



*Rural and Regional Adjustment Act 1994*

# **Rural and Regional Adjustment Regulation 2011**

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Queensland

# Rural and Regional Adjustment Regulation 2011

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# Rural and Regional Adjustment Regulation 2011

## 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*repealed regulation* means the repealed *Rural and Regional Adjustment Regulation 2000*.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 9, 20, 21, 23 and 25 to 35 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.

## 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The Rural and Regional Adjustment Regulation 2000, SL No. 124 is repealed.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#### **5 Saving of operation of particular schemes and other provisions under repealed regulation**

- (1) This section applies to the following provisions (each a *saved provision*) of the repealed regulation—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  - (b) continues to apply to the things mentioned in it as if the repealed regulation had not been repealed.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under an approved assistance scheme under any of parts 3, 4, 5, 7, 8, 11, 12, 18 or 28 to 34 of the schedule of the repealed regulation; and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.

## **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.

## **Division 5                      Transitional provision for Rural and Regional Adjustment Amendment Regulation (No. 2) 2015**

### **10                      Special provision for TC Marcia**

- (1) Existing schedule 23 continues to apply to administering the special disaster assistance scheme in relation to TC Marcia as if the schedule had not been amended.
- (2) To remove any doubt, it is declared that subsection (1) applies even if an assistance establishment notice or an amendment of an assistance establishment notice under existing schedule 23, section 6, for TC Marcia, is published on the authority's website on or after the commencement.
- (3) In this section—

*eligible disaster* means an eligible disaster under schedule 23, section 4 as in force before the commencement.

*existing*, for schedule 23 or a provision of schedule 23, means the schedule or provision as in force immediately before the commencement.

*special disaster assistance scheme* means the scheme under existing schedule 23.

*TC Marcia* means the eligible disaster described as ‘Severe Tropical Cyclone Marcia and South East QLD trough’ in the assistance establishment notice published on the authority’s website on 23 March 2015.

## **Division 6**

# **Transitional provision for Rural and Regional Adjustment (White Spot Disease Concessional Loan Scheme) Amendment Regulation 2017**

### **11 Change of interest rate**

The amendment of schedule 1, section 6(8), definition *base lending rate* by the *Rural and Regional Adjustment (White Spot Disease Concessional Loan Scheme) Amendment Regulation 2017* applies in relation to loans drawn down before or after the commencement.

## **Division 7**                      **Transitional provisions for Rural and Regional Adjustment (Disaster Assistance Schemes) Amendment Regulation 2018**

### **12**        **References to former names of approved assistance schemes**

A reference in a document to the name of an approved assistance scheme (the *former name*) stated in column 1 of the following table may, if the context permits, be taken to be a reference to the name of the scheme stated opposite the former name in column 2 of the table.

<b>Column 1</b>	<b>Column 2</b>
Natural Disaster Relief (Primary Producers) Scheme	Disaster Assistance (Primary Producers) Loan Scheme
Natural Disaster Relief (Small Business) Scheme	Disaster Assistance (Small Business) Loans Scheme
Natural Disaster Relief (Essential Working Capital) Scheme	Disaster Assistance (Essential Working Capital) Loans Scheme
Natural Disaster Relief (Non-profit Organisations) Scheme	Disaster Assistance (Non-profit Organisations) Loans Scheme
Natural Disaster Recovery Grants Scheme	Special Disaster Assistance Recovery Grants Scheme

### **13**        **Undecided applications for assistance under particular schemes**

- (1) This section applies if—
  - (a) before the commencement, an application for assistance was made under any of the following provisions—
    - (i) schedule 2, section 12;
    - (ii) schedule 3, section 10;



- (iii) schedule 21, section 12;
    - (iv) schedule 23, section 23; and
  - (b) immediately before the commencement, the application had not been decided.
- (2) The following provisions, as in force immediately before the commencement, continue to apply for deciding the application as if the *Rural and Regional Adjustment (Disaster Assistance Schemes) Amendment Regulation 2018* had not commenced—
  - (a) for an application under schedule 2, section 12—schedule 2;
  - (b) for an application under schedule 3, section 10—schedule 3;
  - (c) for an application under schedule 21, section 12—schedule 21;
  - (d) for an application under schedule 23, section 23—schedule 23.

## **14 Loan terms and repayments under particular schemes**

- (1) This section applies if—
  - (a) before the commencement, an applicant had been given a loan under any of the following provisions—
    - (i) schedule 2, section 5;
    - (ii) schedule 3, section 5;
    - (iii) schedule 7, section 6;
    - (iv) schedule 21, section 5; and
  - (b) immediately before the commencement, the loan had not been repaid.
- (2) The following provisions, as in force immediately before the commencement, continue to apply in relation to the loan as if the *Rural and Regional Adjustment (Disaster Assistance Schemes) Amendment Regulation 2018* had not commenced—

[s 14]

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- (a) for a loan under schedule 2, section 5—schedule 2, section 10(5);
  - (b) for a loan under schedule 3, section 5—schedule 3, section 9(6);
  - (c) for a loan under schedule 7, section 6—schedule 7, section 10(2) and (3);
  - (d) for a loan under schedule 21, section 5—schedule 21, section 10(2) and (3).
- (3) Schedule 21, section 10(3) does not apply in relation to a loan under schedule 21, section 5 mentioned in subsection (1).
- (4) To remove any doubt, it is declared that subsection (3) does not prevent the authority increasing the interest rate charged for the loan in accordance with an agreement for the loan entered into before the commencement.

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# 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, proprietary company or trust that carries on a primary production enterprise, any partner in the partnership, shareholder in the company or beneficiary of the trust who spends the majority of

their labour on, and derives 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.

***proprietary company*** means a proprietary company within the meaning of the Corporations Act.

***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 when the interest rate is fixed.
- (3) At any time during the term of the loan after any period decided under subsection (2)(a), the authority may agree to fix the interest rate for periods of 1, 3 or 5 years.
- (4) The interest rate fixed for the loan under subsection (3) is worked out by the authority based on the base lending rate when the interest rate is fixed.
- (5) The authority may, during the term of the loan, increase the interest rate from the interest rate mentioned in subsection (2) or (3) to a commercial rate.
- (6) If, under subsection (5), 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.

- 
- (7) The authority may decide the extent to which the interest rate is to increase under subsection (6) more than once in relation to the applicant.
- (8) In this section—
- base lending rate* means the 1, 3 or 5 year lending rate, as appropriate, of the Queensland Treasury Corporation, plus a margin decided by the authority and approved by the Minister.

## 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) The authority may give the applicant an interest only period of not more than 5 years.
- (3) The loan will have an interest rate fixed under section 6.

## 8 Security

If an applicant is given a loan under the scheme, the applicant must give security for the loan that the authority is satisfied is commensurate with the amount of the loan.

## 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.

## **11A Application to consolidate loans**

- (1) This section applies if—
  - (a) a person has at least 1 loan under a program under the scheme and has applied for another loan under the same program; or
  - (b) a person has 2 or more loans under the same program.
- (2) The person may apply to consolidate the loans into a single loan.
- (3) The application must be—
  - (a) in the approved application form; and
  - (b) accompanied by the documents stated on the approved application form; and
  - (c) given to the authority.



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**11B Approving application to consolidate loans**

- (1) The authority must consider, and decide to approve or refuse to approve, an application to consolidate loans made under section 11A.
- (2) If the authority approves the consolidation of the loans, the term of, and the initial interest rate for, the consolidated loan is the term and rate decided by the authority.
- (3) The initial interest rate for the consolidated loan—
  - (a) depends on whether the applicant decides to have the interest rate fixed for 1, 3 or 5 years when the loan is consolidated; and
  - (b) is worked out by the authority based on the base lending rate when the applicant applies to consolidate the loan.
- (4) In this section—  
*base lending rate* see section 6(8).

**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 \$2,000,000.

### **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) demonstrate 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.

*Example of relevant circumstances—*

An applicant has limited equity in the primary production enterprise but has a stable wage, salary or other off-farm income.

## **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 the sustainability of the primary producer's primary production enterprise 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 \$1,300,000.
- (2) The maximum combined outstanding loan balance under the sustainability program and any of the following is \$1,300,000—
  - (a) the former development program;
  - (b) the former resource management program;
  - (c) the former development program and former resource management program.
- (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,

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schedule, part 3, divisions 2 and 5 immediately before 10 December 2010.

## **18 Eligibility criteria**

- (1) To be eligible to receive assistance under the sustainability program, the applicant must—
  - (a) demonstrate to the satisfaction of the authority—
    - (i) that the assistance is for a primary production enterprise carried on by a sole trader, partnership, proprietary company or trust; and
    - (ii) that an interested person for the primary production enterprise is a primary producer; and
    - (iii) the primary production enterprise has been carried on for at least 2 years; and
    - (iv) sound prospects for commercial viability, and the ability to service the loan, in the long term; and
    - (v) that the amount of the primary production enterprise's non-enterprise or liquid assets is not more than the amount needed for prudent risk management; and
    - (vi) if the assistance is sought to rationalise a partnership—that the proposal for the rationalisation is not merely a refinance arrangement; and
    - (vii) 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) demonstrate 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.

(2) In this section—

*interested person*, for a primary production enterprise, means—

- (a) if the enterprise is carried on by a sole trader—the sole trader; or
- (b) if the 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.

## **19 Maximum term of loan**

The maximum term of a loan is 20 years.

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## Schedule 2      Disaster Assistance (Primary Producers) Loans 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 disaster recovery funding arrangements for the communities affected by the disaster.

*Editor's note—*

Defined disaster areas are published on the authority's website.

***development*** see the *Planning Act 2016*, schedule 2.

***disaster recovery funding arrangements*** means the funding arrangements for providing financial assistance to communities affected by an eligible disaster, as agreed between the Commonwealth and the State, and as described in a document (however called) published by the Commonwealth.

*Editor's note—*

The disaster recovery funding arrangements can be viewed on the Australian Government Disaster Assist website.

***eligible disaster*** means—

- (a) a natural disaster; or
- (b) a terrorist act.

***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*** see section 2.

***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—

- (a) means the land on which the applicant carries on a primary production enterprise (other than commercial wild-catch fishing) in relation to which the applicant has applied for assistance under the scheme; and
- (b) includes the assets of the primary production enterprise on the land.

**scheme** means the scheme set out in this schedule.

**terrorist act** see the *Police Powers and Responsibilities Act 2000*, section 211.

## 2 Meaning of *natural disaster*

(1) A **natural 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 tornado;
- (j) a tsunami.

(2) However, an event, other than an event mentioned in subsection (1)(a), is not a **natural disaster** if the authority considers human activity significantly contributed to the event or loss or damage suffered because of the event.

*Examples of human activity for subsection (2)—*

- a deliberate act
- an accident
- development

### **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 disaster recovery funding 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 disaster recovery funding 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 significantly 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.

## **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) The term of a loan under the scheme is the term decided by the authority up to a maximum of 10 years.
- (2) The amounts of the repayments of principal and interest under the loan are the amounts decided by the authority, subject to subsections (3) and (4).
- (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.

**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 Disaster Assistance (Small Business) Loans Scheme

section 3(1)

### 1 Definitions for sch 3

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 disaster recovery funding 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.

**development** see the *Planning Act 2016*, schedule 2.

**disaster recovery funding arrangements** means the funding arrangements for providing financial assistance to communities affected by an eligible disaster, as agreed between the Commonwealth and the State, and as described in a document (however called) published by the Commonwealth.

*Editor's note—*

The disaster recovery funding arrangements can be viewed on the Australian Government Disaster Assist website.

**eligible disaster** means—

- (a) a natural disaster; or
- (b) a terrorist act.



**natural disaster** see section 2.

**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.

**terrorist act** see the *Police Powers and Responsibilities Act 2000*, section 211.

## 2 Meaning of **natural disaster**

- (1) A **natural 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 tornado;
  - (j) a tsunami.

- (2) However, an event, other than an event mentioned in subsection (1)(a), is not a ***natural disaster*** if the authority considers human activity significantly contributed to the event or loss or damage suffered because of the event.

*Examples of human activity for subsection (2)—*

- a deliberate act
- an accident
- development

### **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) However, a ***small business*** does not include a body corporate under the *Body Corporate and Community Management Act 1997*.
- (3) 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.

(4) 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 small 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 disaster recovery funding 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 disaster recovery funding 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 small business owner; and
  - (b) immediately before the eligible disaster, the applicant carried on a small business in the defined disaster area; and
  - (c) the applicant has sustained substantial damage to buildings, plant, equipment or stock of the small business as a result of the eligible disaster; and
  - (d) the applicant has not taken excessive risks in carrying on the small business; and

*Example for paragraph (d)—*

The authority is satisfied the applicant's capital expenditure for the small business has not been excessive.

- 
- (e) the applicant has taken reasonable precautions to avoid or minimise loss or damage from the eligible disaster; and

*Example for paragraph (e)—*

The authority is satisfied the applicant has adequate insurance against loss or damage from the disaster.

- (f) 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
  - (g) the applicant has used all liquid assets and normal credit sources up to normal credit limits; and
  - (h) 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
  - (i) the applicant will continue to carry on or will re-establish the small business at the same place or elsewhere in the local government area where the business was carried on before the eligible disaster; and
  - (j) with the assistance under the scheme, the applicant has reasonable prospects of carrying on or re-establishing the small 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) The term of a loan under the scheme is the term decided by the authority up to a maximum of 10 years.
- (2) The amounts of the repayments of principal and interest under the loan are the amounts decided by the authority, subject to subsections (3) and (4).

- (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 approved term of the loan.

## **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.

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## 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
    - (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.



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**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.

**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

- (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.

## **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.

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## 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.

## **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.

*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.
- (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.

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# Schedule 7      Disaster Assistance (Essential Working Capital) Loans 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 disaster recovery funding 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.

***development*** see the *Planning Act 2016*, schedule 2.

***disaster recovery funding arrangements*** means the funding arrangements for providing financial assistance to communities affected by an eligible disaster, as agreed between the Commonwealth and the State, and as described in a document (however called) published by the Commonwealth.

*Editor's note—*

The disaster recovery funding arrangements can be viewed on the Australian Government Disaster Assist website.

***eligible disaster*** means—

- (a) a natural disaster; or
- (b) a terrorist act.

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

***essential working capital*** see section 6(2).

***loss of income*** see section 5A.

***natural disaster*** see section 4.

***non-profit organisation*** means a charity or other not-for-profit entity that is—

- (a) incorporated under a law of the Commonwealth or a State; and
- (b) either—
  - (i) registered under the *Australian Charities and Not-for-profits Commission Act 2012* (Cwlth) or the *Collections Act 1966*; or

- 
- (ii) registered or otherwise authorised to raise funds under a law of another State.

***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.

***terrorist act*** see the *Police Powers and Responsibilities Act 2000*, section 211.

#### **4 Meaning of *natural disaster***

- (1) A ***natural 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 tornado;
- (j) a tsunami.
- (2) However, an event, other than an event mentioned in subsection (1)(a), is not a ***natural disaster*** if the authority considers human activity significantly contributed to the event or loss or damage suffered because of the event.

*Examples of human activity for subsection (2)—*

- a deliberate act
- an accident
- development

## 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) However, a ***small business*** does not include a body corporate under the *Body Corporate and Community Management Act 1997*.
- (3) 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.

(4) 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.

## **5A Meaning of *loss of income***

- (1) A *loss of income*, for an applicant, refers to the net income that would have been earned in a period (the *relevant period*) if the operation of the applicant's primary production enterprise, small business or non-profit organisation had not been interrupted by the eligible disaster.
- (2) The loss of income is assessed on the basis of the financial performance of the applicant's primary production enterprise, small business or non-profit organisation in previous periods in which the circumstances, other than the effect of the eligible disaster, were similar to the circumstances in the relevant period.

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## 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 has not taken excessive risks in carrying on the relevant activity; and

*Example for paragraph (d)—*

The authority is satisfied the applicant's capital expenditure for the relevant activity has not been excessive.

