of assistance

The purpose of assistance under the scheme is to provide grants of financial assistance to sole traders, partnerships, proprietary companies and trusts carrying on primary production enterprises to assist in paying for eligible projects.

3 Definitions for schedule

In this schedule—

eligible project see section 4.

official receipt means a receipt that includes—

- (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; and
- (d) the date the amount to which the receipt relates was paid.

primary producer means—

- (a) a sole trader who—
 - (i) spends the majority of the person's labour on a primary production enterprise; and
 - (ii) either—
 - (A) derives the majority of the person's 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 the person's income from the
primary production enterprise; or

- (b) a partnership, proprietary 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, forestry, grazing and horticultural industries; and
- (b) for which an entity holds an Australian Business Number.

resilience plan, for a primary production enterprise, see section 5.

scheme means the scheme set out in this schedule.

4 Meaning of *eligible project*

An *eligible project* is a project the authority is satisfied—

-
- (a) will involve the purchase and installation of new permanent capital infrastructure; and
 - (b) will improve the ability of a primary production enterprise to prepare for, continue to operate in, or recover from, drought conditions; and
 - (c) will not commence before the authority approves assistance under the scheme for the project.

Examples of eligible projects—

- purchase and installation of new pipes, water tanks or water troughs
- construction of a new dam
- installation of more efficient irrigation
- drilling of a new bore
- construction of a new feed store

5 Meaning of *resilience plan*

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

- (a) addresses risks relevant to the primary production enterprise, including—
 - (i) viability risks; and
 - (ii) productivity risks; and
 - (iii) business and climate risks, such as drought; and
- (b) details the actions the applicant may take to manage the risks relevant to the primary production enterprise to improve the resilience of the primary production enterprise; and
- (c) complies with the guidelines for resilience plans under the scheme that are issued by the authority.

Note—

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

Part 2 General provisions of scheme

6 Nature and amount of assistance

- (1) The nature of the assistance that may be given to an applicant under the scheme is a grant of financial assistance that is 25% of the cost of an eligible project, up to the maximum amount of assistance payable under the scheme.
- (2) The maximum amount of assistance payable under the scheme is \$50,000.
- (3) In this section—
cost, of an eligible project, includes—
 - (a) charges for freight associated with the eligible project; and
 - (b) expenses for consumables, including fuel, associated with the eligible project; and
 - (c) charges for installation associated with the eligible project.

7 Eligibility criteria

- (1) To be eligible to receive assistance under the scheme the applicant must demonstrate to the authority that—
 - (a) the assistance is for a primary production enterprise carried on by a sole trader, partnership, proprietary company or trust; and

- (b) the applicant is the sole trader, partnership, proprietary company or trust that is carrying on the primary production enterprise; and
 - (c) an interested person for the primary production enterprise is a primary producer; and
 - (d) the applicant has given a resilience plan to the authority for the primary production enterprise; and
 - (e) the applicant has identified in the resilience plan an eligible project to be completed with the assistance provided under the scheme.
- (2) However, an applicant is not eligible to receive assistance under the scheme if—
- (a) the applicant or an interested person for the primary production enterprise has received either of the following in the financial year the applicant makes the application for assistance under the scheme—
 - (i) a freight subsidy under the program known as the Drought Relief Assistance Scheme administered by the department;
 - (ii) a rebate known as the Emergency Water Infrastructure Rebate under the program known as the Drought Relief Assistance Scheme administered by the department; or
 - (b) the applicant has received assistance under the scheme for the same, or a substantially similar, eligible project.
- (3) In this section—
- interested person***, for a primary production enterprise, means—

- (a) if the primary production enterprise is carried on by a sole trader—the sole trader; or
- (b) if the primary production enterprise is carried on by a partnership, proprietary company or trust—a partner in the partnership, a shareholder in the company or a beneficiary of the trust.

8 Conditions

- (1) The payment of assistance under the scheme is subject to the conditions stated in this section.
- (2) The applicant must obtain from each service provider engaged to provide a service for the eligible project—
 - (a) a tax invoice for the service; and
 - (b) if the applicant has paid the tax invoice—an official receipt.
- (3) The applicant must obtain from each supplier engaged to provide goods for the eligible project—
 - (a) a tax invoice for the goods; and
 - (b) if the applicant has paid the tax invoice—an official receipt.
- (4) The applicant must not engage a service provider to provide a service for the eligible project if—
 - (a) the service provider is employed by an entity owned, or partly owned, by the applicant; or
 - (b) the service provider is an entity owned, or partly owned, by the applicant.
- (5) The applicant must not obtain goods for the eligible project from an entity owned, or partly owned, by the applicant.

- (6) If requested by the authority, the applicant must give to the authority a report stating the following—
 - (a) if the project is not complete—
 - (i) the steps taken towards completing the eligible project; and
 - (ii) the cost of each step; and
 - (iii) the estimated time needed to complete the eligible project;
 - (b) whether or not the project is complete—the estimated total cost of the eligible project.

9 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 documents stated on the application form; and
 - (c) be given to the authority.
- (2) If the authority asks the applicant to provide further information to support the application, the applicant must provide the information.

10 Deciding applications

- (1) The authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme that complies with section 9(1).
- (2) The authority must consider applications in the order they are received by the authority.
- (3) The authority must refuse an application for assistance if the authority’s assistance funds for

the scheme are not enough to pay for the assistance.

11 Payment of grant

- (1) This section applies if the authority approves an application for assistance under the scheme.
- (2) Subsection (3) applies in relation to a tax invoice for the eligible project that has not been paid by the applicant.
- (3) If requested by the applicant, the authority may pay the supplier or service provider who provided the tax invoice to the applicant an amount that is 25% of the amount owing under the tax invoice.
- (4) Subsection (5) applies in relation to an official receipt for the eligible project.
- (5) If requested by the applicant, the authority may pay to the applicant an amount that is 25% of the amount recorded in the official receipt as having been paid by the applicant.
- (6) The total amount paid by the authority under subsections (3) and (5) must not be more than \$50,000.
- (7) If the applicant makes a request under subsection (3) or (5), the applicant must give to the authority the tax invoice or official receipt to which the request relates.

ENDNOTES

- 1 Made by the Governor in Council on 28 October 2021.
- 2 Notified on the Queensland legislation website on 29 October 2021.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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