



Queensland

# Rural and Regional Adjustment (Boosting Accessible Tourism Experiences Grants Scheme) Amendment Regulation 2023

## Subordinate Legislation 2023 No. 35

made under the

*Rural and Regional Adjustment Act 1994*

## Contents

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|   |   | Page |
|---|---|------|
| 1 | Short title .....   | 3    |
| 2 | Regulation amended .....  | 3    |
| 3 | Replacement of s 3 (Approval of schemes—Act, s 11) .....                | 3    |
|   | 3 Approval of schemes—Act, s 11 .....                                   | 3    |
| 4 | Amendment of sch 42, s 6 (Meaning of eligible business) .....           | 3    |
| 5 | Amendment of sch 45, s 3 (Definitions for schedule) .....               | 3    |
| 6 | Insertion of new sch 48 .....   | 4    |
|   | Schedule 48 Boosting accessible tourism experiences grants scheme ..... | 4    |
|   | Part 1 Preliminary  |      |
|   | 1 Objective of scheme .....   | 4    |
|   | 2 Purpose of assistance .....   | 4    |
|   | 3 Definitions for schedule .....  | 4    |
|   | 4 Meaning of eligible business .....                                    | 7    |
|   | 5 Meaning of eligible non-profit organisation .....                     | 9    |
|   | 6 Meaning of eligible project .....                                     | 11   |
|   | Part 2 General provisions for scheme                                    |      |
|   | 7 Nature of assistance .....  | 11   |
|   | 8 Particular costs not available under the scheme .....                 | 12   |

Contents

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|    |  |    |
|----|--|----|
| 9  | Eligibility criteria . . . . .                 | 14 |
| 10 | Applications . . . . .                         | 15 |
| 11 | Additional information or documents . . . . .  | 16 |
| 12 | Rejection of particular applications . . . . . | 17 |
| 13 | Extension of closing day . . . . .             | 17 |
| 14 | Accepting late applications . . . . .          | 17 |
| 15 | Deciding applications . . . . .                | 17 |
| 16 | Conditions of assistance . . . . .             | 18 |

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**1 Short title**

This regulation may be cited as the *Rural and Regional Adjustment (Boosting Accessible Tourism Experiences Grants Scheme) Amendment Regulation 2023*.

**2 Regulation amended**

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

**3 Replacement of s 3 (Approval of schemes—Act, s 11)**

Section 3—

*omit, insert—*

**3 Approval of schemes—Act, s 11**

- (1) For section 11(1)(c) of the Act, each scheme set out in a schedule, other than schedule 16, is approved.
- (2) For section 11(4) of the Act, each scheme mentioned in schedule 16 is approved.

**4 Amendment of sch 42, s 6 (Meaning of *eligible business*)**

Schedule 42, section 6(3), definition *government entity*, paragraph (a), ‘*Public Service Act 2008*, section 24’—

*omit, insert—*

*Public Sector Act 2022*, section 276

**5 Amendment of sch 45, s 3 (Definitions for schedule)**

Schedule 45, section 3, definition *government entity*, paragraph (a), ‘*Public Service Act 2008*, section 24’—

*omit, insert—*

*Public Sector Act 2022*, section 276

## **6 Insertion of new sch 48**

After schedule 47—

*insert—*

# **Schedule 48 Boosting accessible tourism experiences grants scheme**

section 3(1)

## **Part 1 Preliminary**

### **1 Objective of scheme**

The objective of the scheme is to provide assistance to—

- (a) improve access for persons with a disability to tourism experiences and events provided by eligible entities; and
- (b) assist eligible entities to employ persons with a disability.

### **2 Purpose of assistance**

The purpose of the scheme is to provide assistance to eligible entities to help pay for eligible projects.

### **3 Definitions for schedule**

In this schedule—

*ANZSIC* means the document called ‘Australian and New Zealand Standard Industrial Classification (ANZSIC) 2006 (Revision 2.0)’ published by the Australian Bureau of Statistics.

*Note—*

ANZSIC is available on the Australian Bureau of Statistics' website.

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

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

***closing day***, for the scheme, means—

- (a) 30 June 2023; or
- (b) the later day stated in an extension notice.

***eligible business*** see section 4.

***eligible entity*** means—

- (a) an eligible business; or
- (b) an eligible non-profit organisation.