- (e) the applicant is continuing the relevant activity in the defined disaster area; and
- (f) there are reasonable prospects for the long-term viability of the relevant activity if the assistance is provided; and
- (g) the applicant has used all liquid assets and normal credit sources up to normal credit limits; and
- (h) the applicant has no reasonable prospects of obtaining finance on ordinary commercial terms to carry on the relevant activity; and
- (i) 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 term of a loan under the scheme is the term decided by the authority up to a maximum of 10 years.
- (2) The amounts of the repayments of principal and interest under the loan are the amounts decided by the authority, subject to subsections (3) and (4).
- (3) 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.
- (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.

## **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.

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## 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.

***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.

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**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

## Schedule 8

<b>Relevant fishery symbol</b>	<b>Prescribed amount \$</b>
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

<b>Relevant fishery symbol</b>	<b>Prescribed amount \$</b>
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 9      Solar PV and Battery Energy Storage Assistance Scheme

section 3(1)

### 1      Definitions

In this schedule—

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

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

***battery program*** means a program for the supply and installation costs of an eligible battery storage system in residential or business premises.

***Building Code of Australia*** see the *Building Act 1975*, section 12.

***business premises***, for a small business, means premises in Queensland used by the business to conduct business activities.

***combined solar and battery program*** means a program for the supply and installation costs of an eligible combined battery storage system in residential or business premises.

***eligible battery energy storage system*** means a battery energy storage system listed on the website of the department administering the *Electricity Act 1994* as an eligible battery energy storage system for the scheme.

***eligible battery energy storage system supplier*** means a battery energy storage system supplier listed on the website of the department administering the *Electricity Act 1994* as an eligible battery energy storage system supplier for the scheme.

***eligible combined solar and battery energy storage system*** means an eligible solar PV system that is coupled with an eligible battery energy storage system.

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***eligible solar PV system*** means a solar PV system that is not—

- (a) a replacement of an existing solar PV system; or
- (b) an augmentation of an existing solar PV system; or
- (c) coupled with a battery energy storage system.

***eligible system*** means—

- (a) an eligible solar PV system; or
- (b) an eligible battery energy storage system; or
- (c) an eligible combined solar and battery energy storage system.

***program*** means—

- (a) the solar program; or
- (b) the battery program; or
- (c) the combined solar and battery program.

***residential premises*** means a class 1a building under the Building Code of Australia.

***scheme*** means the scheme set out in this schedule.

***small business*** see section 2.

***solar program*** means a program for the supply and installation costs of an eligible solar PV system in residential premises.

***solar PV system*** means a solar photovoltaic system.

## **2 Meaning of *small business***

- (1) A ***small business*** is a business—
  - (a) that is carried on by a sole trader, partnership, proprietary company or trust; and
  - (b) for which an entity holds an Australian Business Number; and
  - (c) that employs 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
  - (d) that is not operated by a public company within the meaning of the Corporations Act; and
  - (e) that uses less than 100 megawatt hours of grid electricity each year at the premises from which the business operates and at which an eligible system is to be installed.
- (2) For subsection (1)(c), 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 at least 35 hours each week for the business.

### 3 Objectives of scheme

The objectives of the scheme are—

- (a) to provide for assistance to households and small businesses to make electricity more affordable, including by providing assistance to persons not having access to the upfront capital to invest in eligible solar PV and eligible battery energy storage systems; and

- 
- (b) to help establish and grow a battery energy storage industry in Queensland.

#### **4 Application of scheme**

The scheme consists of the following programs—

- (a) the solar program;
- (b) the battery program;
- (c) the combined solar and battery program.

#### **5 Types of assistance**

The types of assistance available under the scheme are as follows—

- (a) a loan under the solar program for residential premises;
- (b) a loan and a grant under the battery program for residential premises;
- (c) a grant only under the battery program for residential or business premises;
- (d) a loan and a grant under the combined solar and battery program for residential premises;
- (e) a grant only under the combined solar and battery program for residential or business premises.

#### **6 Amounts and terms of assistance under the scheme**

- (1) The amounts and terms of assistance under the scheme are as follows—
  - (a) for the solar program—a maximum loan of \$4,500 with a loan period of not more than 7 years;
  - (b) for the battery program—a maximum loan of \$6,000 with a loan period of not more than 10 years and a maximum grant of \$3,000;

- (c) for the combined solar and battery program—a maximum loan of \$10,000 with a loan period of not more than 10 years and a maximum grant of \$3,000.
- (2) A loan, a loan and a grant, or a grant provided under the scheme can not be more than the supply and installation cost of the system for which the loan, loan and grant, or grant is provided.
- (3) If a loan and a grant are to be provided for the supply and installation cost of the system, the authority may decide how much of the cost is to be provided by the loan and how much is to be provided by the grant.
- (4) Interest is not payable on a loan provided under the scheme and no fees or charges are payable on a loan or a grant provided under the scheme.

## **7 Eligibility criteria common to all programs**

For an applicant to receive assistance under the scheme for an eligible system for residential or business premises—

- (a) the premises to which the application relates must be located in Queensland; and
- (b) credit under the *Electricity Act 1994*, section 44A must not apply to the premises; and
- (c) assistance under the scheme must not have previously been provided for the premises; and
- (d) the applicant must not have previously received assistance under the scheme; and
- (e) the eligible system must not have been installed before an application for assistance under the scheme is received.

## **8 Additional eligibility criteria for the solar program and for loans and grants under the battery program or the combined solar and battery program**

- (1) This section applies to an application for the following assistance under the scheme—



- 
- (a) for a loan under the solar program;
  - (b) for a loan and a grant under the battery program;
  - (c) for a loan and a grant under the combined solar and battery program.
- (2) For the applicant to be eligible to receive assistance—
- (a) the application must be submitted in the names of no more than 2 persons for whom the residential premises at which the eligible system is to be installed are their principal place of residence; and
  - (b) each person named in the application must be an individual; and
  - (c) at least 1 person named in the application must be the owner or joint owner of the premises; and
  - (d) each person named in the application must be an Australian citizen or a permanent resident of Australia; and
  - (e) the authority must be satisfied the applicant can repay the loan given for the assistance.
- (3) In this section—

*joint owner*, of premises, means a person who is an owner of the premises under a joint tenancy or tenancy in common.

## **9 Additional eligibility criteria for grants only under the battery program or the combined solar and battery program**

- (1) This section applies to an application for the following assistance under the scheme—
- (a) for a grant only under the battery program for residential or business premises;
  - (b) for a grant only under the combined solar and battery program for residential or business premises.
- (2) For the applicant to be eligible to receive assistance for residential premises—

- (a) the application must be submitted in the names of no more than 2 persons for whom the residential premises at which the eligible system is to be installed are their principal place of residence; and
  - (b) each person named in the application must be an individual; and
  - (c) at least 1 person named in the application must be the owner or joint owner of the premises; and
  - (d) each person named in the application must be an Australian citizen or a permanent resident of Australia.
- (3) For common property under a community titles scheme, the applicant must be the body corporate for the community titles scheme.
- (4) For the applicant to be eligible to receive assistance for business premises—

- (a) the applicant must own the premises or, if an entity other than the applicant owns the premises, the authority must be satisfied that the applicant has a sufficient connection with that entity; and

*Examples of a sufficient connection with an entity—*

- the applicant is a director of a company that owns the premises
  - the premises are owned by the applicant's self-managed superannuation fund
- (b) the applicant must carry on a small business from the premises.
- (5) In this section—

***body corporate*** see the *Body Corporate and Community Management Act 1997*, schedule 6.

***community titles scheme*** see the *Body Corporate and Community Management Act 1997*, section 10.

***joint owner***, of premises, means a person who is an owner of the premises under a joint tenancy or tenancy in common.

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**10 Additional program specific eligibility criteria**

- (1) For an applicant to be eligible to receive a loan under the solar program—
  - (a) the application for assistance must be for the supply and installation of an eligible solar PV system; and
  - (b) the applicant must have incurred total electricity costs at the premises at which the system is to be installed, or at the applicant's previous principal place of residence, of at least \$1,000 over the 6 months, or at least \$2,000 over the 12 months, preceding the application; and
  - (c) at least 1 person named in the application must be receiving Family Tax Benefit B; and
  - (d) the eligible solar PV system must have been approved by the authority; and
  - (e) the eligible solar PV system must be installed by an eligible solar supplier.
- (2) For an applicant to be eligible to receive a loan and a grant, or a grant only, under the battery program—
  - (a) the application for assistance must be for the supply and installation of an eligible battery energy storage system; and
  - (b) the eligible battery energy storage system must have been approved by the authority; and
  - (c) the eligible battery energy storage system must be installed by an eligible battery energy storage system supplier.
- (3) For an applicant to be eligible to receive a loan and a grant, or a grant only, under the combined solar and battery program—
  - (a) the application for assistance must be for the supply and installation of an eligible combined solar and battery energy storage system; and
  - (b) the eligible combined solar and battery energy storage system must have been approved by the authority; and

- (c) the eligible combined solar and battery energy storage system must be installed by an eligible battery energy storage system supplier.

- (4) In this section—

***eligible solar supplier*** means a supplier of solar PV systems that—

- (a) is a signatory to—
  - (i) the Solar Retailer Code of Conduct approved by the Clean Energy Council; or
  - (ii) another code of conduct, relating to the supply and installation by solar suppliers of solar PV systems, approved by a relevant entity; and
- (b) conducts some or all of its operations from premises in Queensland.

***relevant entity*** means an entity approved by the chief executive of the department administering the *Electricity Act 1994* as being suitable to assess a code of conduct relating to the supply and installation by solar suppliers of solar PV systems.

## 11 Conditions of assistance

- (1) The payment of financial assistance under the scheme is subject to the following conditions—
  - (a) before receiving the assistance, a person must—
    - (i) enter into a written agreement with the authority that sets out the terms on which the assistance is provided; and
    - (ii) give the authority a tax invoice for the supply and installation of the eligible system for which the assistance is provided;
  - (b) the payment of the assistance for the supply and installation of an eligible system is to be made directly by the authority to the supplier of the system;

*Note—*

The payment of the assistance can not be made to reimburse an applicant for payments made by the applicant to the supplier of the eligible system.

- (c) the payment of the assistance can not be made for an eligible system that is to be financed under a lease or solar power purchase agreement;
  - (d) the authority may cancel an approval for assistance to install and purchase an eligible system if the scheme recipient does not provide evidence the system has been installed within 6 months after the approval;
  - (e) a scheme recipient must, after the installation of an eligible battery energy storage system under the battery program or the combined solar and battery program, allow for a safety inspection of the system by a person nominated by the chief executive of the department administering the *Electricity Act 1994*, at no charge to the scheme recipient;
  - (f) a scheme recipient must disclose matters required by the authority, or to persons nominated by the authority, to enable—
    - (i) a safety inspection of the eligible system; or
    - (ii) an evaluation of the eligible system or of a program under the scheme;
  - (g) a scheme recipient must comply with the terms of the agreement mentioned in paragraph (a)(i).
- (2) In this section—

*scheme recipient* means a person who has received assistance under the scheme.

## 12 Applications

- (1) An application for assistance for a program under the scheme must—

- (a) be made to the authority by accessing the website of the department administering the *Electricity Act 1994* or on the approved application form for the program; and
  - (b) be made on or after the day stated on the website as the day after which applications for assistance may be made; and
  - (c) be accompanied by the documents stated on the website or on the approved application form; and
  - (d) be considered by the authority in the order it is received by the authority.
- (2) If the authority asks the applicant to provide further information to decide the application, the applicant must provide the information.

### **13 Deciding applications**

- (1) 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 for a program under the scheme if—
  - (a) the application is received after 30 June 2019; or
  - (b) the authority's assistance funds for the program are not sufficient to pay for the assistance.

### **14 Time limits applying to applications and to financial assistance under the scheme**

- (1) An application for assistance under the scheme must be received by the authority by 30 June 2019.
- (2) The authority must not provide financial assistance under the scheme after 30 June 2020.

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

*Editor’s note—*

The document is available on the authority’s website.

- 4 The scheme set out in the document called ‘Drought Recovery Concessional Loans Scheme—Scheme Guidelines for Queensland’, published by the authority.
- 5 The scheme set out in the documents called ‘Farm Business Concessional Loans Scheme—Drought Assistance Concessional Loans—Guidelines for Queensland’ and ‘Farm Business Concessional Loans Scheme—Business Improvement Concessional Loans—Guidelines for Queensland’, published by the authority.

*Editor’s note—*

The documents are available on the authority’s website.

## 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 repealed *Exotic Diseases in Animals Act 1981* was administered immediately before that Act was repealed.

*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).

## 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      Disaster Assistance (Non-profit Organisations) Loans 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 disaster recovery funding 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.

***development*** see the *Planning Act 2016*, schedule 2.

***disaster recovery funding arrangements*** means the funding arrangements for providing financial assistance to communities affected by an eligible disaster, as agreed between the Commonwealth and the State, and as described in a document (however called) published by the Commonwealth.

*Editor's note—*

The disaster recovery funding arrangements can be viewed on the Australian Government Disaster Assist website.

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

***eligible disaster*** means—

- (a) a natural disaster; or
- (b) a terrorist act.

***natural disaster*** see section 4.

***non-profit organisation*** means a charity or other not-for-profit entity that is—

- (a) incorporated under a law of the Commonwealth or a State; and
- (b) either—
  - (i) registered under the *Australian Charities and Not-for-profits Commission Act 2012* (Cwlth) or the *Collections Act 1966*; or
  - (ii) registered or otherwise authorised to raise funds under a law of another State.

***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.

***terrorist act*** see the *Police Powers and Responsibilities Act 2000*, section 211.

#### 4 Meaning of ***natural disaster***

- (1) A ***natural 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 tornado;
  - (j) a tsunami.
- (2) However, an event, other than an event mentioned in subsection (1)(a), is not a ***natural disaster*** if the authority considers human activity significantly contributed to the event or loss or damage suffered because of the event.

*Examples of human activity for subsection (2)—*

- a deliberate act
- an accident
- development



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## 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 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 amount**

- (1) The amount of loan 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.
- (2) However, the amount of a loan to an applicant under the scheme for an eligible disaster must not be more than \$100,000.

### **7 Eligibility criteria**

An applicant is eligible for assistance under the scheme for an eligible disaster if the authority is satisfied—

- (a) the applicant is a non-profit organisation; and
- (b) immediately before the eligible disaster, the applicant carried on operations as a non-profit organisation in the defined disaster area; and
- (c) the applicant has suffered direct damage to essential premises, plant, equipment or stock for carrying on its

operations as a non-profit organisation as a result of the eligible disaster; and

- (d) the applicant has not taken excessive risks in carrying on operations as a non-profit organisation; and

*Example for paragraph (d)—*

The authority is satisfied the applicant's capital expenditure for the non-profit organisation has not been excessive.

- (e) the applicant has taken reasonable precautions to avoid or minimise loss or damage from the eligible disaster; and

*Example for paragraph (e)—*

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

- (f) the applicant is responsible for the cost of repairing or replacing the damaged assets; and

- (g) the applicant has used all liquid assets and normal credit sources up to normal credit limits; and

- (h) the applicant can not, from the applicant's own resources and without assistance under the scheme—

- (i) repair or replace assets directly damaged as a result of the eligible disaster; or

- (ii) return to operations at a similar level as before the eligible disaster; and

- (i) before applying for the assistance, the applicant has used any other available assistance from the Commonwealth or State or insurance to repair or replace damaged assets or to try to return the non-profit organisation to operations at a similar level as before the eligible disaster; and

- (j) 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.

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## 10 Terms of repayment

- (1) The term of a loan under the scheme is the term decided by the authority up to a maximum of 10 years.
- (2) The amounts of the repayments of principal and interest under the loan are the amounts decided by the authority, subject to subsections (3) and (4).
- (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.

