



*Rural and Regional Adjustment Act 1994*

# **Rural and Regional Adjustment Regulation 2011**

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Queensland

# Rural and Regional Adjustment Regulation 2011

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# Rural and Regional Adjustment Regulation 2011

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Rural and Regional Adjustment Regulation 2011*.

### 2 Definition

In this regulation—

*repealed regulation* means the repealed *Rural and Regional Adjustment Regulation 2000*.

## Part 2 Approved assistance schemes

### 3 Approval of schemes—Act, s 11

- (1) Each scheme set out in each of schedules 1 to 15 and 17 to 38 is approved under section 11(1)(c) of the Act.
- (2) Each scheme mentioned in schedule 16 is approved under section 11(4) of the Act.

## Part 3 Repeal

### 4 Repeal of regulation

The Rural and Regional Adjustment Regulation 2000, SL No. 124 is repealed.

## **Part 4 Savings and transitional provisions**

### **Division 1 Transitional provisions for SL No. 155 of 2011**

#### **5 Saving of operation of particular schemes and other provisions under repealed regulation**

- (1) This section applies to the following provisions (each a *saved provision*) of the repealed regulation—
  - (a) part 5, divisions 2, 3 and 4;
  - (b) the schedule, parts 1, 2, 6, 9, 10, 13 to 17 and 19 to 27.
- (2) Each saved provision—
  - (a) is a law to which the *Acts Interpretation Act 1954*, section 20A applies; and
  - (b) continues to apply to the things mentioned in it as if the repealed regulation had not been repealed.

#### **6 Continuation of particular schemes for particular purposes**

- (1) This section applies if—
  - (a) before the commencement, a person applied for assistance under an approved assistance scheme under any of parts 3, 4, 5, 7, 8, 11, 12, 18 or 28 to 34 of the schedule of the repealed regulation; and
  - (b) immediately before the commencement, any of the following applied—
    - (i) the application had not been decided;
    - (ii) the authority had approved assistance for the person under the scheme and the person had not been given all of the assistance;



- (iii) the scheme had otherwise not been fully administered in relation to the person.
- (2) The scheme, as in force immediately before the commencement, continues to apply in relation to deciding the application, giving the assistance or otherwise administering the scheme, as if the repealed regulation had not been repealed.
- (3) In this section—  
*commencement* means commencement of this section.

## **Division 2                      Transitional provision for Rural and Regional Adjustment Amendment Regulation (No. 1) 2013**

### **7                      References to eligible natural disaster**

In a document, a reference to an eligible natural disaster may, if the context permits, be taken to be a reference to an eligible disaster.

## **Division 3                      Transitional provision for Rural and Regional Adjustment Amendment Regulation (No. 2) 2014**

### **8                      Saving of operation of particular schedules**

Schedules 12 and 24, as in force immediately before the commencement of this section, are declared to be laws to which the *Acts Interpretation Act 1954*, section 20A applies.

## **Division 4                      Transitional provision for Rural and Regional Adjustment Amendment Regulation (No. 3) 2014**

### **9                      Saving of operation of provision of sch 1 for particular purpose**

- (1) This section applies to an application for assistance under the scheme mentioned in schedule 1 if—
  - (a) the application was made before the commencement; and
  - (b) immediately before the commencement, the application had not been decided.
- (2) Section 10 of the schedule, as in force immediately before the commencement, continues to apply for deciding the application.
- (3) In this section—

*commencement* means commencement of this section.

## **Division 5                      Transitional provision for Rural and Regional Adjustment Amendment Regulation (No. 2) 2015**

### **10                      Special provision for TC Marcia**

- (1) Existing schedule 23 continues to apply to administering the special disaster assistance scheme in relation to TC Marcia as if the schedule had not been amended.
- (2) To remove any doubt, it is declared that subsection (1) applies even if an assistance establishment notice or an amendment of an assistance establishment notice under existing schedule 23, section 6, for TC Marcia, is published on the authority's website on or after the commencement.
- (3) In this section—

*eligible disaster* means an eligible disaster under schedule 23, section 4 as in force before the commencement.

*existing*, for schedule 23 or a provision of schedule 23, means the schedule or provision as in force immediately before the commencement.

*special disaster assistance scheme* means the scheme under existing schedule 23.

*TC Marcia* means the eligible disaster described as ‘Severe Tropical Cyclone Marcia and South East QLD trough’ in the assistance establishment notice published on the authority’s website on 23 March 2015.

## **Division 6**

# **Transitional provision for Rural and Regional Adjustment (White Spot Disease Concessional Loan Scheme) Amendment Regulation 2017**

### **11 Change of interest rate**

The amendment of schedule 1, section 6(8), definition *base lending rate* by the *Rural and Regional Adjustment (White Spot Disease Concessional Loan Scheme) Amendment Regulation 2017* applies in relation to loans drawn down before or after the commencement.

## **Division 7**                      **Transitional provisions for Rural and Regional Adjustment (Disaster Assistance Schemes) Amendment Regulation 2018**

### **12**      **References to former names of approved assistance schemes**

A reference in a document to the name of an approved assistance scheme (the *former name*) stated in column 1 of the following table may, if the context permits, be taken to be a reference to the name of the scheme stated opposite the former name in column 2 of the table.

<b>Column 1</b>	<b>Column 2</b>
Natural Disaster Relief (Primary Producers) Scheme	Disaster Assistance (Primary Producers) Loan Scheme
Natural Disaster Relief (Small Business) Scheme	Disaster Assistance (Small Business) Loans Scheme
Natural Disaster Relief (Essential Working Capital) Scheme	Disaster Assistance (Essential Working Capital) Loans Scheme
Natural Disaster Relief (Non-profit Organisations) Scheme	Disaster Assistance (Non-profit Organisations) Loans Scheme
Natural Disaster Recovery Grants Scheme	Special Disaster Assistance Recovery Grants Scheme

### **13**      **Undecided applications for assistance under particular schemes**

- (1) This section applies if—
  - (a) before the commencement, an application for assistance was made under any of the following provisions—
    - (i) schedule 2, section 12;
    - (ii) schedule 3, section 10;

- 
- (iii) schedule 21, section 12;
  - (iv) schedule 23, section 23; and
  - (b) immediately before the commencement, the application had not been decided.
- (2) The following provisions, as in force immediately before the commencement, continue to apply for deciding the application as if the *Rural and Regional Adjustment (Disaster Assistance Schemes) Amendment Regulation 2018* had not commenced—
- (a) for an application under schedule 2, section 12—schedule 2;
  - (b) for an application under schedule 3, section 10—schedule 3;
  - (c) for an application under schedule 21, section 12—schedule 21;
  - (d) for an application under schedule 23, section 23—schedule 23.

## **14 Loan terms and repayments under particular schemes**

- (1) This section applies if—
- (a) before the commencement, an applicant had been given a loan under any of the following provisions—
    - (i) schedule 2, section 5;
    - (ii) schedule 3, section 5;
    - (iii) schedule 7, section 6;
    - (iv) schedule 21, section 5; and
  - (b) immediately before the commencement, the loan had not been repaid.
- (2) The following provisions, as in force immediately before the commencement, continue to apply in relation to the loan as if the *Rural and Regional Adjustment (Disaster Assistance Schemes) Amendment Regulation 2018* had not commenced—

[s 15]

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- (a) for a loan under schedule 2, section 5—schedule 2, section 10(5);
  - (b) for a loan under schedule 3, section 5—schedule 3, section 9(6);
  - (c) for a loan under schedule 7, section 6—schedule 7, section 10(2) and (3);
  - (d) for a loan under schedule 21, section 5—schedule 21, section 10(2) and (3).
- (3) Schedule 21, section 10(3) does not apply in relation to a loan under schedule 21, section 5 mentioned in subsection (1).
- (4) To remove any doubt, it is declared that subsection (3) does not prevent the authority increasing the interest rate charged for the loan in accordance with an agreement for the loan entered into before the commencement.

## **Division 8                      Transitional provision for Rural and Regional Adjustment (Variation of Special Disaster Assistance Recovery Grants Scheme) Amendment Regulation 2021**

### **15            Exceptional circumstances grants for eligible disasters before commencement**

- (1) This section applies if—
- (a) before the commencement, the Minister published an assistance establishment notice for an eligible disaster; and
  - (b) the stated closing day in the assistance establishment notice was after the day of the commencement; and
  - (c) after the commencement, the Minister amends the assistance establishment notice to increase the maximum total amount of assistance that may be given

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under the scheme to an eligible entity to an amount greater than \$25,000.

- (2) Schedule 23, section 7, as amended by the *Rural and Regional Adjustment (Variation of Special Disaster Assistance Recovery Grants Scheme) Amendment Regulation 2021*, applies in relation to an application by an eligible entity for assistance for the eligible disaster—
  - (a) made, but not decided, before the day the amendment mentioned in subsection (1)(c) takes effect; or
  - (b) made on or after the day the amendment mentioned in subsection (1)(c) takes effect.
- (3) Terms defined in schedule 23 and used in this section have the same meanings as they have in schedule 23.

## **Division 9                      Transitional provision for Rural and Regional Adjustment (Variation of COVID-19 Business Support Grants Scheme (August 2021)) Amendment Regulation 2021**

### **16            Application of increased amount of assistance**

- (1) Schedule 37, section 7, as amended by the amendment regulation, applies in relation to an applicant who applies for assistance under the scheme set out in that schedule, whether the application was made before or after the commencement.
- (2) In this section—

*amendment regulation* means the *Rural and Regional Adjustment (Variation of COVID-19 Business Support Grants Scheme (August 2021)) Amendment Regulation 2021*.

## **Division 10                      Transitional provision for Rural and Regional Adjustment (COVID-19 Marine Tourism Assistance Scheme—Round 2) Amendment Regulation 2021**

### **17            Application of particular former provisions**

- (1) This section applies in relation to either of the following under round 1 of the scheme set out in schedule 18—
  - (a) an application for assistance made before the commencement, if the application had not been decided immediately before the commencement;
  - (b) a payment of assistance, whether the payment is made before or after the commencement.
- (2) For deciding the application or making the payment of assistance—
  - (a) the relevant former provisions continue to apply as if the *Rural and Regional Adjustment (COVID-19 Marine Tourism Assistance Scheme—Round 2) Amendment Regulation 2021* had not commenced; and
  - (b) a reference in schedule 18 to COVID-19 travel restrictions is taken to be a reference to COVID travel restrictions within the meaning of former schedule 18, section 2.
- (3) In this section—

***former***, for a provision of this regulation, means the provision as in force from time to time before the commencement.

***relevant former provision*** means each of the following provisions—

  - (a) former schedule 18, section 2, definition *COVID travel restrictions*;
  - (b) former schedule 18, section 4;
  - (c) former schedule 18, sections 6 to 10.



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**Division 11**                      **Transitional provision for Rural and Regional Adjustment (Variation of Rural Economic Development Grants Scheme) Amendment Regulation 2021**

**18**            **Continuation of maximum amount of assistance**

- (1) This section applies in relation to a grant of financial assistance given under the scheme mentioned in schedule 32 if—
  - (a) the application for the assistance was approved before the commencement; and
  - (b) the amount of the grant was greater than \$200,000; and
  - (c) immediately before the commencement, the authority had not paid the full amount of the grant.
- (2) Schedule 32, section 7(5), as in force immediately before the commencement, continues to apply in relation to the grant as if the *Rural and Regional Adjustment (Variation of Rural Economic Development Grants Scheme) Amendment Regulation 2021* had not commenced.

# Schedule 1      Primary Industry Productivity Enhancement Scheme

section 3(1)

## Part 1                      Preliminary

### 1            Objective of scheme

The objective of the scheme is to provide assistance that will—

- (a) strengthen the economy of Queensland regions; and
- (b) facilitate the development of sustainable primary production in Queensland.

### 2            Application of scheme

(1) The scheme consists of the following programs—

- (a) the first start program;
- (b) the sustainability program.

(2) An applicant may apply for assistance under more than 1 program.

### 3            Definitions for sch 1

In this schedule—

***approved application form***, for a program under the scheme, means the application form approved by the authority for the program.

***commercial wild-catch fishing*** means the fishing and harvesting for commercial purposes of marine and freshwater species from a wild population that are caught in their natural environment.

***eligible activities*** means the eligible activities decided under section 5.

***first start program*** means the part of the scheme set out in parts 2 and 3.

***management plan***, of an applicant applying for assistance under the scheme, means a plan that—

- (a) includes details of the activity for which the applicant is applying for assistance; and
- (b) adopts a timely whole of business approach to sustainable primary production and includes components of sustainable management relevant to—
  - (i) viability; and
  - (ii) productivity; and
  - (iii) managing the impacts of the activity on the natural resource base where the activity is to be carried out and other ecosystems affected by the activity; and
  - (iv) managing business and climate risks; and
- (c) if the assistance is for on-farm activities—identifies and states the area of land affected by the application; and
- (d) complies with the guidelines for management plans under the scheme that are issued by the authority.

*Editor's note—*

A copy of the guidelines for management plans under the scheme may be obtained from the authority.

***mutual obligation condition*** see section 11(1).

***primary producer*** means—

- (a) a sole trader who spends the majority of his or her labour on, and derives the majority of his or her income from, a primary production enterprise; or
- (b) 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.

***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.

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

***sharefisher*** means a person who—

- (a) works in a business in the commercial wild-catch fishing industry; and
- (b) shares the proceeds of the business with the owner of the business.

***sustainability program*** means the part of the scheme set out in parts 2 and 4.

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

### **4                      Nature of assistance**

The nature of the assistance that may be given under the scheme is loans at concessional rates of interest to applicants who—

- (a) are carrying out eligible activities; and
- (b) under section 14 or 18, are eligible to receive assistance under the scheme.

### **5                      Eligible activities**

- (1) The chief executive must—

- 
- (a) decide the activities that are eligible activities for each program under the scheme; and
  - (b) notify the authority about the decision made under paragraph (a).
- (2) When deciding whether an activity is an eligible activity for a program, the chief executive must consult with relevant public sector entities.

## **6 Interest rate**

- (1) The initial interest rate under the scheme for a loan to an applicant will be worked out when the applicant first draws down the loan or part of the loan.
- (2) The initial interest rate for the loan—
  - (a) depends on whether the applicant decides to have the interest rate fixed for 1, 3 or 5 years when the applicant first draws down the loan or part of the loan; and
  - (b) is worked out by the authority based on the base lending rate when the interest rate is fixed.
- (3) At any time during the term of the loan after any period decided under subsection (2)(a), the authority may agree to fix the interest rate for periods of 1, 3 or 5 years.
- (4) The interest rate fixed for the loan under subsection (3) is worked out by the authority based on the base lending rate when the interest rate is fixed.
- (5) The authority may, during the term of the loan, increase the interest rate from the interest rate mentioned in subsection (2) or (3) to a commercial rate.
- (6) If, under subsection (5), the authority decides to increase the interest rate because the applicant's financial capacity improves during the term of the loan, the authority may decide the extent to which the interest rate for the loan is to increase—
  - (a) in an annual review of the loan; and
  - (b) based on the improvement.

- (7) The authority may decide the extent to which the interest rate is to increase under subsection (6) more than once in relation to the applicant.
- (8) In this section—  
*base lending rate* means the 1, 3 or 5 year lending rate, as appropriate, of the Queensland Treasury Corporation, plus a margin decided by the authority and approved by the Minister.

## 7 Terms of repayment

- (1) Repayment of principal and interest on a loan granted to an applicant under the scheme will be—
  - (a) initially calculated using a period of up to the maximum term of the loan; and
  - (b) tailored to the applicant's individual requirements based on the applicant's income patterns.
- (2) The authority may give the applicant an interest only period of not more than 5 years.
- (3) The loan will have an interest rate fixed under section 6.

## 8 Security

If an applicant is given a loan under the scheme, the applicant must give security for the loan that the authority is satisfied is commensurate with the amount of the loan.

## 9 Applications

An application for assistance under the scheme must be—

- (a) made on the approved application form for the program under which the applicant is applying; and
- (b) accompanied by the documents stated on the approved application form; and
- (c) given to the authority.

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**10 Deciding applications**

- (1) Subject to subsection (2), the authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.
- (2) The authority must refuse an application for assistance if the authority's assistance funds for the scheme are not sufficient to pay for the assistance.

**11 Mutual obligation condition of loan—reporting outcomes**

- (1) It is a condition (*mutual obligation condition*) of a loan under the scheme that the applicant for the loan give the authority reports on the outcomes achieved with the funds loaned to the applicant.
- (2) The reports must be given to the authority in the form, and at the intervals, stated in the written offer of a loan given to the applicant by the authority.

**11A Application to consolidate loans**

- (1) This section applies if—
  - (a) a person has at least 1 loan under a program under the scheme and has applied for another loan under the same program; or
  - (b) a person has 2 or more loans under the same program.
- (2) The person may apply to consolidate the loans into a single loan.
- (3) The application must be—
  - (a) in the approved application form; and
  - (b) accompanied by the documents stated on the approved application form; and
  - (c) given to the authority.

### **11B Approving application to consolidate loans**

- (1) The authority must consider, and decide to approve or refuse to approve, an application to consolidate loans made under section 11A.
- (2) If the authority approves the consolidation of the loans, the term of, and the initial interest rate for, the consolidated loan is the term and rate decided by the authority.
- (3) The initial interest rate for the consolidated loan—
  - (a) depends on whether the applicant decides to have the interest rate fixed for 1, 3 or 5 years when the loan is consolidated; and
  - (b) is worked out by the authority based on the base lending rate when the applicant applies to consolidate the loan.
- (4) In this section—  
*base lending rate* see section 6(8).

