



Queensland

Rural and Regional Adjustment (COVID-19 Marine Tourism Assistance Scheme—Round 2) Amendment Regulation 2021

Subordinate Legislation 2021 No. 134

made under the

Rural and Regional Adjustment Act 1994

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Rural and Regional Adjustment (COVID-19 Marine Tourism Assistance Scheme—Round 2)
Amendment Regulation 2021

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1 Short title

This regulation may be cited as the *Rural and Regional Adjustment (COVID-19 Marine Tourism Assistance Scheme—Round 2) Amendment Regulation 2021*.

2 Commencement

This regulation commences on 30 August 2021.

3 Regulation amended

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

4 Insertion of new pt 4, div 10

Part 4—

insert—

**Division 10 Transitional provision for
Rural and Regional
Adjustment (COVID-19
Marine Tourism
Assistance
Scheme—Round 2)
Amendment Regulation
2021**

17 Application of particular former provisions

- (1) This section applies in relation to either of the following under round 1 of the scheme set out in schedule 18—
 - (a) an application for assistance made before the commencement, if the application had not been decided immediately before the commencement;

- (b) a payment of assistance, whether the payment is made before or after the commencement.
- (2) For deciding the application or making the payment of assistance—
 - (a) the relevant former provisions continue to apply as if the *Rural and Regional Adjustment (COVID-19 Marine Tourism Assistance Scheme—Round 2) Amendment Regulation 2021* had not commenced; and
 - (b) a reference in schedule 18 to COVID-19 travel restrictions is taken to be a reference to COVID travel restrictions within the meaning of former schedule 18, section 2.
- (3) In this section—

former, for a provision of this regulation, means the provision as in force from time to time before the commencement.

relevant former provision means each of the following provisions—

 - (a) former schedule 18, section 2, definition *COVID travel restrictions*;
 - (b) former schedule 18, section 4;
 - (c) former schedule 18, sections 6 to 10.

5 Amendment of sch 18, hdg (COVID-19 Marine Tourism Rebate Scheme)

Schedule 18, heading, ‘Rebate’—

omit, insert—

Assistance

6 Amendment of sch 18, s 1 (Objective of scheme)

- (1) Schedule 18, section 1, from ‘COVID’ to ‘privately-owned’—

omit, insert—

COVID-19 travel restrictions by offsetting the cost of renting berths, at privately-owned or privately-operated

- (2) Schedule 18, section 1, after ‘the prescribed period’—

insert—

for a round of the scheme

7 Amendment of sch 18, s 2 (Definitions for schedule)

- (1) Schedule 18, section 2, definitions *COVID travel restrictions*, *eligible berthing expense*, *eligible business* and *prescribed period*—

omit.

- (2) Schedule 18, section 2—

insert—

COVID-19 travel restrictions means—

- (a) the restrictions placed on persons entering Australia from overseas following the declaration of a human biosecurity emergency under the *Biosecurity Act 2015* (Cwlth), section 475, in relation to human coronavirus with pandemic potential; or
- (b) the following restrictions or prohibitions imposed under the *Public Health Act 2005*, section 362B, 362H or 362I—
- (i) restrictions imposed on, or the prohibition of, persons entering Queensland from another State or another country;
- (ii) restrictions imposed on, or the prohibition of, persons entering or leaving particular premises, or particular areas, in Queensland.

eligible berthing expense, for a round of the scheme, see section 3.

eligible business, for a round of the scheme, see section 5.

prescribed period, for a round of the scheme, means—

- (a) for round 1—the period—
 - (i) starting on 1 July 2020; and
 - (ii) ending on 30 June 2021; or
- (b) for round 2—the period—
 - (i) starting on 1 July 2021; and
 - (ii) ending on 30 June 2022.

round, of the scheme, means round 1 of the scheme or round 2 of the scheme.

round 1, of the scheme, see section 6A(3).

round 2, of the scheme, see section 6A(4).