## 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.

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## Schedule 23      **Special Disaster Assistance Recovery Grants 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 of clean up and reinstatement of the eligible entity's primary production enterprise, small business or means for conducting its operations as a non-profit organisation that has suffered 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—

- (a) the day by which the authority must receive the application as stated in the assistance establishment notice for the eligible disaster; or
- (b) if the day is changed under section 6B, the day as changed.

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

- (a) defined by the appropriate Minister for the purpose of activating the disaster recovery funding 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—*

Documents describing defined disaster areas are published on the authority's website.

***disaster recovery funding arrangements*** means the funding arrangements for providing financial assistance to communities affected by an eligible disaster, as agreed between the Commonwealth and the State, and as described in a document (however called) published by the Commonwealth.

*Editor's note—*

The disaster recovery funding arrangements can be viewed on the Australian Government Disaster Assist website.

***disaster zone*** see section 6A(2).

***eligible disaster*** means—

- (a) a natural disaster; or
- (b) a terrorist act.

***eligible entity*** means any of the following eligible under part 4 for assistance under the scheme—

- (a) a primary producer;
- (b) a small business owner;

(c) a non-profit organisation.

**exceptional circumstances grant** see section 7(2).

**livestock** includes poultry.

**natural disaster** see section 4.

**non-profit organisation** means a charity or other not-for-profit entity that is—

- (a) incorporated under a law of the Commonwealth or a State; and
- (b) either—
  - (i) registered under the *Australian Charities and Not-for-profits Commission Act 2012* (Cwlth) or the *Collections Act 1966*; or
  - (ii) registered or otherwise authorised to raise funds under a law of another State.

**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.

***reinstatement***, of a primary production enterprise, small business or means for conducting operations as a non-profit organisation, means the carrying out of activities that are necessary to help the enterprise, business or organisation to continue or resume production or trading at a similar level as before the eligible disaster.

***scheme*** means the scheme set out in this schedule.

***small business*** means a small business under section 5 or 5A.

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

***standard grant*** see section 7(2).



*stated closing day* see section 6A(1)(f).

*terrorist act* see the *Police Powers and Responsibilities Act 2000*, section 211.

#### 4 Meaning of *natural disaster*

- (1) A *natural 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 tornado;
  - (j) a tsunami.
- (2) However, an event, other than an event mentioned in subsection (1)(a), is not a *natural disaster* if the authority considers human activity significantly contributed to the event or loss or damage suffered because of the event.

*Examples of human activity for subsection (2)—*

- a deliberate act
- an accident
- development

- (3) In this section—

*development* see the *Planning Act 2016*, schedule 2.

## 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 *small business* does not include a body corporate under the *Body Corporate and Community Management Act 1997*.
- (3) Also, 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 disaster recovery funding arrangements, is eligible to receive assistance for the clean-up and reinstatement of the business in relation to direct damage caused by an eligible disaster.
- (4) Further, a business is not a small business if—
  - (a) the business is carried on by a sole trader; and
  - (b) the business has no employees, other than the sole trader; and
  - (c) the sole trader does not derive the majority of the sole trader's income from the business.
- (5) Despite subsection (4)(c), a business is a small business if the sole trader—
  - (a) immediately before an eligible disaster, derived the majority of the sole trader's income from the business; and
  - (b) in the opinion of the authority, would have derived the majority of the sole trader's income from the small business again, but for the eligible disaster.

- (6) 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.

- (7) 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.

## 5A Small businesses in development

- (1) This section applies if—
- (a) an individual is developing an enterprise to become a small business under section 5; and
  - (b) in the authority's opinion, the enterprise will be developed into a small business under section 5 that will be carried on by the individual as a sole trader.
- (2) The enterprise is taken to be a small business.
- (3) The individual is taken to be carrying on the small business.
- (4) Activities carried on for the purpose of the development are taken to be business activities.



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- (e) whether or not section 18(3) applies in relation to an application for the assistance and, if so, whether section 18(3) applies in relation to the total or another stated amount of the assistance; and
  - (f) the day (the *stated closing day*) by which an application for the assistance must be received by the authority.
- (2) Subsection (3) applies if, for the disaster recovery funding arrangements, a matter mentioned in any of subsection (1)(b) to (e) applies differently in relation to the assistance for the event for damage suffered in different areas (each of which is a *disaster zone*) within the defined disaster area.
- (3) The assistance establishment notice must also state—
- (a) a description of the location of each disaster zone; and
  - (b) as relevant, the matter mentioned in subsection (1)(b) to (e) as it applies in relation to the assistance for damage suffered in each disaster zone.

*Note—*

See sections 18(2) and (3) and 23(4).

- (4) For subsection (3)(a), a disaster zone may be described by reference to a map or plan accompanying the assistance establishment notice.

## **6B Amending assistance establishment notice to change closing day**

The Minister may, on or before the stated closing day, amend the assistance establishment notice to change the stated closing day to a later day.

## **Part 3 Nature of assistance**

### **7 Nature of assistance under scheme**

- (1) The nature of the assistance that may be given under the scheme is a grant to help an eligible entity clean-up and reinstate the entity's—

- (a) primary production enterprise; or
- (b) small business; or
- (c) means for conducting its operations as a non-profit organisation;

that has suffered direct damage caused by an eligible disaster.

- (2) The grant may be for an amount up to \$10,000 (a *standard grant*) or up to \$25,000 (an *exceptional circumstances grant*) to cover the cost of any of the things to which section 8(2)(a) to (h) applies.

## **8 Assistance under standard or exceptional circumstances grant**

- (1) This section applies to a standard grant or exceptional circumstances grant for an eligible entity's primary production enterprise, small business or means for conducting its operations as a non-profit organisation.
- (2) The grant may cover a cost that has been incurred for any of the following things because of direct damage caused by the eligible disaster—
  - (a) engaging a tradesperson to conduct a safety inspection of damage to a property, premises or equipment;
  - (b) purchasing, hiring or leasing equipment or materials to clean a property, premises or equipment;
  - (c) employing a person to clean a property, premises or equipment if—
    - (i) the cost would not ordinarily have been incurred in the absence of an event mentioned in section 4(1);  
or
    - (ii) the cost exceeds the cost of employing a person to clean the property, premises or equipment that would ordinarily have been incurred in the absence of an event mentioned in section 4(1);
  - (d) removing and disposing of debris or damaged goods and material;

- 
- (e) repairing a building or repairing or replacing fittings in a building, if the repair or replacement is essential for resuming operation of the primary production enterprise, small business or non-profit organisation;

*Examples of fittings for paragraph (e)—*

electrical wiring, floor coverings, shelving

- (f) purchasing, hiring or leasing equipment or materials that are essential for immediately resuming operation of the primary production enterprise, small business or non-profit organisation;

- (g) for a primary production enterprise, any of the following—

(i) repairing or reconditioning essential equipment;

(ii) repairing or replacing fencing on a property, other than to the extent the cost may be recovered under other assistance from the Commonwealth or State;

*Examples of other assistance—*

- a freight subsidy under the disaster recovery funding arrangements for transporting fencing materials
- a concessional loan under the Disaster Assistance (Primary Producers) Loans Scheme under schedule 2 for purposes including paying the costs of repair or replacement of fencing

(iii) purchasing fodder, other than to the extent the cost may be recovered under other assistance from the Commonwealth or State;

*Examples of other assistance—*

- a freight subsidy under the disaster recovery funding arrangements for carting emergency fodder
- a concessional loan under the Disaster Assistance (Primary Producers) Loans Scheme under schedule 2 for purposes including paying for fodder

(iv) maintaining the health of livestock;

(v) replacing dead livestock;

(vi) repairing or restoring fields;

(vii) salvaging crops, grain or feed;

- (viii) replacing lost or damaged plants if the replacement is essential for immediately resuming operation of the primary production enterprise;
- (ix) replacing essential water that has been used for fire fighting;
- (x) carting water;
- (h) for a small business or non-profit organisation, either of the following—
  - (i) replacing lost or damaged stock if the replacement is essential for immediately resuming operation of the small business or non-profit organisation;
  - (ii) leasing temporary premises for the purpose of resuming operation of the small business or non-profit organisation.
- (3) For subsection (2), a reference to a building does not include a reference to a building that is used as a dwelling, unless—
  - (a) the dwelling is used for carrying on the primary production enterprise, small business or non-profit organisation; or  
*Example of a dwelling for paragraph (a)—*
    - a dwelling used for temporary accommodation for workers for a primary production enterprise
  - (b) for a small business—the dwelling is an asset of the business.  
*Example of a dwelling for paragraph (b)—*
    - a dwelling that is let by a small business whose main activity involves letting dwellings
- (4) In this section—
  - damaged goods***, for a primary production enterprise, includes injured or dead livestock.
  - employing*** includes engaging under a contract for services.
  - plants*** includes root stock, seedlings, seeds and tube stock.



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## Part 4 Eligibility for assistance

### 9A Purpose of pt 4

This part provides for the eligibility of an entity for assistance under the scheme.

### 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

- (1) An applicant who is a primary producer is eligible for assistance under the scheme for an eligible disaster if the authority is satisfied—
  - (a) an assistance establishment notice states that primary producers are eligible to apply for the assistance; and
  - (b) either—
    - (i) the applicant's primary production enterprise is located in the defined disaster area for the eligible disaster and has suffered direct damage as a result of the eligible disaster; or
    - (ii) both of the following apply—
      - (A) the applicant's primary production enterprise is located outside the defined disaster area for the eligible disaster but is carried on at least sometimes on a regular basis in the area;
      - (B) plant or equipment of the primary production enterprise situated in the defined disaster

area has been damaged as a result of the eligible disaster; and

- (c) the applicant was engaged in the primary production enterprise when the eligible disaster happened; and
  - (d) the applicant is primarily responsible for meeting the costs claimed in the application; and
  - (e) for an applicant applying for assistance to cover the cost of a thing mentioned in section 8(2)(g)(v), (vi) or (vii)—the applicant has provided satisfactory evidence of the loss or damage to which the cost relates; and
  - (f) the applicant intends to re-establish the primary production enterprise in the defined disaster area for the eligible disaster.
- (2) To remove any doubt, it is declared that subsection (1)(e) is not limited by section 18.

## **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 the authority is satisfied—
- (a) an assistance establishment notice states that small business owners are eligible to apply for the assistance; and
  - (b) either—
    - (i) the applicant’s small business is located in the defined disaster area for the eligible disaster and has suffered direct damage as a result of the eligible disaster; or
    - (ii) both of the following apply—
      - (A) the applicant’s small business is located outside the defined disaster area for the eligible disaster but is carried on at least sometimes on a regular basis in the area;

- (B) plant or equipment of the small business situated in the defined disaster area has been damaged as a result of the eligible disaster; and
  - (c) the applicant was engaged in carrying on the small business when the eligible disaster happened; and
  - (d) the applicant is primarily responsible for meeting the costs claimed in the application; and
  - (e) the applicant intends to re-establish the small business in the defined disaster area for the eligible disaster.
- (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.

### **13 Eligibility criteria—non-profit organisation**

- (1) An applicant that is a non-profit organisation is eligible for assistance under the scheme for an eligible disaster if the authority is satisfied—
- (a) an assistance establishment notice states that non-profit organisations are eligible to apply for the assistance; and
  - (b) either—
    - (i) the non-profit organisation is located in the defined disaster area for the eligible disaster and its means for conducting its operations have suffered direct damage as a result of the eligible disaster; or
    - (ii) both of the following apply—
      - (A) the non-profit organisation is located outside the defined disaster area for the eligible disaster but is operated at least sometimes on a regular basis in the area;
      - (B) plant or equipment of the non-profit organisation situated in the defined disaster area has been damaged as a result of the eligible disaster; and

- (c) the applicant was engaged in conducting its operations when the eligible disaster happened; and
  - (d) the applicant is primarily responsible for meeting the costs claimed in the application; and
  - (e) 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; and
  - (f) the applicant intends to re-establish its operations in the defined disaster area for the eligible disaster.
- (2) However, a non-profit organisation is not eligible for assistance under the scheme for an eligible disaster if—
- (a) the disaster recovery funding arrangements activated for the eligible disaster include a community recovery fund; and
  - (b) the non-profit organisation has claimed or received a grant under the community recovery fund for the eligible disaster.

#### **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.

#### **15 Eligibility for standard grant**

An applicant is eligible for a standard grant for an eligible disaster if—

- (a) an assistance establishment notice states that assistance for the eligible disaster is available by way of a standard grant; and
- (b) the applicant has not applied for an exceptional circumstances grant for the eligible disaster.

## 16 Eligibility for exceptional circumstances grant

An applicant is eligible for an exceptional circumstances grant for an eligible disaster if—

- (a) an assistance establishment notice states that assistance for the eligible disaster is available by way of an exceptional circumstances grant; and
- (b) the applicant has not applied for a standard grant for the eligible disaster; and
- (c) the applicant consents to the authority obtaining information or documents from an insurer about the applicant's primary production enterprise, small business or 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.

## 17 Effect of insurance on eligibility for exceptional circumstances grant

- (1) This section applies to an applicant for assistance for an eligible disaster by way of an exceptional circumstances grant if the applicant receives, or is entitled to receive, an amount under a policy of insurance for a relevant cost relating to direct damage caused by the eligible disaster.
- (2) The applicant is not eligible to receive assistance under the scheme to cover the relevant cost.
- (3) In this section—  
*relevant cost* means the cost of any of the things to which section 8(2)(a) to (h) applies.

## **18 Financial evidence for application**

- (1) Subsection (3) applies in relation to an application for assistance under the scheme for an eligible disaster—
  - (a) if the assistance establishment notice for the disaster states subsection (3) applies to the application; and
  - (b) in relation to the amount of the assistance stated in the notice.
- (2) Also, if an eligible entity applies for assistance for damage suffered in 2 or more disaster zones, and the assistance establishment notice states that subsection (3) applies in relation to any of those zones, then subsection (3) applies to the application in relation to all of the zones.
- (3) An applicant is eligible for assistance for the eligible disaster only if 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.

## **Part 5 Conditions of assistance**

### **19 Keeping records for audit**

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 conducting an audit of the records mentioned in paragraph (a) to allow the authority to verify that amounts given to the

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applicant under the scheme have been used in accordance with the application for assistance.

## Part 6 Amount of assistance

### 20 Maximum amount of assistance

Subject to sections 20A to 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.

### 20A Assistance given for damage in 2 or more disaster zones

- (1) This section applies if—
  - (a) assistance is given under the scheme to an eligible entity for damage suffered in 2 or more disaster zones; and
  - (b) the assistance establishment notice states different maximum total amounts of assistance applying to those disaster zones.
- (2) The maximum total amount of assistance that may be given to the entity is the highest of the amounts mentioned in subsection (1)(b).

### 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 carries on more than 1 primary production enterprise (each a *separate business*) at separate locations; or
    - (ii) an eligible entity that is a small business owner carries on 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 carried on 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 section 6A(1)(d).
- (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



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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 section 6A(1)(d).
- (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 7**                      **Other provisions about applications**

### **23**            **Requirements for applications**

- (1) This section applies to an application for assistance under the scheme for damage caused by an eligible disaster.
- (2) An application must—
  - (a) be made on the authority's application form; and

- (b) be accompanied by the documents stated in the application; and
  - (c) be given to the authority.
- (3) An applicant may apply for assistance for only 1 of the following—
  - (a) a standard grant;
  - (b) an exceptional circumstances grant.
- (4) Despite anything in an assistance establishment notice, an application for assistance for damage suffered by the applicant in one disaster zone may also relate to damage suffered by the applicant in another disaster zone.
- (5) An application must be received by the authority no later than the closing day for the application.
- (6) The authority may ask an applicant to give 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.

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## 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—*

The requirements for gaining A1, A2 and A3 assessor accreditation are stated on AuctionsPlus Pty Ltd's website.

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

***Ausvetplan operational procedures*** means the document called 'Austvetplan 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.

***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 repealed *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 repealed *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.

***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 repealed *Stock Act 1915*, section 14(1); or
    - (B) an undertaking under the repealed *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.

***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—



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 \$200,000.