## **Part 3 First start program**

### **12 Purpose of assistance under first start program**

- (1) The first start program is designed to provide finance to an applicant in the first years of establishment of the applicant's primary production enterprise.
- (2) The purpose of assistance under the first start program is to enable an applicant to become a primary producer by assisting the applicant—
  - (a) to acquire and operate a viable primary production enterprise; or
  - (b) to acquire and operate a primary production enterprise on a staged basis, as part of a longer term plan for the applicant to operate a viable primary production enterprise; or
  - (c) to enter the existing primary production enterprise of the applicant's parents or other family member, as a part of



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a longer term plan for the applicant to operate a viable primary production enterprise in the applicant's own right; or

- (d) to enter into a leasing, sharefarming or sharefishing arrangement that will lead to the applicant operating a viable primary production enterprise; or
- (e) to upgrade, build up or develop the applicant's existing non-viable primary production enterprise that has not generated the majority of the applicant's income to one of an economically sustainable size.

### **13 Maximum loan amounts**

The maximum amount of a loan, or the total outstanding loan balance, under the first start program is \$2,000,000.

### **14 Eligibility criteria**

- (1) For an applicant to be eligible to receive assistance under the first start program, the applicant must—
  - (a) have resided in Queensland for at least 6 months; and
  - (b) not own, or have disposed of, a viable primary production enterprise; and
  - (c) demonstrate financial need for the assistance; and
  - (d) if the loan is to enter the existing primary production enterprise or buy the applicant's parents' or other family member's assets, be able to demonstrate—
    - (i) the parents or family member is not in a financial position to completely effect a transfer of the assets; and
    - (ii) the purchase is not merely a refinance arrangement; and
  - (e) demonstrate adequate experience or other qualifications to give the applicant a reasonable prospect of success in the particular industry the applicant wishes to enter; and
  - (f) be able to demonstrate—

- (i) for buying a primary production enterprise—the applicant will have 50% equity in the enterprise; or
    - (ii) for a leasing, sharefarming or sharefishing arrangement—the applicant will pay 50% of the set-up costs of the enterprise; and
  - (g) demonstrate adequate funding for carry-on purposes; and
  - (h) demonstrate sound prospects for commercial viability in the long-term development of the primary production enterprise, in accordance with the planned progression, and the capacity to service proposed debt from the enterprise and other forms of income; and
  - (i) trade in the applicant’s own right or satisfy the authority that the applicant’s entry into the existing primary production enterprise of the applicant’s parents or other family member is part of a longer term plan to ultimately trade in the applicant’s own right; and
  - (j) give the authority a management plan that shows the stages of a planned progression towards a viable first primary production enterprise.
- (2) However, for subsection (1)(f), the authority may, in relevant circumstances, vary the amount of equity in the enterprise that the applicant is required to demonstrate.

*Example of relevant circumstances—*

An applicant has limited equity in the primary production enterprise but has a stable wage, salary or other off-farm income.

## **15 Maximum term of loan**

The maximum term of a loan is 20 years.

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## Part 4 Sustainability program

### 16 Purpose of assistance under sustainability program

The purpose of assistance under the sustainability program is to enable a primary producer to implement systems and management practices that enhance the sustainability of the primary producer's primary production enterprise by—

- (a) increasing productivity and long-term viability; and
- (b) avoiding or minimising adverse impacts on—
  - (i) the natural resource base where the activity for which the assistance is received is performed; and
  - (ii) other ecosystems affected by the activity; and
- (c) adopting systems and practices to mitigate the effects of climate, drought and market risks.

### 17 Maximum loan amounts and outstanding loan balances

- (1) The maximum amount of a loan under the sustainability program is \$1,300,000.
- (2) The maximum combined outstanding loan balance under the sustainability program and any of the following is \$1,300,000—
  - (a) the former development program;
  - (b) the former resource management program;
  - (c) the former development program and former resource management program.
- (5) In this section—

*former development program* means the development program in force under the repealed regulation, schedule, part 3, divisions 2 and 4 immediately before 10 December 2010.

*former resource management program* means the resource management program in force under the repealed regulation,

schedule, part 3, divisions 2 and 5 immediately before 10 December 2010.

## **18 Eligibility criteria**

- (1) To be eligible to receive assistance under the sustainability program, the applicant must—
  - (a) demonstrate to the satisfaction of the authority—
    - (i) that the assistance is for a primary production enterprise carried on by a sole trader, partnership, proprietary company or trust; and
    - (ii) that an interested person for the primary production enterprise is a primary producer; and
    - (iii) the primary production enterprise has been carried on for at least 2 years; and
    - (iv) sound prospects for commercial viability, and the ability to service the loan, in the long term; and
    - (v) that the amount of the primary production enterprise's non-enterprise or liquid assets is not more than the amount needed for prudent risk management; and
    - (vi) if the assistance is sought to rationalise a partnership—that the proposal for the rationalisation is not merely a refinance arrangement; and
    - (vii) if the assistance is sought to upgrade, buy or replace plant or machinery—the plant or machinery will be used predominantly for the enterprise; and
  - (b) demonstrate a financial need for the assistance; and
  - (c) give the authority a management plan that outlines the intended outcomes associated with the activity for which the applicant is applying for assistance; and
  - (d) if the assistance is sought for on-farm activities for which a licence, permit, approval or other authorisation

under an Act is required before the activity can be conducted—give the authority a copy of the authorisation.

(2) In this section—

*interested person*, for a primary production enterprise, means—

- (a) if the enterprise is carried on by a sole trader—the sole trader; or
- (b) if the enterprise is carried on by a partnership, proprietary company or trust—a partner in the partnership, a shareholder in the company or a beneficiary of the trust.

## **19 Maximum term of loan**

The maximum term of a loan is 20 years.

## Schedule 2 Disaster Assistance (Primary Producers) Loans Scheme

section 3(1)

### Part 1 Preliminary

#### 1 Definitions for sch 2

In this schedule—

***applicant*** means a person applying for financial assistance under the scheme.

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

***appropriate Minister*** means the Minister responsible for administering the *Disaster Management Act 2003*.

***carry-on requirements*** see section 5(b).

***defined disaster area***, for an eligible disaster, means an area that the appropriate Minister has defined for the purpose of activating the disaster recovery funding arrangements for the communities affected by the disaster.

*Editor's note—*

Defined disaster areas are published on the authority's website.

***development*** see the *Planning Act 2016*, schedule 2.

***disaster recovery funding arrangements*** means the funding arrangements for providing financial assistance to communities affected by an eligible disaster, as agreed between the Commonwealth and the State, and as described in a document (however called) published by the Commonwealth.

*Editor's note—*

The disaster recovery funding arrangements can be viewed on the Australian Government Disaster Assist website.

***eligible disaster*** means—

- (a) a natural disaster; or
- (b) a terrorist act.

***IDSP certificate***, in relation to an applicant's primary production enterprise, means a certificate issued by the chief executive stating—

- (a) for an enterprise involving commercial wild-catch fishing—that in the chief executive's opinion, a boat or equipment used to carry on the enterprise has been lost or damaged because of an eligible disaster that has significantly affected, or will significantly affect, the enterprise; or
- (b) otherwise—the property where the enterprise is carried on has sustained damage because of an eligible disaster that has significantly affected, or will significantly affect, the enterprise.

***individual disaster stricken enterprise*** see section 3.

***natural disaster*** see section 2.

***primary producer*** means—

- (a) a sole trader who spends the majority of his or her labour on, and derives the majority of his or her income from, a primary production enterprise; or
- (b) in relation to a partnership, company or trust that carries on a primary production enterprise, the partners in the partnership, shareholders in the company or beneficiaries of the trust who spend the majority of their labour on, and derive the majority of their income from, the primary production enterprise.

***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.

**property**, of an applicant—

- (a) means the land on which the applicant carries on a primary production enterprise (other than commercial wild-catch fishing) in relation to which the applicant has applied for assistance under the scheme; and
- (b) includes the assets of the primary production enterprise on the land.

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

**terrorist act** see the *Police Powers and Responsibilities Act 2000*, section 211.

## 2 Meaning of *natural disaster*

(1) A **natural disaster** means any of the following events—

- (a) a bushfire;
- (b) a cyclone;
- (c) a flood;
- (d) an earthquake;
- (e) a storm, including any of, or any combination of, the following—
  - (i) hail;
  - (ii) rain;
  - (iii) wind;
- (f) a storm surge;
- (g) a landslide;
- (h) a meteorite strike;
- (i) a tornado;
- (j) a tsunami.

(2) However, an event, other than an event mentioned in subsection (1)(a), is not a **natural disaster** if the authority considers human activity significantly contributed to the event or loss or damage suffered because of the event.



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*Examples of human activity for subsection (2)—*

- a deliberate act
- an accident
- development

### **3 Meaning of *individual disaster stricken enterprise***

- (1) A primary production enterprise involving commercial wild-catch fishing is an *individual disaster stricken enterprise* if—
- (a) the enterprise has been, or will be, significantly affected by the loss of, or damage to, a boat or equipment used in carrying on the enterprise because of an eligible disaster; and
  - (b) either—
    - (i) there is no defined disaster area for the disaster; or
    - (ii) there is a defined disaster area for the disaster and the boat or equipment was not in the area when the disaster happened.
- (2) Another primary production enterprise is an *individual disaster stricken enterprise* if—
- (a) the enterprise has been, or will be, significantly affected by damage to the property where the enterprise is carried on because of an eligible disaster; and
  - (b) either—
    - (i) there is no defined disaster area for the disaster; or
    - (ii) there is a defined disaster area for the disaster and the property is not in the area.

### **4 Purpose of assistance**

- (1) The purpose of assistance under the scheme is to assist in meeting the needs of primary producers affected by an eligible disaster of substantial magnitude, to recover from the disaster.

- (2) However, assistance under the scheme is not intended to—
  - (a) compensate primary producers for losses suffered; or
  - (b) encourage primary producers in marginal production areas to increase risks in their farming operations.

## **Part 2                      Natural disaster relief    assistance**

### **5                      Nature of assistance**

The nature of the assistance that may be given under the scheme is the provision of loans for—

- (a) restocking; or
- (b) meeting requirements for carrying on production (*carry-on requirements*), including—
  - (i) replanting, restoring or re-establishing areas affected by an eligible disaster; or
  - (ii) sustenance; or
  - (iii) essential property operations; or
  - (iv) paying rent or rates, or costs of repair or replacement of farm buildings.

### **6                      Maximum loan amounts**

- (1) Subject to subsection (2), the maximum amount of a loan under the scheme for an eligible disaster for which the disaster recovery funding arrangements were activated before 13 January 2008 is—
  - (a) \$100,000 for restocking; or
  - (b) \$100,000 for meeting carry-on requirements.
- (2) The total amount lent to an applicant under the scheme for an eligible disaster mentioned in subsection (1) must not be more than \$150,000.

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- (3) The total amount lent to an applicant under the scheme for any 1 eligible disaster for which the disaster recovery funding arrangements were activated on or after 13 January 2008 must not be more than \$250,000.

## 7 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance under the scheme for an eligible disaster, the authority must be satisfied—
- (a) the applicant is a primary producer; and
  - (b) if the applicant's primary production enterprise involves wild-catch fishing—
    - (i) a boat or equipment used in carrying on the enterprise has been lost or damaged as a direct result of the disaster; and
    - (ii) either—
      - (A) the boat or equipment was in the defined disaster area for the disaster when the disaster happened; or
      - (B) the enterprise is an individual disaster stricken enterprise as a result of the disaster; and
  - (c) if paragraph (b) does not apply to the primary production enterprise—
    - (i) the property where the enterprise is carried on has been significantly damaged as a direct result of the disaster; and
    - (ii) either—
      - (A) the property is in the defined disaster area for the disaster; or
      - (B) the enterprise is an individual disaster stricken enterprise as a result of the disaster; and

- (d) if the applicant claims the primary production enterprise is an individual disaster stricken enterprise, the applicant has given the authority an IDSP certificate or made reasonable efforts to obtain an IDSP certificate for the enterprise; and
  - (e) the applicant has taken reasonable precautions to avoid or minimise loss or damage from the disaster; and  
*Example for paragraph (e)—*

The applicant had adequate insurance against loss or damage from the disaster.
  - (f) the applicant has used all of the applicant's liquid assets and all normal credit sources up to normal credit limits; and
  - (g) the primary production enterprise will be viable with the assistance given; and
  - (h) the applicant has not taken excessive risks in carrying on the primary production enterprise.
- (2) For deciding whether or not a primary production enterprise is an individual disaster affected enterprise under subsection (1)(b)(ii)(B) or (1)(c)(ii)(B), the authority must have regard to—
- (a) the IDSP certificate, if any, issued for the enterprise; or
  - (b) if the chief executive has refused to issue an IDSP certificate for the enterprise—the reasons for the refusal.

## **8 Interest rates**

- (1) If an applicant's property is in a defined disaster area for the disaster to which the applicant's application relates, the applicant may be given a loan under the scheme at a concessional interest rate decided by the authority.
- (2) Subject to subsection (3), if an applicant's primary production enterprise is an individual disaster stricken enterprise, the applicant may only be given a loan under the scheme at a current commercial lending rate.

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- (3) An applicant under subsection (2) may be given a loan at a concessional interest rate if the authority considers—
- (a) the applicant's financial position is desperate but viable; and
  - (b) the applicant's circumstances are exceptional.

## **9 Security**

- (1) If an applicant is granted a loan under the scheme, the applicant must give security for the loan.
- (2) The security required is—
- (a) a mortgage of land or other assets, commensurate with the amount of the loan; and
  - (b) other security, if any, the authority considers necessary, including, for example, a crop lien or stock mortgage.

## **10 Terms of repayment**

- (1) The term of a loan under the scheme is the term decided by the authority up to a maximum of 10 years.
- (2) The amounts of the repayments of principal and interest under the loan are the amounts decided by the authority, subject to subsections (3) and (4).
- (3) The authority may—
- (a) review an applicant's financial situation annually to decide whether or not to increase the interest rate charged for the loan; and
  - (b) if the authority considers the applicant's financial situation has improved—increase the interest rate up to a commercial rate of interest.
- (4) The authority may allow deferral of repayments of the principal under the loan for up to 2 years if the principal and interest are repaid over the balance of the term of the loan.

**11 Review by authority**

Assistance given to a primary producer under the scheme is subject to an annual review by the authority.

**12 Application**

- (1) An application must be—
  - (a) made on the application form approved by the authority; and
  - (b) accompanied by—
    - (i) the documentation stated on the application form; and
    - (ii) if an IDSP certificate has been issued for the primary production enterprise to which the application relates—the IDSP certificate.
- (2) An applicant must give the completed application form to the authority or the applicant's commercial lender for referral to the authority.

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## Schedule 3 Disaster Assistance (Small Business) Loans Scheme

section 3(1)

### 1 Definitions for sch 3

In this schedule—

**applicant** means a person applying for financial assistance under the scheme.

**appropriate Minister** means the Minister responsible for administering the *Disaster Management Act 2003*.

**defined disaster area**, for an eligible disaster, means an area—

- (a) defined by the appropriate Minister for the purpose of activating the disaster recovery funding arrangements for communities affected by the eligible disaster; and
- (b) described in a document held by the authority and available for inspection by members of the public.

*Editor's note—*

Defined disaster areas are published on the authority's website.

**development** see the *Planning Act 2016*, schedule 2.

**disaster recovery funding arrangements** means the funding arrangements for providing financial assistance to communities affected by an eligible disaster, as agreed between the Commonwealth and the State, and as described in a document (however called) published by the Commonwealth.

*Editor's note—*

The disaster recovery funding arrangements can be viewed on the Australian Government Disaster Assist website.

**eligible disaster** means—

- (a) a natural disaster; or
- (b) a terrorist act.

***natural disaster*** see section 2.

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

***small business*** see section 3.

***small business owner*** means—

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

***terrorist act*** see the *Police Powers and Responsibilities Act 2000*, section 211.

## **2 Meaning of *natural disaster***

(1) A ***natural disaster*** means any of the following events—

- (a) a bushfire;
- (b) a cyclone;
- (c) a flood;
- (d) an earthquake;
- (e) a storm, including any of, or any combination of, the following—
  - (i) hail;
  - (ii) rain;
  - (iii) wind;
- (f) a storm surge;
- (g) a landslide;
- (h) a meteorite strike;
- (i) a tornado;
- (j) a tsunami.



- (2) However, an event, other than an event mentioned in subsection (1)(a), is not a ***natural disaster*** if the authority considers human activity significantly contributed to the event or loss or damage suffered because of the event.

*Examples of human activity for subsection (2)—*

- a deliberate act
- an accident
- development

### 3 Meaning of ***small business***

- (1) A ***small business*** is a business—
- (a) for which an entity holds an Australian Business Number; and
  - (b) in which are employed fewer than—
    - (i) 20 full-time employees; or
    - (ii) if the business has employees other than full-time employees—20 equivalent full-time employees; and
  - (c) that is not operated by a public company.
- (2) However, a ***small business*** does not include a body corporate under the *Body Corporate and Community Management Act 1997*.
- (3) For subsection (1)(b), 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 individual who ordinarily works for at least 35 hours each week for the business.

*public company* means a public company within the meaning of the Corporations Act.

#### **4 Purpose of assistance**

- (1) The purpose of assistance under the scheme is to provide concessional loans to small business owners—
- (a) whose buildings, plant and equipment or stock have been significantly damaged by an eligible disaster; and
  - (b) who are unable to obtain finance on ordinary commercial terms but have sound prospects of long-term viability.
- (2) However, assistance under the scheme is not intended to compensate business owners for losses suffered.