***eligible non-profit organisation*** see section 5.

***eligible project*** see section 6.

***employee***, of an entity—

- (a) means an individual who is employed by the entity; but
- (b) does not include—
  - (i) if the owner of the entity is the entity's governing body—the members of the governing body; or
  - (ii) if the owner of the entity is a sole trader—the owner; or
  - (iii) if the owner of the entity is a partnership, proprietary company, public company or trust—the partners in the partnership, directors of the company or trustees of the trust; or
  - (iv) a person who performs work under a contract for services with the entity,

including, for example, a subcontractor.

***extension notice*** see section 13.

***full-time employee***, of an entity, means an employee of the entity who ordinarily works for at least 35 hours each week for the entity.

***main component***, of the financial assistance, means the part of the financial assistance mentioned in section 7(2)(a).

***owner***, of an eligible entity, means—

- (a) for an eligible non-profit organisation—the organisation’s governing body; and
- (b) for an eligible business, any of the following entities that carries on the eligible business—
  - (i) a sole trader;
  - (ii) a partnership;
  - (iii) a proprietary company;
  - (iv) a public company;
  - (v) a trust.

***proprietary company*** see the Corporations Act, section 45A.

***public company*** see the Corporations Act, section 9.

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

***tourism industry*** means an industry classified under ANZSIC within class code—

- (a) 4279, 4400, 4511, 4513, 4520, 4530, 4621, 4623, 4820, 5010, 5220, 6611, 6619, 7220, 7299, 8910, 8921, 8922, 9001, 9002, 9003, 9131 and 9139; or

- (b) 6962 to the extent that the services provided relate to an industry within a class code mentioned in paragraph (a).

#### **4 Meaning of *eligible business***

- (1) A business is an *eligible business* if—
  - (a) the business—
    - (i) holds an Australian Business Number for the business; and
    - (ii) has continuously held the same Australian Business Number since 1 January 2023; and
  - (b) the business is, and has been since 1 January 2023—
    - (i) registered for GST; and
    - (ii) trading from premises in Queensland, primarily in a tourism industry; and
  - (c) on 1 January 2023, the business—
    - (i) had no employees; or
    - (ii) employed fewer than 20 full-time employees; or
    - (iii) if the business employed employees other than full-time employees—employed fewer than 20 equivalent full-time employees; and
  - (d) none of the following entities is an insolvent under administration or an externally administered entity—
    - (i) the business;
    - (ii) if the owner of the business is a sole trader—the owner;

- (iii) if an owner of the business is a partnership—the partners in the partnership;
  - (iv) if an owner of the business is a trust—the trustees of the trust;
  - (v) if an owner of the business is a company—the company or the directors of the company.
- (2) However, a business is not an **eligible business** if the business is a body corporate under—
- (a) the *Body Corporate and Community Management Act 1997*; or
  - (b) the *Building Units and Group Titles Act 1980*.
- (3) For subsection (1)(c)(iii), 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 who are not full-time employees.

- (4) In this section—
- externally administered entity***, in relation to a business, means the business is a Chapter 5 body corporate within the meaning of the Corporations Act, section 9.
- insolvent under administration***, in relation to a



business, see the Corporations Act, section 9.

## 5 Meaning of *eligible non-profit organisation*

- (1) A non-profit organisation is an *eligible non-profit organisation* if—
  - (a) the organisation—
    - (i) holds an Australian Business Number for the organisation; and
    - (ii) has continuously held the same Australian Business Number since 1 January 2023; and
  - (b) the organisation is, and has been since 1 January 2023—
    - (i) registered for GST; and
    - (ii) trading from premises in Queensland, primarily in a tourism industry; and
  - (c) on 1 January 2023, the organisation—
    - (i) had no employees; or
    - (ii) employed fewer than 20 full-time employees; or
    - (iii) if the organisation employed employees other than full-time employees—employed fewer than 20 equivalent full-time employees; and
  - (d) neither the organisation, nor a member of the organisation’s governing body, is an insolvent under administration or an externally administered entity.
- (2) However, a non-profit organisation is not an *eligible non-profit organisation* if—
  - (a) the organisation is a government entity; or
  - (b) the organisation’s only source of income is 1 or more of the following—

- (i) earnings from rental properties;
  - (ii) interest earned on investments;
  - (iii) dividends.
- (3) For subsection (1)(c)(iii), the number of equivalent full-time employees of an organisation is worked out using the formula—

$$E = F + \frac{P}{35}$$

where—

*E* means the number of equivalent full-time employees of the organisation.