*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 repealed *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 repealed *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 repealed *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 \$2,500—25% of the accepted value; or
  - (b) if the accepted value is more than \$2,500 but no more than \$3,000—35% of the accepted value; or
  - (c) if the accepted value is more than \$3,000—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 \$4,000 and was 10 years and 3 months old when slaughtered. Under subsection (2)(c) the amount of assistance would have been \$2,000 (50% of \$4,000) but, under subsection (3), is reduced by \$1,500 (25% of \$2,000 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
  - (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 30 June 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.



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## **Schedule 26 Particular commercial fishing boat licences surrender scheme**

section 3(1)

### **Part 1 Preliminary**

#### **1 Purpose of financial assistance**

- (1) This section states the purpose of financial assistance that may be given under this scheme.
- (2) The purpose is to offset the impact on holders of particular commercial fishing boat licences of the surrender of the licence as a result of a prohibition on commercial fishers about the possession or use of a cast net, mesh net, seine net or set pocket net in the following regulated waters—
  - (a) Yeppoon–Keppel Bay–Fitzroy River–Capricorn Coast waters;
  - (b) St Helens Beach–Cape Hillsborough–North of Mackay waters;
  - (c) Trinity Bay–Cairns waters.

*Note—*

See the *Fisheries Regulation 2008*, chapter 2, part 12A (Declaration about commercial fishers possessing or using particular nets for taking fish for trade or commerce).

## Part 2 Definitions

### Division 1 Key definitions

#### 2 What is a *relevant licence*

- (1) A *relevant licence* is a commercial fishing boat licence—
  - (a) in relation to which the following are satisfied—
    - (i) at 5pm on 16 August 2015 a class 1 fishery symbol was written on the licence;
    - (ii) under the symbol, the holder of the licence could use a qualifying net to take fish in part or all of the Yeppoon–Keppel Bay–Fitzroy River–Capricorn Coast waters or St Helens Beach–Cape Hillsborough–North of Mackay waters regulated waters; or
  - (b) in relation to which the following are satisfied—
    - (i) at 5pm on 16 August 2015 the licence had fishery symbol ‘N1’, ‘N2’ or ‘N11’ written on it;
    - (ii) at 5pm on 16 August 2015 the licence related to a boat for which, under the *Fisheries Regulation 2008*, there was boat mark FHND, FNCX, FUPR, FXHN or FXTH;
    - (iii) under the symbol, or otherwise under the *Fisheries Regulation 2008*, the holder of the licence could use a qualifying net to take fish in part or all of the Trinity Bay–Cairns waters regulated waters.
- (2) Subsections (1)(a)(i) and (b)(i) apply whether or not—
  - (a) another fishery symbol is written on the licence; or
  - (b) the licence is suspended.
- (3) In this section—

*boat mark* see the *Fisheries Regulation 2008*, section 228.

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**3 Who is the *holder* of a relevant licence**

The *holder*, of a relevant licence, is the person to whom it is issued or transferred, other than by a temporary transfer under the *Fisheries Act 1994*, section 65C.

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

The *relevant holder*, for a surrender offer, is the holder of the relevant licence to which the offer relates.

**5 What is a *surrender offer***

A *surrender offer* is an offer, included in an application, to surrender a relevant licence.

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

- (1) The *relevant amount*, for a surrender offer, is the total of—
  - (a) the amount stated in the table in section 19 for a commercial fishing boat licence; and
  - (b) the total of the amounts stated in the table for the class 1 fisheries symbols that—
    - (i) were written on the licence to which the offer relates at 5pm on 16 August 2015; and
    - (ii) are written on the licence when the licence is surrendered; and
  - (c) the total of the amounts stated in the table for the class 2 fisheries symbols that—
    - (i) were written on the licence at 5pm on 16 August 2015; and
    - (ii) are written on the licence when the licence is surrendered.
- (2) The *relevant amount* is exclusive of GST.

## Division 2                      Other definitions

### 7                      Other definitions for sch 26

In this schedule—

**application** means an application under this scheme.

**approved form** means a form approved by the authority.

**class 1 fishery symbol** means fishery symbol ‘N1’, ‘N2’, ‘N4’, ‘N10’, ‘N11’, ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’ or ‘K8’.

**class 2 fishery symbol** means fishery symbol ‘C1’, ‘C2’, ‘L1’, ‘L2’, ‘L3’, ‘L4’, ‘L8’, ‘M1’, ‘N3’, ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’, ‘T9’, ‘S’, ‘RQ(0)’, ‘RQ(1)’, ‘RQ(2)’, ‘RQ(3)’, ‘RQ(4)’, ‘SM’, ‘SM(1)’, ‘SM(2)’, ‘SM(3)’, ‘SM(4)’ or ‘P’.

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

**fishery symbol** see the *Fisheries Regulation 2008*, schedule 11, part 2.

**holder**, of a relevant licence, see section 3.

**invitation notice**, for an offer, means the notice published under section 9 for the offer.

**qualifying net** means a cast net, mesh net, seine net or set pocket net.

**regulated waters** means regulated waters mentioned in the *Fisheries Regulation 2008*, chapter 2, part 12A.

**relevant amount**, for a surrender offer, see section 6.

**relevant holder**, for a surrender offer, see section 4.

**relevant licence** see section 2.

**scheme** means the scheme set out in this schedule.

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

**surrender offer** see section 5.

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## Part 3                      General provisions for scheme

### Division 1                      Nature of assistance

#### 8                      Nature of financial assistance

The nature of financial 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

#### 9                      Invitation notice for offers

- (1) The authority must invite surrender offers from the relevant holders by publishing on the authority's website a notice complying with subsections (2) to (4).
- (2) The notice must state that the authority invites each holder of a commercial fishing boat licence under the *Fisheries Regulation 2008* to make an offer under the scheme, in the approved form of application, for the surrender of the holder's licence, if the following requirements are met—
  - (a) at 5pm on 16 August 2015 the licence had fishery symbol 'N1', 'N2', 'N4', 'N10', 'N11', 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7' or 'K8' written on it;
  - (b) under the symbol, the holder used a cast net, mesh net, seine net or set pocket net to take fish in either or both of the following regulated waters declared under that regulation—
    - (i) Yeppoon–Keppel Bay–Fitzroy River–Capricorn Coast waters; or
    - (ii) St Helens Beach–Cape Hillsborough–North of Mackay waters;

- (c) during the year 2012, 2013 or 2014 a holder of the licence used a cast net, mesh net, seine net or set pocket net to take fish under the symbol in either or both of the regulated waters;
  - (d) the use of the net mentioned in paragraph (c) is recorded in a fishery logbook for the licence received by the department before 1 April 2015.
- (3) The notice must also state that the authority invites each holder of a commercial fishing boat licence under the *Fisheries Regulation 2008* to make an offer under this scheme, in the approved form of application, for the surrender of the holder's licence, if the following requirements are met—
  - (a) at 5pm on 16 August 2015 the licence—
    - (i) had fishery symbol 'N1', 'N2' or 'N11' written on it; and
    - (ii) related to a boat for which, under that regulation, there was boat mark FHND, FNCX, FUPR, FXHN or FXTH;
  - (b) under the fishery symbol, or otherwise under that regulation, the holder could use a cast net, mesh net, seine net or set pocket net to take fish in part or all of the Trinity Bay–Cairns waters regulated waters;
  - (c) during the year 2012, 2013 or 2014 a holder of the licence could use a cast net, mesh net, seine net or set pocket net to take fish in part or all of the regulated waters under the fishery symbol or otherwise under that regulation.
- (4) The notice must also state—
  - (a) that the holder can not apply for assistance under the scheme if the holder has been paid any compensation under the *Fisheries Act 1994*, part 5, division 1A in relation to part or all of the prohibition under the *Fisheries Regulation 2008*, section 123B; and
  - (b) the day on and from which an application can be made; and

- (c) that an application must be given to the authority by the end of 2 December 2015; and
- (d) that the notice is given under the *Rural and Regional Adjustment Regulation 2011*, schedule 26.

### **Division 3                    Application can not be made if any Fisheries Act 1994 compensation paid**

#### **10            Person can not apply under scheme if any compensation paid**

- (1) This section applies if a person has been paid any compensation under the *Fisheries Act 1994*, part 5, division 1A in relation to part or all of the regulated waters prohibition.
- (2) The person can not apply for assistance under this scheme.
- (3) In this section—

*regulated waters prohibition* means the prohibition about the possession or use of a qualifying net under the *Fisheries Regulation 2008*, section 123B.

### **Division 4                    Eligibility**

#### **11            Eligibility criteria**

A person is eligible for assistance under this scheme if—

- (a) the person makes an application by the end of 2 December 2015; and
- (b) the requirements under section 9 applying to the offer included in the application have been met; and
- (c) from when 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 imposed under section 16.

## **Division 5                      Dealing with surrender offers**

### **12        Authority must accept or reject offer**

- (1) This section applies if—
  - (a) a person makes an application by the end of 2 December 2015; and
  - (b) it is after 2 December 2015.
- (2) The authority, for the State, must by written notice to the applicant—
  - (a) do both of the following—
    - (i) accept the applicant's surrender offer;
    - (ii) state that the applicant will be paid a stated amount as payment for the surrender offer; or
  - (b) state that the State has refused to accept the applicant's surrender offer, and the reasons for the refusal.

### **13        State not required to accept surrender offer**

The State is not required to accept a surrender offer.

### **14        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 the scheme are sufficient to pay the relevant amount for the offer.

### **15        Priority of consideration for acceptance of surrender offers according to history of use of qualifying nets**

- (1) Surrender offers by relevant holders must be considered for acceptance in the following decreasing order of priority—
  - (a) from the relevant holder with the highest number of qualifying nets use days;
  - (b) to the relevant holder with the lowest number of qualifying nets use days.



- 
- (2) The number of *qualifying net use days*, for a relevant holder, is worked out by using the following steps—
- (a) step 1—for each zone, work out the number of logged days during the year 2012, 2013 or 2014 that a holder of the relevant licence used a qualifying net to take fish in the zone under a class 1 fishery symbol written on the relevant licence;
  - (b) step 2—total the number of logged days worked out under step 1 for the respective zones.
- (3) For subsection (2), the use in a zone on the same day of different qualifying nets counts as only 1 day's use of a qualifying net in the zone.
- (4) In this section—
- logged* means recorded in a fishery logbook for the licence received by the department before 1 April 2015.
- zone* means any of the following regulated waters—
- (a) Yeppoon–Keppel Bay–Fitzroy River–Capricorn Coast waters;
  - (b) St Helens Beach–Cape Hillsborough–North of Mackay waters;
  - (c) Trinity Bay–Cairns waters.

## **Division 6                      Other provisions**

### **16                      Conditions of assistance for surrender offer**

- (1) This section applies if the authority, by notice under section 12(2)(a), accepts a surrender offer made by a relevant holder.
- (2) It is a condition of the assistance that—
  - (a) each class 1 fishery symbol that was written on the relevant licence at 5pm on 16 August 2015 is written on the licence when it is surrendered; and

- (b) the relevant holder must, on or before the day stated in the surrender offer for the surrender of the relevant licence, give the authority—
  - (i) the relevant holder's commercial fishing boat licence; and
  - (ii) a notice of surrender of the licence, in the approved form, under the *Fisheries Act 1994*, section 72.
- (3) If the relevant holder complies with subsection (2), payment under this scheme must be made under the terms of the surrender offer.

## **17 Applications**

- (1) An application for assistance under this scheme must—
  - (a) be in the approved form; and
  - (b) be accompanied by any other documents stated in the approved form; and
  - (c) be given to the authority by the end of 2 December 2015.
- (2) The approved form must include provision for the applicant to make a surrender offer.
- (3) A surrender offer may be made to the authority only under subsection (1).
- (4) The authority may ask an applicant for further relevant information required to consider the application.
- (5) A person who has made an application may withdraw the application before 3 December 2015 by giving the authority a written request for the withdrawal.

## **18 Deciding applications**

The authority must consider, and decide to approve, or refuse to approve, each application including by—

- (a) considering the surrender offer included in the application; and

- (b) deciding to accept or reject the offer.

## Part 4 **Table for working out relevant amount**

### 19 **Table for s 6(1) for working out relevant amount**

This section is for section 6(1).

<b>Commercial fishing boat licence</b>	\$18,000
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<b>Class 1 fishery symbol</b>	<b>\$</b>
N1	48,000
N2	90,000
N4	96,000
N10	60,000
N11	6,000
K1	60,000
K2	60,000
K3	60,000
K4	60,000
K5	60,000
K6	60,000
K7	60,000
K8	60,000

<b>Class 2 fishery symbol</b>	<b>\$</b>
C1	36,000

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<b>Class 2 fishery symbol</b>	<b>\$</b>
C2	12,000
L1	12,000
L2	12,000
L3	12,000
L4	24,000
L8	54,000
M1	30,000
T2	24,000
T9	24,000
N3	90,000
T1	30,000
T5	24,000
T6	24,000
T7	24,000
T8	24,000
S	12,000
RQ(0)	18,000
RQ(1)	24,000
RQ(2)	30,000
RQ(3)	36,000
RQ(4)	42,000
SM	24,000
SM(1)	24,000
SM(2)	30,000

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<b>Class 2 fishery symbol</b>	<b>\$</b>
SM(3)	36,000
SM(4)	42,000
P	30,000

## **Schedule 27      Payments to holders of commercial fisher licences for prohibition on possession or use of particular nets scheme**

section 3(1)

### **Part 1                      Preliminary**

#### **1                      Purpose of financial assistance**

- (1) This section states the purpose of financial assistance that may be given under this scheme.
- (2) The purpose is to provide a fair and reasonable payment to the holder of a particular commercial fisher licence to whom a prohibition about possessing or using a cast net, mesh net, seine net or set pocket net to take fish in the following regulated waters applies—
  - (a) Yeppoon–Keppel Bay–Fitzroy River–Capricorn Coast waters;
  - (b) St Helens Beach–Cape Hillsborough–North of Mackay waters;
  - (c) Trinity Bay–Cairns waters.

*Note—*

See the *Fisheries Regulation 2008*, chapter 2, part 12A (Declaration about commercial fishers possessing or using particular nets for taking fish for trade or commerce).

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## Part 2 Definitions

### Division 1 Key definitions

#### 2 Who is the *relevant holder* for an application

The *relevant holder*, for an application, is the person to whom the commercial fisher licence to which the application relates is issued.

#### 3 What is the *relevant amount*

- (1) The *relevant amount* for an application is worked out under this section.
- (2) Yeppoon–Keppel Bay–Fitzroy River–Capricorn Coast waters regulated waters is a *zone* and the base amount for the zone is \$500.
- (3) St Helens Beach–Cape Hillsborough–North of Mackay waters regulated waters is also a *zone* and the base amount for the zone is \$500.
- (4) Trinity Bay–Cairns waters regulated waters is also a *zone* and the base amount for the zone is \$1,000.
- (5) For each zone, multiply the base amount for the zone by the applicant's average net use days for the zone (each *the zone amount*).
- (6) The relevant amount payable to the applicant is the total of the zone amounts.
- (7) The *applicant's average net use days*, for a zone, is worked out by—
  - (a) taking the number of logged days during the year 2012, 2013 or 2014 that the applicant used a qualifying net to take fish in the zone under a relevant fishery symbol; and
  - (b) dividing by 3.

(8) For subsection (7)(a), the use in a zone on the same day of different qualifying nets counts as only 1 day's use of a qualifying net in the zone.

(9) In this section—

*logged* means recorded in a fishery logbook received by the department before 1 April 2015.

*qualifying net* means a cast net, mesh net, seine net or set pocket net.

## Division 2                      Other definitions

### 4                      Other definitions for sch 27

In this schedule—

*application* means an application under this scheme.

*approved form* means a form approved by the authority.

*commercial fisher licence* means a commercial fisher licence under the *Fisheries Regulation 2008*.

*fishery symbol* see the *Fisheries Regulation 2008*, schedule 11, part 2.