#### **5 Nature of assistance**

The nature of the assistance under the scheme for a small business is the provision of concessional loans for re-establishing the viable operation of the business, including by doing any of the following—

- (a) repairing or replacing damaged plant and equipment;
- (b) repairing or replacing buildings;
- (c) supplying stock for up to 1 month to replace lost stock and maintain liquidity of the business.

#### **6 Maximum loan amounts**

- (1) The amount of loan assistance for an applicant under the scheme—

- 
- (a) is based on the authority's assessment of the applicant's financial position, including any amount recovered by the applicant under an insurance policy; and
  - (b) must not be more than the amount of the net loss to the applicant's small business caused by the eligible disaster to which the applicant's application relates.
- (2) However, the amount of loan assistance for an applicant under the scheme for an eligible disaster for which the disaster recovery funding arrangements were activated before 13 January 2008 must not be more than—
- (a) \$100,000; or
  - (b) if there is more than 1 loan given to the applicant under the scheme—a cumulative total of \$150,000.
- (3) Also, the total amount lent to an applicant under the scheme for any 1 eligible disaster for which the disaster recovery funding arrangements were activated on or after 13 January 2008 must not be more than \$250,000.

## 7 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance under the scheme for an eligible disaster, the authority must be satisfied—
- (a) the applicant is a small business owner; and
  - (b) immediately before the eligible disaster, the applicant carried on a small business in the defined disaster area; and
  - (c) the applicant has sustained substantial damage to buildings, plant, equipment or stock of the small business as a result of the eligible disaster; and
  - (d) the applicant has not taken excessive risks in carrying on the small business; and

*Example for paragraph (d)—*

The authority is satisfied the applicant's capital expenditure for the small business has not been excessive.

- (e) the applicant has taken reasonable precautions to avoid or minimise loss or damage from the eligible disaster; and

*Example for paragraph (e)—*

The authority is satisfied the applicant has adequate insurance against loss or damage from the disaster.

- (f) the applicant is responsible for the cost of essential repairs or replacement of the damaged assets and as a result has had liquidity severely affected; and
  - (g) the applicant has used all liquid assets and normal credit sources up to normal credit limits; and
  - (h) the applicant can not repair or replace the damaged assets, or return to viable operations from the applicant's own resources, without assistance under the scheme; and
  - (i) the applicant will continue to carry on or will re-establish the small business at the same place or elsewhere in the local government area where the business was carried on before the eligible disaster; and
  - (j) with the assistance under the scheme, the applicant has reasonable prospects of carrying on or re-establishing the small business on a viable basis.
- (2) A public company, whether acting alone or with another company, is not eligible for assistance under the scheme.

## **8 Security**

A loan under the scheme must be secured to the satisfaction of the authority.

## **9 Terms of repayment**

- (1) The term of a loan under the scheme is the term decided by the authority up to a maximum of 10 years.
- (2) The amounts of the repayments of principal and interest under the loan are the amounts decided by the authority, subject to subsections (3) and (4).

- (3) The authority may—
  - (a) review an applicant's financial situation annually to decide whether or not to increase the interest rate charged for the loan; and
  - (b) if the authority considers the applicant's financial situation has improved—increase the interest rate up to a commercial rate of interest.
- (4) The authority may allow deferral of repayments of the principal under the loan for up to 2 years, if the principal and interest are repaid over the balance of the approved term of the loan.

## **10 Application**

An application for assistance under the scheme must be—

- (a) made on the authority's application form; and
- (b) given to the authority or to the applicant's lender for referral to the authority.

## **Schedule 4      Drought Carry-on Finance Scheme**

section 3(1)

### **1      Definitions for sch 4**

In this schedule—

*primary producer* means—

- (a) a sole trader who spends the majority of his or her labour on, and derives the majority of his or her income from, a primary production enterprise; or
- (b) in relation to a partnership, company or trust that carries on a primary production enterprise, the partners in the partnership, shareholders in the company or beneficiaries of the trust who spend the majority of their labour on, and derive the majority of their income from, the primary production enterprise.

*primary production enterprise* means a business—

- (a) that involves primary production, including the agricultural, apicultural, aquacultural, forestry, grazing and horticultural industries; and
- (b) for which an entity holds an Australian Business Number.

### **2      Objective of scheme**

The objective of the scheme is to assist primary producers who are carrying on primary production enterprises in areas notified by the Minister under section 5(2) to recover from the impact of drought to which the notification relates.

### **3      Nature of assistance**

The nature of the assistance that may be given under the scheme is loans at concessional rates of interest.

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#### **4 Maximum loan amounts**

The maximum amount of a loan, or total outstanding loan balance, under the scheme is \$100,000.

#### **5 Eligibility criteria**

- (1) For an applicant to be eligible to receive assistance under the scheme—
  - (a) the applicant must—
    - (i) be a primary producer; and
    - (ii) own or occupy land, and carry on a primary production enterprise on the land, in an area of a local government that the Minister decides is severely drought affected; and
    - (iii) demonstrate that the current net value of the land is not greater than \$2m; and
  - (b) the authority must be satisfied that—
    - (i) the applicant's primary production enterprise has sound prospects for commercial viability, and the applicant has the ability to service the loan, in the long term; and
    - (ii) the amount of the applicant's non-enterprise or liquid assets, other than insurance bonds and superannuation, is not more than the assets test limit for homeowners—couple (combined) for all Centrelink allowances and full pensions; and
    - (iii) the applicant has taken reasonable precautions to minimise the effects of drought; and
    - (iv) the drought has impacted adversely on the applicant's primary production enterprise, causing a financial need for the assistance.
- (2) The Minister must notify each decision made by the Minister under subsection (1)(a)(ii) on the authority's website.

## **6 Maximum term of loan**

The maximum term of a loan is 7 years.

## **7 Terms of repayment**

- (1) Repayment of principal and interest on a loan will be initially calculated using a period of up to 7 years.
- (2) An interest only period of not more than 2 years may be available.
- (3) A loan will have an initial interest rate that is fixed under section 8.

## **8 Interest rate**

- (1) The initial interest rate under the scheme for a loan to an applicant will be worked out when the applicant first draws down the loan or part of the loan.
- (2) The initial interest rate for the loan—
  - (a) depends on whether the applicant decides to have the interest rate fixed for 1, 3 or 5 years when the applicant first draws down the loan or part of the loan; and
  - (b) is worked out by the authority based on the base lending rate for the relevant period.
- (3) The authority may, during the term of the loan, increase the interest rate from the interest rate mentioned in subsection (2) to a commercial rate.
- (4) If, under subsection (3), the authority decides to increase the interest rate because the applicant's financial capacity improves during the term of the loan, the authority may decide the extent to which the interest rate for the loan is to increase—
  - (a) in an annual review of the loan; and
  - (b) based on the improvement.



(5) The authority may decide the extent to which the interest rate is to increase under subsection (4) more than once in relation to the applicant.

(6) In this section—

*base lending rate* means the rate decided by the authority for each 6 month period in each year that is the 1, 3 or 5 year lending rate, as appropriate, of the Queensland Treasury Corporation, plus 1%.

## 9 Security

(1) If an applicant is granted a loan under the scheme, the applicant must give security for the loan.

(2) The security required is—

(a) a mortgage of land or other assets, commensurate with the amount of the loan; or

(b) any other security the authority considers necessary, including, for example, a crop lien or stock mortgage.

## 10 Applications

(1) 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 on the application form; and

(c) given to the authority.

(2) Applications must be made no later than the day decided by the Minister.

(3) The Minister must notify each decision made by the Minister under subsection (2) on the authority's website.

## **11 Deciding applications**

The authority must consider, and decide to approve or refuse to approve, each application for assistance.

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## Schedule 5 Drought Recovery Scheme

section 3(1)

### 1 Definitions for sch 5

In this schedule—

*crop materials* see section 3(a).

*primary producer* means—

- (a) a sole trader who spends the majority of his or her labour on, and derives the majority of his or her income from, a primary production enterprise; or
- (b) in relation to a partnership, company or trust that carries on a primary production enterprise, the partners in the partnership, shareholders in the company or beneficiaries of the trust who spend the majority of their labour on, and derive the majority of their income from, the primary production enterprise.

*primary production enterprise* means a business—

- (a) that involves primary production, including the agricultural, apicultural, aquacultural, forestry, grazing and horticultural industries; and
- (b) for which an entity holds an Australian Business Number.

### 2 Objective of scheme

The objective of the scheme is to assist primary producers who are carrying on primary production enterprises in areas notified by the Minister under section 6(2) to recover from the impact of drought to which the notification relates.

### 3 Purpose of assistance

The purpose of assistance under the scheme is to enable applicants—

- (a) to plant or invigorate crops by assisting them to buy chemicals, fertiliser, fuel, seed or seedlings (*crop materials*); and
- (b) to restock by assisting them to buy stock.

#### **4 Nature of assistance**

The nature of the assistance that may be given under the scheme is loans at concessional rates of interest.

#### **5 Maximum loan amounts**

- (1) The maximum amount of a loan, or total outstanding loan balance, under the scheme is \$200,000.
- (2) If a loan is to assist with planting or invigorating crops—
  - (a) the maximum loan amount to buy crop materials is \$60,000; and
  - (b) the loan will be limited to the cost of planting or invigorating a crop for an area that is the average of the areas planted for the previous 3 crops.
- (3) If the loan is for restocking, the maximum amount of a loan is—
  - (a) for buying breeding stock—\$200,000; or
  - (b) for buying stock other than breeding stock—\$100,000.

#### **6 Eligibility criteria**

- (1) For an applicant to be eligible to receive assistance under the scheme—
  - (a) the applicant must—
    - (i) be a primary producer; and
    - (ii) own or occupy land, and carry on a primary production enterprise on the land, in an area of a local government that the Minister decides is severely drought affected; and

- (iii) demonstrate that the current net value of the land is not greater than \$2m; and
  - (b) the authority must be satisfied that—
    - (i) the applicant's primary production enterprise has sound prospects for commercial viability, and the applicant has the ability to service the loan, in the long term; and
    - (ii) the applicant has exhausted all liquid assets and lines of credit the authority considers suitable; and
    - (iii) there is a financial need for the assistance.
- (2) The Minister must notify each decision made by the Minister under subsection (1)(a)(ii) on the authority's website.

## **7 Maximum term of loan**

The maximum term of a loan is—

- (a) for buying crop materials—5 years; or
- (b) for buying stock—7 years.

## **8 Terms of repayment**

- (1) Repayment of principal and interest on a loan to a primary producer will be initially worked out—
  - (a) for buying crop materials—using a period of up to 5 years; or
  - (b) for buying stock—using a period of up to 7 years.
- (2) However, repayment of principal and interest on the loan will be tailored to the primary producer's individual requirements based on the producer's income patterns.
- (3) If a loan is to buy crop materials for planting or invigorating a crop, repayment of the loan must be made from proceeds of the sale of the crop and, if the authority decides, from proceeds of the sale of any subsequent crop.
- (4) A loan will have an initial interest rate that is fixed under section 9.

## 9 Interest rate

- (1) The initial interest rate under the scheme for a loan to an applicant will be worked out when the applicant first draws down the loan or part of the loan.
- (2) The initial interest rate for the loan—
  - (a) depends on whether the applicant decides to have the interest rate fixed for 1, 3 or 5 years when the applicant first draws down the loan or part of the loan; and
  - (b) is worked out by the authority based on the base lending rate for the relevant period.
- (3) The authority may, during the term of the loan, increase the interest rate from the interest rate mentioned in subsection (2) to a commercial rate.
- (4) If, under subsection (3), the authority decides to increase the interest rate because the applicant's financial capacity improves during the term of the loan, the authority may decide the extent to which the interest rate for the loan is to increase—
  - (a) in an annual review of the loan; and
  - (b) based on the improvement.
- (5) The authority may decide the extent to which the interest rate is to increase under subsection (4) more than once in relation to the applicant.
- (6) In this section—

*base lending rate* means the rate decided by the authority for each 6 month period in each year that is the 1, 3 or 5 year lending rate, as appropriate, of the Queensland Treasury Corporation, plus 1%.

## 10 Security

- (1) If an applicant is granted a loan under the scheme, the applicant must give security for the loan.
- (2) The security required is—

- (a) a mortgage of land or other assets, commensurate with the amount of the loan; or
- (b) any other security the authority considers necessary, including, for example, a crop lien or stock mortgage.

## **11 Applications**

- (1) 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 on the application form; and
  - (c) given to the authority.
- (2) Applications must be made no later than the day decided by the Minister.
- (3) The Minister must notify each decision made by the Minister under subsection (2) on the authority's website.

## **12 Deciding applications**

The authority must consider, and decide to approve or refuse to approve, each application for assistance.

## **13 Payment**

- (1) This section applies to the authority making payments to—
  - (a) a primary producer who is receiving assistance under the scheme; or
  - (b) a person from whom the producer has bought crop materials or stock.
- (2) Payment may be made only if the primary producer gives the authority an invoice or receipt as evidence for the amounts to be paid.

## Schedule 6      **Small Business Emergency Assistance Scheme**

section 3(1)

### 1      **Definitions for sch 6**

In this schedule—

*Commonwealth Act* means the *Rural Adjustment Act 1992* (Cwlth).

*EC declaration* means a declaration under the Commonwealth Act of an area as an area undergoing exceptional circumstances.

*small business* see section 2.

### 2      **Meaning of *small business***

- (1) A *small business* is a business—
- (a) for which an entity holds an Australian Business Number; and
  - (b) in which are employed fewer than—
    - (i) 100 full-time employees of the business; or
    - (ii) if the business has employees other than full-time employees—100 equivalent full-time employees of the business.
- (2) For subsection (1)(b), the number of equivalent full-time employees of a business must be 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 for at least 35 hours each week for the business.

### **3 Objective of scheme**

(1) The objective of the scheme is to assist small business owners to meet operating and other essential costs if the business enterprise is—

- (a) located in, adjacent to or dependent on, an EC area; or
- (b) affected by another significant event decided by the Minister.

(2) In this section—

*EC area* means an area declared under an EC declaration.

### **4 Nature of assistance**

The nature of the assistance that may be given under the scheme is an interest subsidy for new or existing commercial loans.

### **5 Maximum subsidy amount**

- (1) Subject to subsection (5), the maximum interest subsidy that may be given for a loan is \$10,000 a year for each EC period.
- (2) The interest subsidy will be not more than 50% of the interest payable on new or existing loans for the period of the assistance, if the lender's rate is competitive for the loan being subsidised.

- (3) Payment of the interest subsidy will be made in advance to the commercial lender for not more than 1 year and then be subject to a second year review.
- (4) If under the EC declaration, assistance may be given for more than 2 EC periods, an interest subsidy may be applied for and given for each additional EC period.
- (5) Any subsidies already given under the former small business drought assistance scheme must be deducted from the amount mentioned in subsection (1).

- (6) In this section—

*EC period* means a period, that is 1 year or less, for which an EC declaration applies and for which assistance may be given under the scheme.

*former small business drought assistance scheme* means the scheme set out in schedule 8 as in force immediately before the commencement of this definition.

## 6 Eligibility criteria

For an applicant to be eligible to receive assistance—

- (a) the applicant must—
  - (i) own (whether as sole owner, in partnership or as a private company) and operate a small business; and
  - (ii) demonstrate that the applicant has owned and operated the business for at least 2 years; and
  - (iii) ordinarily obtain the applicant's major source of income from the business enterprise; and
  - (iv) demonstrate a need for the assistance; and
  - (v) provide evidence that the need for the assistance is related to the effect of the exceptional circumstances or other significant event decided under section 3(1)(b); and
- (b) the authority must be satisfied that the business enterprise has sound prospects of commercial viability given normal conditions.

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**7 Applications**

- (1) An application for assistance must be—
  - (a) made on the application form approved by the authority; and
  - (b) accompanied by the documents stated on the application form; and
  - (c) given to the authority.
- (2) If drought is the main cause of the need for assistance—
  - (a) the application must be made not later than 6 months after the EC declaration is revoked under the Commonwealth Act; and
  - (b) if the application is made within 6 months after the revocation, assistance may be given for up to 1 year.

**8 Deciding applications**

The authority must consider, and decide to approve or refuse to approve, each application for assistance.

## **Schedule 7      Disaster Assistance (Essential Working Capital) Loans Scheme**

section 3(1)

### **Part 1                      Preliminary**

#### **1                      Objective of scheme**

The objective of the scheme is to provide assistance to eligible entities that have suffered a significant loss of income as a result of an eligible disaster.

#### **2                      Purpose of assistance**

- (1) The purpose of the assistance under the scheme is to provide an eligible entity with essential working capital, by way of a loan, to continue its farming, business or non-profit operations that have been affected by an eligible disaster.
- (2) However, assistance under the scheme is not intended to compensate eligible entities for loss of income suffered as a result of an eligible disaster.
- (3) Also, the scheme is not intended to provide assistance relating to direct damage suffered as a result of an eligible disaster.

#### **3                      Definitions for sch 7**

In this schedule—

*applicant* means a person applying for financial assistance under the scheme.

*appropriate Minister* means the Minister responsible for administering the *Disaster Management Act 2003*.

*defined disaster area*, for an eligible disaster, means an area—

- 
- (a) defined by the appropriate Minister for the purpose of activating the disaster recovery funding arrangements for communities affected by the eligible disaster; and
  - (b) described in a document held by the authority and available for inspection by members of the public.

*Editor's note—*

Defined disaster areas are published on the authority's website.

***development*** see the *Planning Act 2016*, schedule 2.

***disaster recovery funding arrangements*** means the funding arrangements for providing financial assistance to communities affected by an eligible disaster, as agreed between the Commonwealth and the State, and as described in a document (however called) published by the Commonwealth.