8 Amendment of sch 18, s 3 (Meaning of *eligible berthing expense*)

- (1) Schedule 18, section 3(1)—

omit, insert—

- (1) An ***eligible berthing expense***, for a round of the scheme, is an amount paid, or to be paid, for renting a berth that is—
- (a) at a privately-owned or privately-operated marina located in an eligible local government area; and
 - (b) for use by an eligible boat during the prescribed period for the round.

- (2) Schedule 18, section 3(2), after ‘eligible berthing expense’—

insert—

, for a round of the scheme,

- (3) Schedule 18, section 3(3), after ‘eligible berthing expenses’—
insert—
for a round of the scheme

9 Amendment of sch 18, s 4 (Meaning of *eligible boat*)

Schedule 18, section 4(c), after ‘privately-owned’—
insert—
or privately-operated

10 Amendment of sch 18, s 5 (Meaning of *eligible business*)

- (1) Schedule 18, section 5(1), after ‘eligible business’—
insert—
for a round of the scheme
- (2) Schedule 18, section 5(1)(a), (d)(ii) and (e), ‘1 February 2020’—
omit, insert—
the relevant date for the round
- (3) Schedule 18, section 5(1)(c)—
omit, insert—
(c) the business has, after the relevant date for the round, suffered a loss of income because of the COVID-19 travel restrictions; and
- (4) Schedule 18, section 5(1)(f)—
omit, insert—
(f) on the relevant date for the round, the business had—
(i) the relevant number of full-time employees for the round; or

[s 10]

- (ii) if the business had employees other than full-time employees—the relevant number of equivalent full-time employees for the round; and
- (5) Schedule 18, section 5(1)(g), before ‘either’—
insert—
 - for round 1—
- (6) Schedule 18, section 5(1)—
insert—
 - (ga) for round 2—either—
 - (i) the annual turnover of the business for a relevant previous financial year was more than \$75,000; or
 - (ii) both of the following apply—
 - (A) the business has been operating for a period of less than 1 financial year;
 - (B) according to its financial records, the turnover of the business for the 2021-2022 financial year can reasonably be expected to be more than \$75,000; and
- (7) Schedule 18, section 5(1)(ga) and (h)—
renumber as schedule 18, section 5(1)(h) and (i).
- (8) Schedule 18, section 5(3)—
insert—

relevant date, for a round of the scheme, means—

- (a) for round 1—1 February 2020; or
- (b) for round 2—1 April 2021.

relevant previous financial year means any of the following financial years—

- (a) 2018–2019;

(b) 2019–2020;

(c) 2020–2021.

relevant number, of full-time employees or equivalent full-time employees for a round of the scheme, means—

(a) for round 1—at least 1, but not more than 199; or

(b) for round 2—at least 1.

11 Amendment of sch 18, s 6 (Meaning of *eligible local government area*)

Schedule 18, section 6(1)(a) to (c)—

omit, insert—

(a) the Bundaberg local government area;

(b) the Burdekin local government area;

(c) the Cairns local government area;

(d) the Cassowary Coast local government area;

(e) the Cook local government area;

(f) the Douglas local government area;

(g) the Fraser Coast local government area;

(h) the Gladstone local government area;

(i) the Hinchinbrook local government area;

(j) the Isaac local government area;

(k) the Livingstone local government area;

(l) the Mackay local government area;

(m) the Townsville local government area;

(n) the Whitsunday local government area;

(o) if the tourism chief executive makes an eligible local government area

notice—another local government area
stated in the notice.

12 Insertion of new sch 18, s 6A

Schedule 18, before section 7—

insert—

6A Scheme to operate in rounds

- (1) The scheme will operate in rounds.
- (2) Applications for assistance under a round of the scheme may be made while the round is open.
- (3) **Round 1** of the scheme—
 - (a) opened on 4 September 2020; and
 - (b) closes on the earlier of the following times—
 - (i) 30 August 2021 at midday;
 - (ii) the time at which the authority's assistance funds for the round become insufficient to pay further assistance under the scheme.
- (4) **Round 2** of the scheme—
 - (a) opens on 30 August 2021 at midday; and
 - (b) closes on the earlier of the following times—
 - (i) midnight on 30 June 2022;
 - (ii) the time at which the authority's assistance funds for the round become insufficient to pay further assistance under the scheme.