*regulated waters* means regulated waters mentioned in the *Fisheries Regulation 2008*, chapter 2, part 12A.

*relevant fishery symbol* means fishery symbol 'N1', 'N2', 'N4', 'N10', 'N11', 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7' or 'K8'.

*relevant holder*, for an application, see section 2.

*scheme* means the scheme set out in this schedule.

*zone* see section 3(2), (3) or (4).



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## Part 3                      General provisions for scheme

### Division 1                      Nature of assistance

#### 5                      Nature of financial assistance

The nature of financial assistance that may be given under this scheme to a relevant holder whose application is approved by the authority is the payment to the relevant holder of the relevant amount.

### Division 2                      Invitations for applications for payment

#### 6                      Invitation notice

- (1) The authority must invite applications from relevant holders for a payment under this scheme by publishing on the authority's website a notice complying with subsections (2) to (4).
- (2) The notice must state that the authority invites each holder of a commercial fisher licence under the *Fisheries Regulation 2008* to apply, in the approved form, to the authority for a payment under this scheme, if the following requirements are met—
  - (a) during the year 2012, 2013 or 2014 the holder used a cast net, mesh net, set pocket net or seine net to take fish under the licence while using a commercial fishing boat under a commercial fishing boat licence with fishery symbol 'N1', 'N2', 'N4', 'N10', 'N11', 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7' or 'K8' written on it;
  - (b) the use of the net mentioned in paragraph (a) was in either or both of the following regulated waters declared under that regulation—
    - (i) the Yeppoon–Keppel Bay–Fitzroy River–Capricorn Coast waters;

- (ii) St Helens Beach–Cape Hillsborough–North of Mackay waters;
  - (c) the use of the net mentioned in paragraphs (a) and (b) is recorded in a fishery logbook received by the department before 1 April 2015.
- (3) The notice must also state that the authority invites each holder of a commercial fisher licence under the *Fisheries Regulation 2008* to apply, in the approved form, for a payment under this scheme, if the following requirements are met—
- (a) during the year 2012, 2013 or 2014 the holder used a cast net, mesh net, set pocket net or seine net to take fish under the licence while using a commercial fishing boat under a commercial fishing boat licence—
    - (i) with fishery symbol ‘N1’, ‘N2’ or ‘N11’ written on it; and
    - (ii) that relates to a boat for which, under that regulation, there is boat mark FHND, FNCX, FTTZ, FUPR, FXHN or FXTH;
  - (b) the use of the net mentioned in paragraph (a) was in the Trinity Bay–Cairns regulated waters;
  - (c) the use of the net mentioned in paragraphs (a) and (b) is recorded in a fishery logbook received by the department before 1 April 2015.
- (4) The notice must also state—
- (a) that the holder can not apply for assistance under the scheme if the holder has been paid any compensation under the *Fisheries Act 1994*, part 5, division 1A in relation to part or all of the prohibition under the *Fisheries Regulation 2008*, section 123B; and
  - (b) the day on and from which an application can be made; and
  - (c) that an application must be given to the authority by the end of 2 December 2015; and
  - (d) that the notice is given under the *Rural and Regional Adjustment Regulation 2011*, schedule 27.

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## **Division 3                      Application can not be made if any Fisheries Act 1994 compensation paid**

### **7                      Person can not apply under scheme if any compensation paid**

- (1) This section applies if a person has been paid any compensation under the *Fisheries Act 1994*, part 5, division 1A in relation to part or all of the regulated waters prohibition.
- (2) The person can not apply for assistance under this scheme.
- (3) In this section—

*regulated waters prohibition* means the prohibition about the possession or use of a qualifying net under the *Fisheries Regulation 2008*, section 123B.

## **Division 4                      Eligibility**

### **8                      Eligibility criteria**

- (1) A person is eligible for assistance under this scheme if—
  - (a) the person makes an application by the end of 2 December 2015; and
  - (b) the requirements under section 6 applying to the offer included in the application have been met.
- (2) A person is not ineligible for assistance under this scheme only because the person relies on—
  - (a) a commercial fishing boat licence that has a fishery symbol written on it that is in addition to a fishery symbol mentioned in section 6; or
  - (b) a commercial fisher licence that is suspended.

**9 Authority must approve or refuse to approve application and give notice to applicant**

- (1) This section applies if—
  - (a) a person makes an application by the end of 2 December 2015; and
  - (b) it is after 2 December 2015.
- (2) The authority, for the State, must by written notice to the applicant—
  - (a) approve the application and advise that the applicant will be paid a stated amount as payment for the application; or
  - (b) refuse to approve the application and state the reasons for the refusal.

**10 Payment of relevant amount only if sufficient funds**

The authority, for the State, may approve an application only if the authority's assistance funds for applications are sufficient to pay the relevant amount for the application.

**11 Priority of consideration for approval of applications according to order received**

Applications by relevant holders must be considered for approval in the order they were received by the authority.

**12 Applications**

- (1) An application for assistance under this scheme must—
  - (a) be in the approved form; and
  - (b) be accompanied by any other documents stated in the approved form; and
  - (c) be given to the authority by the end of 2 December 2015.
- (2) The authority may ask an applicant for further relevant information required to consider the application.

- (3) A person who has made an application may withdraw the application before 3 December 2015 by giving the authority a written request for the withdrawal.

### **13 Deciding applications**

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

## **Schedule 28      Additional payments to particular holders of commercial fisher licences scheme**

section 3(1)

### **Part 1                      Preliminary**

#### **1                      Purpose of financial assistance**

- (1) This section states the purpose of financial assistance that may be given under this scheme.
- (2) The purpose is to provide a fair and reasonable payment, in addition to a payment under the scheme in schedule 27, to particular holders of particular commercial fisher licences—
  - (a) who are eligible for assistance under section 8; and
  - (b) to whom a prohibition about possessing or using a cast net, mesh net, seine net or set pocket net to take fish in the following regulated waters applies—
    - (i) Yeppoon-Keppel Bay-Fitzroy River-Capricorn Coast waters;
    - (ii) St Helens Beach-Cape Hillsborough-North of Mackay Waters;
    - (iii) Trinity Bay-Cairns waters.

*Note—*

See the *Fisheries Regulation 2008*, chapter 2, part 12A (Declaration about commercial fishers possessing or using particular nets for taking fish for trade or commerce).

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## Part 2 Definitions

### Division 1 Key definitions

#### 2 Who is the relevant holder for the application

The *relevant holder*, for an application, is the person to whom the commercial fisher licence to which the application relates is issued.

#### 3 What is the relevant amount

- (1) The *relevant amount* for an application is the amount worked out by—
  - (a) dividing the applicant's total net use days by the eligible persons' total net use days; and
  - (b) multiplying by 1,500,000.
- (2) For subsection (1)(a), the *applicant's total net use days* is worked out by using the following steps—
  - (a) step 1—for each zone, work out the number of logged days during the year 2012, 2013 or 2014 that the applicant used a qualifying net to take fish in the zone under a relevant fishery symbol;
  - (b) step 2—total the number of logged days worked out under step 1 for the respective zones.
- (3) For subsection (1)(a), the *eligible persons' total net use days* is worked out by using the following steps—
  - (a) step 1—for each zone, work out the number of logged days during the year 2012, 2013 or 2014 that each eligible person used a qualifying net to take fish in the zone under a relevant fishery symbol;
  - (b) step 2—total the number of logged days worked out under step 1 for the respective zones.

(4) For subsections (2)(a) and (3)(a), a person's use in a zone on the same day of different qualifying nets counts as only 1 day's use of a qualifying net in the zone by the person.

(5) In this section—

*eligible person* means a person who is eligible to apply under section 6.

*zone* means any of the regulated waters.

## Division 2                    Other definitions

### 4                    Other definitions for sch 28

In this schedule—

*application* means an application under this scheme.

*approved form* means a form approved by the authority.

*commercial fisher licence* means a commercial fisher licence under the *Fisheries Regulation 2008*.

*fishery symbol* see the *Fisheries Regulation 2008*, schedule 11, part 2.

*logged* means recorded in a fishery logbook received by the department before 1 April 2015.

*qualifying net* means a cast net, mesh net, seine net or set pocket net.

*regulated waters* means regulated waters mentioned in the *Fisheries Regulation 2008*, chapter 2, part 12A.

*relevant fishery symbol* means fishery symbol 'N1', 'N2', 'N4', 'N10', 'N11', 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7' or 'K8'.

*scheme* means the scheme set out in this schedule.



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## **Part 3                      General provisions for scheme**

### **Division 1                      Nature of assistance**

#### **5                      Nature of financial assistance**

The nature of financial assistance that may be given under this scheme to a relevant holder whose application is approved by the authority is the payment to the relevant holder of the relevant amount.

### **Division 2                      Invitations for applications for payment**

#### **6                      Invitation notice**

- (1) The authority must invite applications for a payment under this scheme by publishing on the authority's website a notice complying with subsections (2) and (3).
- (2) The notice must state that the authority invites each holder of a commercial fisher licence under the *Fisheries Regulation 2008* to apply, in the approved form, to the authority for a payment under this scheme if—
  - (a) the applicant meets—
    - (i) requirements set out in schedule 27, section 6(2)(a) to (c); or
    - (ii) the requirements in schedule 27, section 6(3)(a) to (c); and
  - (b) the applicant's total net use days worked out under section 3(2) is at least 60 days; and
  - (c) the applicant's total net use days worked out under section 3(2) represents at least 50% of the applicant's overall net use days.
- (3) The notice must also state—

- (a) that the holder can not apply for assistance under the scheme if the holder has been paid any compensation under the *Fisheries Act 1994*, part 5, division 1A in relation to part or all of the prohibition under the *Fisheries Regulation 2008*, section 123B; and
  - (b) the day on and from which an application can be made; and
  - (c) that an application must be given to the authority by the end of 2 December 2015; and
  - (d) that the notice is given under the *Rural and Regional Adjustment Regulation 2011*, schedule 28.
- (4) In this section—

*applicant's overall net use days* means the number of logged days during the year 2012, 2013 or 2014 the applicant used a qualifying net to take fish under a relevant fishery symbol in any waters for which the applicant held a licence under the *Fisheries Regulation 2008* to take the fish.

### **Division 3                      Application can not be made if Fisheries Act 1994 compensation paid**

#### **7                      Person can not apply under scheme if any compensation paid**

- (1) This section applies if a person has been paid any compensation under the *Fisheries Act 1994*, part 5, division 1A in relation to part or all of the regulated waters prohibition.
- (2) The person can not apply for assistance under this scheme.
- (3) In this section—

*regulated waters prohibition* means the prohibition about possession or use of a qualifying net under the *Fisheries Regulation 2008*, section 123B.

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## **Division 4                      Eligibility**

### **8                      Eligibility criteria**

- (1) A person is eligible for assistance under this scheme if—
  - (a) the person makes an application by the end of 2 December 2015; and
  - (b) the requirements under section 6 applying to the offer included in the application have been met.
- (2) A person is not ineligible for assistance under this scheme only because the person relies on a commercial fisher licence that is suspended.

### **9                      Authority must approve or refuse to approve application and give notice to applicant**

- (1) This section applies if—
  - (a) a person makes an application by the end of 2 December 2015; and
  - (b) it is after 2 December 2015.
- (2) The authority, for the State, must consider the application and by written notice to the applicant—
  - (a) approve the application and advise that the applicant will be paid a stated amount; or
  - (b) refuse to approve the application and state the reasons for the refusal.

### **10                      Payment of relevant amount only if sufficient funds**

The authority, for the State, may approve an application only if the authority's assistance funds for applications are sufficient to pay the relevant amount for the application.

**11 Priority of consideration for acceptance of applications according to order received**

Applications by relevant holders must be considered for approval in the order they were received by the authority.

**12 Applications**

- (1) An application for assistance under this scheme must—
  - (a) be in the approved form; and
  - (b) be accompanied by any other documents stated in the approved form; and
  - (c) be given to the authority by the end of 2 December 2015.
- (2) The authority may ask an applicant for further relevant information required to consider the application.
- (3) A person who has made an application may withdraw the application before 3 December 2015 by giving the authority a written request for the withdrawal.

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## Schedule 29 Further commercial fishing licences surrender scheme

section 3(1)

### Part 1 Preliminary

#### 1 Objective of scheme

(1) The objective of the scheme is to reduce the potential for overfishing due to an increase in commercial fishing in waters near particular regulated waters, arising from the prohibition on commercial fishers about the possession or use of a cast net, mesh net, seine net or set pocket net (each a *qualifying net*) in the particular regulated waters.

(2) In this section—

*particular regulated waters* means the following regulated waters under the *Fisheries Regulation 2008*—

- (a) Yeppoon–Keppel Bay–Fitzroy River–Capricorn Coast waters;
- (b) St Helens Beach–Cape Hillsborough–North of Mackay waters;
- (c) Trinity Bay–Cairns waters.

*Note*—

See the *Fisheries Regulation 2008*, chapter 2, part 12A.

#### 2 Purpose of financial assistance

The purpose of the scheme is to pay each holder of particular commercial fishing boat licences whose surrender offer is accepted by the authority the prescribed amount for the surrender of the licence.

## Part 2 Definitions

### Division 1 Key definitions

#### 3 What is a *relevant licence*

- (1) A *relevant licence* is a commercial fishing boat licence that has fishery symbol ‘N1’ or ‘N2’ written on it.
- (2) Subsection (1) applies whether or not—
  - (a) another fishery symbol is written on the licence; or
  - (b) the licence is suspended.

#### 4 Who is the *holder* of a *relevant licence*

The *holder*, of a *relevant licence*, is the person to whom it is issued or transferred, other than by a temporary transfer under the *Fisheries Act 1994*, section 65C.

#### 5 Who is the *relevant holder* for a *surrender offer*

The *relevant holder*, for a *surrender offer*, is the holder of the *relevant licence* to which the offer relates.

#### 6 What is a *surrender offer*

A *surrender offer* is an offer, included in an application, to surrender a *relevant licence*.

#### 7 What is the *relevant amount* for a *surrender offer*

- (1) The *relevant amount*, for a *surrender offer*, is the total of—
  - (a) the amount stated in the table in section 19 for a commercial fishing boat licence; and
  - (b) for a *relevant holder* mentioned in section 15(1)(a) or (b)—the total of the amounts stated in the table for the class 1 fishery symbols that—

- (i) were written on the licence at 5pm on 16 August 2015; and
  - (ii) are written on the licence when the licence is surrendered; and
  - (c) for a relevant holder mentioned in section 15(1)(c)—the total of the amounts stated in the table for the class 1 fishery symbols that are written on the licence when the licence is surrendered; and
  - (d) the total of the amounts stated in the table for the class 2 fishery symbols that—
    - (i) were written on the licence at 5pm on 14 March 2016; and
    - (ii) are written on the licence when the licence is surrendered.
- (2) The *relevant amount* is exclusive of GST.

## Division 2                      Other definitions

### 8                      Other definitions for sch 29

In this schedule—

***application*** means an application under this scheme.

***approved form*** means a form approved by the authority.

***class 1 fishery symbol*** means fishery symbol ‘N1’ or ‘N2’.

***class 2 fishery symbol*** means fishery symbol ‘N3’, ‘N4’, ‘N10’, ‘N11’, ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’, ‘C1’, ‘L1’, ‘L2’, ‘L3’, ‘L4’, ‘L8’, ‘M1’, ‘P’, ‘RQ’, ‘RQ(1)’, ‘RQ(2)’, ‘RQ(3)’, ‘RQ(4)’, ‘S’, ‘SM’, ‘SM(1)’, ‘SM(2)’, ‘SM(3)’, ‘SM(4)’, ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’.

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

***fishery symbol*** see the *Fisheries Regulation 2008*, schedule 11, part 2.

*holder*, of a relevant licence, see section 4.

*qualifying net* see section 1(1).

*relevant amount*, for a surrender offer, see section 7.

*relevant holder*, for a surrender offer, see section 5.

*relevant licence* see section 3.

*scheme* means the scheme set out in this schedule.