*Editor's note—*

The disaster recovery funding arrangements can be viewed on the Australian Government Disaster Assist website.

***eligible disaster*** means—

- (a) a natural disaster; or
- (b) a terrorist act.

***eligible entity*** means a person eligible under section 8 for assistance under the scheme.

***essential working capital*** see section 6(2).

***loss of income*** see section 5A.

***natural disaster*** see section 4.

***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.

***official receipt*** means a receipt including—

- (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) a description of each item to which the receipt relates.

***primary producer*** means—

- (a) a sole trader who—
  - (i) spends the majority of his or her labour on a primary production enterprise; and
  - (ii) either—
    - (A) derives the majority of his or her income from the primary production enterprise; or
    - (B) in the opinion of the authority, based on the demonstrated production potential of the primary production enterprise, will eventually derive the majority of his or her income from the primary production enterprise; or
- (b) a partnership, company or trust that carries on a primary production enterprise for which the partners, shareholders or beneficiaries—
  - (i) spend the majority of their labour on a primary production enterprise; and
  - (ii) either—
    - (A) derive the majority of their income from the primary production enterprise; or
    - (B) in the opinion of the authority, based on the demonstrated production potential of the primary production enterprise, will eventually derive the majority of their

income from the primary production enterprise.

***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.

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

***small business*** see section 5.

***small business owner*** means—

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

***terrorist act*** see the *Police Powers and Responsibilities Act 2000*, section 211.

#### **4 Meaning of *natural disaster***

- (1) A ***natural disaster*** means any of the following events—
  - (a) a bushfire;
  - (b) a cyclone;
  - (c) an earthquake;
  - (d) a flood;
  - (e) a landslide;
  - (f) a meteorite strike;

- (g) a storm, including any of, or any combination of, the following—
    - (i) hail;
    - (ii) rain;
    - (iii) wind;
  - (h) a storm surge;
  - (i) a tornado;
  - (j) a tsunami.
- (2) However, an event, other than an event mentioned in subsection (1)(a), is not a ***natural disaster*** if the authority considers human activity significantly contributed to the event or loss or damage suffered because of the event.

*Examples of human activity for subsection (2)—*

- a deliberate act
- an accident
- development

## 5 Meaning of ***small business***

- (1) A ***small business*** is a business—
- (a) for which an entity holds an Australian Business Number; and
  - (b) in which are employed fewer than—
    - (i) 20 full-time employees; or
    - (ii) if the business has employees other than full-time employees—20 equivalent full-time employees; and
  - (c) that is not operated by a public company.
- (2) However, a ***small business*** does not include a body corporate under the *Body Corporate and Community Management Act 1997*.
- (3) For subsection (1)(b), 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 individual who ordinarily works for at least 35 hours each week for the business.

*public company* means a public company within the meaning of the Corporations Act.

## 5A Meaning of *loss of income*

- (1) A *loss of income*, for an applicant, refers to the net income that would have been earned in a period (the *relevant period*) if the operation of the applicant's primary production enterprise, small business or non-profit organisation had not been interrupted by the eligible disaster.
- (2) The loss of income is assessed on the basis of the financial performance of the applicant's primary production enterprise, small business or non-profit organisation in previous periods in which the circumstances, other than the effect of the eligible disaster, were similar to the circumstances in the relevant period.

## Part 2                      General provisions for scheme

### 6            Nature of assistance

- (1) The nature of the assistance that may be given under the scheme is the provision of a loan at a concessional interest rate for an amount to be used as essential working capital for a primary production enterprise, small business or non-profit activities of an eligible entity for up to 1 year.
- (2) *Essential working capital*, for a primary production enterprise, small business or non-profit activities, is money that is necessary to continue the normal operation of the primary production enterprise, small business or non-profit activities.

*Examples of uses of essential working capital—*

- paying salaries or wages
- paying creditors
- paying rent or rates
- buying goods, including, for example, fuel, essential to carrying on the primary production enterprise, small business or non-profit activities
- for a primary production enterprise, buying fodder or water for livestock or produce or transporting livestock or produce

### 7            Maximum loan amount

- (1) The amount of a loan to an applicant under the scheme for an eligible disaster—
  - (a) is based on the authority's assessment of the applicant's financial position, including any amount recovered by the applicant under an insurance policy; and
  - (b) must not be more than the amount of essential working capital the authority considers is reasonably required for the applicant's primary production enterprise, small business or non-profit activities for 1 year.

- 
- (2) However, the amount of a loan to an applicant under the scheme for an eligible disaster must not be more than \$100,000.

## 8 Eligibility criteria

- (1) An applicant is eligible for assistance for an eligible disaster under the scheme if the authority is satisfied—
- (a) the applicant is a primary producer, small business owner or non-profit organisation; and
  - (b) before the eligible disaster, the applicant carried on a primary production enterprise, small business or non-profit activities (each the *relevant activity*) in the defined disaster area; and
  - (c) the applicant has suffered a significant loss of income as a result of the eligible disaster; and
  - (d) the applicant has not taken excessive risks in carrying on the relevant activity; and

*Example for paragraph (d)—*

The authority is satisfied the applicant's capital expenditure for the relevant activity has not been excessive.

- (e) the applicant is continuing the relevant activity in the defined disaster area; and
- (f) there are reasonable prospects for the long-term viability of the relevant activity if the assistance is provided; and
- (g) the applicant has used all liquid assets and normal credit sources up to normal credit limits; and
- (h) the applicant has no reasonable prospects of obtaining finance on ordinary commercial terms to carry on the relevant activity; and
- (i) the applicant has not received another concessional loan for loss or damage that was related to the eligible disaster.

- (2) However, an applicant is not eligible for assistance for an eligible disaster under both—
  - (a) this scheme; and
  - (b) the scheme set out in schedule 2, 3 or 21.

## **9 Security**

A loan under the scheme must be secured to the satisfaction of the authority.

## **10 Terms of repayment**

- (1) The term of a loan under the scheme is the term decided by the authority up to a maximum of 10 years.
- (2) The amounts of the repayments of principal and interest under the loan are the amounts decided by the authority, subject to subsections (3) and (4).
- (3) However, the authority may—
  - (a) review an applicant's financial situation annually to decide whether or not to increase the interest rate charged for the loan; and
  - (b) if the authority considers the applicant's financial situation has improved—increase the interest rate up to a commercial rate of interest.
- (4) The authority may allow deferral of repayments of the principal under the loan for up to 2 years, if the principal and interest are repaid over the balance of the term of the loan.

## **11 Conditions**

- (1) Payment of assistance under the scheme is subject to the conditions stated in subsections (2) and (3).
- (2) The applicant must, if requested by the authority, from time to time provide appropriate evidence to the authority that all amounts drawn against a loan under the scheme have been

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used for essential working capital for the applicant's primary production enterprise, small business or non-profit activities.

- (3) If an applicant asks for the authority's consent to substitute a security for an existing security for a loan under the scheme and the authority consents to the substitution, the applicant must pay to the authority—
- (a) the authority's reasonable fee for giving the consent; and
  - (b) any other reasonable costs of the authority relating to the substitution.
- (4) In this section—

*appropriate evidence* means evidence in the form of tax invoices, official receipts for payment or bank statements showing full details of the goods or services acquired.

## 12 Applications

- (1) An application for assistance under the scheme must—
- (a) be made on the authority's application form; and
  - (b) be accompanied by the documentation stated on the application; and
  - (c) be given to the authority.
- (2) The authority may ask an applicant to provide further relevant information required to decide the application.

## 13 Deciding applications

The authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.

## **Schedule 8      January–February 2019 Flood Disaster (Exceptional Damage) Loans Scheme**

section 3(1)

### **Part 1                      Preliminary**

#### **1                      Objective of scheme**

The objective of the scheme is to provide, under an agreement entered into between the Commonwealth and the State on 31 March 2019, assistance to eligible entities that have sustained exceptional damage as a direct result of the eligible disaster.

#### **2                      Purpose of assistance**

- (1) The purpose of assistance under the scheme is to help an eligible entity pay for costs arising out of exceptional damage caused by the eligible disaster.
- (2) However, assistance under the scheme is not intended to compensate eligible entities for loss of income suffered because of the eligible disaster.

#### **3                      Definitions for schedule**

In this schedule—

*applicant* means a person applying for financial assistance under the scheme.

*appropriate Minister* means the Minister responsible for administering the *Disaster Management Act 2003*.

*business owner* means—

- (a) a sole trader who spends the majority of his or her labour on, and derives the majority of his or her income from, a relevant business; or

- 
- (b) in relation to a partnership, company or trust that carries on a relevant business—the partners in the partnership, shareholders in the company or beneficiaries of the trust who spend the majority of their labour on, and derive the majority of their income from, the relevant business.

***defined disaster area***, for the eligible disaster, means an area—

- (a) defined by the appropriate Minister for the purpose of activating the disaster recovery funding arrangements for providing assistance mentioned in the scheme for communities affected by the eligible disaster; and
- (b) described in a document held by the authority and available for inspection by members of the public.

*Editor's note—*

Defined disaster areas are published on the authority's website.

***disaster recovery funding arrangements*** means the funding arrangements for providing financial assistance to communities affected by a natural disaster, as agreed between the Commonwealth and the State, and as described in a document (however called) published by the Commonwealth.

*Editor's note—*

The disaster recovery funding arrangements can be viewed on the Australian Government Disaster Assist website.

***eligible disaster*** means the disaster defined by the appropriate Minister on 8 February 2019, for the purpose of activating the disaster recovery funding arrangements, as 'North and Far North Queensland Monsoon Trough, 25 January - 10 February 2019'.

***eligible entity*** means a primary producer or business owner who is eligible for assistance under the scheme.

***exceptional damage*** see section 4.

***primary producer*** means—

- (a) a sole trader who spends the majority of his or her labour on, and derives the majority of his or her income from, a primary production enterprise; or

- (b) in relation to a partnership, company or trust that carries on a primary production enterprise—the partners in the partnership, shareholders in the company, or beneficiaries of the trust who spend the majority of their labour on, and derive the majority of their income from, the primary production enterprise.

***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) that is registered under the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth); and
- (c) for which an entity holds an Australian Business Number; and
- (d) that is not operated by a public company.

***public company*** means a public company within the meaning of the Corporations Act.

***relevant business*** means a business, other than a primary production enterprise—

- (a) that is registered under the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth); and
- (b) for which an entity holds an Australian Business Number; and
- (c) that is not operated by a public company.

***scheme***, unless otherwise provided, means the scheme set out in this schedule.

#### **4 Meaning of *exceptional damage***

An entity's primary production enterprise or relevant business sustains ***exceptional damage*** as a direct result of the eligible disaster to the extent—

- (a) assets used in carrying on the enterprise or business are damaged as a direct result of the eligible disaster; and



- 
- (b) the authority considers that the total amount of any assistance available to the entity under the schemes set out in schedules 2, 3 and 23 is inadequate to give the entity reasonable prospects of re-establishing the viable operation of the enterprise or business.

## **5 References to entity's primary production enterprise or relevant business**

- (1) A reference in this schedule to an entity's primary production enterprise is a reference to a primary production enterprise in relation to which the entity is a primary producer.
- (2) A reference in this schedule to an entity's relevant business is a reference to a relevant business in relation to which the entity is a business owner.

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

### **6 Nature of assistance**

The nature of the assistance that may be given under the scheme to an eligible entity is a concessional loan for any of the following—

- (a) repairing or replacing damaged plant or equipment used in the entity's primary production enterprise or relevant business;
- (b) repairing or replacing buildings used for carrying on the entity's primary production enterprise or relevant business;
- (c) meeting requirements for carrying on the entity's primary production enterprise or relevant business, including, for example—
- (i) buying goods necessary to carry on the activities of the enterprise or relevant business; and
  - (ii) paying rates, rent or wages; and
  - (iii) paying creditors;

Schedule 8

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- (d) for a primary production enterprise—meeting requirements for carrying on the enterprise, including, for example—
  - (i) replanting, restoring or re-establishing areas affected by the eligible disaster; and
  - (ii) buying livestock to replace livestock lost because of the eligible disaster; and;
  - (iii) sustaining livestock: and
  - (iv) carrying on essential property operations;
- (e) for a relevant business—supplying stock for a period of not more than 1 month to replace stock lost as a direct result of the eligible disaster and maintain the liquidity of the relevant business.

## **7 Application may be made in 1 capacity only**

A person may apply for assistance under the scheme in only 1 of the following capacities—

- (a) a primary producer;
- (b) a business owner.

## **8 Eligibility criteria**

An applicant is eligible for assistance under the scheme if the authority is satisfied—

- (a) the applicant is a primary producer or business owner; and
- (b) immediately before the eligible disaster, the applicant carried on a primary production enterprise or relevant business in the defined disaster area; and
- (c) the primary production enterprise or relevant business has sustained exceptional damage as a direct result of the eligible disaster; and
- (d) the applicant has used all the applicant's liquid assets and normal credit sources up to normal credit limits; and

- 
- (e) the applicant has not taken excessive risks in carrying on the primary production enterprise or relevant business; and

*Example—*

The authority is satisfied the applicant's capital expenditure for the primary production enterprise or relevant business has not been excessive.

- (f) the applicant has taken reasonable precautions to avoid or minimise loss from the eligible disaster; and

*Example—*

The applicant has adequate insurance against loss or damage from the eligible disaster.

- (g) with the assistance under the scheme, the applicant has reasonable prospects of carrying on or re-establishing the applicant's primary production enterprise or relevant business on a viable basis; and

- (h) for an applicant who is a business owner of a relevant business—

(i) the business has a critical supply chain relationship with another entity whose business activities have been adversely affected by the eligible disaster, whether or not the other entity's business is carried on in the defined disaster area; and

(ii) the applicant will continue to carry on or re-establish the business at the same place or elsewhere in the local government area in which the business was carried on before the eligible disaster.

## **9 Maximum amount of assistance**

- (1) The maximum amount of a loan that may be given to an applicant under the scheme is \$1,000,000.
- (2) However, if the applicant has received, or has been approved to receive, relevant assistance, the maximum amount of a loan that may be given to the applicant under the scheme is \$1,000,000 less the total amount of the relevant assistance.

- (3) In this section—

*relevant assistance* means assistance, under the scheme set out in schedule 2 or 3, in relation to the eligible disaster.

## 10 Interest rates

- (1) The interest charged on a loan given under the scheme must be calculated at a concessional interest rate decided by the authority.
- (2) However, the authority may—
- (a) review an applicant's financial situation annually to decide whether or not to increase the interest rate charged for the loan; and
  - (b) if the authority considers the applicant's financial situation has improved, increase the interest rate to a rate not more than a commercial rate of interest.

## 11 Security

- (1) If an applicant is given a loan under the scheme, the applicant must give security for the loan.
- (2) The security required is—
- (a) a mortgage of land or other assets commensurate with the amount of the loan; and
  - (b) any other security the authority considers necessary, including, for example, a crop lien or stock mortgage.

## 12 Terms of repayment

- (1) The term of a loan under the scheme is the term decided by the authority up to a maximum of 10 years.
- (2) During the first 2 years of the loan, the authority must defer repayments of principal and interest under the loan.
- (3) From the start of the third year of the loan, the amounts of the repayments of principal and interest under the loan are the amounts decided by the authority.

- (4) Despite subsection (3), the authority may grant the applicant an interest-only period for the loan of not more than 2 years.

### **13 Requirements for applications**

- (1) An application for assistance under the scheme must—
- (a) be made to the authority on the application form approved by the authority; and
  - (b) be accompanied by the documents mentioned in the application form; and
  - (c) be received by the authority no later than 30 June 2021.
- (2) The authority may ask an applicant to give further relevant information required to decide the application.

### **14 Deciding applications**

The authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.

## Schedule 9      Solar PV and Battery Energy Storage Assistance Scheme

section 3(1)

### 1      Definitions

In this schedule—

***applicant*** means a person applying for financial assistance for a program under the scheme.

***approved application form***, for a program under the scheme, means the application form approved by the authority for the program.

***battery program*** means a program for the supply and installation costs of an eligible battery storage system in residential or business premises.

***Building Code of Australia*** see the *Building Act 1975*, section 12.

***business premises***, for a small business, means premises in Queensland used by the business to conduct business activities.

***combined solar and battery program*** means a program for the supply and installation costs of an eligible combined battery storage system in residential or business premises.

***eligible battery energy storage system*** means a battery energy storage system listed on the website of the department administering the *Electricity Act 1994* as an eligible battery energy storage system for the scheme.

***eligible battery energy storage system supplier*** means a battery energy storage system supplier listed on the website of the department administering the *Electricity Act 1994* as an eligible battery energy storage system supplier for the scheme.

***eligible combined solar and battery energy storage system*** means an eligible solar PV system that is coupled with an eligible battery energy storage system.

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***eligible solar PV system*** means a solar PV system that is not—

- (a) a replacement of an existing solar PV system; or
- (b) an augmentation of an existing solar PV system; or
- (c) coupled with a battery energy storage system.

***eligible system*** means—

- (a) an eligible solar PV system; or
- (b) an eligible battery energy storage system; or
- (c) an eligible combined solar and battery energy storage system.

***program*** means—

- (a) the solar program; or
- (b) the battery program; or
- (c) the combined solar and battery program.

***residential premises*** means a class 1a building under the Building Code of Australia.

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

***small business*** see section 2.

***solar program*** means a program for the supply and installation costs of an eligible solar PV system in residential premises.

***solar PV system*** means a solar photovoltaic system.

## **2 Meaning of *small business***

- (1) A ***small 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 employs fewer than—

- (i) 20 full-time employees; or
  - (ii) if the business has employees other than full-time employees—20 equivalent full-time employees; and
  - (d) that is not operated by a public company within the meaning of the Corporations Act; and
  - (e) that uses less than 100 megawatt hours of grid electricity each year at the premises from which the business operates and at which an eligible system is to be installed.
- (2) For subsection (1)(c), 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.

