



Queensland

Rural and Regional Adjustment (Rural Economic Development Grants Scheme) Amendment Regulation 2018

Subordinate Legislation 2018 No. 130

made under the

Rural and Regional Adjustment Act 1994

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Rural and Regional Adjustment (Rural Economic Development Grants Scheme)
Amendment Regulation 2018

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1 Short title

This regulation may be cited as the *Rural and Regional Adjustment (Rural Economic Development Grants Scheme) Amendment Regulation 2018*.

2 Regulation amended

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

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

Section 3(1), ‘31’—

omit, insert—

32

4 Insertion of new sch 32

After schedule 31—

insert—

**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.

- (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.

ENDNOTES

- 1 Made by the Governor in Council on 23 August 2018.
- 2 Notified on the Queensland legislation website on 24 August 2018.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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