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

*surrender offer* see section 6.

## **Part 3                      General provisions for scheme**

### **Division 1                Nature of assistance**

#### **9                      Nature of financial assistance**

The nature of the financial 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**

#### **10                    Invitation notice for offers**

- (1) The authority must invite surrender offers from the relevant holders by publishing on the authority's website a notice complying with subsections (2) to (4).
- (2) The notice must state that the authority invites each holder of a commercial fishing boat licence under the *Fisheries Regulation 2008* that has a fishery symbol 'N1' or 'N2' written on it to make an offer under the scheme, in the approved form, for the surrender of the holder's licence.



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- (3) The notice must also state the priority of consideration for acceptance of surrender offers as set out in section 15.
  - (4) The notice must also state—
    - (a) the day on and from which an application can be made; and
    - (b) that an application must be given to the authority by the end of 19 September 2016; and
    - (c) that the notice is given under the *Rural and Regional Adjustment Regulation 2011*, schedule 29.

## **Division 3                    Eligibility**

### **11            Eligibility criteria**

A person is eligible for assistance under this scheme if—

- (a) the person makes an application by the end of 19 September 2016; and
- (b) the requirements under section 10(2) applying to the surrender offer included in the application have been met; and
- (c) from when the surrender 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 imposed under section 16.

## **Division 4                    Dealing with surrender offers**

### **12            Authority must accept or reject offer**

- (1) This section applies if—
  - (a) a person makes an application by the end of 19 September 2016; and
  - (b) it is after 19 September 2016.

- (2) The authority, for the State, must by written notice to the applicant—
  - (a) do both of the following—
    - (i) accept the applicant's surrender offer;
    - (ii) state that the applicant will be paid a stated amount as payment for the surrender offer; or
  - (b) state that the State has refused to accept the applicant's surrender offer, and the reasons for the refusal.

**13 State not required to accept surrender offer**

The State is not required to accept a surrender offer.

**14 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 the scheme are sufficient to pay the relevant amount for the offer.

**15 Priority of consideration for acceptance of surrender offers**

- (1) Surrender offers must be considered for acceptance in the following decreasing order of priority—
  - (a) a surrender offer from a relevant holder who is also a relevant holder under schedule 26;
  - (b) a surrender offer from a relevant holder who meets the following requirements—
    - (i) at 5pm on 16 August 2015 the holder's licence had fishery symbol 'N1' or 'N2' written on it;
    - (ii) under the symbol, during the year 2012, 2013 or 2014, the holder used a qualifying net to take fish in all or part of—
      - (A) the waters between Cape York and Innisfail east of longitude 142°30' east and 10°30'

south and longitude 142°30' east and 17°30' south; or

- (B) the waters between Bowen and Seventeen Seventy east of longitude 142°30' east and 20° south and longitude 142°30' east and 24°30' south;
  - (iii) the use of the qualifying net is recorded in a fishery logbook for the licence received by the department before 1 April 2015;
  - (c) a surrender offer from any other relevant holder.
- (2) Subsection (3) applies if 2 or more surrender offers of the same type are received by the authority.
- (3) The offers must be considered for acceptance—
- (a) in the date order they were received by the authority; and
  - (b) if more than 1 offer is received on 1 day, the offers must be considered for acceptance in the order of priority of the lowest relevant amount for the surrender offer to the highest relevant amount for the surrender offer.

## **Division 5                      Other provisions**

### **16                      Conditions of assistance for surrender offer**

- (1) This section applies if the authority, by notice under section 12(2)(a), accepts a surrender offer made by a relevant holder.
- (2) It is a condition of the assistance that—
- (a) for a relevant holder mentioned in section 15(1)(a) or (b)—each N1 or N2 fishery symbol that was written on the relevant licence at 5pm on 16 August 2015 is written on the licence when it is surrendered; and
  - (b) for a relevant holder mentioned in section 15(1)(c)—each N1 or N2 fishery symbol is written on the licence when it is surrendered; and

- (c) each class 2 fishery symbol that was written on the relevant licence at 5pm on the day the applicant's officer is made is written on the licence when it is surrendered; and
  - (d) the relevant holder must, on or before the date stated in the surrender offer for the surrender of the relevant licence, give the authority—
    - (i) the relevant holder's commercial fishing boat licence; and
    - (ii) a notice of surrender of the licence as required 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.

## 17 Applications

- (1) An application for assistance under this scheme must—
  - (a) be in the approved form; and
  - (b) be accompanied by any other documents stated in the approved form; and
  - (c) be given to the authority by the end of 19 September 2016.
- (2) The approved form must include provision for the applicant to make a surrender offer.
- (3) A surrender offer may be made to the authority only under subsection (1).
- (4) The authority may ask an applicant for further relevant information required to consider the application.
- (5) A person who has made an application may withdraw the application before 20 September 2016 by giving the authority a written request for the withdrawal.

**18 Deciding applications**

The authority must consider, and decide to approve, or refuse to approve, each application including by—

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

## Part 4 **Table for working out relevant amount**

**19 Table for s 7(1) for working out relevant amount**

This section is for section 7(1).

Commercial fishing boat licence	\$18,000
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<b>Class 1 fishery symbol</b>	<b>\$</b>
N1	48,000
N2	90,000

<b>Class 2 fishery symbol</b>	<b>\$</b>
N3	90,000
N4	96,000
N10	60,000
N11	6,000
K1	60,000
K2	60,000
K3	60,000
K4	60,000
K5	60,000

## Schedule 29

<b>Class 2 fishery symbol</b>	<b>\$</b>
K6	60,000
K7	60,000
K8	60,000
C1	50,000
L1	12,000
L2	12,000
L3	12,000
L4	24,000
L8	54,000
M1	30,000
P	30,000
RQ	18,000
RQ(1)	24,000
RQ(2)	30,000
RQ(3)	36,000
RQ(4)	42,000
S	12,000
SM	24,000
SM(1)	24,000
SM(2)	30,000
SM(3)	36,000
SM(4)	42,000
T1	30,000
T2	24,000

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<b>Class 2 fishery symbol</b>	<b>\$</b>
T5	24,000
T6	24,000
T7	24,000
T8	24,000
T9	24,000

## **Schedule 30      Farm management grants scheme**

section 3(1)

### **1      Objective of scheme**

The objective of the scheme is to help primary producers for primary production enterprises, or interested persons, who have received eligible professional advice from a suitably qualified professional adviser.

### **2      Nature of assistance**

The nature of the assistance that may be given to an applicant under the scheme is a rebate to offset the cost of the eligible professional advice incurred by the applicant.

### **3      Definitions for sch 30**

In this schedule—

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

*eligible professional advice* means eligible professional advice under section 4(1).

*interested person*, for a primary production enterprise, means a person who—

- (a) is a child of, or is otherwise related to, a primary producer for the primary production enterprise; and
- (b) has acquired, or is intending to acquire, an interest in the primary production enterprise.

*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.

***primary producer*** means—

- (a) a sole trader who spends the majority of the trader's labour on, and derives the majority of the trader's income from, a primary production enterprise; or
- (b) in relation to a partnership, proprietary company or trust that carries on a primary production enterprise, any partner in the partnership, shareholder in the company or beneficiary of the trust who spends the majority of their labour on, and derives 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.

***proprietary company*** means a proprietary company within the meaning of the Corporations Act.

***scheme*** means the scheme set out in this schedule.

***suitably qualified professional adviser***, for eligible professional advice, means a person who has—

- (a) the relevant qualifications and experience to give the advice; or
- (b) membership of a professional body that entitles the adviser to give the advice.

*Examples of a suitably qualified professional adviser—*

accountant, financial planner, lawyer

#### **4 Eligible professional advice**

- (1) Eligible professional advice under the scheme is professional advice about—
  - (a) the acquisition of an interest in a primary production enterprise by an interested person for the enterprise; and
  - (b) particular aspects of the management of a primary production enterprise decided by the Minister to be professional advice to which the scheme applies.

*Examples of professional advice—*

accountancy advice, financial planning, legal advice

- (2) If the Minister makes a decision under subsection (1)(b), the Minister must notify the authority about the decision.
- (3) The authority must publish notice of the Minister's decision on the authority's website.

#### **5 Eligibility criteria**

For an applicant to be eligible to receive assistance under the scheme, the authority must be satisfied that—

- (a) the applicant is a primary producer or is an interested person for a primary production enterprise; and
- (b) the applicant has paid for, or will pay for, eligible professional advice; and
- (c) the eligible professional advice was or will be given by a suitably qualified professional adviser who is—
  - (i) not related to the applicant; and
  - (ii) not employed by an entity owned or partially owned by the applicant; and
- (d) the authority has funds available to give the applicant a rebate under the scheme.

#### **6 Amount and payment of assistance**

- (1) The amount of the rebate payable to an applicant is half the amount paid by the applicant for eligible professional advice

up to a maximum of \$2,500 for each official receipt and tax invoice for the eligible professional advice that is given to the authority.

- (2) However, an applicant may be paid a maximum of only \$2,500 in each financial year.

## **7 Applications**

- (1) An application for assistance under the scheme may be made before or after the applicant pays for eligible professional advice.
- (2) An application for assistance under the scheme made before the applicant pays for eligible professional advice must be—
  - (a) made on the application form approved by the authority; and
  - (b) accompanied by the documents mentioned in the application form.
- (3) An application for assistance under the scheme made after the applicant pays for eligible professional advice must be—
  - (a) made on the application form approved by the authority; and
  - (b) accompanied by—
    - (i) an official receipt and tax invoice for the eligible professional advice showing that all amounts claimed by the applicant under the scheme have been paid by the applicant; and
    - (ii) the documents mentioned in the application form.

## **8 Deciding the application**

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

**9 When rebate is payable for eligible professional advice paid for after application made**

- (1) This section applies to the authority in relation to an application for assistance under the scheme that—
  - (a) was made before the applicant paid for eligible professional advice; and
  - (b) was approved by the authority.
- (2) Payment of a rebate to the applicant may be made only if the applicant gives the authority an official receipt and tax invoice showing that all amounts claimed by the applicant under the scheme have been paid by the applicant.

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## Schedule 31      **White spot disease concessional loan scheme**

section 3(1)

### Part 1                      **Preliminary**

#### 1              **Objective of scheme**

The objective of the scheme is to provide assistance to prawn farmers whose prawn farming primary production enterprises are directly affected by white spot disease to help the enterprises recover from the impact of the disease.

#### 2              **Definitions**

In this schedule—

*applicant* means a prawn farmer applying for a loan under the scheme.

*approved form* means a form approved by the authority.

*prawn farmer* means—

- (a) a sole trader who—
  - (i) spends the majority of his or her labour on a prawn farming primary production enterprise; and
  - (ii) derives the majority of his or her income from the prawn farming primary production enterprise at the time of applying for assistance under the scheme; or
- (b) a partnership, proprietary company or trust that carries on a prawn farming primary production enterprise for which the partners, shareholders or beneficiaries—
  - (i) spend the majority of their labour on the prawn farming primary production enterprise; and

- (ii) derive the majority of their income from the prawn farming primary production enterprise at the time of applying for assistance under the scheme.

***prawn farming primary production enterprise*** means an aquaculture business—

- (a) for which there is an Australian business number; and
- (b) that involves the raising and production of prawns—
  - (i) for human consumption; or
  - (ii) for sale to a prawn farmer.

***proprietary company*** means a proprietary company within the meaning of the Corporations Act.

***scheme*** means the scheme set out in this schedule.

***white spot disease*** means the white spot syndrome virus.

## Part 2                      General provisions for scheme

### 3                      Nature of assistance

The nature of the assistance under the scheme is a loan, at a concessional interest rate, to a prawn farmer for activities that—

- (a) improve the productivity and viability of the prawn farmer's prawn farming primary production enterprise; or
- (b) improve the biosecurity controls of the prawn farmer's prawn farming primary production enterprise; or

*Example of biosecurity controls—*

access restrictions, bird nets, fencing, solid waste treatment, water treatment

- (c) diversify the source of the prawn farmer's income.

*Example—*

buying infrastructure necessary for farming a marine species other than prawns

#### 4 Maximum amount of loan

The maximum amount of a loan under the scheme is \$3,000,000.

#### 5 Interest rate

- (1) The initial interest rate payable by an applicant is the base lending rate 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 when the interest rate is fixed.
- (3) At any time during the term of the loan after any period decided under subsection (2)(a), the authority may agree to fix the interest rate for periods of 1, 3 or 5 years.
- (4) The authority may, during the term of the loan, increase the interest rate to a commercial rate if the authority is satisfied the applicant's financial capacity has improved.
- (5) If, under subsection (4), 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.
- (6) The authority may decide the extent to which the interest rate is to increase under subsection (5) more than once in relation to the applicant.
- (7) In this section—

*base lending rate* means the 1, 3 or 5 year lending rate, as appropriate, of the Queensland Treasury Corporation, plus a margin decided by the authority and approved by the Minister.

## **6 Terms of repayment**

- (1) The term of a loan under the scheme is the term agreed between the authority and the applicant, based on the applicant's income patterns.
- (2) However, the maximum term of a loan under the scheme is 20 years.
- (3) The authority may give the applicant an interest only period of not more than 5 years.

## **7 Security**

If an applicant is given a loan under the scheme, the applicant must give security for the loan that the authority is satisfied is commensurate with the amount of the loan.

## **8 Eligibility criteria**

- (1) An applicant is eligible for a loan under the scheme if—
  - (a) the applicant demonstrates the following to the authority's satisfaction—
    - (i) the applicant is a prawn farmer;
    - (ii) the applicant has been carrying on a prawn farming primary production enterprise for at least 2 years;
    - (iii) some or all of the prawn farming primary production enterprise is located on the Logan River catchment or Albert River catchment;
    - (iv) the applicant's non-enterprise or liquid assets are no more than the amount needed for prudent risk management of the prawn farming primary production enterprise;
    - (v) the applicant has sound prospects for commercial viability in the long term;
    - (vi) the applicant can service the loan; and
  - (b) the applicant gives the authority a management plan that outlines the intended outcomes associated with the



- activities for which the applicant is applying for the loan; and
- (c) if the loan is sought for activities that require a licence, permit or other approval—
- (i) the applicant gives the authority a copy of the licence, permit or approval; or
  - (ii) the applicant demonstrates to the authority's satisfaction that the applicant can acquire the licence, permit or approval.
- (2) In this section—
- management plan***, for an applicant applying for a loan under the scheme, means a plan that—
- (a) includes details of the activities for which the applicant is applying for the loan; and
  - (b) states how the activities will—
    - (i) improve the productivity and viability of the applicant's prawn farming primary production enterprise; or
    - (ii) improve the biosecurity controls of the applicant's prawn farming primary production enterprise; or
    - (iii) diversify the source of the applicant's income; and
  - (c) complies with the guidelines for management plans under the scheme that are issued by the authority.

*Note—*

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

## 9 Applications for assistance

- (1) A prawn farmer may apply, in the approved form, for a loan under the scheme.
- (2) The application must be given to the authority before 30 June 2018.

## **10 Deciding applications for assistance**

- (1) The authority must consider an application for a loan under the scheme and decide to approve or refuse the application.
- (2) Subject to subsection (3), the authority must approve an application if the authority is satisfied—
  - (a) the applicant is eligible for the loan under section 8; and
  - (b) the application relates to activities mentioned in section 3(a) to (c).
- (3) The authority must refuse an application if the authority's assistance funds for the scheme are not enough to provide the loan under the scheme.

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## Schedule 32 Rural economic development grants scheme

section 3(1)

### Part 1 Preliminary

#### 1 Objective of scheme

The objective of the scheme is to provide assistance that will support economic development in relevant rural areas by creating employment related to primary production in the areas.

#### 2 Purpose of assistance

The purpose of assistance under the scheme is to enable an eligible entity to carry out an activity that will create employment related to primary production in a relevant rural area.

#### 3 Definitions

In this schedule—

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

*approved form* means a form approved by the authority.