### 3 Objectives of scheme

The objectives of the scheme are—

- (a) to provide for assistance to households and small businesses to make electricity more affordable, including by providing assistance to persons not having access to the upfront capital to invest in eligible solar PV and eligible battery energy storage systems; and



- 
- (b) to help establish and grow a battery energy storage industry in Queensland.

#### **4 Application of scheme**

The scheme consists of the following programs—

- (a) the solar program;
- (b) the battery program;
- (c) the combined solar and battery program.

#### **5 Types of assistance**

The types of assistance available under the scheme are as follows—

- (a) a loan under the solar program for residential premises;
- (b) a loan and a grant under the battery program for residential premises;
- (c) a grant only under the battery program for residential or business premises;
- (d) a loan and a grant under the combined solar and battery program for residential premises;
- (e) a grant only under the combined solar and battery program for residential or business premises.

#### **6 Amounts and terms of assistance under the scheme**

- (1) The amounts and terms of assistance under the scheme are as follows—
  - (a) for the solar program—a maximum loan of \$4,500 with a loan period of not more than 7 years;
  - (b) for the battery program—a maximum loan of \$6,000 with a loan period of not more than 10 years and a maximum grant of \$3,000;

- (c) for the combined solar and battery program—a maximum loan of \$10,000 with a loan period of not more than 10 years and a maximum grant of \$3,000.
- (2) A loan, a loan and a grant, or a grant provided under the scheme can not be more than the supply and installation cost of the system for which the loan, loan and grant, or grant is provided.
- (3) If a loan and a grant are to be provided for the supply and installation cost of the system, the authority may decide how much of the cost is to be provided by the loan and how much is to be provided by the grant.
- (4) Interest is not payable on a loan provided under the scheme and no fees or charges are payable on a loan or a grant provided under the scheme.

## **7 Eligibility criteria common to all programs**

For an applicant to receive assistance under the scheme for an eligible system for residential or business premises—

- (a) the premises to which the application relates must be located in Queensland; and
- (b) credit under the *Electricity Act 1994*, section 44A must not apply to the premises; and
- (c) assistance under the scheme must not have previously been provided for the premises; and
- (d) the applicant must not have previously received assistance under the scheme; and
- (e) the eligible system must not have been installed before an application for assistance under the scheme is received.

## **8 Additional eligibility criteria for the solar program and for loans and grants under the battery program or the combined solar and battery program**

- (1) This section applies to an application for the following assistance under the scheme—

- 
- (a) for a loan under the solar program;
  - (b) for a loan and a grant under the battery program;
  - (c) for a loan and a grant under the combined solar and battery program.
- (2) For the applicant to be eligible to receive assistance—
- (a) the application must be submitted in the names of no more than 2 persons for whom the residential premises at which the eligible system is to be installed are their principal place of residence; and
  - (b) each person named in the application must be an individual; and
  - (c) at least 1 person named in the application must be the owner or joint owner of the premises; and
  - (d) each person named in the application must be an Australian citizen or a permanent resident of Australia; and
  - (e) the authority must be satisfied the applicant can repay the loan given for the assistance.
- (3) In this section—

*joint owner*, of premises, means a person who is an owner of the premises under a joint tenancy or tenancy in common.

## **9 Additional eligibility criteria for grants only under the battery program or the combined solar and battery program**

- (1) This section applies to an application for the following assistance under the scheme—
- (a) for a grant only under the battery program for residential or business premises;
  - (b) for a grant only under the combined solar and battery program for residential or business premises.
- (2) For the applicant to be eligible to receive assistance for residential premises—

- (a) the application must be submitted in the names of no more than 2 persons for whom the residential premises at which the eligible system is to be installed are their principal place of residence; and
  - (b) each person named in the application must be an individual; and
  - (c) at least 1 person named in the application must be the owner or joint owner of the premises; and
  - (d) each person named in the application must be an Australian citizen or a permanent resident of Australia.
- (3) For common property under a community titles scheme, the applicant must be the body corporate for the community titles scheme.
- (4) For the applicant to be eligible to receive assistance for business premises—

- (a) the applicant must own the premises or, if an entity other than the applicant owns the premises, the authority must be satisfied that the applicant has a sufficient connection with that entity; and

*Examples of a sufficient connection with an entity—*

- the applicant is a director of a company that owns the premises
  - the premises are owned by the applicant's self-managed superannuation fund
- (b) the applicant must carry on a small business from the premises.
- (5) In this section—

***body corporate*** see the *Body Corporate and Community Management Act 1997*, schedule 6.

***community titles scheme*** see the *Body Corporate and Community Management Act 1997*, section 10.

***joint owner***, of premises, means a person who is an owner of the premises under a joint tenancy or tenancy in common.

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**10 Additional program specific eligibility criteria**

- (1) For an applicant to be eligible to receive a loan under the solar program—
  - (a) the application for assistance must be for the supply and installation of an eligible solar PV system; and
  - (b) the applicant must have incurred total electricity costs at the premises at which the system is to be installed, or at the applicant's previous principal place of residence, of at least \$1,000 over the 6 months, or at least \$2,000 over the 12 months, preceding the application; and
  - (c) at least 1 person named in the application must be receiving Family Tax Benefit B; and
  - (d) the eligible solar PV system must have been approved by the authority; and
  - (e) the eligible solar PV system must be installed by an eligible solar supplier.
- (2) For an applicant to be eligible to receive a loan and a grant, or a grant only, under the battery program—
  - (a) the application for assistance must be for the supply and installation of an eligible battery energy storage system; and
  - (b) the eligible battery energy storage system must have been approved by the authority; and
  - (c) the eligible battery energy storage system must be installed by an eligible battery energy storage system supplier.
- (3) For an applicant to be eligible to receive a loan and a grant, or a grant only, under the combined solar and battery program—
  - (a) the application for assistance must be for the supply and installation of an eligible combined solar and battery energy storage system; and
  - (b) the eligible combined solar and battery energy storage system must have been approved by the authority; and

- (c) the eligible combined solar and battery energy storage system must be installed by an eligible battery energy storage system supplier.

- (4) In this section—

***eligible solar supplier*** means a supplier of solar PV systems that—

- (a) is a signatory to—
  - (i) the Solar Retailer Code of Conduct approved by the Clean Energy Council; or
  - (ii) another code of conduct, relating to the supply and installation by solar suppliers of solar PV systems, approved by a relevant entity; and
- (b) conducts some or all of its operations from premises in Queensland.

***relevant entity*** means an entity approved by the chief executive of the department administering the *Electricity Act 1994* as being suitable to assess a code of conduct relating to the supply and installation by solar suppliers of solar PV systems.

## 11 Conditions of assistance

- (1) The payment of financial assistance under the scheme is subject to the following conditions—
  - (a) before receiving the assistance, a person must—
    - (i) enter into a written agreement with the authority that sets out the terms on which the assistance is provided; and
    - (ii) give the authority a tax invoice for the supply and installation of the eligible system for which the assistance is provided;
  - (b) the payment of the assistance for the supply and installation of an eligible system is to be made directly by the authority to the supplier of the system;

*Note—*

The payment of the assistance can not be made to reimburse an applicant for payments made by the applicant to the supplier of the eligible system.

- (c) the payment of the assistance can not be made for an eligible system that is to be financed under a lease or solar power purchase agreement;
  - (d) the authority may cancel an approval for assistance to install and purchase an eligible system if the scheme recipient does not provide evidence the system has been installed within 6 months after the approval;
  - (e) a scheme recipient must, after the installation of an eligible battery energy storage system under the battery program or the combined solar and battery program, allow for a safety inspection of the system by a person nominated by the chief executive of the department administering the *Electricity Act 1994*, at no charge to the scheme recipient;
  - (f) a scheme recipient must disclose matters required by the authority, or to persons nominated by the authority, to enable—
    - (i) a safety inspection of the eligible system; or
    - (ii) an evaluation of the eligible system or of a program under the scheme;
  - (g) a scheme recipient must comply with the terms of the agreement mentioned in paragraph (a)(i).
- (2) In this section—

*scheme recipient* means a person who has received assistance under the scheme.

## 12 Applications

- (1) An application for assistance for a program under the scheme must—

- (a) be made to the authority by accessing the website of the department administering the *Electricity Act 1994* or on the approved application form for the program; and
  - (b) be made on or after the day stated on the website as the day after which applications for assistance may be made; and
  - (c) be accompanied by the documents stated on the website or on the approved application form; and
  - (d) be considered by the authority in the order it is received by the authority.
- (2) If the authority asks the applicant to provide further information to decide the application, the applicant must provide the information.

### **13 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 refuse an application for assistance for a program under the scheme if—
  - (a) the application is received after 30 June 2019; or
  - (b) the authority's assistance funds for the program are not sufficient to pay for the assistance.

### **14 Time limits applying to applications and to financial assistance under the scheme**

- (1) An application for assistance under the scheme must be received by the authority by 30 June 2019.
- (2) The authority must not provide financial assistance under the scheme after 30 June 2020.



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## Schedule 10 Bus Driver Safety Scheme

## section 3(1)

### 1 Objective of scheme

The objective of the scheme is to provide for assistance to operators of eligible bus services to install anti-shatter film and driver barriers on eligible buses to make the buses safer for drivers and passengers.

### 2 Definitions

In this schedule—

***anti-shatter film*** means a laminate, bonded to a vehicle window, that is designed and constructed to bind glass shards on impact and prevent them entering the vehicle.

***applicant*** means a person applying for assistance under the scheme.

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

***bus service contract*** means—

- (a) generally—a service contract under the *Transport Operations (Passenger Transport) Act 1994*, section 38(1), between the passenger transport chief executive and the holder for the contract for providing an eligible bus service; and
- (b) for an applicant—a service contract for which the applicant is the holder.

***designated bus***, for an application, see section 4(1)(d).

***designated safety equipment***, for an application, see section 4(1)(d).

***driver barrier*** means a barrier, fitted in a bus, that is designed and constructed to prevent or reduce the risk of injury to a person in the driver's seat (the ***driver***) in the event of another

person committing, or attempting to commit, an act of violence against the driver.

**eligible bus** means a bus identified in an applicant's bus service contract for providing an eligible bus service.

**eligible bus service** means a public bus service mentioned in the document 'Eligible Queensland Bus Services' prepared by the passenger transport chief executive and published on the authority's website.

**holder**, for a service contract, see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

**notice** means written notice.

**operator** see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

**passenger transport chief executive** means the chief executive of the department in which the *Transport Operations (Passenger Transport) Act 1994* is administered.

**public bus service** means a public passenger service within the meaning of the *Transport Operations (Passenger Transport) Act 1994* for the carriage of passengers on a bus, but does not include a driver service within the meaning of that Act.

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

### 3 Nature of assistance

The nature of the assistance that may be given under the scheme is a rebate to offset—

- (a) the costs of acquiring and installing anti-shatter film on designated buses to the maximum amount for each bus under section 7(2); and
- (b) 50% of the costs of acquiring and installing driver barriers on designated buses to the maximum amount for each bus under section 7(3).

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#### 4 Eligibility for conditional approval for assistance

- (1) An applicant is eligible for conditional approval for assistance under the scheme if—
- (a) the applicant is the operator of an eligible bus service; and
  - (b) the applicant has entered into a bus service contract with the passenger transport chief executive to provide the bus service; and
  - (c) the passenger transport chief executive is satisfied the applicant has complied with the applicant's obligations under the bus service contract; and
  - (d) the applicant has applied for conditional approval for assistance to install, on an eligible bus identified in the application (the *designated bus*), either or both of the following items of equipment (each the *designated safety equipment*)—
    - (i) anti-shatter film of a type described in detail in the application;
    - (ii) a driver barrier of a type described in detail in the application; and
  - (e) the authority is satisfied—
    - (i) the applicant has obtained, or will obtain, a written warranty from the manufacturer or seller of the designated safety equipment that the equipment will be fit for purpose; and
    - (ii) the applicant has given the authority a notice stating when it is proposed to install the designated safety equipment; and
    - (iii) if the designated safety equipment is installed on the designated bus, the applicant proposes to operate the bus for at least 2 years after the equipment is installed; and
    - (iv) the applicant will be responsible for maintaining the designated safety equipment; and

- (f) for an application for installing anti-shatter film on the designated bus, the authority is satisfied anti-shatter film has not already been installed on the bus or acquired for that purpose, whether with assistance under this scheme or otherwise; and
  - (g) for an application for installing a driver barrier on the designated bus, the authority is satisfied—
    - (i) the applicant has carried out a risk assessment showing that the eligible bus service is provided in a high risk area; and
    - (ii) a driver barrier has not already been installed on the bus or acquired for that purpose, whether with assistance under this scheme or otherwise; and
  - (h) the applicant agrees to give the passenger transport chief executive the information reasonably required by that person for evaluating the designated safety equipment after it is installed.
- (2) In this section—
- high risk area*** means an area in which the applicant considers there is a high risk of any of the following happening—
- (a) violence towards a bus driver or passenger;
  - (b) threatening behaviour, including, for example, serious verbal threats or abuse, towards a bus driver or passenger;
  - (c) an object being thrown at a bus, bus driver or passenger.

## 5 Conditional approval for assistance

- (1) Subsection (2) applies if the authority is satisfied the applicant is eligible under section 4 for conditional approval for assistance to install the designated safety equipment on the designated bus.
- (2) The authority may, by notice to the applicant, approve the application for conditional approval for assistance only on the condition stated in subsection (3).

- 
- (3) The applicant must—
    - (a) acquire the designated safety equipment after being given the notice under subsection (2); and
    - (b) install the equipment on the designated bus and apply for final approval for assistance for the installation within the final claim period for the application.
  - (4) The applicant may, on or before 30 June 2020, ask the authority to extend the final claim period for the application.
  - (5) If the applicant asks for an extension of the final claim period under subsection (4), the authority may, by notice to the applicant, extend the period if it considers there are exceptional circumstances to do so.
  - (6) In this section—

*final claim period*, for the application, means the period ending on—

    - (a) 30 June 2020; or
    - (b) if the period is extended to a later day under subsection (5)—the later day.

## 6 Final approval for assistance

- (1) This section applies if—
  - (a) the authority has given conditional approval under section 5(2) for assistance to install the designated safety equipment on the designated bus; and
  - (b) the applicant has applied under section 5(3)(b) for final approval for the assistance.
- (2) The authority must decide to—
  - (a) approve the application and give final approval for the assistance; or
  - (b) refuse the application.
- (3) The authority may, by notice to the applicant, give final approval for assistance to install the equipment if satisfied—

- (a) the applicant is still eligible for the conditional approval for the assistance under section 4; and
- (b) the applicant has obtained the warranty for the equipment mentioned in section 4(1)(e)(i); and
- (c) the applicant has acquired and installed the equipment in compliance with section 5(3).

## 7 Amount and payment of assistance

- (1) This section applies if the authority gives final approval under section 6 for assistance for installing the designated safety equipment on the designated bus.
- (2) For installing designated safety equipment that is anti-shatter film, the authority must pay the applicant the lesser of—
  - (a) the costs incurred for acquiring and installing the anti-shatter film; and
  - (b) either—
    - (i) for a large bus—\$2,400; or
    - (ii) for another designated bus—\$1,200.
- (3) For installing designated safety equipment that is a driver barrier, the authority must pay the applicant the lesser of—
  - (a) 50% of the costs incurred for acquiring and installing the driver barrier; and
  - (b) \$2,000.
- (4) In this section—

*large bus* means a designated bus identified in the applicant's bus service contract as an articulated bus, a double decker bus or long wheel base bus.

## 8 Condition of assistance

- (1) The payment of the assistance under section 7 is subject to the condition stated in subsection (2).

- 
- (2) The applicant must give the authority tax invoices and official receipts of amounts the applicant has paid to acquire and install the designated safety equipment.
  - (3) In this section—

*official receipt* means a receipt of an amount paid by an applicant to an entity that includes—

    - (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) a description of each item to which the receipt relates.

## 9 Applications

- (1) An application for assistance under the scheme must—
  - (a) be in the form approved by the authority; and
  - (b) be accompanied by any other documents stated in the approved form.
- (2) An application for conditional approval for assistance mentioned in section 4 must be given to the authority on or before 31 March 2019.
- (3) An application for final approval for assistance mentioned in section 5 must be given to the authority before the end of the final claim period for the application.
- (4) The authority may ask an applicant for further relevant information required to decide the application.
- (5) In this section—

*final claim period*, for the application, see section 5(6).

## 10 Deciding applications

- (1) Subject to subsections (2) and (3), the authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.

Schedule 10

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- (2) The authority must consider applications in the order they are received.
- (3) The authority, for the State, may approve an application only if the authority's assistance funds for the scheme are sufficient to pay for the assistance.



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## Schedule 11      Solar for rental properties scheme

section 3(1)

### Part 1                      Preliminary

#### 1            Objective of scheme

The objective of the scheme is to provide assistance to owners of eligible premises to install eligible solar PV systems to make electricity more affordable for tenants of the premises.

#### 2            Definitions

In this schedule—

*applicant* means a person applying for assistance under the scheme.

*approved form* means a form approved by the authority.

*approved residential tenancy agreement* see section 5.

*Building Code of Australia* see the *Building Act 1975*, section 12.

*cost*, of installing an eligible solar PV system, includes the cost of supplying the eligible solar PV system for installation.

*electricity chief executive* means the chief executive of the electricity department.

*electricity department* means the department in which the *Electricity Act 1994* is administered.

