



Queensland

Rural and Regional Adjustment (Business Energy Saving and Transformation Rebate Scheme) Amendment Regulation 2023

Subordinate Legislation 2023 No. 101

made under the

Rural and Regional Adjustment Act 1994

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1 Short title

This regulation may be cited as the *Rural and Regional Adjustment (Business Energy Saving and Transformation Rebate Scheme) Amendment Regulation 2023*.

2 Regulation amended

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

3 Insertion of new sch 52

After schedule 51—

insert—

Schedule 52 Business Energy Saving and Transformation Rebate Scheme

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to encourage owners of eligible businesses to—

- (a) buy and install energy-efficient appliances at particular premises of the businesses; or
- (b) buy and install energy-efficient equipment at particular premises, or in appliances or other equipment at particular premises, of the businesses.

2 Purpose of assistance

The purpose of assistance under the scheme is to assist owners of eligible businesses to offset the cost of carrying out eligible activities by giving the owners a rebate of up to half the cost.

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.

energy-efficient appliance means—

- (a) any of the following appliances with an energy rating of at least 4 stars—
 - (i) an air conditioner;
 - (ii) a clothes dryer;
 - (iii) a clothes washer;
 - (iv) a computer monitor;
 - (v) a dishwasher;
 - (vi) a hot water system;
 - (vii) a refrigerator or freezer;
 - (viii) a pool pump;
 - (ix) a television; or
- (b) an appliance for chilling or freezing food or drink, other than an appliance mentioned in paragraph (a)(vii).

Examples—

walk-in refrigerator, refrigerated display case, refrigerated vending machine

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energy-efficient equipment means any of the following equipment—

- (a) an electronically-commutated fan motor;
- (b) LED lighting;
- (c) a motion sensor, light level sensor or timer for LED lighting or a lighting appliance;
- (d) a motor classified in the IE3 or IE4 category under the IEC standard;
- (e) a variable-speed drive air compressor or chiller;
- (f) a variable-speed drive unit for a pump or fan.

energy rating, for an appliance, means the rating shown on the energy rating label required or permitted, under a GEMS determination, to be communicated in connection with the retail supply, or offer of retail supply, of the appliance.

GEMS determination means a GEMS determination in force under the *Greenhouse and Energy Minimum Standards Act 2012* (Cwlth).

IEC standard means International Electrotechnical Commission standard IEC 60034-30-1.

LED lighting means lighting that uses light-emitting diode technology.

owner, of an eligible 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) Each of the following is an *eligible activity* in relation to an eligible business—
 - (a) buying and installing an energy-efficient appliance at 1 premises of the business in Queensland;
 - (b) buying and installing energy-efficient equipment—
 - (i) at 1 premises of the business in Queensland; or
 - (ii) in an appliance or other equipment at 1 premises of the business in Queensland.
- (2) However, neither of the following is an *eligible activity* in relation to an eligible business—
 - (a) buying and installing any of the following at premises of the business—
 - (i) a heat pump hot water system, unless the installation is to replace an electric or gas storage hot water system;
 - (ii) an electric-boosted solar hot water system, unless the installation is to replace an electric storage hot water system;
 - (iii) an appliance mentioned in section 3, definition *energy-efficient appliance*, paragraph (b), unless the appliance is to be used in connection with carrying on the business;
 - (iv) a variable-speed drive chiller, unless the installation is to replace a fixed-drive chiller;

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- (b) buying and installing, in an appliance or equipment at premises of the business—
 - (i) a motor classified in the IE3 or IE4 category under the IEC standard, unless the installation is to replace a motor classified in the IE1 or IE2 category under the standard; or
 - (ii) an electronically-commutated fan motor, unless the installation is to replace another type of fan motor.
- (3) Also, a purchase and installation mentioned in subsection (1) is not an **eligible activity** in relation to an eligible business if—
 - (a) the installation involves work for which a licence is required under—
 - (i) the *Electrical Safety Act 2002*; or
 - (ii) the *Plumbing and Drainage Act 2018*; or
 - (iii) the *Queensland Building and Construction Commission Act 1991*; and
 - (b) the work is carried out by a person other than a holder of the licence.