*Australian Statistical Geography Standard* means the Australian Statistical Geography Standard (ASGS): Volume 5 - Remoteness Structure, July 2016 (Cat. No. 1270.0.55.005), March 2018 edition published by the Australian Bureau of Statistics.

*eligibility criteria* means the criteria stated in section 9.

*eligible activity* see section 4.

*eligible entity* see section 5.

***expression of interest***, in applying for assistance under the scheme, means an expression of interest that complies with section 10(3).

***medium-size business*** see section 6.

***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.

***proprietary company*** means a proprietary company within the meaning of the Corporations Act.

***relevant rural area*** means an area in Queensland classified under the Australian Statistical Geography Standard as being within any of the following remoteness areas—

- (a) inner regional Australia;
- (b) outer regional Australia;
- (c) remote Australia;
- (d) very remote Australia.

***scheme*** means the scheme set out in this schedule.

#### **4 Meaning of *eligible activity***

An ***eligible activity*** is an activity the authority is satisfied will create employment related to primary production in a relevant rural area.

*Examples of eligible activities—*

- developing a new market for a product
- establishing a training facility related to primary production
- expanding a business responsible for a step in the supply chain for primary production

## 5 Meaning of *eligible entity*

- (1) An *eligible entity* means any of the following—
- (a) an entity that carries on a medium-size business;
  - (b) an association incorporated under the *Associations Incorporation Act 1981*;
  - (c) a cooperative registered under the *Cooperatives Act 1997*;
  - (d) an Aboriginal and Torres Strait Islander corporation registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cwlth);
  - (e) a primary producer;
  - (f) an entity established to represent—
    - (i) primary producers; or
    - (ii) primary production enterprises;
  - (g) an entity that is a federation of entities mentioned in paragraph (f);
  - (h) a university in Queensland;
  - (i) a tertiary education institution, or another institution or organisation, that provides vocational training in Queensland;
  - (j) a local government under the *Local Government Act 2009*.
- (2) In this section—
- primary producer*** means—
- (a) a sole trader who spends the majority of the trader's labour on, and derives the majority of the trader's income from, a primary production enterprise; or
  - (a) in relation to a partnership, proprietary company or trust that carries on a primary production enterprise, any partner in the partnership, shareholder in the company or beneficiary of the trust who spends the majority of their labour on, and derives the majority of their income from, the primary production enterprise.

## 6 Meaning of *medium-size business*

- (1) A *medium-size business* is a business—
- (a) that is carried on by a sole trader, partnership, proprietary company or trust; and
  - (b) for which an entity holds an Australian Business Number; and
  - (c) that is registered for GST; and
  - (d) that employs fewer than—
    - (i) 200 full-time employees; or
    - (ii) if the business has employees other than full-time employees—200 equivalent full-time employees; and
  - (e) that is not operated by a public company within the meaning of the Corporations Act.
- (2) For subsection (1)(d), 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 at least 35 hours each week for the business.

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## Part 2                      General provisions for scheme

### 7            Nature and amount of assistance

- (1) The nature of assistance available under the scheme is a grant of financial assistance to an eligible entity for an eligible activity.
- (2) A grant of financial assistance is not available for—
  - (a) funding an activity that commenced or was completed before an application for assistance under the scheme is made; or
  - (b) repairing or replacing existing capital infrastructure; or
  - (c) making payments towards a debt; or
  - (d) purchasing land; or
  - (e) undertaking training, or paying professional costs, not related to the eligible activity the subject of the application; or
  - (f) conducting feasibility studies; or
  - (g) paying administration costs.
- (3) Also, a grant of financial assistance is not available unless the eligible entity meets the eligibility criteria.
- (4) The amount of a grant of financial assistance under the scheme for an eligible activity—
  - (a) is based on the authority's assessment of the applicant's financial position, including the applicant's ability to provide a cash contribution to the activity that is equal to, or more than, the amount of assistance the applicant is applying for; and
  - (b) must not be more than the amount the applicant will contribute to the activity.
- (5) However, the maximum amount of a grant of financial assistance under the scheme for an eligible activity is \$250,000.

## **8 Scheme to operate in rounds**

- (1) The scheme will operate in rounds, ending on 30 June 2021.
- (2) The first round of the scheme will consist of—
  - (a) an expression of interest stage; and
  - (b) an application stage.
- (3) Each subsequent round of the scheme may consist of—
  - (a) an expression of interest stage and an application stage;  
or
  - (b) an application stage only.
- (4) The first round of the scheme will open on the day stated on the authority's website as the day on or after which an expression of interest in applying for assistance under the scheme may be given to the authority.
- (5) Each subsequent round of the scheme will open on—
  - (a) if the round includes an expression of interest stage—the day stated on the authority's website as the day on or after which an expression of interest in applying for assistance under the scheme may be given to the authority; or
  - (b) otherwise—the day stated on the authority's website as the day on or after which an application for assistance under the scheme may be made.
- (6) Each round of the scheme will close on the day stated on the authority's website as the day on which the round closes.

## **9 Eligibility criteria**

- (1) For an applicant to be eligible to receive assistance under the scheme the applicant must—
  - (a) be applying for assistance for an eligible activity; and
  - (b) be able to state the relevant rural area in which the activity will be undertaken; and
  - (c) not have previously received assistance under the scheme for a substantially similar activity; and



- 
- (d) not have received other government funding for the activity; and
  - (e) demonstrate the following to the authority's satisfaction—
    - (i) the applicant has the ability to provide a cash contribution to the activity that is equal to, or more than, the amount of assistance the applicant is applying for;
    - (ii) the applicant has adequate experience or other qualifications to give the applicant a reasonable prospect of success in carrying out the activity;
    - (iii) the activity has sound prospects for commercial viability in the long term;
    - (iv) the activity will provide a significant economic benefit to the relevant rural area the subject of the application.
  - (2) However, if an application for assistance under the scheme is made jointly by 2 or more applicants, only 1 applicant must demonstrate the matters mentioned in subsection (1)(e)(i) and (ii).
  - (3) In this section—

***government funding*** means financial assistance, other than a loan, provided by the Commonwealth government, the government of a State or a local government.

## 10 Expressions of interest

- (1) This section applies if a round of the scheme includes an expression of interest stage.
- (2) The authority must, on or before the day the round opens under section 8, publish the day by which the authority must receive an expression of interest in applying for assistance under the scheme on the authority's website.
- (3) An expression of interest in applying for assistance under the scheme must—

- (a) be given to the authority by the day mentioned in subsection (2); and
  - (b) be in the approved form; and
  - (c) be accompanied by the other documents stated in the approved form.
- (4) The authority must accept or reject each expression of interest.
- (5) If the authority decides to reject an expression of interest—
- (a) the authority must give the eligible entity who gave the expression of interest to the authority written notice of the decision; and
  - (b) for part 3A of the Act, the decision is taken to be a decision under section 12(1)(a) of the Act.

## **11 Applications**

- (1) If a round of the scheme includes an expression of interest stage, an application for assistance under the scheme may be made by an eligible entity only if—
- (a) the authority has accepted an expression of interest from the eligible entity; and
  - (b) the authority has given the entity a notice stating—
    - (i) the entity is invited to apply for assistance under the scheme; and
    - (ii) the day by which the authority must receive an application.
- (2) If a round of the scheme does not include an expression of interest stage, the authority must, on or before the day mentioned in section 8(5)(b), publish the day by which the authority must receive an application for assistance on the authority's website.
- (3) An application for assistance under the scheme must—
- (a) be given to the authority by the day mentioned in subsection (1)(b)(ii) or (2); and

- 
- (b) be made in the approved form; and
  - (c) be accompanied by the other documents stated in the approved form.
- (4) If the authority asks the applicant to provide further information to decide the application, the applicant must provide the information.

## **12 Deciding applications**

- (1) The authority must decide to approve, or refuse to approve, each application for assistance under the scheme that complies with section 11(3).
- (2) The authority must refuse to approve the application for assistance if the authority's assistance funds for a round of the scheme are not sufficient to pay for the assistance.
- (3) If the authority refuses to approve the application the authority must give the applicant written notice of the decision.

## **13 Priority of consideration for approval of applications**

The authority must consider approving applications for assistance under the scheme in the following decreasing order of priority—

- (a) applications for assistance for eligible activities the authority considers will provide the greatest benefit to a relevant rural area in relation to economic development;
- (b) applications for assistance for eligible activities the authority considers will provide the least benefit to a relevant rural area in relation to economic development.

## **14 Conditions of assistance**

- (1) The payment of a grant of financial assistance under the scheme is subject to the following conditions—

- (a) before receiving the assistance, a person must enter into a written agreement with the authority that sets out the terms on which the assistance is provided;
- (b) a person must not disclose that an application for assistance under the scheme has been approved by the authority until the authority has publicly announced the approval;
- (c) if requested by the authority, a scheme recipient must, from time to time, give the authority a report about how the assistance is enabling the person to achieve outcomes consistent with the purpose of the assistance mentioned in section 2;
- (d) a scheme recipient must comply with the terms of the agreement mentioned in paragraph (a).

(2) In this section—

*scheme recipient* means a person who has received assistance under the scheme.

## 15 Payment of financial assistance

The authority may pay a grant of financial assistance under the scheme, made up of lesser amounts, at intervals decided by the authority.

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## Schedule 33      Vessel Tracking Rebate Scheme

section 3(1)

### Part 1              Preliminary

#### Division 1          General

##### 1              Objective of scheme

The objective of the scheme is to assist holders of prescribed licences by offsetting costs incurred during the period starting on 1 June 2018 and ending on 31 December 2020 (the *prescribed period*) for either or both of the following—

- (a) buying new vessel tracking units from authorised suppliers for installation in eligible boats authorised for use under the licences;
- (b) having vessel tracking units professionally installed in the eligible boats.

#### Division 2          Key definitions

##### 2              What is a *prescribed licence*

Each of the following is a *prescribed licence*—

- (a) a charter fishing licence;
- (b) an eligible commercial fishing boat licence;
- (c) an eligible commercial harvest fishery licence.

### **3 What is a *charter fishing licence***

A *charter fishing licence* is a charter fishing licence issued under the *Fisheries Regulation 2008*.

### **4 What is an *eligible commercial fishing boat licence***

- (1) An *eligible commercial fishing boat licence* is any of the following—
- (a) a commercial fishing boat licence (a *class 1 CFB licence*) on which 1 fishery symbol beginning with ‘C’, ‘M’ or ‘T’, or the fishery symbol ‘N11’ or ‘L3(0)’, and no other fishery symbol, is written;
  - (b) a commercial fishing boat licence (a *class 2 CFB licence*) on which the fishery symbol ‘L3(1)’, and no other fishery symbol, is written;
  - (c) a commercial fishing boat licence (a *class 3 CFB licence*) on which 1 fishery symbol beginning with ‘K’ or ‘N’, other than the fishery symbol ‘N11’, and no other fishery symbol, is written;
  - (d) a commercial fishing boat licence (a *class 4 CFB licence*) on which—
    - (i) 1 of the fishery symbols ‘L1’, ‘L2’, ‘L4’ or ‘R’, and no other fishery symbol, is written; or
    - (ii) at least 1 of the fishery symbols ‘L1’, ‘L2’ or ‘L3’, and the fishery symbol ‘RQ’ or ‘SM’, are written; or
    - (iii) multiple fishery symbols, 1 of which is the fishery symbol ‘L1’, ‘L2’, ‘L4’ or ‘R’, but none of which is the fishery symbol ‘RQ’ or ‘SM’, are written;
  - (e) a commercial fishing boat licence (a *class 5 CFB licence*) on which multiple fishery symbols, none of which is the fishery symbol ‘L1’, ‘L2’, ‘L4’ or ‘R’, are written.
- (2) In this section—

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

## 5 What is an *eligible commercial harvest fishery licence*

- (1) An *eligible commercial harvest fishery licence* is any of the following—
- (a) a commercial harvest fishery licence (a *class 1 CHF licence*) on which 1 of the fishery symbols ‘A1’ or ‘D’, and no other fishery symbol, is written;
  - (b) a commercial harvest fishery licence (a *class 2 CHF licence*) on which the fishery symbol ‘B1’, and no other fishery symbol, is written;
  - (c) a commercial harvest fishery licence (a *class 3 CHF licence*) on which multiple fishery symbols, 1 of which is the fishery symbol ‘A1’ or ‘D’, are written.
- (2) In this section—
- commercial harvest fishery licence* means a commercial harvest fishery licence issued under the *Fisheries Regulation 2008*.

## 6 When is a vessel tracking unit *professionally installed* in an eligible boat

A vessel tracking unit is *professionally installed* in an eligible boat if—

- (a) the unit is installed by a person (an *approved installer*) who—
  - (i) is not the holder of the prescribed licence authorising the use of the boat; and
  - (ii) is approved, under the vessel tracking standard, to install the unit; and
- (b) the holder of the prescribed licence pays the approved installer to perform the installation; and
- (c) the unit is installed as required by the standard.

## Division 3                      Other definitions

### 7                      Other definitions for schedule

In this schedule—

***application*** means an application for assistance under the scheme.

***authorised supplier***, in relation to a new vessel tracking unit, means—

- (a) the manufacturer of the unit; or
- (b) a person who, in the ordinary course of the person's business, sells the unit.

***broadest fishery symbol***, for a class 4 CFB licence, means the fishery symbol written on the licence that authorises the use of the highest number of eligible tender boats under the licence.

***certificate of operation*** means a certificate of operation issued for a vessel under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cwlth), schedule 1, section 48.

***eligible boat*** means a boat propelled by a motor with a power output of at least 3kw.

***eligible tender boat*** means a tender boat propelled by a motor with a power output of at least 3kw.

***fishery symbol*** see the *Fisheries Regulation 2008*, schedule 11, part 2.

***installation rebate*** see section 8(b).

***new***, in relation to a vessel tracking unit, means the unit has not previously been sold or used.

***nominated licence***, for an application, see section 9(2).

***prescribed period*** see section 1.

***purchase rebate*** see section 8(a).

***scheme*** means the scheme set out in this schedule.



*tender boat* see the *Fisheries Regulation 2008*, schedule 11, part 1, section 7.

*vessel tracking standard* means the document called ‘Vessel Tracking Installation and Maintenance Standard’ published by the department.

*Editor’s note—*

A copy of the vessel tracking standard is available on the department’s website.

*vessel tracking unit* means a piece of equipment, used as part of a system that monitors the position and operation of a boat, that is identified in the vessel tracking standard.

## Part 2                      General provisions for scheme

### Division 1                Preliminary

#### 8                      Nature of assistance

The nature of assistance that may be given under the scheme is either or both of the following—

- (a) a rebate (a *purchase rebate*) for buying a new vessel tracking unit from an authorised supplier within the prescribed period;
- (b) a rebate (an *installation rebate*) for having a vessel tracking unit professionally installed in an eligible boat authorised for use under the licence within the prescribed period.

#### 9                      Nature of applications

- (1) An application must be made—
  - (a) in relation to a prescribed licence, or prescribed licences, held by the applicant; and
  - (b) for either or both of the following in connection with the licence or licences—

- (i) the purchase rebate;
- (ii) the installation rebate.

*Note—*

Requirements for applications are stated in section 23.

- (2) Each prescribed licence to which an application relates is a ***nominated licence*** for the application.

## **Division 2                    Eligibility for assistance**

### **10            General eligibility criteria**

- (1) A person is eligible for assistance under the scheme if—
  - (a) the person makes an application in accordance with sections 9 and 23 within the prescribed period; and
  - (b) the authority is satisfied the person has, for each vessel tracking unit for which the purchase rebate or installation rebate is sought under the application—
    - (i) bought the unit; and

*Note—*

See also section 11.

- (ii) registered the verification details for the unit on the department's public register of fishing authorities known as FishNet.

*Editor's note—*

FishNet is available at [www.fishnet.fisheries.qld.gov.au](http://www.fishnet.fisheries.qld.gov.au).