*eligible premises* see section 3.

*eligible solar PV system* see section 4.

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

*solar PV system* means a solar photovoltaic system.

**system capacity**, of an eligible solar PV system, means the lower of—

- (a) the capacity of the system's inverter; and
- (b) the total capacity of the system's panels.

**tenant** means a tenant within the meaning of the *Residential Tenancies and Rooming Accommodation Act 2008*, section 13, but does not include a subtenant of a tenant.

### 3 **Meaning of *eligible premises***

(1) Residential premises are ***eligible premises*** if—

- (a) the premises are located in an eligible area; and
- (b) the premises are individually metered for the supply of electricity; and
- (c) electricity is not purchased for the premises from an exempt seller; and
- (d) the premises are the subject of an approved residential tenancy agreement.

(2) In this section—

***eligible area*** means any of the following local government areas—

- (a) Bundaberg;
- (b) Gladstone;
- (c) Townsville;
- (d) if an eligible area notice is prepared—another local government area stated in the notice.

***eligible area notice*** means a written notice—

- (a) prepared by the electricity chief executive; and
- (b) stating a local government area as an eligible area for the scheme; and
- (c) published on the electricity department's website.

*exempt seller* see the *National Energy Retail Law (Queensland)*, section 2(1).

*individually metered* see the *Residential Tenancies and Rooming Accommodation Act 2008*, schedule 2.

*residential premises* means a class 1a building under the Building Code of Australia.

#### 4 Meaning of *eligible solar PV system*

- (1) An *eligible solar PV system* is a solar PV system installed at premises that—
  - (a) has a system capacity of 3kW or more; and
  - (b) includes, or is installed with, solar monitoring technology for the system.
- (2) In this section—

*solar monitoring technology* means hardware and software that can be used to monitor the operation of the system by—

- (a) capturing data about—
  - (i) the amount of electricity the system produces; and
  - (ii) the amount of the electricity produced that is used at the premises; and
  - (iii) the amount of the electricity produced that is supplied to a supply network; and
  - (iv) the potential impact the system has on the cost of electricity for the premises; and
- (b) allowing the data to be accessed electronically from outside the premises.

*supply network* see the *Electricity Act 1994*, section 8.

#### 5 Meaning of *approved residential tenancy agreement*

- (1) An *approved residential tenancy agreement* is a written residential tenancy agreement providing for—

- (a) a residential tenancy for premises for a fixed term of at least 1 year; and
- (b) rent of no more than an amount equivalent to—
  - (i) \$350 per week; or
  - (ii) if an eligible rent-cap notice is prepared—a higher amount per week stated in the notice; and
- (c) an increase in the rent to take effect if, after the agreement is entered into, an eligible solar PV system is installed at the premises.

(2) In this section—

*eligible rent-cap notice* means a written notice—

- (a) prepared by the electricity chief executive; and
- (b) stating the highest amount of rent payable for an approved residential tenancy agreement; and
- (c) published on the electricity department’s website.

*rent* see the *Residential Tenancies and Rooming Accommodation Act 2008*, schedule 2.

*residential tenancy agreement* see the *Residential Tenancies and Rooming Accommodation Act 2008*, section 12.

## Part 2                      General provisions for scheme

### 6                      Nature of assistance

The nature of assistance available under the scheme is a rebate to offset the cost to the owner of eligible premises of installing an eligible solar PV system at the premises.

### 7                      Eligibility criteria

- (1) An applicant is eligible for assistance under the scheme for installing an eligible solar PV system for premises if—
  - (a) the applicant is the owner of the premises; and

- 
- (b) the premises are eligible premises; and
  - (c) the applicant has entered into an approved residential tenancy agreement with the tenant for the premises; and
  - (d) there is no solar PV system installed at the premises before the approved residential tenancy agreement is entered into; and
  - (e) the tenant has entered into an agreement, in the approved form, about the installation of the eligible solar PV system; and
  - (f) before applying for the assistance, the applicant ensures that an eligible supplier has supplied and installed the eligible solar PV system at the premises; and
  - (g) assistance has not previously been provided for the premises under—
    - (i) this scheme; or
    - (ii) the scheme set out in schedule 9.
- (2) In this section—

*eligible supplier* means a supplier of solar PV systems listed, at the relevant time, on the electricity department's website as an eligible supplier of solar PV systems for the scheme.

*relevant time* means the time when the applicant arranges for the eligible supplier to install the eligible solar PV system at the premises under subsection (1)(f).

## 8 Amount of assistance

The amount of a rebate under the scheme to offset the cost of installing an eligible solar PV system is the lesser of—

- (a) the eligible solar PV system; and
- (b) the following amount—
  - (i) for installing an eligible solar PV system that has a system capacity of at least 3kW but less than 4kW—\$2,500;

- (ii) for installing an eligible solar PV system that has a system capacity of at least 4kW but less than 5kW—\$3,000;
- (iii) for installing an eligible solar PV system that has a system capacity of 5kW or more—\$3,500.

## 9 Applications

- (1) Before applying for assistance under the scheme, a person must give the authority a declaration of understanding.
- (2) An application for assistance under the scheme must—
  - (a) be made by no more than 2 applicants, at least 1 of whom must be named as a lessor in the approved residential tenancy agreement for the premises to which the application relates; and
  - (b) be made to the authority by accessing the relevant website or in the approved form; and
  - (c) be made on or after the day stated on the relevant website; and
  - (d) be accompanied by any other documents stated on the relevant website or in the approved form; and
  - (e) be received by the authority by 30 June 2020.
- (3) The authority may ask an applicant for further relevant information required to decide the application.
- (4) In this section—

*declaration of understanding* means a declaration, in the approved form, that the person understands the requirements for eligibility for assistance and applying for the assistance under the scheme.

*relevant website* means the electricity department's website.

## 10 Accepting late applications

Despite section 9(2)(e), the authority may accept an application for assistance under the scheme received after 30

June 2020 if the authority considers it is appropriate to do so in the circumstances.

## **11 Deciding applications**

- (1) Subject to subsections (2) and (3), 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 in the order they are received.
- (3) The authority may, for the State, approve an application only if the authority's assistance funds for the scheme are sufficient to pay for the assistance.

## Schedule 12      Taxi and Limousine Business Support Grants Scheme

section 3(1)

### Part 1                      Preliminary

#### 1                      Objective of scheme

The objective of the scheme is to provide for assistance to eligible holders of eligible licences to use business improvement services or financial advocacy services for adjusting to changes in the taxi service industry or limousine service industry.

#### 2                      Definitions

In this schedule—

***applicant*** means a person applying for assistance under the scheme.

***applicant group*** see section 12(1)(b).

***booked hire service*** see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

***business improvement service***, in relation to a taxi service or booked hire service, see section 4.

***conditional approval***, for assistance, means conditional approval given under section 7.

***eligible holder***, of an eligible licence, see section 3(1) or (2).

***eligible licence*** means a taxi service licence, or a limousine licence other than a special purpose limousine licence, that—

(a) is in force and is not suspended under the *Transport Operations (Passenger Transport) Act 1994*; and

(b) was in force immediately before 11 August 2016.



***eligible service*** means a business improvement service or financial advocacy service in relation to a taxi service or booked hire service.

***final approval***, for assistance, means final approval given under section 8.

***financial advocacy service***, in relation to a taxi service or booked hire service—

- (a) means a service for helping the holder of an eligible licence providing the taxi service or booked hire service to deal directly with financial problems associated with providing the taxi service or booked hire service; but

*Examples of types of financial advocacy services—*

- negotiating with creditors
- giving advice about recovering debts

- (b) does not include a legal service.

***legal service*** means a legal service under the *Legal Profession Act 2007*.

***limousine licence*** see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

***notice*** means written notice.

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

***special purpose limousine licence*** see the *Transport Operations (Passenger Transport) Act 1994*, section 91I(5).

***taxi service*** see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

***taxi service licence*** see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

### **3 Who is the *eligible holder* of an eligible licence**

- (1) A person is the ***eligible holder*** of an eligible licence for the scheme if the person—
- (a) is registered in the licence register as the holder of the licence; and

- (b) was the holder of the licence immediately before 11 August 2016.
- (2) A person is also the *eligible holder* of an eligible licence for the scheme if—
  - (a) the licence was a relevant licence under the expired *Taxi and Limousine Industry Assistance Scheme Regulation 2016*, section 5; and
  - (b) either—
    - (i) the person was declared to be the relevant holder of the licence under section 7A of that regulation; or
    - (ii) the transport chief executive considers the person would be entitled to be declared to be the relevant holder of the licence under section 7A of that regulation if it were still in force.
- (3) In this section—

*licence register* means the register of licences mentioned in the *Transport Operations (Passenger Transport) Act 1994*, section 91U.

*transport chief executive* means the chief executive of the department in which the *Transport Operations (Passenger Transport) Act 1994* is administered.

#### 4 What is a *business improvement service*

- (1) A *business improvement service*, in relation to a taxi service or booked hire service, is a service for improving the efficiency of the taxi service or booked hire service.
- (2) A *business improvement service* may include any of the following—
  - (a) acquiring new equipment, including, for example, computer equipment;
  - (b) participating in training relevant to the taxi service industry or limousine service industry;
  - (c) obtaining advice relating to business, financial or strategic planning.

- 
- (3) However, a ***business improvement service*** does not include—
- (a) a financial advocacy service; or
  - (b) a legal service; or
  - (c) acquiring equipment other than new equipment; or
  - (d) a service relating to—
    - (i) fitting or maintaining a vehicle security camera system; or
    - (ii) otherwise altering a vehicle.

- (4) In this section—  
***equipment*** does not include—

- (a) a vehicle; or
- (b) a vehicle security camera system; or
- (c) another part of a vehicle.

***new equipment*** means equipment that has not previously been sold or used.

***vehicle security camera system*** see the *Transport Operations (Passenger Transport) Regulation 2018*, schedule 9.

## Part 2                      General provisions for scheme

### 5                      Nature of assistance

The nature of the assistance that may be given under the scheme is a rebate to offset—

- (a) the cost of using a business improvement service, to the maximum amount under section 9 or 10(2); or
- (b) the cost of using a financial advocacy service, to the maximum amount under section 10(3).

## 6 Eligibility for conditional approval for assistance

- (1) An applicant is eligible for conditional approval for assistance under the scheme if the authority is satisfied—
  - (a) the applicant is the eligible holder of an eligible licence for providing a taxi service or booked hire service; and
  - (b) the applicant has applied for conditional approval for assistance to use an eligible service in relation to the taxi service or booked hire service; and
  - (c) the applicant using the eligible service is likely to improve the efficiency of, or otherwise provide a commercial benefit for, the taxi service or booked hire service; and
  - (d) the applicant has arranged, or will arrange, for the eligible service to be supplied by a person who is not a related entity for the applicant; and
  - (e) other than to the extent the eligible service involves the applicant acquiring equipment, the person providing the service has—
    - (i) the appropriate qualifications or experience to provide the service; or
    - (ii) membership of a professional body that entitles the person to provide the service; and
  - (f) the applicant has not paid all or part of the cost of using the eligible service; and
  - (g) the applicant is not the holder of an eligible licence for providing a taxi service or booked hire service for which assistance, or conditional or final approval for assistance, under the scheme has already been given.
- (2) For subsection (1)(d), a person is a *related entity* for an applicant if—
  - (a) the person and the applicant are members of the same family; or
  - (b) the person is employed by the applicant or an entity owned or partially owned by the applicant; or

- 
- (c) the person and the applicant are related bodies corporate; or
  - (d) for a person that is a corporation, the applicant or a member of the applicant's family—
    - (i) is a majority shareholder, director or secretary of—
      - (A) the corporation; or
      - (B) a related body corporate of the corporation; or
    - (ii) has an interest of 50% or more in the corporation.
- (3) In this section—
- family*, for a person, means—
- (a) the person's spouse; or
  - (b) a parent, child, sibling, grandparent, aunt, uncle, cousin, nephew, niece or grandchild of the person or the person's spouse; or
  - (c) the spouse of a person to whom paragraph (b) applies.
- related body corporate* see the Corporations Act, section 50.

## 7 Conditional approval for assistance

- (1) Subsection (2) applies if the authority is satisfied an applicant is eligible under section 6 for conditional approval for assistance to use an eligible service.
- (2) The authority may, by notice to the applicant, give conditional approval for the assistance only on the condition stated in subsection (3).
- (3) The applicant must—
  - (a) use the eligible service after being given the notice under subsection (2); and
  - (b) apply for final approval for assistance for the use of the service no later than 31 July 2020.

## **8 Final approval for assistance**

- (1) This section applies if—
  - (a) the authority has given an applicant conditional approval for assistance to use an eligible service; and
  - (b) the applicant has applied under section 7(3)(b) for final approval for the assistance.
- (2) The authority must decide to—
  - (a) approve the application and give final approval for the assistance; or
  - (b) refuse the application.
- (3) The authority may, by notice to the applicant, give final approval for assistance to use the eligible service if satisfied—
  - (a) the applicant has used the service in compliance with section 7(3)(a); and
  - (b) the applicant is otherwise still eligible for conditional approval for the assistance under section 6, other than section 6(1)(f).

## **9 Amount and payment of assistance—applicant groups**

- (1) This section applies if—
  - (a) the members of an applicant group have applied for assistance under the scheme to use a business improvement service; and
  - (b) the authority has given conditional approval for the assistance for all members of the group; and
  - (c) the members of the group have applied for final approval for the assistance no later than 31 July 2020; and
  - (d) the authority has given final approval for the assistance for all members of the group.
- (2) The authority must pay the least of the following amounts for the applicant group—

- 
- (a) 50% of the cost of using the business improvement service;
    - (b) \$5,000 for each eligible licence for providing a taxi service or booked hire service for which the members of the group have applied for assistance;
    - (c) \$20,000.
  - (3) The authority must pay the amount of assistance under subsection (2) for the applicant group in the way it considers appropriate.

*Example of a way of paying that may be considered appropriate—*

paying the amount of the assistance to members of the group who have been nominated by the other members of the group to receive payment

## **10 Amount and payment of assistance—other applicants**

- (1) This section applies if the authority gives final approval for assistance for using an eligible service to an applicant, other than an applicant to whom section 9 relates.
- (2) For assistance for using a business improvement service, the authority must pay the applicant the lesser of the following amounts—
  - (a) 50% of the cost of using the business improvement service;
  - (b) \$5,000.
- (3) For assistance for using a financial advocacy service, the authority must pay the applicant the lesser of the following amounts—
  - (a) the cost of using the financial advocacy service;
  - (b) \$5,000.

## **11 Condition of assistance**

- (1) Payment of assistance under the scheme for the cost of using an eligible service is subject to the condition stated in subsection (2).

- (2) The applicant must give the authority tax invoices for any amounts paid or payable by the applicant and official receipts for any amounts paid by the applicant for using the eligible service.
- (3) In this section—

*official receipt* means a receipt for an amount paid by an applicant to an entity that includes—

  - (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) a description of each item to which the receipt relates.

## 12 Applications

- (1) An application for conditional approval for assistance may be made by—
  - (a) a person as the eligible holder of a single eligible licence; or
  - (b) the members of a group of persons (an *applicant group*) as the eligible holders of different eligible licences.
- (2) An applicant mentioned in subsection (1)(a) may apply for assistance to use only 1 of the following—
  - (a) a business improvement service;
  - (b) a financial advocacy service.
- (3) An applicant mentioned in subsection (1)(b) may apply for assistance to use only a business improvement service.
- (4) An application for conditional or final approval for assistance must—
  - (a) be in the form approved by the authority; and
  - (b) be accompanied by any other documents stated in the approved form.
- (5) An application for final approval for assistance must be given to the authority no later than 31 July 2020.



### **13 Deciding applications**

- (1) Subject to subsections (2) to (4), the authority must consider, and decide to approve or refuse, each application for assistance under the scheme.
- (2) The authority must consider applications in the order they are received.
- (3) The authority may ask an applicant for further relevant information required to decide an application.
- (4) The authority, for the State, may approve an application only if the authority's assistance funds for the scheme are sufficient to pay for the assistance.

## Schedule 13      Farming in reef catchments rebate scheme

section 3(1)

### 1      Objective of scheme

The objective of the scheme is to provide for assistance to primary producers for primary production enterprises in eligible areas to obtain eligible professional advice from an approved agricultural adviser.

### 2      Definitions

In this schedule—

***agricultural ERA standard*** see the *Environmental Protection Act 1994*, section 81(1).

***applicant*** means a person applying for financial assistance under the scheme.

***approved agricultural adviser*** means a person—

- (a) whom the authority considers has the appropriate qualifications and experience to give eligible professional advice; and
- (b) who is listed on the authority's website as an approved agricultural adviser.

***eligible area*** means the following regions shown on the map, held by the environment department, called 'Great Barrier Reef catchment and river basins' dated 23 August 2018—

- (a) the Wet Tropics Region;
- (b) the Burdekin Region;
- (c) the Mackay Whitsunday Region;
- (d) the Fitzroy Region;
- (e) the Burnett Mary Region.

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***eligible professional advice*** means written advice about—

- (a) managing nutrient and sediment pollution in the eligible area in a way—
  - (i) that contributes to achieving the targets for water quality improvement for the Great Barrier Reef under the Reef 2050 Water Quality Improvement Plan; and
  - (ii) that complies with an agricultural ERA standard that applies to the primary production enterprise to which the advice relates; and
- (b) actions that may be taken to contribute to achieving the targets and complying with the standard.