*F* means the number of full-time employees of the organisation.

*P* means the total number of hours worked each week by employees who are not full-time employees.

- (4) In this section—

***externally administered entity***, in relation to an organisation, means the organisation is a Chapter 5 body corporate within the meaning of the Corporations Act, section 9.

***government entity*** means—

- (a) a government entity within the meaning of the *Public Sector Act 2022*, section 276; or
- (b) a local government; or
- (c) a government owned corporation; or
- (d) an Australian government agency or sovereign entity within the meaning of the *Income Tax Assessment Act 1997* (Cwlth); or
- (e) an entity that is wholly owned by an entity mentioned in any of paragraphs (a) to (d).

***insolvent under administration***, in relation to an organisation, see the Corporations Act, section 9.

***non-profit organisation*** means a charity or other not-for-profit entity that is incorporated under a law of the Commonwealth, this State or another State.

## **6 Meaning of *eligible project***

An ***eligible project*** is a project to upgrade, purchase or replace infrastructure, products or services for the purpose of meeting the needs of persons with a disability, including, for example—

- (a) modifying vehicles or vessels; and
- (b) purchasing and installing new assistive or adaptive technology or equipment; and
- (c) purchasing and installing—
  - (i) new augmented reality technology; or
  - (ii) new virtual reality technology.

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

### **7 Nature of assistance**

- (1) The nature of the assistance available under the scheme is a grant of financial assistance for eligible costs for an eligible project.
- (2) The maximum amount of the financial assistance available under the scheme is the total of—
  - (a) 50% of the eligible costs of an eligible project (exclusive of GST), up to a maximum amount of \$20,000; and

- (b) an amount for any GST payable in relation to the granting of financial assistance under the scheme.
- (3) The minimum amount of the main component of the financial assistance available under the scheme is \$5,000.

*Note—*

See section 12 for when the authority must reject an application for assistance.

- (4) In this section—

*eligible costs*, of an eligible project, means any cost of the project other than a cost mentioned in section 8(1).

## **8 Particular costs not available under the scheme**

- (1) A grant of assistance under the scheme is not available for any of the following costs of an eligible project—
  - (a) costs related to activities that commenced before the application for the assistance is approved under section 15;
  - (b) costs related to maintaining existing equipment or infrastructure;
  - (c) employee allowances, bonuses or fringe benefits;
  - (d) costs related to the purchase, hire or lease of land, buildings or venues;
  - (e) costs related to conducting feasibility studies;
  - (f) administration and operating costs;
  - (g) the cost of new equipment or other assets unless the equipment or asset remains in the ownership, care and control of the eligible entity;

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- (h) the cost of goods and services provided by related parties;
  - (i) the administrative costs of complying with—
    - (i) the Building Code of Australia; or
    - (ii) the *Disability (Access to Premises—Buildings) Standards 2010* (Cwlth);
  - (j) costs that may be recovered under other assistance from the Commonwealth, this State or another State.
- (2) In this section—

***Building code of Australia*** means the document called ‘National Construction Code’, volume 1 and volume 2 (including the Queensland Appendixes) published by the entity known as the Australian Building Codes Board as amended from time to time by amendments published by the board.

***commenced***, an eligible project—

- (a) includes purchasing items, or engaging a contractor or other person, for the construction or installation of an eligible project or part of the eligible project; but
- (b) does not include the payment of a deposit for a purchase or engagement mentioned in paragraph (a).

***related party***, of an eligible entity, means—

- (a) if another entity controls the eligible entity—the other entity; or
- (b) an owner of the eligible entity; or
- (c) a spouse, parent or child of an owner of the eligible entity; or
- (d) an employee of the eligible entity; or

- (e) an entity controlled by a person mentioned in paragraph (b), (c) or (d).

