Rural and Regional Adjustment (Variation of Tourism Business Professional Advice Rebate Scheme) Amendment Regulation 2022

Explanatory Notes for SL 2022 No. 35

made under the

Rural and Regional Adjustment Act 1994

General Outline

Short title

Rural and Regional Adjustment (Variation of Tourism Business Professional Advice Rebate Scheme) Amendment Regulation 2022

Authorising law

Sections 3, 10, 11 and 44 of the *Rural and Regional Adjustment Act 1994* (the Act).

Policy objectives and the reasons for them

The public health response to the COVID-19 pandemic, including travel restrictions and public health directions, resulted in a loss of income for tourism businesses in Queensland.

In response to this, the Queensland Government announced a $2 million Queensland Tourism Business Financial Counselling Service (the Counselling Service) to assist tourism businesses.

On 18 June 2021, the *Rural and Regional Adjustment (Tourism Business Professional Advice Rebate Scheme) Amendment Regulation 2021* commenced and implemented Stage 3 of the Counselling Service by establishing the Tourism Business Professional Advice Rebate Scheme (the scheme).

The scheme enabled eligible businesses in a tourism industry to access a rebate to offset the cost of obtaining eligible professional advice on financial, legal and/or human resource matters.

The purpose of the minor amendments in this Amendment Regulation is to allow for a greater uptake of assistance and therefore provide benefit to more Queensland tourism businesses. The amendment scheme will enable an expanded number of eligible businesses in a tourism industry that have been financially impacted as a result of COVID-19 access to eligible professional advice at a reduced cost.

Achievement of policy objectives

The subordinate legislation achieves its objective by inserting additional Australian and New Zealand Standard Industrial Classification (ANZSIC) codes of tourism industries in the scheme which enables a greater range of eligible tourism businesses to apply for the rebate.

The subordinate legislation amends the date by which time applications are to be received by the Queensland Rural and Industry Development Authority (QRIDA) from 30 June 2022 to 31 December 2022. The amended closing date for receipt of applications provides an extended opportunity for tourism business owners to lodge applications for assistance. The rebate is extended to 31 December 2022, rather than 30 June 2023, in line with the broader Tourism Business Financial Counselling Service, as this is considered when support will no longer be required. A further amendment might be sought to extend the program should conditions change.

The subordinate legislation further achieves its objective of assisting an expanded number of tourism businesses to access professional advice, by enabling QRIDA to directly pay the professional service provider instead of requiring eligible businesses to pay for the cost of professional services up-front and then apply to receive a rebate from QRIDA.

Applicants who have previously been refused assistance under the scheme on the basis that they had not paid for professional advice will not be precluded from reapplying for assistance under the amended criteria.

Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the policy objectives of the Act. The Act establishes QRIDA to administer assistance schemes that foster the development of a more productive and sustainable rural and regional sector in Queensland. QRIDA may also support the State's economy by administering approved assistance schemes to assist primary producers, small businesses and other sectors during periods of temporary difficulty, or to otherwise benefit the Queensland economy.

The title of the scheme is proposed to be amended to "Tourism Business Professional Advice Assistance Scheme" for consistency with the titles of other assistance schemes throughout the *Rural and Regional Adjustment Regulation 2011.*

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

QRIDA has extensive experience in administering grant, loan and rebate and payment schemes for government and is well placed to administer the scheme.

The Queensland Government announced that the total funds allocated to the Counselling Service will be $2 million with the funding spread across stages 2 and 3.

The scheme will assist additional eligible businesses in a tourism industry that have been financially impacted as a result of COVID-19 to access eligible professional advice.

Consistency with fundamental legislative principles

A potential breach of the principle that legislation should not subdelegate a legislative power conferred on a Regulation by the Act to an external document that is produced administratively and is not subject to Parliamentary scrutiny (section 4(2)(b) and 5(e) of the *Legislative Standards Act 1992*) occurs because the proposal relies on the document called the 'Australian and New Zealand Standard Industrial Classification (ANZSIC)' published by the Australian Bureau of Statistics to establish which businesses and organisations are eligible. It is desirable to refer to this document because applicants already identify their activities by reference to the ANZSIC codes in their dealings with government about various matters. The classifications are well understood and their use will assist businesses and organisations to more readily determine if they are eligible.

Consultation

The Department of Agriculture and Fisheries consulted the Office of Best Practice Regulation (OBPR), within Queensland Treasury, on whether the amendment is excluded from further analysis under the *Queensland Government Guide to Better Regulation.* The OBPR advised that it considered the proposal does not add to the burden of regulation and advised there are no significant adverse impacts beyond the financial impacts on the State in providing the rebate, and that no further regulatory impact analysis is required.