***environment department*** means the department in which the *Environmental Protection Act 1994* is administered.

***primary producer*** means—

- (a) a sole trader who spends the majority of his or her labour on, and derives the majority of his or her income from, a primary production enterprise; or
- (b) in relation to a partnership, proprietary company or trust that carries on a primary production enterprise, the partners in the partnership, shareholders in the company or the trustees or beneficiaries of the trust who spend the majority of their labour on, and derive the majority of their income from, the primary production enterprise.

***primary production enterprise*** means a business—

- (a) involving primary production in any of the following forms—
  - (i) cattle grazing;
  - (ii) cultivating bananas;
  - (iii) cultivating sugar cane; and
- (b) for which an entity holds an Australian Business Number.

***proprietary company*** means a proprietary company within the meaning of the Corporations Act.

***Reef 2050 Water Quality Improvement Plan*** means the plan called ‘Reef 2050 Water Quality Improvement Plan 2017–2022’, prepared by the Australian Government and Queensland Government.

*Editor’s note—*

The plan is published on the environment department’s website.

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

### **3 Nature of assistance**

The nature of the assistance that may be given under the scheme is a rebate to offset the cost of obtaining eligible professional advice to the maximum amount under section 5.

### **4 Eligibility criteria**

- (1) For an applicant to be eligible to receive assistance under the scheme, the authority must be satisfied that—
  - (a) the applicant is a primary producer; and
  - (b) the applicant is carrying on a primary production enterprise on land that is substantially in the eligible area; and
  - (c) the applicant has been given eligible professional advice, no earlier than 1 year before the commencement, relevant to carrying on the primary production enterprise; and
  - (d) the applicant was a primary producer carrying on the primary production enterprise when the advice was given; and
  - (e) the person who gave the advice was an approved agricultural adviser when the applicant applied for the assistance; and
  - (f) when the advice was given, the approved agricultural adviser was not—
    - (i) related to the applicant; or

- (ii) employed by an entity owned or partially owned by the applicant; and
  - (g) the applicant has paid for the advice; and
  - (h) assistance has not already been given under the scheme in relation to the primary production enterprise; and
  - (i) no other assistance from the Commonwealth or State has been given in relation to the primary production enterprise for improving water quality on land that is substantially in the eligible area.
- (2) For subsection (1), land in a lot is *substantially* in the eligible area if more than 75% of the lot, or 20,000ha of land in the lot, is in the eligible area.

## 5 Amount of assistance

The amount of assistance payable under the scheme to an applicant who has obtained eligible professional advice is the lesser of—

- (a) the cost of obtaining the advice; and
- (b) \$1,000.

## 6 Applications

- (1) An application for assistance under the scheme must be—
- (a) made by the applicant in the form approved by the authority; and
  - (b) accompanied by—
    - (i) a copy of the eligible professional advice to which the application relates; and
    - (ii) a tax invoice and a document evidencing payment of the amount claimed by the applicant for the advice; and
    - (iii) a declaration signed by the approved agricultural adviser who gave the advice that complies with subsection (2); and

- (iv) any other documents stated in the form.
- (2) For subsection (1)(b)(iii), the declaration must state that the actions mentioned in the advice are consistent with—
  - (a) contributing to achieving the targets for water quality improvement for the Great Barrier Reef under the Reef 2050 Water Quality Improvement Plan; and
  - (b) an agricultural ERA standard that applies to the primary production enterprise to which the advice relates.
- (3) The authority may ask an applicant to provide further relevant information required to decide the application.

## **7 Deciding applications**

- (1) Subject to subsections (2) and (3), the authority must consider, and decide to approve or refuse to approve, each application for assistance.
- (2) The authority must consider applications in the order they are received.
- (3) The authority may approve an application only if the authority's assistance funds for the scheme are sufficient to pay for the assistance.

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## Schedule 14 Household waste payment scheme

section 3(1)

### 1 Objective of scheme

The objective of the scheme is to provide financial assistance to eligible individuals and eligible proprietors for households that are, or are reasonably likely to be, directly affected by the waste levy.

### 2 Definitions

In this schedule—

***applicant*** means a person applying for financial assistance under the scheme.

***category 1 applicant*** means an applicant who is an eligible proprietor for a household.

***category 2 applicant*** means an applicant who is an eligible individual for a household, other than a category 3 applicant or category 4 applicant.

***category 3 applicant*** means an applicant who is an eligible individual for a household that occupies residential premises located within multi-dwelling premises that are primarily occupied for a holiday purpose.

***category 4 applicant*** means an applicant who is an eligible individual for a household that occupies residential premises located within multi-dwelling premises the owner of which has refused to apply for assistance under the scheme for the household for the financial year to which the applicant's application relates.

***domestic waste*** means waste other than—

- (a) commercial and industrial waste under the *Waste Reduction and Recycling Act 2011*, schedule; or

- (b) construction and demolition waste under the *Waste Reduction and Recycling Regulation 2011*, schedule 9.

**domestic waste service** means a service for the collection and disposal of domestic waste.

**eligible individual**, for a household, see section 5(1) and (2).

**eligible proprietor**, for a household, see section 6(1) and (2).

**household** means 1 or more individuals who—

- (a) occupy the same residential premises as a usual place of residence; and
- (b) have occupied the premises for 6 months or more for that purpose.

**multi-dwelling premises** means 2 or more premises that have all of the following attributes—

- (a) 1 entity is the owner of all of the premises;
- (b) all of the premises are generally regarded as constituting a group of premises, including, for example—
- (i) 2 or more separate flats, apartments or other units within 1 building; and
- (ii) 2 or more adjoining buildings; and
- (iii) 2 or more buildings that are separated by common areas owned, leased or otherwise managed by the entity mentioned in paragraph (a);
- (c) at least 1 of the premises is residential premises.

**non-levy zone** see the *Waste Reduction and Recycling Act 2011*, section 26.

**owner**, of premises situated at a place, means—

- (a) if the place is freehold land—the person who, under the *Land Title Act 1994*, is the registered owner of the place; or
- (b) if the place is the subject of a lease under the *Land Act 1994*—the person who, under that Act, is registered as the lessee of the place; or



- (c) otherwise—the entity that has responsibility for the care, control or management of the place.

***residential premises*** means premises that are—

- (a) occupied, or intended to be occupied, by 1 or more individuals as a usual place of residence; and
- (b) generally regarded as a single unit private dwelling, including, for example—
- (i) a house or townhouse; and
  - (ii) a flat, apartment or unit; and
  - (iii) a caravan or its site, or both the caravan and site; and
  - (iv) a room in a boarding house, hostel, lodging house or nursing home; and
  - (v) a houseboat.

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

***waste*** see the *Environmental Protection Act 1994*, section 13.

***waste levy*** see the *Waste Reduction and Recycling Act 2011*, section 36.

***waste levy zone*** see the *Waste Reduction and Recycling Act 2011*, section 26.

### **3 Nature of assistance**

- (1) The nature of assistance that may be given under the scheme is a payment of an amount to an applicant who is an eligible individual, or an eligible proprietor, for a household for a financial year.
- (2) The amount of the payment is worked out under section 8.

### **4 Period of scheme**

The authority may give assistance under the scheme for each financial year during the period starting on 1 July 2019 and ending on 30 June 2022.

## **5 Eligibility criteria—eligible individuals**

- (1) An applicant is an *eligible individual*, for a household, if the authority is satisfied—
  - (a) the applicant is an individual who is, or is part of, the household; and
  - (b) a domestic waste service is provided to the household by an entity, other than a local government, under a commercial arrangement; and
  - (c) the household is, or is reasonably likely to be, directly affected by the waste levy because of the domestic waste service.
- (2) Also, an applicant is an *eligible individual*, for a household, if the authority is satisfied—
  - (a) the applicant is an individual who is, or is part of, the household; and
  - (b) the applicant occupies residential premises located within multi-dwelling premises; and
  - (c) a domestic waste service is provided to the household by a local government or an entity mentioned in subsection (1)(b); and
  - (d) the household is, or is reasonably likely to be, directly affected by the waste levy because of the domestic waste service.
- (3) This section is subject to section 7.

## **6 Eligibility criteria—eligible proprietors**

- (1) An applicant is an *eligible proprietor*, for a household, if the authority is satisfied—
  - (a) the applicant is the owner of residential premises occupied by the household; and
  - (b) the applicant is not part of the household; and
  - (c) the household is, or is reasonably likely to be, directly affected by the waste levy because of a domestic waste service provided to the household.

- 
- (2) Also, an applicant is an *eligible proprietor*, for a household, if the authority is satisfied—
- (a) the applicant is the owner of multi-dwelling premises; and
  - (b) the household occupies residential premises located within the multi-dwelling premises; and
  - (c) the household is, or is reasonably likely to be, directly affected by the waste levy because of a domestic waste service provided to the household.
- (3) This section is subject to section 7.

## 7 Other eligibility criteria

- (1) For an applicant to be an eligible individual or eligible proprietor for a household, in relation to assistance for a financial year, the authority must also be satisfied that—
- (a) no assistance has previously been paid for the household for the financial year; and
  - (b) the household does not occupy residential premises in a local government area in relation to which an annual payment has been made for the financial year; and
  - (c) the application relates to a domestic waste service that is provided to the household for waste generated only by the household.
- (2) For sections 5(1)(c) and (2)(d) and 6(1)(c) and (2)(c), the authority must have regard to the following matters for deciding whether a household is, or is reasonably likely to be, directly affected by the waste levy—
- (a) whether the household occupies residential premises located in the waste levy zone;
  - (b) whether domestic waste collected from the residential premises occupied by the household is disposed of in the waste levy zone.
- (3) In this section—

**annual payment** means an annual payment under the *Waste Reduction and Recycling Act 2011*, section 73D(1) or another payment for a similar purpose made to a local government affected by the waste levy.

## 8 Amount of payment

- (1) For a category 1 applicant or category 2 applicant, the amount of the payment under the scheme for a financial year is worked out using the following formula—

$$P = A \times W \times L \times B$$

where—

**P** is the amount of the payment.

**A** is the total capacity of bins used for domestic waste at the following premises, calculated with reference to the frequency of waste collection at the premises during the financial year—

- (a) if the household to which the application relates occupies residential premises located within multi-dwelling premises—the multi-dwelling premises;
- (b) otherwise—the residential premises occupied by the household.

**W** is 0.0592.

*Note*—

0.0592 is the average deemed weight to volume ratio.

**L** is the waste levy rate for other levyable waste for the financial year under the *Waste Reduction and Recycling Regulation 2011*, schedule 1.

**B** is—

- (a) if the household to which the application relates occupies residential premises located within multi-dwelling premises—the proportion of the number of residential premises occupied by households to the total number of premises located within the multi-dwelling premises; or

- (b) otherwise—1.
- (2) For a category 3 applicant or category 4 applicant, the amount of the payment under the scheme for a financial year is worked out using the following formula—

$$P = A \times L \times 52$$

where—

*P* is the amount of the payment.

*A* is 14.2kg.

*Note*—

14.2kg is the weekly average waste amount.

*L* is the waste levy rate for other levyable waste for the financial year under the *Waste Reduction and Recycling Regulation 2011*, schedule 1.

## 9 Applications

- (1) An application for assistance under the scheme must—
- (a) be in the form approved by the authority; and
  - (b) be accompanied by the documents stated in the application form; and
  - (c) be accompanied by evidence of—
    - (i) the address of the residential premises for the household to which the application relates; and
    - (ii) the matters stated for the applicant under section 10; and
  - (d) be given to the authority not later than 30 June 2022.
- (2) The authority may ask an applicant for further relevant information required to decide the application.

## **10 Relevant matters for particular categories of applicants**

- (1) This section states, for section 9(1)(c)(ii), the matters of which an applicant must give the authority evidence.
- (2) For a category 1 applicant or category 2 applicant, the matters are—
  - (a) the domestic waste service provided to the household; and
  - (b) the capacity of bins used for domestic waste, and the frequency of domestic waste collection, at the residential premises occupied by the household; and
  - (c) if the household occupies residential premises located within multi-dwelling premises—the proportion of the number of residential premises occupied by households to the total number of premises located within the multi-dwelling premises; and
  - (d) for a category 2 applicant—that the applicant is, or is part of, the household.
- (3) For a category 3 applicant, the matters are—
  - (a) that the applicant is, or is part of, a household; and
  - (b) that the household occupies residential premises located within multi-dwelling premises that are primarily occupied for a holiday purpose.
- (4) For a category 4 applicant, the matters are—
  - (a) that the applicant is, or is part of, a household; and
  - (b) that the eligible proprietor for the household has refused to apply for assistance under the scheme for the financial year to which the application relates.

## **11 Deciding applications**

- (1) The authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.
- (2) If the authority approves the application, the authority may impose conditions on the giving of the assistance.

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## Schedule 15      Wheelchair Accessible Taxi Grants Scheme

section 3(1)

### Part 1                      Preliminary

#### 1                      Objectives of scheme

- (1) The objectives of the scheme are—
- (a) to modernise, and reduce the average age of, the wheelchair accessible taxis being used to provide taxi services in Queensland; and
  - (b) to provide the opportunity to replace taxis that are not wheelchair accessible vehicles with new wheelchair accessible taxis.
- (2) The objectives of the scheme are to be achieved by helping the holders and lessees of particular taxi service licences to meet the cost of replacing ageing wheelchair accessible taxis.

#### 2                      Definitions

In this schedule—

*acquires*, a new wheelchair accessible taxi, see section 3.

*age*, of a motor vehicle, means the number of years that have passed from the vehicle's date of compliance shown on the identification plate placed on the vehicle under the *Motor Vehicle Standards Act 1989* (Cwlth).

*certificate of modification* means—

- (a) a certificate of modification under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*; or

- (b) a certificate given under a law of the Commonwealth or another State that provides for approving the modification of vehicles.

**chief executive (transport)** means the chief executive of the department in which the *Transport Operations (Passenger Transport) Act 1994* is administered.

**cost**, of acquiring a new wheelchair accessible taxi, see section 4.

**eligible modification**, for a motor vehicle, means the installation of a wheelchair-accessibility device—

- (a) for the purpose of converting the vehicle into a wheelchair accessible vehicle; and  
(b) for which a certificate of modification has been given.

**eligible replaceable taxi** see section 5.

**licensee**—

- (a) in relation to an application for reimbursement assistance under the scheme—see section 8(1); or  
(b) in relation to an application for purchase assistance under the scheme—see section 9(1).

**new**, for a motor vehicle, means the vehicle, when it was purchased—

- (a) had not been registered in Australia or another country; or  
(b) was otherwise a new vehicle under the *Motor Vehicle Standards Act 1989* (Cwlth).

**purchase assistance** see section 9(2).

**reimbursement assistance** see section 8(2).

**taxi** see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

**taxi service** see the *Transport Operations (Passenger Transport) Act 1994*, section 70.

**taxi service licence** see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.



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**wheelchair-accessibility device**, for a motor vehicle, means a device designed to—

- (a) load a wheelchair into the vehicle; or
- (b) secure a wheelchair in the vehicle; or
- (c) safely restrain an occupant of a wheelchair while the wheelchair is in the vehicle.

**wheelchair accessible taxi condition**, for a taxi service licence, means a condition of the licence that requires—

- (a) the motor vehicle stated in the licence to be a wheelchair accessible vehicle; and
- (b) a taxi service provided under the licence to be provided using a wheelchair accessible taxi.

**wheelchair accessible taxi** means a wheelchair accessible vehicle that—

- (a) is the motor vehicle stated in a taxi service licence; and
- (b) has been approved by the chief executive (transport) as a vehicle that may be used to provide a taxi service under the licence.

**wheelchair accessible vehicle** means a motor vehicle that has the capacity to accommodate at least 1 wheelchair and the occupant of the wheelchair.

**written-off vehicle** means a written-off vehicle under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*.

### 3 When a person **acquires** a new wheelchair accessible taxi

- (1) A person **acquires** a new wheelchair accessible taxi if the person—
  - (a) buys a new motor vehicle from a licensed motor dealer; and
  - (b) has the new motor vehicle converted into a wheelchair accessible vehicle by eligible modifications; and

- (c) asks, or intends to ask, the chief executive (transport) to have the new motor vehicle, as converted, stated in a taxi service licence held by the person.

- (2) In this section—

*licensed motor dealer* means the holder of a motor dealer licence under the *Motor Dealers and Chattel Auctioneers Act 2014*.

#### 4 What is the **cost** of acquiring a new wheelchair accessible taxi

- (1) For this schedule, the **cost** of acquiring a new wheelchair accessible taxi (a *new taxi*) includes the cost of—
  - (a) buying a new wheelchair-accessibility device; and
  - (b) changing the seats, or the configuration of seats, in a new motor vehicle to the extent necessary to install a wheelchair- accessibility device in the vehicle.
- (2) However, for this schedule, the **cost** of acquiring a new taxi does not include the cost of any of the following—
  - (a) removing a wheelchair-accessibility device or other thing from an existing wheelchair accessible vehicle or installing the device or other thing in the new taxi;
  - (b) buying and installing devices (other than wheelchair-accessibility devices), signs and other things in the new taxi, including, for example, a security camera, EFTPOS system, signage, a taxi meter and a dispatch system;
  - (c) the cost of maintaining, repairing or replacing the new taxi;
  - (d) the cost of applying to the chief executive (transport) to amend a taxi service licence to—
    - (i) state the new taxi in the licence; or
    - (ii) add a wheelchair accessible taxi condition.