5 Meaning of **eligible business**

- (1) A business is an **eligible business** if—
 - (a) an entity holds an Australian Business Number for the business; and
 - (b) the business—
 - (i) is registered for GST; and
 - (ii) is not operated by a public company within the meaning of the Corporations Act; and

- (iii) has its headquarters, and operates at premises, in Queensland; and
 - (iv) has a total of at least 2, but not more than 199, full-time employees or equivalent full-time employees.
- (2) For subsection (1)(b)(iv), 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.

- (3) 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.

Part 2 General provisions for scheme

6 Nature and amount of assistance

- (1) The nature of the assistance available to an applicant under the scheme is a rebate of up to half of the cost of carrying out 1 or more eligible activities in relation to an eligible business owned by the applicant.

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- (2) The amount of the assistance is the total of—
 - (a) the lesser of the following amounts—
 - (i) 50% of the cost of carrying out each eligible activity (exclusive of GST);
 - (ii) \$12,500; and
 - (b) the amount of any GST payable by the authority in relation to the assistance mentioned in paragraph (a).

7 Scheme to operate in rounds

- (1) The scheme will operate in rounds.
- (2) Each round of the scheme—
 - (a) opens at the beginning of the day stated on the website of the department administering the *Electricity Act 1994* as the day on which the round opens; and
 - (b) closes at the end of the day stated on that website as the day on which the round closes.
- (3) The last round of the scheme must close on or before the end of 30 June 2025.

8 Eligibility criteria

- (1) An applicant is eligible to receive assistance under the scheme if—
 - (a) the applicant carries out 1 or more eligible activities in relation to an eligible business owned by the applicant during the period—
 - (i) starting when the first round of the scheme opens; and
 - (ii) ending when the last round of the scheme closes; and

- (b) each of the eligible activities that is the installation of an energy-efficient appliance or energy-efficient equipment is carried out at the same premises; and
 - (c) the total cost of carrying out the activities is at least \$8,000 (exclusive of GST); and
 - (d) the applicant pays the cost, in full, before the application is made; and
 - (e) the applicant has not previously received assistance under the scheme; and
 - (f) the applicant has not received other government funding in relation to the activity.
- (2) In this section—

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

9 Condition of assistance

- (1) Payment of assistance to an applicant under the scheme is subject to the condition stated in subsection (2).
- (2) The applicant must give the authority a receipt for the cost of each eligible activity to which the application relates that includes the following—
 - (a) the name and address of the entity that issued the receipt; and
 - (b) if the entity has an Australian Business Number—the Australian Business Number; and
 - (c) the date the cost was incurred; and

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- (d) a description of each energy-efficient appliance or item of energy-efficient equipment to which the cost relates; and
- (e) if any of the cost relates to installing an energy-efficient appliance or energy-efficient equipment—
 - (i) the date and location of the installation; and
 - (ii) if the appliance or equipment was installed in, or to replace, another appliance or other equipment—a description of the other appliance or equipment; and
 - (iii) if the installation involved work mentioned in section 4(3)(a)—the name and licence number of the holder of the relevant licence who carried out the work.

10 Applications

- (1) For each round of the scheme, an application for assistance under the scheme must be—
 - (a) made on the application form approved by the authority; and
 - (b) accompanied by the documents stated in the application form; and
 - (c) given to the authority while the round is open.
- (2) If the authority asks the applicant to provide further information to support the application, the applicant must provide the information.

11 Deciding applications

- (1) The authority must consider, and decide to

approve or refuse to approve, each application that complies with section 10(1).

- (2) For each round of the scheme, the authority must consider applications in the order they are received by the authority.
- (3) The authority must refuse an application for assistance if the authority's assistance funds for the round of the scheme in which the application is made are not sufficient to pay for the assistance.
- (4) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

ENDNOTES

- 1 Made by the Governor in Council on 10 August 2023.
- 2 Notified on the Queensland legislation website on 11 August 2023.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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