



Queensland

Rural and Regional Adjustment (COVID-19 International Tourism Adaptation Grant Scheme) Amendment Regulation 2020

Subordinate Legislation 2020 No. 189

made under the

Rural and Regional Adjustment Act 1994

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[s 1]

1 Short title

This regulation may be cited as the *Rural and Regional Adjustment (COVID-19 International Tourism Adaptation Grant Scheme) Amendment Regulation 2020*.

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), after ‘15,’—

insert—

17,

4 Insertion of new sch 17

After schedule 16—

insert—

**Schedule 17 COVID-19 International
Tourism Adaptation
Grant Scheme**

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to help tourism businesses that have suffered losses of income because of the international travel restrictions to—

- (a) adapt their products, services or marketing to the domestic tourism market; or
- (b) pay operational expenses until international tourism resumes in Australia.

2 Purpose of assistance

The purpose of assistance under the scheme is to provide grants to owners of eligible businesses to—

- (a) help with meeting expenses associated with carrying out eligible activities; or
- (b) reimburse the owners, in whole or in part, for expenses incurred in carrying out eligible activities.

Note—

See also section 4(2)(a).

3 Definitions for schedule

In this schedule—

applicant means an entity applying for assistance under the scheme.

eligible activity, in relation to an eligible business, see section 4.

eligible business see section 5.

employee, of a business—

- (a) means an individual who is employed, or usually employed, by the business; and
- (b) includes the following persons—
 - (i) an owner of the business;
 - (ii) a person who performs work under a contract for services with the business, including, for example, a subcontractor.

[s 4]

international travel restrictions means 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.

owner, of a business, means—

- (a) a sole trader who spends labour on, and derives income from, the business; or
- (b) in relation to a partnership, company or trust that carries on the business—the partners in the partnership, shareholders in the company or beneficiaries of the trust who spend labour on, and derive income from, the business.

scheme means the scheme set out in this schedule.

4 Meaning of *eligible activity*

- (1) An ***eligible activity***, in relation to an eligible business, is—
 - (a) any of the following activities related to adapting the business’s products, services or marketing to the domestic tourism market—
 - (i) obtaining either of the following—
 - (A) financial, legal or other professional advice;
 - (B) strategic planning, financial counselling or business coaching;
 - (ii) conducting a marketing or communication activity;

Example of a marketing or communication activity—

developing a web page, an app or other media

-
- (iii) developing a digital or technological strategy, or buying specialised digital equipment or business-specific software;
 - (iv) conducting training; or
 - (b) if the business is suspended until international tourism resumes in Australia—paying other operational expenses.

Examples of other operational expenses—

utility expenses, rates, rent, telecommunications expenses, insurance premiums, licensing or franchise fees

- (2) However, none of the following is an **eligible activity** in relation to an eligible business—

- (a) an activity mentioned in subsection (1), to the extent the activity was carried out before 1 February 2020;
- (b) paying wages, superannuation or a workers' compensation expense for the business;
- (c) buying a business asset, other than as part of an activity mentioned in subsection (1)(a)(iii), for the business;

Examples of a business asset for paragraph (c)—

stock, fleet vehicles, machinery

- (d) paying for a good or service provided to the business by—
 - (i) a related entity of an owner of the business; or
 - (ii) a spouse, child, stepchild, parent, step-parent, brother, sister, stepbrother, stepsister, grandparent or legal guardian of an employee of the business;

- (e) paying for a service provided to the business for which payment has been, or is required to be, made in kind;
 - (f) direct selling.
- (3) In this section—

direct selling means selling a thing from a location other than retail premises.

related entity, of an owner of an eligible business, means—

- (a) a company of which the owner is a director or shareholder; or
- (b) a director or shareholder of a company of which the owner, or a company of which the owner is a director or shareholder, is also a director or shareholder; or
- (c) an employee of the business; or
- (d) a spouse, child, stepchild, parent, step-parent, brother, sister, stepbrother, stepsister, grandparent or legal guardian of the owner of the business.

wages see the *Industrial Relations Act 2016*, schedule 5.

workers' compensation expense, for an eligible business, means an expense associated with an obligation of the business, or an owner of the business, under the *Workers' Compensation and Rehabilitation Act 2003*.

