



Queensland

Rural and Regional Adjustment (Remote Communities Freight Assistance Scheme) Amendment Regulation 2023

Subordinate Legislation 2023 No. 183

made under the

Rural and Regional Adjustment Act 1994

Contents

| | | Page |
|----|--|------|
| 1 | Short title | 3 |
| 2 | Regulation amended | 3 |
| 3 | Insertion of new sch 56 | 3 |
| | Schedule 56 Remote Communities Freight Assistance Scheme | 3 |
| | Part 1 Preliminary | |
| 1 | Objective of scheme | 3 |
| 2 | Purpose of assistance | 3 |
| 3 | Definitions for schedule | 4 |
| 4 | Meaning of establishment activity | 6 |
| 5 | Meaning of essential good | 8 |
| 6 | Published percentage for discount assistance | 9 |
| | Part 2 General provisions for scheme | |
| 7 | Nature of assistance | 9 |
| 8 | Amount of assistance—establishment assistance .. | 10 |
| 9 | Amount of assistance—discount assistance | 10 |
| 10 | Amount of assistance—compliance assistance | 11 |
| 11 | Eligibility criteria | 12 |
| 12 | Applications | 13 |
| 13 | Deciding applications | 14 |

Contents

| | | |
|----|--|----|
| 14 | Conditions of assistance—general | 14 |
| 15 | Additional conditions of assistance—establishment assistance | 14 |
| 16 | Payment of assistance | 17 |
| 17 | Non-compliance with particular term of financial agreement | 17 |
| 18 | Copy of financial agreement to be published | 18 |
| 19 | If discount assistance funds for financial year become insufficient | 18 |
| 20 | Operation of scheme | 19 |

1 Short title

This regulation may be cited as the *Rural and Regional Adjustment (Remote Communities Freight Assistance Scheme) Amendment Regulation 2023*.

2 Regulation amended

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

3 Insertion of new sch 56

After schedule 55—

insert—

**Schedule 56 Remote Communities
Freight Assistance
Scheme**

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to reduce the amount of freight costs on essential goods that are passed on to consumers of the goods in remote communities.

2 Purpose of assistance

The purpose of assistance under the scheme is to wholly or partly reimburse owners of eligible businesses carried on at approved premises for—

- (a) discount shortfalls and compliance costs for the businesses; and
- (b) for owners of eligible businesses who are entitled to receive establishment assistance—establishment activities for the businesses.

3 Definitions for schedule

In this schedule—

applicant means an entity applying for assistance under the scheme.

approved applicant, for a type of assistance under the scheme, means an applicant whose application for the assistance has been approved under section 13(1).

approved premises, of an eligible business, means premises of the business in relation to which the authority has, under section 13(1), approved an application for assistance under the scheme.

compliance assistance see section 7(c).

compliance cost, for an eligible business, means a cost that is reasonably likely to be incurred by an approved applicant in complying with a stock management requirement.

digital discount reporting requirement means a term of a financial agreement for discount assistance that requires an owner of an eligible business to provide digital evidence to the authority that the usual retail prices of essential goods sold by the business, at particular premises of the business, have been discounted.

discount assistance see section 7(b).

discount shortfall, for an eligible business, means the amount of revenue the business has forgone because of discounting the usual retail prices of

essential goods sold by the business, at approved premises of the business, by the published percentage.

eligible business means a business—

- (a) for which an entity holds an Australian Business Number; and
- (b) that is registered for GST; and
- (c) that has a bank account in the name of the business.

essential good see section 5.

establishment activity, for an eligible business, see section 4.

establishment assistance see section 7(a).

financial agreement—

- (a) for a type of assistance under the scheme generally—means the standard form of written agreement by which the authority pays the assistance of that type to approved applicants for the assistance; and
- (b) for establishment assistance—includes the terms mentioned in section 15(4).

published percentage means the percentage approved by the Transport Minister and published on the authority's website under section 6.

remote community means any of the following local government areas—

- (a) Aurukun;
- (b) Burke;
- (c) Carpentaria;
- (d) Cook;
- (e) Doomadgee;
- (f) Kowanyama;

- (g) Hope Vale;
- (h) Lockhart River;
- (i) Mapoon;
- (j) Mornington;
- (k) Napranum;
- (l) Northern Peninsula Area;
- (m) Pormpuraaw;
- (n) Torres;
- (o) Torres Strait Island;
- (p) Weipa Town Area;
- (q) Wujal Wujal.

scheme means the scheme set out in this schedule.

stock management requirement means a requirement, relating to stock management for a business, stated in the financial agreement for compliance assistance.