## **9 Eligibility criteria**

- (1) An applicant is eligible to receive assistance under the scheme if the authority is satisfied—
  - (a) the applicant is an owner of an eligible entity; and
  - (b) the applicant is applying for assistance for an eligible project; and
  - (c) the applicant has not previously applied for assistance under the scheme in relation to—
    - (i) the eligible project; or
    - (ii) another eligible project; and
  - (d) the applicant has not been approved to receive other government funding for the eligible project; and
  - (e) the applicant has the ability to pay any costs of the eligible project that is more than the assistance being applied for; and
  - (f) the eligible project represents value for money; and
  - (g) the eligible project is consistent with Queensland's disability plan and the Towards Tourism 2032 collective framework; and
  - (h) the eligible project will—
    - (i) be ready to commence within 3 months after the day the grant of assistance is given to the applicant; and
    - (ii) be completed before 30 June 2024.
- (2) For subsection (1)(h)(i), an eligible project is taken to be ready to commence if all the steps required to be taken by the applicant to commence

the eligible project have been taken.

(3) In this section—

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

**Queensland's disability plan** means the plan titled 'Queensland's Disability Plan 2022-27: Together, a better Queensland' published by the Queensland Government.

*Note—*

The Queensland's Disability Plan 2022-27: Together, a better Queensland is available on the Queensland government's website.

**Towards Tourism 2032** means the collective framework titled 'Towards Tourism 2032: Transforming Queensland's visitor economy future' published by the Queensland Government.

*Note—*

Towards Tourism 2032: Transforming Queensland's visitor economy future is available on the Department of Tourism, Innovation and Sport's website.

## 10 Applications

(1) An application under the scheme must—

(a) be made using the authority's electronic application process; and

*Note—*

The authority's electronic application process can be accessed from the authority's website.

(b) be accompanied by—

(i) a project plan for the eligible project; and

(ii) if the cost of the eligible project or any part or stage of the eligible project is \$10,000 or less—1 quote relating to the

- cost of the eligible project or the part or stage of the eligible project; and
  - (iii) if the cost of the eligible project or any part or stage of the eligible project is more than \$10,000—2 quotes relating to the cost of the eligible project or the part or stage of the eligible project; and
  - (c) include the other documents requested when using the electronic application process; and
  - (d) be given to the authority on or before the closing day.
- (2) In this section—
- project plan***, for an eligible project, means a plan that includes—
- (a) evidence of the proposed cost of the project; and
  - (b) the location of the project; and
  - (c) details of the extent to which the project will—
    - (i) improve access for persons with a disability to tourism experiences and events; or
    - (ii) assist in employing persons with a disability.

## **11 Additional information or documents**

- (1) If the authority asks the applicant for further information necessary to decide the application, the applicant must give the authority the information within—
  - (a) a stated reasonable period; or
  - (b) if the applicant and authority agree to another period—the agreed period.
- (2) If the applicant does not provide the additional



information in accordance with subsection (1), the authority may refuse the application under section 15.

## **12 Rejection of particular applications**

The authority must reject an application for assistance if the main component of the financial assistance applied for is less than \$5,000.

## **13 Extension of closing day**

The authority may, by notice published on the authority's website (an *extension notice*), extend the closing day of the scheme to a stated day that is not more than 6 months after 30 June 2023.

## **14 Accepting late applications**

Despite section 10(1)(d), the authority may accept an application for assistance under the scheme that is received after the closing day.

## **15 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 consider applications for assistance in the order in which they are received by the authority.
- (3) However, the authority may approve an application for assistance only if satisfied the applicant is eligible for the assistance under section 9.
- (4) The authority must refuse to approve an application for assistance if the authority's assistance funds for the scheme are not sufficient to pay for the assistance.

- (5) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision stating—
  - (a) the decision; and
  - (b) the reasons for the decision; and
  - (c) that the applicant may apply to the chief executive for an internal review of the decision under part 3A of the Act.

## **16 Conditions of assistance**

- (1) This section applies if the authority grants an application for assistance under the scheme.
- (2) The payment of the grant is subject to the following conditions—
  - (a) that the applicant signs a letter of offer of financial assistance (the *letter of offer*) that sets out the terms on which the applicant accepts the assistance;
  - (b) that the applicant comply with the terms of the letter of offer.
- (3) The authority may withhold all or part of the assistance if the applicant does not comply with the terms of the letter of offer.
- (4) The authority may require the return of all or part of the assistance if the applicant fails to comply with the terms of the letter of offer.
- (5) The authority may decide the amount to be withheld or returned under subsection (3) or (4) unless specified in the letter of offer.

#### ENDNOTES

- 1 Made by the Governor in Council on 4 May 2023.
- 2 Notified on the Queensland legislation website on 5 May 2023.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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