5 Meaning of *eligible business*

- (1) A business is an *eligible business* if—
- (a) the owner of the business—
 - (i) holds an Australian Business Number for the business; and

- (ii) has continuously held the same Australian Business Number for the business since 1 February 2020; and
- (b) the business is, and has since 1 February 2020 been, registered for GST; and
- (c) the business has its headquarters in Queensland; and
- (d) the business primarily operates in regional Queensland; and
- (e) before 1 February 2020, the business primarily operated for the international tourism market; and
- (f) on 1 February 2020, the business had—
 - (i) at least 1, but not more than 199, full-time employees; or
 - (ii) if the business had employees other than full-time employees—at least 1, but not more than 199, equivalent full-time employees; and
- (g) either—
 - (i) the annual turnover of the business for the 2018–2019 financial year or the 2019–2020 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 period was more than the proportion of \$75,000 per financial year attributable to the period; and

Example for sub-subparagraph (B)—

A business has been operating for 250 days. The turnover of the business, according to its financial records, for the 250-day period must be more than \$51,369.86.

- (h) neither an owner, nor a director or shareholder of an owner, of the business is an insolvent under administration.
- (2) However, a business is not an *eligible business* if the business is—
 - (a) a local or regional tourism organisation; or
 - (b) a non-profit organisation.
- (3) For subsection (1)(f)(ii), 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 employee of the business who ordinarily works for at least 35 hours each week for the business.

insolvent under administration see the Corporations Act, section 9.

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.

regional Queensland means the area of the State other than—

- (a) the area within the boundaries of Brisbane as described by regulation under the *City of Brisbane Act 2010*, section 7(4); and

Note—

See also the *City of Brisbane Regulation 2012*, section 3.

- (b) the Ipswich, Logan, Moreton Bay and Redland local government areas.

Part 2 General provisions of scheme

6 Nature and amount of assistance

- (1) The nature of assistance available to an applicant under the scheme is a grant of financial assistance for an eligible activity carried out, or to be carried out, for an eligible business.
- (2) The maximum amount of assistance payable under the scheme is \$10,000.

7 Eligibility criteria

- (1) An applicant is eligible to receive assistance under the scheme if the applicant—
 - (a) is an owner of an eligible business; and
 - (b) is applying for assistance in relation to an eligible activity carried out, or to be carried out, for the eligible business; and
 - (c) demonstrates to the satisfaction of the authority that—
 - (i) the eligible business has suffered a loss of income because of the international travel restrictions; and
 - (ii) the claimed cost of the eligible activity—
 - (A) is at least \$2,000; and
 - (B) represents reasonable value for money.
- (2) However, an applicant is not eligible to receive assistance under the scheme—
 - (a) in relation to an eligible business for which the applicant or any other person has received or has been approved to receive—
 - (i) assistance under—
 - (A) the scheme; or
 - (B) the scheme set out in schedule 27; or
 - (ii) financial assistance under the program known as the ‘Small Business COVID-19 Adaption Grant Program’ administered by the department in which the *Further Education and Training Act 2014* is administered; or

Editor's note—

Details of the Small Business COVID-19 Adaption Grant Program are available on the Department of Employment, Small Business and Training's website.

- (b) for an eligible activity for which the applicant has received, or has been approved to receive, financial assistance from the Commonwealth government or the government of the State.

8 Requirements for applications

- (1) An application for assistance under the scheme must—
 - (a) be made to the authority on the authority's application form; and
 - (b) be accompanied by the documents stated in the application form.
- (2) If the authority asks the applicant to provide further information to decide the application, the applicant must provide the information.

9 Deciding applications

- (1) The authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme that complies with section 8(1).
- (2) The authority must consider applications in the order they are received by the authority.
- (3) The authority must approve an application if the authority is satisfied the applicant is eligible for assistance under section 7.
- (4) The authority must refuse an application for assistance to the extent the authority's assistance funds for the scheme are not enough to pay for the assistance.

- (5) If the authority refuses to approve the application, the authority must give the applicant written notice of the decision.

10 Conditions of assistance

- (1) Payment of assistance under the scheme to an applicant is subject to the conditions stated in this section.
- (2) The full amount of assistance given for an eligible activity must be used—
 - (a) if the eligible activity is completed before the assistance is approved—for reimbursing the applicant, in whole or in part, for an expense incurred to complete the activity; or
 - (b) otherwise—for completing the activity.
- (3) The applicant must—
 - (a) until 4 years after the assistance is approved, keep the following records in relation to each eligible activity for which the assistance is given—
 - (i) all tax invoices, receipts, bank statements or other similar records of amounts paid;
 - (ii) all quotations or other similar records of amounts claimed; and
 - (b) consent to the authority conducting an audit of the records mentioned in paragraph (a) to allow the authority to verify that assistance given to the applicant under the scheme has been used in accordance with the application for assistance.

ENDNOTES

- 1 Made by the Governor in Council on 3 September 2020.
- 2 Notified on the Queensland legislation website on 4 September 2020.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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