Transport Minister means the Minister of the department administering the *Transport Infrastructure Act 1994*.

4 Meaning of *establishment activity*

- (1) Each of the following activities is an *establishment activity* for an eligible business—
 - (a) buying, or installing on computer hardware used by an eligible business, digital stock management software, if—
 - (i) the purchase or installation is carried out for each approved premises of the business; and
 - (ii) the business did not, at any time before the installation, use digital stock management software; and

- (iii) the software will allow an owner of the business to comply with the digital discount reporting requirements in relation to the business;
 - (b) upgrading or adjusting stock management software being used by an eligible business, if the upgrade or adjustment is—
 - (i) carried out for each approved premises of the business; and
 - (ii) necessary to allow an owner of the business to comply with the digital discount reporting requirements in relation to the business;
 - (c) engaging a person, other than an excluded person for the business, to provide training or another service in relation to an activity mentioned in paragraph (a) or (b).
- (2) To remove any doubt, it is declared that buying, installing or upgrading computer hardware for an eligible business is not an *establishment activity* for the business.
- (3) In this section—
excluded person, for an eligible business, means any of the following persons—
- (a) an owner or employee of the business;
 - (b) a relative, other than a qualified relative, of an owner or employee of the business;
 - (c) a related body corporate of an owner of the business;
 - (d) another body corporate, if an owner of the business is a director, or holds at least 10% of the issued shares, of the body corporate;
 - (e) a beneficiary of a trust of which a person mentioned in any of paragraphs (a) to (d), or

a qualified relative of an owner or employee of the business, is trustee.

qualified relative, of an owner or employee of an eligible business, means a relative of the owner or employee who carries on, and has for a continuous period of at least 2 years carried on, a business providing training and services in relation to the activities mentioned in subsection (1)(a) and (b).

related body corporate see the Corporations Act, section 50.

relative, of an owner or employee of an eligible business, means a spouse, child, stepchild, parent, step-parent, sibling, step-sibling, grandparent, step-grandparent or legal guardian of the owner or employee.

5 Meaning of *essential good*

- (1) An **essential good** is food, drink or a household item used for domestic purposes, other than—
- (a) an alcoholic beverage; or
 - (b) bathroom equipment; or
 - (c) confectionery; or
 - (d) clothing; or
 - (e) an electrical appliance; or
 - (f) a kitchen utensil; or
 - (g) manchester; or
 - (h) a soft drink containing sugar; or
 - (i) whitegoods.

Examples of a household item used for domestic purposes—

a household cleaning product, toothpaste, toilet paper

- (2) To remove any doubt, it is declared that none of

the following is an *essential good*—

- (a) fuel;
- (b) furniture or a furnishing;
- (c) hardware;
- (d) any of the following under the *Tobacco and Other Smoking Products Act 1998*—
 - (i) a tobacco product;
 - (ii) a smokeless tobacco product;
 - (iii) a personal vapouriser;
 - (iv) a personal vapouriser related product.

6 Published percentage for discount assistance

- (1) The Transport Minister may approve a percentage for the purposes of discount assistance.
- (2) If the Transport Minister approves a percentage under subsection (1)—
 - (a) the Minister must notify the authority of the approval; and
 - (b) the authority must publish the percentage on the authority's website.

Part 2 General provisions for scheme

7 Nature of assistance

The nature of the assistance available to an applicant under the scheme in relation to an eligible business is—

- (a) a payment (*establishment assistance*) to wholly or partly reimburse the applicant for

- costs incurred in carrying out 1 or more establishment activities for the business; and
- (b) monthly payments (*discount assistance*) to wholly reimburse the applicant for amounts of revenue forgone by the business that the authority is satisfied are monthly discount shortfalls for the business; and
 - (c) monthly payments (*compliance assistance*) to wholly or partly reimburse the applicant for costs that the authority is satisfied are monthly compliance costs of the business.