13 Amendment of sch 18, s 7 (Nature and amount of assistance)

- (1) Schedule 18, section 7(1)—

omit, insert—

- (1) The nature of assistance available under a round of the scheme is either—
 - (a) if the applicant has paid a tax invoice for eligible berthing expenses for the round—a rebate for the eligible berthing expenses; or
 - (b) if the applicant has received, but has not paid, a tax invoice for eligible berthing expenses for the round—payment of the amount of the eligible berthing expenses to the entity that issued the invoice to the applicant for the eligible berthing expenses.
- (2) Schedule 18, section 7(2), from ‘under the scheme’—

omit, insert—

to an applicant for a round of the scheme is \$20,000.

14 Replacement of sch 18, s 8 (Eligibility criteria)

Schedule 18, section 8—

omit, insert—

8 Eligibility criteria

- (1) An applicant is eligible for assistance under a round of the scheme if the applicant—
 - (a) is the owner of an eligible business for the round; and
 - (b) has received a tax invoice for eligible berthing expenses for the round, whether or not the applicant has paid the invoice; and
 - (c) has not previously received, or been approved to receive, assistance under the round.
- (2) An applicant is not ineligible for assistance under round 2 of the scheme merely because the applicant has received, or has been approved to

receive, assistance under round 1 of the scheme.

15 Amendment of sch 18, s 9 (Applications)

(1) Schedule 18, section 9(1), after ‘for assistance under’—

insert—

a round of

(2) Schedule 18, section 9(1)(a), after ‘applicant’—

insert—

while the round is open and be

(3) Schedule 18, section 9(1)(c)—

omit, insert—

(c) be accompanied by the following documents—

- (i) tax invoices, or copies of tax invoices, for eligible berthing expenses for which the applicant is claiming assistance under the round of the scheme;
- (ii) if the applicant has paid the eligible berthing expenses—official receipts, or copies of official receipts, for the eligible berthing expenses;
- (iii) proof, to the satisfaction of the authority, that the eligible boat, to which the eligible berthing expenses relate, is ordinarily used for tourism services; and

Examples of documents for subparagraph (iii)—

- a permission issued under the *Marine Parks Act 2004* that applies in relation to the eligible boat
- a permission granted under the *Great Barrier Reef Marine Park Act 1975*

(Cwlth) that applies in relation to the eligible boat

- (4) Schedule 18, section 9(2)—

insert—

Example—

if the applicant is claiming assistance for eligible berthing expenses paid by the applicant after the application is made—official receipts, or copies of official receipts, for the eligible berthing expenses

16 Amendment of sch 18, s 10 (Deciding applications)

- (1) Schedule 18, section 10(1), after ‘under’—

insert—

a round of

- (2) Schedule 18, section 10(4), from ‘if’—

omit, insert—

for assistance under a round of the scheme if the authority’s assistance funds for the round are not sufficient to pay further assistance under the scheme.

17 Insertion of new sch 18, s 10A

Schedule 18, after section 10—

insert—

10A Payment of assistance

- (1) This section applies if the authority decides to approve an application for assistance under the scheme.
- (2) The authority may pay the amount of the assistance approved in a way, and to an entity, the authority considers appropriate.

Examples—

- 1 If the applicant has paid the eligible berthing expenses for which the assistance is claimed, the authority may pay the assistance to the applicant.
 - 2 If the applicant has not yet paid eligible berthing expenses for which the assistance is claimed, the authority may pay the assistance to the entity that issued the invoice to the applicant for the eligible berthing expenses.
- (3) Subsections (4) and (5) apply if the authority pays the amount of the assistance to an entity other than the applicant.
 - (4) The authority must, as soon as practicable after making the payment, give the applicant written notice stating—
 - (a) the authority has approved the application; and
 - (b) the amount that has been paid to the entity.
 - (5) The payment discharges the applicant from liability to the entity for the eligible berthing expenses for which the assistance is claimed, but only to the extent of the amount of the payment.

ENDNOTES

- 1 Made by the Governor in Council on 26 August 2021.
- 2 Notified on the Queensland legislation website on 27 August 2021.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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