- (2) However, a person is not eligible for assistance under the scheme in connection with a prescribed licence that is—
  - (a) suspended; or
  - (b) being held by way of a temporary transfer under the *Fisheries Act 1994*, section 65C.
- (3) In this section—  
***boat mark*** see the *Fisheries Regulation 2008*, section 228.

*verification details*, for a vessel tracking unit for which the purchase rebate or installation rebate is sought under an application, means—

- (a) the serial number for the unit; and
- (b) the licence number of the nominated licence for the application that authorises the use of the boat in which the unit is, or is to be, installed; and
- (c) if the nominated licence for the application is not a charter fishing licence—the boat mark for the boat in which the unit is, or is to be, installed.

## **11 Additional eligibility criterion—purchase rebate**

An applicant is eligible for the purchase rebate only if the authority is satisfied the applicant has, for each vessel tracking unit for which the rebate is sought under the application, bought the unit—

- (a) from an authorised supplier; and
- (b) when the unit was new; and
- (c) within the prescribed period.

## **12 Additional eligibility criteria—installation rebate**

- (1) An applicant is eligible for the installation rebate only if the authority is satisfied the applicant has, for each vessel tracking unit for which the rebate is sought under the application, had the unit professionally installed—
  - (a) in an eligible boat authorised for use under a nominated licence for the application; and
  - (b) within the prescribed period.
- (2) However, an applicant is not eligible for the installation rebate for a vessel tracking unit for which the rebate has previously been paid to a person.

### **13 Additional eligibility criterion—particular licences**

- (1) This section applies if a nominated licence for an application is an eligible commercial fishing boat licence or eligible commercial harvest fishery licence.
- (2) The applicant is eligible for assistance under the scheme in connection with the nominated licence only for vessel tracking units identified in the vessel tracking standard as units approved for use in a fishery whose fishery symbol is written on the licence.
- (3) In this section—  
*fishery* see the *Fisheries Act 1994*, section 7.

### **14 Moved fishery symbols**

- (1) This section applies if—
  - (a) a nominated licence for an application (a *current application*) is an eligible commercial fishing boat licence or eligible commercial harvest fishery licence; and
  - (b) a fishery symbol written on the licence has been moved from another licence under the *Fisheries Regulation 2008*, chapter 6, part 4; and
  - (c) the fishery symbol was relevant to an earlier application relating to the other licence that has been approved.
- (2) For the purposes of the current application, the nominated licence is taken not to have the fishery symbol written on it.

## **Division 3 Amount and payment of assistance**

### **15 Amount of assistance**

- (1) The amount of the purchase rebate payable to an applicant under the scheme is as follows—
  - (a) for a category A unit—the amount the applicant paid to buy the unit, up to a maximum of \$300;

- 
- (b) for a category B unit—the amount the applicant paid to buy the unit, up to a maximum of \$750.
- (2) The amount of the installation rebate payable to an applicant under the scheme for the installation of a vessel tracking unit is the amount the applicant paid to have the unit professionally installed in an eligible boat, up to a maximum of \$220.
- (3) In this section—
- category A unit* means a vessel tracking unit identified as a category A unit in the vessel tracking standard.
- category B unit* means a vessel tracking unit identified as a category B unit in the vessel tracking standard.

## 16 Payment of purchase rebate

Subject to division 4, the purchase rebate can be paid to an applicant once for each vessel tracking unit bought by the applicant in accordance with section 11.

## 17 Payment of installation rebate

- (1) Subject to division 4, the installation rebate can be paid to an applicant as follows—
- (a) if a nominated licence for the application is a charter fishing licence—once for each vessel tracking unit professionally installed, in accordance with section 12(1), in an eligible boat that—
- (i) is identified in a certificate of operation held by the applicant; and
- (ii) is authorised for use under the licence; and
- (iii) the authority considers is ordinarily used by the applicant for charter fishing trips under the licence;
- (b) if a nominated licence for the application is a class 4 CFB licence—once for each vessel tracking unit professionally installed, in accordance with section

12(1), in an eligible boat authorised for use under the broadest fishery symbol for the licence;

- (c) otherwise—once for each vessel tracking unit professionally installed, in accordance with section 12(1), in an eligible boat authorised for use under a nominated licence for the application.

- (2) In this section—

*charter fishing trip* see the *Fisheries Regulation 2008*, schedule 11, part 2.

## **Division 4                      Restrictions on payment of assistance**

### **18            Application of division**

This division applies in relation to an application if, under division 2, the applicant is eligible for assistance under the scheme.

### **19            Rebates payable once per eligible boat**

- (1) Neither the purchase rebate nor the installation rebate can be paid more than once for each eligible boat authorised for use under a nominated licence for the application.
- (2) This section does not limit section 17(1)(b).

### **20            Charter fishing licences**

Neither the purchase rebate nor the installation rebate can be paid more than 7 times in connection with each nominated licence for the application that is a charter fishing licence.

### **21            Eligible commercial fishing boat licences**

Neither the purchase rebate nor the installation rebate can be paid—

- (a) more than once in connection with each nominated licence for the application that is a class 1 CFB licence; or
- (b) more than twice in connection with each nominated licence for the application that is a class 2 CFB licence; or
- (c) more than 3 times in connection with each nominated licence for the application that is a class 3 CFB licence or class 5 CFB licence; or
- (d) more than the lesser of the following in connection with each nominated licence for the application that is a class 4 CFB licence—
  - (i) once for each eligible boat authorised for use under the broadest fishery symbol for the licence;
  - (ii) 7 times.

## **22 Eligible commercial harvest fishery licences**

Neither the purchase rebate nor the installation rebate can be paid to the applicant—

- (a) more than once in connection with each nominated licence for the application that is a class 1 CHF licence or class 3 CHF licence; or
- (b) more than 5 times in connection with each nominated licence for the application that is a class 2 CHF licence.

## **Division 5 Applications**

### **23 Application requirements**

- (1) An application must be made in the form approved by the authority and accompanied by—
  - (a) the licence number of each nominated licence for the application; and

- (b) if a nominated licence for the application is a charter fishing licence—a copy of each certificate of operation for an eligible boat authorised for use under the licence; and
  - (c) if the application is for the purchase rebate—evidence the applicant bought each vessel tracking unit for which the rebate is sought in accordance with section 11; and
  - (d) if the application is for the installation rebate—evidence the applicant had each vessel tracking unit for which the rebate is sought professionally installed in accordance with section 12(1).
- (2) An applicant must give the authority any further documents or information the authority reasonably requires to decide the application.
- (3) In this section—
- evidence*, in relation to the purchase or professional installation of a vessel tracking unit, includes a tax invoice and official receipt for the purchase or installation.
- 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.

## 24 Deciding applications

- (1) The authority must consider, and decide to approve or refuse to approve, each application.
- (2) The authority may approve an application only if the authority's assistance funds for applications are sufficient to pay the relevant amount for the application.



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## Schedule 34      Large electricity customer adjustment payment scheme

section 3(1)

### Part 1                      Preliminary

#### 1                      Objective of scheme

The objective of the scheme is to help large electricity customers to—

- (a) move from being charged transitional tariffs or obsolete tariffs to being charged standard tariffs for the sale of electricity; and
- (b) implement best practice electricity management strategies identified in eligible energy efficiency audits; and
- (c) identify opportunities for energy productivity improvements through the implementation of commercially feasible energy management strategies.

#### 2                      Definitions

In this schedule—

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

***eligible energy efficiency audit***, for an applicant, means an audit of the energy efficiency of the applicant's building or business activity that is carried out under a relevant standard.

***eligible energy efficiency project***, for an applicant, means a project to implement a recommendation in a report for an eligible energy efficiency audit carried out for the applicant.

**large electricity customer** means a person who is a large customer under the *National Energy Retail Law (Queensland)*, section 5(3)(a).

**obsolete tariff** means a notified price under the *Electricity Act 1994*, section 90(1) that is an obsolete tariff.

**relevant chief executive** means the chief executive of the department administering the *Electricity Act 1994*.

**relevant standard** means—

- (a) AS/NZS 3598.1:2014 (Energy audits—Part 1: Commercial buildings), published jointly by Standards Australia and Standards New Zealand; or
- (b) AS/NZS 3598.2:2014 (Energy audits—Part 2: Industrial and related activities), published jointly by Standards Australia and Standards New Zealand; or
- (c) AS/NZS 3598.3:2014 (Energy audits—Part 3: Transport related activities), published jointly by Standards Australia and Standards New Zealand.

**scheme** means the scheme set out in this schedule.

**standard tariff** means a notified price under the *Electricity Act 1994*, section 90(1), other than an obsolete tariff or transitional tariff.

**transitional tariff** means a notified price under the *Electricity Act 1994*, section 90(1) that is a transitional tariff.

## Part 2                      General provisions for scheme

### 3                      Nature of assistance

The nature of financial assistance that may be given to an applicant under the scheme is a payment to offset the cost of an eligible energy efficiency project.

## 4 Eligibility criteria

An applicant is eligible for assistance under the scheme if the authority is satisfied that—

- (a) when the application is made, the applicant is a large electricity customer; and
- (b) a retailer under the *Electricity Act 1994* charged the applicant on a transitional tariff or obsolete tariff for the sale of electricity; and
- (c) an eligible energy efficiency audit for the applicant has been carried out and a report for the audit has been prepared; and
- (d) the eligible energy efficiency project to which the application relates is located in Queensland; and
- (e) the relevant chief executive approved a proposal made by the applicant to implement the eligible energy efficiency project.

## 5 Amount of assistance

- (1) Subject to subsection (2), the maximum amount of assistance payable to an applicant under the scheme is 50% of the cost of the eligible energy efficiency project to which the application relates under a proposal mentioned in section 4(e).
- (2) If an eligible energy efficiency audit for the applicant was or is carried out after 30 May 2018, the amount of assistance payable to the applicant must not be more than \$250,000.

## 6 Applications

- (1) An application for assistance under the scheme must—
  - (a) be made by an applicant on the form approved by the authority; and
  - (b) be accompanied by the documents mentioned in the form; and
  - (c) if the applicant has an Australian Business Number—state the applicant's Australian Business Number.

- (2) The applicant must give the authority any further documents or information the authority reasonably requires to decide the application.

## **7 Deciding applications**

- (1) The authority must approve an application if the authority is satisfied—
  - (a) the applicant is eligible for assistance under section 4; and
  - (b) the application relates to the applicant's eligible energy efficiency project.
- (2) The authority must refuse an application if the authority's assistance funds for the scheme are not enough to pay for the assistance under the scheme.

## **8 Conditions**

- (1) The payment of assistance under the scheme is subject to the conditions stated in subsections (2) and (3).
- (2) The applicant must—
  - (a) have entered into a funding agreement; and
  - (b) comply with the conditions stated in the funding agreement.
- (3) The applicant must give the authority—
  - (a) a certificate issued by a contractor stating that all electrical equipment and electrical installations installed for the applicant's eligible energy efficiency project or part of the project are installed as required under the *Electrical Safety Act 2002*, section 36; and
  - (b) tax invoices and official receipts of amounts the applicant paid under the eligible energy efficiency project for eligible products and any work completed by a contractor; and
  - (c) evidence the tariff charged on the sale of electricity under the *Electricity Act 1994* is a standard tariff.

(4) In this section—

**contractor** means a person who holds an electrical licence under the *Electrical Safety Act 2002* and who is appropriately qualified to complete the project or part of the project.

**funding agreement** means an agreement between an applicant and the authority that provides for—

- (a) the applicant to carry out an eligible energy efficiency project; and
- (b) the authority to pay the applicant an amount to offset the cost of the eligible energy efficiency project.

**official receipt** means a receipt of an amount paid by an applicant to an entity 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.

## **Schedule 35      Energy savers plus extension payment scheme**

section 3(1)

### **Part 1                      Preliminary**

#### **1                      Objective of scheme**

The objective of the scheme is to help electricity customers who conduct businesses primarily in an agricultural industry to—

- (a) identify energy savings; and
- (b) reduce energy consumption; and
- (c) identify opportunities for energy productivity improvements through the implementation of commercially feasible energy management strategies.

#### **2                      Definitions**

In this schedule—

***agricultural industry*** means an industry classified under ANZSIC, division A, subdivisions 1 and 2, groups 011 to 020, within eligible class codes 0111 to 0203.

***ANZSIC*** means the document called ‘Australian and New Zealand Standard Industrial Classification (ANZSIC), 2006 (Revision 1.0)’ published in February 2006 by the Australian Bureau of Statistics.

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

***applicant’s proposal*** means a proposal for an eligible energy efficiency project that is made by an applicant on the form approved by the authority.

***customer*** see the *Electricity Act 1994*, section 23(1).

***electricity customer*** means a person who is a customer of Energex Limited ACN 078 849 055 or Ergon Energy Corporation Limited ACN 087 646 062.

***eligible energy efficiency audit***, for an applicant, means an audit of the energy efficiency of the applicant's building or business activity that is carried out under a relevant standard.

***eligible energy efficiency project***, for an applicant, means a project to implement a recommendation in a report for an eligible energy efficiency audit carried out for the applicant.

***relevant chief executive*** means the chief executive of the department administering the *Electricity Act 1994*.

***relevant standard*** means—

- (a) AS/NZS 3598.1:2014 (Energy audits—Part 1: Commercial buildings), published jointly by Standards Australia and Standards New Zealand; or
- (b) AS/NZS 3598.2:2014 (Energy audits—Part 2: Industrial and related activities), published jointly by Standards Australia and Standards New Zealand; or
- (c) AS/NZS 3598.3:2014 (Energy audits—Part 3: Transport related activities), published jointly by Standards Australia and Standards New Zealand.

***scheme*** means the scheme set out in this schedule.

## **Part 2                      General provisions for scheme**

### **3                      Nature of assistance**

The nature of financial assistance that may be given to an applicant under the scheme is a payment to offset the cost of an eligible energy efficiency project.

### **4                      Eligibility criteria**

An applicant is eligible for assistance under the scheme if the authority is satisfied that—

- (a) the applicant is an electricity customer who conducts a business primarily in an agricultural industry; and
- (b) the relevant chief executive approved a request by the applicant for an eligible energy efficiency audit for the applicant to be carried out; and
- (c) the eligible energy efficiency audit has been carried out and a report for the audit has been prepared; and
- (d) the eligible energy efficiency project to which the application relates is located in Queensland; and
- (e) the authority approved the applicant's proposal to carry out the eligible energy efficiency project; and
- (f) the authority gave the applicant written notice of the approval.

## **5 Amount of assistance**

The maximum amount of assistance payable to an applicant under the scheme is the lesser of the following—

- (a) 50% of the cost of implementing the eligible energy efficiency project to which the application relates;
- (b) \$20,000.

## **6 Applications**

- (1) An application for assistance under the scheme must—
  - (a) be made by an applicant on the form approved by the authority; and
  - (b) be accompanied by the documents mentioned in the form; and
  - (c) if the applicant has an Australian Business Number—state the applicant's Australian Business Number.
- (2) The applicant must give the authority any further documents or information the authority reasonably requires to decide the application.



## 7 Deciding applications

- (1) The authority must approve an application if the authority is satisfied—
  - (a) the applicant is eligible for assistance under section 4; and
  - (b) the application relates to the applicant's eligible energy efficiency project.
- (2) The authority must refuse an application if the authority's assistance funds for the scheme are not enough to pay for the assistance under the scheme.

## 8 Conditions

- (1) The payment of assistance under the scheme is subject to the conditions stated in subsection (2).
- (2) The applicant must give the authority—
  - (a) a certificate issued by a contractor stating that all electrical equipment and electrical installations installed for the applicant's eligible energy efficiency project or part of the project are installed as required under the *Electrical Safety Act 2002*, section 36; and
  - (b) tax invoices and official receipts of amounts the applicant paid under the eligible energy efficiency project for eligible products and any work completed by a contractor.
- (3) In this section—

**contractor** means a person who holds an electrical licence under the *Electrical Safety Act 2002* and who is appropriately qualified to complete the project or part of the project.

**official receipt** means a receipt of an amount paid by an applicant to an entity 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.