8 Amount of assistance—establishment assistance

- (1) Subject to subsection (2), the amount of establishment assistance available in relation to an eligible business is the total of—
 - (a) the cost of all establishment activities for the business; and
 - (b) the amount of any GST payable by the authority in relation to the assistance mentioned in paragraph (a).
- (2) The maximum amount of establishment assistance is the total of—
 - (a) the lesser of the following amounts—
 - (i) \$14,000 for each of the approved premises of the eligible business;
 - (ii) \$110,000; and
 - (b) the amount of any GST payable by the authority in relation to the assistance mentioned in paragraph (a).

9 Amount of assistance—discount assistance

The amount of discount assistance available in

relation to an eligible business, for a particular month, is the total of the following amounts for the month—

- (a) the amount the authority is satisfied is the discount shortfall for the business; and
- (b) the amount of any GST payable by the authority in relation to the assistance mentioned in paragraph (a).

10 Amount of assistance—compliance assistance

(1) The amount of compliance assistance, available in relation to an eligible business for a particular month, is the total of—

- (a) the lesser of the following amounts—
 - (i) \$250 for each of the participating premises of the business for the month;
 - (ii) \$2,900; and
- (b) the amount of any GST payable by the authority in relation to the assistance mentioned in paragraph (a).

(2) In this section—

participating premises, of an eligible business for a month, means approved premises of the business in relation to which the authority is satisfied—

- (a) the usual retail prices of essential goods sold by the business are being discounted by at least the published percentage for the month; and
- (b) the owner of the business is complying with the digital discount reporting requirements.

11 Eligibility criteria

- (1) An applicant is eligible to receive assistance under the scheme in relation to an eligible business if—
 - (a) the applicant is an owner of the business; and
 - (b) the business is carried on at 1 or more premises—
 - (i) that are located in a remote community; and
 - (ii) at which the retail sale of essential goods by the business, during the most recently ended financial year when the application is made, accounted for at least the prescribed percentage of the revenue of the business at the premises for the year; and
 - (c) the applicant applies for the assistance—
 - (i) within the application period for the assistance; or
 - (ii) within the further time allowed for making the application under subsection (3); and
 - (d) the authority has not, under section 13(1), previously approved an application for assistance under the scheme in relation to the business.
- (2) For subsection (1)(c)(i), the application period for assistance under the scheme is—
 - (a) for establishment assistance—the period of 2 years starting on the day the scheme opens; or
 - (b) for discount assistance or compliance assistance—the period—

- (i) starting on the day the scheme opens;
and
 - (ii) ending on the day stated as the last day of the period on the authority's website.
- (3) However, the authority may allow further time for making an application if satisfied that—
- (a) because of circumstances beyond the applicant's control, the further time is reasonably necessary for the applicant to make the application; or
 - (b) it would be in the public interest to allow the further time.
- (4) In this section—
- prescribed percentage*, of the revenue of an eligible business at premises for the most recently ended financial year, means—
- (a) if the premises were used by the business primarily for the retail sale of fuel for vehicles during the year—15%; or
 - (b) otherwise—50%.

12 Applications

- (1) An application for assistance under the scheme in relation to an eligible business must be—
 - (a) made using the application form approved by the authority; and
 - (b) accompanied by the documents stated on the application form.
- (2) The authority may ask the applicant for further information or documents to decide the application.

13 Deciding applications

- (1) The authority must consider, and decide to approve or refuse to approve, each application for assistance that complies with section 12(1).
- (2) The authority must refuse an application if—
 - (a) the application is for assistance that is, or includes, discount assistance; and
 - (b) the authority's discount assistance funds for the financial year will be insufficient to pay discount assistance to the applicant.
- (3) The authority may refuse an application if the applicant does not comply with a request under section 12(2) in relation to the application.
- (4) The authority must consider applications in the order they are received by the authority.
- (5) The authority must give the applicant written notice of a decision made under this section.

14 Conditions of assistance—general

- (1) Payment of assistance under the scheme to an approved applicant for the assistance is subject to the conditions stated in—
 - (a) this section; and
 - (b) for establishment assistance—section 15.
- (2) The applicant must—
 - (a) enter into a financial agreement for the assistance with the authority; and
 - (b) comply with the terms of the agreement relating to the assistance.

15 Additional conditions of assistance—establishment assistance

- (1) Payment of establishment assistance under the

scheme to an approved applicant for the assistance is subject to the conditions stated in this section.

- (2) Before receiving establishment assistance, the applicant must—
 - (a) carry out, and pay for, each establishment activity for the eligible business in relation to which the application was approved; and
 - (b) give the authority a receipt for payment of the cost of each of the establishment activities.
- (3) The receipt must include the following—
 - (a) the name and address of the entity that issued the receipt;
 - (b) if the entity has an Australian Company Number or an Australian Business Number—
 - (i) the number; or
 - (ii) if the entity has both numbers—either number;
 - (c) the date the cost was incurred;
 - (d) a description of each of the establishment activities, including—
 - (i) the approved premises of the eligible business at which the activity was carried out; and
 - (ii) the cost of the activity.
- (4) The financial agreement for establishment assistance must include the following terms—
 - (a) the applicant must carry out, and pay for, each establishment activity for the eligible business in relation to which the application was approved within 90 days after the approval;

[s 3]

- (b) the applicant must carry on the business, at each approved premises of the business, for a continuous period—
 - (i) starting on the day after the activity, or the last of the activities, is carried out; and
 - (ii) ending on the earlier of—
 - (A) the day that is 3 years after the period starts; or
 - (B) the day the scheme closes;
- (c) if the applicant stops complying with the term mentioned in paragraph (b) in relation to any of the premises (the *non-compliant premises*) during the period mentioned in paragraph (b), the applicant must, for the non-compliant premises, repay to the authority the amount worked out using the following formula—

$$EA \times \frac{1}{AP} \times P$$

where—

EA means the total amount of the assistance paid to the applicant.

AP means the total number of approved premises of the business.

P means—

- (a) if the applicant stops complying within 6 months after the assistance is paid—90%; or
- (b) if the applicant stops complying more than 6 months, but not more than 1

year, after the assistance is paid—80%;
or

- (c) if the applicant stops complying more than 1 year, but not more than 18 months, after the assistance is paid—70%; or
- (d) if the applicant stops complying more than 18 months, but not more than 2 years, after the assistance is paid—60%; or
- (e) if the applicant stops complying more than 2 years, but not more than 30 months, after the assistance is paid—50%; or
- (f) if the applicant stops complying more than 30 months, but not more than 3 years, after the assistance is paid—40%.

16 Payment of assistance

The authority must pay assistance to an approved applicant for the assistance in the way, and at the intervals, provided for in the financial agreement for the assistance to which the authority and the applicant are parties.

17 Non-compliance with particular term of financial agreement

- (1) This section applies if—
 - (a) the authority approves, under section 13(1), an application for assistance under the scheme that is, or includes, establishment assistance; and
 - (b) the authority and the approved applicant are parties to a financial agreement for the assistance that is in effect; and

- (c) the applicant fails to comply with the term of the agreement mentioned in section 15(4)(a).
- (2) The authority's decision to approve the application is revoked.
- (3) Also, the application is taken to have been withdrawn.

18 Copy of financial agreement to be published

The authority must ensure that at all times the scheme is open, a copy of the financial agreement for each type of assistance under the scheme is published on the authority's website.

19 If discount assistance funds for financial year become insufficient

- (1) This section applies if—
 - (a) a financial agreement for discount assistance, between the authority and an approved applicant for the assistance, is in effect; and
 - (b) the authority becomes aware that, on a particular day in the current financial year, the authority's discount assistance funds for the year will be insufficient to pay discount assistance to the applicant.
- (2) The authority may, after giving written notice to the approved applicant, stop paying discount assistance to the applicant for the period—
 - (a) starting on the day mentioned in subsection (1)(b) or the day that is 2 months after the notice is given, whichever is later; and
 - (b) ending on the last day of the financial year.

20 Operation of scheme

- (1) The scheme closes on the earlier of the following days—
 - (a) the day stated on the authority’s website as the day the scheme closes;
 - (b) the day on which the authority’s assistance funds for the scheme become insufficient to pay further assistance under the scheme.
- (2) The authority must give written notice of the day the scheme closes to each other party to a financial agreement for assistance that is in effect—
 - (a) as soon as possible after becoming aware of the day; and
 - (b) in any event, not later than 2 months before the day.
- (3) Assistance is not payable under the scheme after the day the scheme closes.

ENDNOTES

- 1 Made by the Governor in Council on 7 December 2023.
- 2 Notified on the Queensland legislation website on 8 December 2023.
- 3 The administering agency is the Department of Agriculture and Fisheries.

© State of Queensland 2023