## 5 Meaning of *eligible replaceable taxi*

- (1) A wheelchair accessible taxi is an *eligible replaceable taxi* if—
- (a) the age of the taxi is at least 8 years; or
  - (b) all of the following apply to the taxi—
    - (i) the age of the taxi is at least 6 years;
    - (ii) the taxi's odometer shows the taxi has been driven at least 800,000km;
    - (iii) a qualified mechanic, panel beater or other relevant tradesperson has advised, in writing, that the taxi requires repairs that would cost an estimated \$10,000 (excluding GST) or more; or
  - (c) the taxi is a written-off vehicle.
- (2) A taxi, other than a wheelchair accessible taxi, is an *eligible replaceable taxi* if—
- (a) the taxi is the motor vehicle stated in a taxi service licence for an eligible taxi service area; and
  - (b) the holder or lessee of the licence has asked, or intends to ask, the chief executive (transport) to—
    - (i) change the vehicle stated in the licence to be a new wheelchair accessible taxi acquired by the holder or lessee; and
    - (ii) include a wheelchair accessible taxi condition.
- (3) In this section—
- eligible taxi service area* means any of the following taxi service areas under the *Transport Operations (Passenger Transport) Act 1994*—
- (a) Brisbane;
  - (b) Bundaberg;
  - (c) Cairns;
  - (d) Gold Coast;
  - (e) Hervey Bay;

- (f) Ipswich;
- (g) Mackay;
- (h) Maryborough;
- (i) Redcliffe;
- (j) Rockhampton;
- (k) Sunshine Coast;
- (l) Toowoomba;
- (m) Townsville Thuringowa.

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

### **6                      Nature of assistance**

The nature of the assistance that may be given under the scheme is a grant to offset the cost of acquiring a new wheelchair accessible taxi.

### **7                      Scheme to operate in rounds**

- (1) The scheme will operate in rounds.
- (2) Applications for assistance under the scheme may be made while a round of the scheme is open.
- (3) A round of the scheme—
  - (a) opens on the day stated on the authority’s website as the day on which the round opens; and
  - (b) closes on the day stated on the authority’s website as the day on which the round closes.
- (4) The last round of the scheme must close on or before 30 June 2023.
- (5) The authority may accept applications for assistance under the scheme after a round of the scheme has closed if—
  - (a) the applications for assistance received while the round was open have been decided; and

- 
- (b) the authority's assistance funds for the round are sufficient to pay further assistance under the scheme.

**8 Eligibility criteria—reimbursement for acquiring new wheelchair accessible taxi**

- (1) This section applies to the holder or lessee of a taxi service licence (the *licensee*) if the licensee has acquired a new wheelchair accessible taxi and paid for its acquisition in full.
- (2) The licensee is eligible for assistance (*reimbursement assistance*) under the scheme if the authority is satisfied—
- (a) the licensee is registered for GST; and
  - (b) the new wheelchair accessible taxi is the motor vehicle stated in the taxi service licence; and
  - (c) immediately before the new wheelchair accessible taxi was the vehicle stated in the taxi service licence, the vehicle stated in the licence was an eligible replaceable taxi; and
  - (d) the licensee took reasonable steps to achieve value for money in acquiring the new wheelchair accessible taxi; and
  - (e) the licensee did not use the new wheelchair accessible taxi to provide a taxi service under the taxi service licence before 1 July 2019.

**9 Eligibility criteria—assistance to acquire new wheelchair accessible taxi**

- (1) This section applies to the holder or lessee of a taxi service licence (also the *licensee*) if the licensee intends to acquire a new wheelchair accessible taxi.
- (2) The licensee is eligible for assistance (*purchase assistance*) under the scheme if the authority is satisfied—
- (a) the licensee is registered for GST; and
  - (b) the motor vehicle stated in the taxi service licence is an eligible replaceable taxi; and

- (c) the licensee intends to apply to the chief executive (transport) to change the motor vehicle stated in the taxi service licence to the new wheelchair accessible taxi acquired by the licensee; and
- (d) the licensee is able to pay at least 50% of the cost of acquiring a new wheelchair accessible taxi.

## **10 Amount and payment of assistance**

- (1) If the authority approves reimbursement assistance or purchase assistance under the scheme for a licensee, the authority must pay the licensee the lesser of the following amounts—
  - (a) 50% of the cost of acquiring a new wheelchair accessible taxi;
  - (b) \$45,000.
- (2) However, the authority may pay purchase assistance, made up of lesser amounts, at intervals decided by the authority.

## **11 Conditions of assistance**

- (1) The payment of reimbursement assistance or purchase assistance under section 10 is subject to the conditions stated in this section.
- (2) Before receiving the reimbursement assistance or purchase assistance, the licensee must—
  - (a) give the authority, when asked to do so—
    - (i) a tax invoice for an amount the applicant is required to pay to acquire the new wheelchair accessible taxi; or
    - (ii) an official receipt for an amount the applicant has paid to acquire the new wheelchair accessible taxi; and
  - (b) enter into a written agreement with the authority that sets out the terms on which the assistance is provided.
- (3) The terms of the agreement must include the following—

- (a) the licensee must ensure the new wheelchair accessible taxi is used to provide a taxi service under the licensee's taxi service licence for a period of at least 3 years;
  - (b) if the licensee does not use the new wheelchair accessible taxi to provide the taxi service for at least 3 years, the licensee must repay the assistance on a pro-rata basis for the part of the 3-year period the taxi was not used to provide the taxi service.
- (4) In this section—
- official receipt* means a receipt that states—
- (a) the name and address of the entity that issued the receipt; and
  - (b) if the entity has an Australian Business Number—the entity's Australian Business Number; and
  - (c) a description of each item to which the receipt relates.

## 12 Additional conditions of purchase assistance

- (1) The payment of purchase assistance under section 10 to a licensee who intends to acquire a new wheelchair accessible taxi is also subject to the conditions stated in this section.
- (2) The licensee must take reasonable steps to achieve value for money in acquiring the new wheelchair accessible taxi.
- (3) The licensee must acquire the new wheelchair accessible taxi, and start to provide taxi services using the new wheelchair accessible taxi, within—
  - (a) 3 months after the licensee is paid the purchase assistance; or
  - (b) a longer period approved by the authority.
- (4) The licensee must not use the purchase assistance to pay any of the costs mentioned in section 4(2).
- (5) If the authority pays the purchase assistance to the licensee at intervals under section 10(2), before paying the last payment of the purchase assistance, the authority must be satisfied—

- (a) the eligible modifications to which the assistance relates have been completed; and
- (b) the new wheelchair accessible taxi is stated in the licence; and
- (c) if the eligible replaceable taxi for the licensee's taxi service licence is not a wheelchair accessible vehicle—the licence has been amended to add a wheelchair accessible taxi condition.

### **13 Applications**

- (1) An application for assistance under the scheme must be—
  - (a) given to the authority while a round of the scheme is open; and
  - (b) made in the approved form; and
  - (c) accompanied by any other documents stated in the approved form.
- (2) Subsection (1)(a) does not apply to an application mentioned in section 7(5).
- (3) If the authority asks the applicant to provide further information to decide the application, the applicant must provide the information.

### **14 Deciding applications**

- (1) The authority must decide to approve, or refuse to approve, each application for assistance under the scheme.
- (2) The authority, for the State, may approve an application made during a round of the scheme only if the authority's assistance funds for the round of the scheme are sufficient to pay for the assistance.
- (3) The authority must refuse an application for assistance under the scheme (the *later application*) made by the holder or lessee of a taxi service licence if the holder or lessee has already received assistance under the scheme for the



acquisition of a new wheelchair accessible taxi (the *first new taxi*) for the licence.

- (4) Subsection (3) does not apply if the later application is made because the first new taxi is a written-off vehicle.

## **15 Priority of consideration of applications**

- (1) The authority must consider applications for assistance under the scheme in the following decreasing order of priority—
- (a) applications in relation to an eligible replaceable taxi of a kind mentioned in section 5(1)(a);
  - (b) applications in relation to an eligible replaceable taxi of a kind mentioned in section 5(1)(b);
  - (c) applications in relation to an eligible replaceable taxi of a kind mentioned in section 5(1)(c);
  - (d) applications in relation to an eligible replaceable taxi of a kind mentioned in section 5(2).
- (2) The authority must consider the applications to which any of subsections (1)(a) to (d) applies in decreasing order of the age of the eligible replaceable taxi to which the application relates.

## **Schedule 16 Schemes approved under Act, section 11(4)**

section 3(2)

- 1 The scheme set out in the document called ‘Farm Finance: Concessional Loans Scheme—Scheme Guidelines for Queensland’, published by the authority.
- 2 The scheme set out in the document called ‘Drought Concessional Loans Scheme—Scheme Guidelines for Queensland’, published by the authority.
- 3 The scheme set out in the document called ‘Drought Recovery Concessional Loans Scheme—Scheme Guidelines for Queensland’, published by the authority.
- 4 The scheme set out in the documents called ‘Farm Business Concessional Loans Scheme—Drought Assistance Concessional Loans—Guidelines for Queensland’ and ‘Farm Business Concessional Loans Scheme—Business Improvement Concessional Loans—Guidelines for Queensland’, published by the authority.
- 5 The scheme mentioned in the document called ‘North Queensland Restocking, Replanting & On-Farm Infrastructure Grants—North & Far North Queensland Monsoon Trough, 25 January–14 February 2019—Guideline’, published by the authority.
- 6 The scheme mentioned in the document called ‘North Queensland Economic Diversification Grants (North & Far North Queensland Monsoon Trough, 25 January–14 February 2019)—Guidelines’, published by the authority.
- 7 The scheme mentioned in the document called ‘North Queensland Resilient Kids Grants (North & Far North Queensland Monsoon Trough, 25 January–14 February 2019)—Guidelines’, published by the authority.
- 8 The scheme mentioned in the document called ‘North Queensland Telecommunications and Energy Improvement

Grants (North & Far North Queensland Monsoon Trough, 25 January–14 February 2019)—Guidelines’, published by the authority.

- 9 The scheme mentioned in the document called ‘North Queensland Recovery and Resilience (Stream 2) Grants Scheme—Land Management (North & Far North Queensland Monsoon Trough, 25 January–14 February 2019)—Guidelines’, published by the authority.

*Note—*

The documents mentioned in items 5 to 9 are available on the authority’s website.

## **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.

***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.

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## Schedule 18 COVID-19 Marine Tourism Assistance Scheme

section 3(1)

### Part 1 Preliminary

#### 1 Objective of scheme

The objective of the scheme is to help businesses providing tourism services that have suffered losses of income because of the COVID-19 travel restrictions by offsetting the cost of renting berths, at privately-owned or privately-operated marinas located in eligible local government areas, for use by eligible boats during the prescribed period for a round of the scheme.

#### 2 Definitions for schedule

In this schedule—

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

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

*COVID-19 travel restrictions* means—

- (a) 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; or
- (b) the following restrictions or prohibitions imposed under the *Public Health Act 2005*, section 362B, 362H or 362I—

- (i) restrictions imposed on, or the prohibition of, persons entering Queensland from another State or another country;
- (ii) restrictions imposed on, or the prohibition of, persons entering or leaving particular premises, or particular areas, in Queensland.

***eligible berthing expense***, for a round of the scheme, see section 3.

***eligible boat*** see section 4.

***eligible business***, for a round of the scheme, see section 5.

***eligible local government area*** see section 6.

***official receipt*** means a receipt for an amount paid by an applicant to an entity that includes—

- (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) a description of each item to which the receipt relates.

***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.

***prescribed period***, for a round of the scheme, means—

- (a) for round 1—the period—
  - (i) starting on 1 July 2020; and
  - (ii) ending on 30 June 2021; or
- (b) for round 2—the period—
  - (i) starting on 1 July 2021; and

(ii) ending on 30 June 2022.

**round**, of the scheme, means round 1 of the scheme or round 2 of the scheme.

**round 1**, of the scheme, see section 6A(3).

**round 2**, of the scheme, see section 6A(4).

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

### 3 Meaning of *eligible berthing expense*

- (1) An *eligible berthing expense*, for a round of the scheme, is an amount paid, or to be paid, for renting a berth that is—
  - (a) at a privately-owned or privately-operated marina located in an eligible local government area; and
  - (b) for use by an eligible boat during the prescribed period for the round.
- (2) An *eligible berthing expense*, for a round of the scheme, includes an amount mentioned in subsection (1) that is paid in advance.
- (3) However, the following are not *eligible berthing expenses* for a round of the scheme—
  - (a) incidental costs of berthing an eligible boat;  
*Examples—*
    - the cost of electricity, water and cleaning
  - (b) costs associated with ownership of a berth.

### 4 Meaning of *eligible boat*

A boat is an *eligible boat* if the boat—

- (a) is ordinarily used for tourism services; and
- (b) is identified in a certificate of operation issued under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cwlth), schedule 1, section 48; and

- (c) ordinarily requires a berth, at a privately-owned or privately-operated marina located in an eligible local government area, when not in use.

## 5 Meaning of *eligible business*

- (1) A business is an *eligible business* for a round of the scheme if—
  - (a) the business has, since the relevant date for the round, ordinarily provided tourism services using 1 or more eligible boats; and
  - (b) the business has its headquarters in Queensland; and
  - (c) the business has, after the relevant date for the round, suffered a loss of income because of the COVID-19 travel restrictions; and
  - (d) 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 the relevant date for the round; and
  - (e) the business is, and has since the relevant date for the round been, registered for GST; and
  - (f) on the relevant date for the round, the business had—
    - (i) the relevant number of full-time employees for the round; or
    - (ii) if the business had employees other than full-time employees—the relevant number of equivalent full-time employees for the round; and
  - (g) for round 1—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) for round 2—either—
    - (i) the annual turnover of the business for a relevant previous 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 2021-2022 financial year can reasonably be expected to be more than \$75,000; and
  - (i) neither an owner, nor a director or shareholder of an owner, of the business is an insolvent under administration.
- (2) 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.

(3) In this section—

***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.

***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.

***relevant date***, for a round of the scheme, means—

- (a) for round 1—1 February 2020; or
- (b) for round 2—1 April 2021.

***relevant number***, of full-time employees or equivalent full-time employees for a round of the scheme, means—

- (a) for round 1—at least 1, but not more than 199; or
- (b) for round 2—at least 1.

***relevant previous financial year*** means any of the following financial years—

- (a) 2018–2019;
- (b) 2019–2020;
- (c) 2020–2021.

## **6 Meaning of *eligible local government area***

(1) The following local government areas are ***eligible local government areas***—

- (a) the Bundaberg local government area;

- 
- (b) the Burdekin local government area;
  - (c) the Cairns local government area;
  - (d) the Cassowary Coast local government area;
  - (e) the Cook local government area;
  - (f) the Douglas local government area;
  - (g) the Fraser Coast local government area;
  - (h) the Gladstone local government area;
  - (i) the Hinchinbrook local government area;
  - (j) the Isaac local government area;
  - (k) the Livingstone local government area;
  - (l) the Mackay local government area;
  - (m) the Townsville local government area;
  - (n) the Whitsunday local government area;
  - (o) if the tourism chief executive makes an eligible local government area notice—another local government area stated in the notice.
- (2) The tourism chief executive may make a notice (an *eligible local government area notice*) stating 1 or more local government areas are eligible local government areas.
- (3) As soon as practicable after an eligible local government area notice is made, the tourism chief executive must publish the notice on the tourism department’s website.
- (4) In this section—

*tourism chief executive* means the chief executive of the tourism department.

*tourism department* means the department in which the *Tourism and Events Queensland Act 2012* is administered.

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## Part 2 General provisions for scheme

### 6A Scheme to operate in rounds

- (1) The scheme will operate in rounds.
- (2) Applications for assistance under a round of the scheme may be made while the round is open.
- (3) **Round 1** of the scheme—
  - (a) opened on 4 September 2020; and
  - (b) closes on the earlier of the following times—
    - (i) 30 August 2021 at midday;
    - (ii) the time at which the authority's assistance funds for the round become insufficient to pay further assistance under the scheme.
- (4) **Round 2** of the scheme—
  - (a) opens on 30 August 2021 at midday; and
  - (b) closes on the earlier of the following times—
    - (i) midnight on 30 June 2022;
    - (ii) the time at which the authority's assistance funds for the round become insufficient to pay further assistance under the scheme.

### 7 Nature and amount of assistance

- (1) The nature of assistance available under a round of the scheme is either—
  - (a) if the applicant has paid a tax invoice for eligible berthing expenses for the round—a rebate for the eligible berthing expenses; or
  - (b) if the applicant has received, but has not paid, a tax invoice for eligible berthing expenses for the round—payment of the amount of the eligible berthing expenses to the entity that issued the invoice to the applicant for the eligible berthing expenses.

- 
- (2) The maximum amount of assistance payable to an applicant for a round of the scheme is \$20,000.

## **8 Eligibility criteria**

- (1) An applicant is eligible for assistance under a round of the scheme if the applicant—
- (a) is the owner of an eligible business for the round; and
  - (b) has received a tax invoice for eligible berthing expenses for the round, whether or not the applicant has paid the invoice; and
  - (c) has not previously received, or been approved to receive, assistance under the round.
- (2) An applicant is not ineligible for assistance under round 2 of the scheme merely because the applicant has received, or has been approved to receive, assistance under round 1 of the scheme.

## **9 Applications**

- (1) An application for assistance under a round of the scheme must—
- (a) be made by the applicant while the round is open and be on the form approved by the authority; and
  - (b) state the applicant's Australian Business Number; and
  - (c) be accompanied by the following documents—
    - (i) tax invoices, or copies of tax invoices, for eligible berthing expenses for which the applicant is claiming assistance under the round of the scheme;
    - (ii) if the applicant has paid the eligible berthing expenses—official receipts, or copies of official receipts, for the eligible berthing expenses;
    - (iii) proof, to the satisfaction of the authority, that the eligible boat, to which the eligible berthing expenses relate, is ordinarily used for tourism services; and

*Examples of documents for subparagraph (iii)—*

- a permission issued under the *Marine Parks Act 2004* that applies in relation to the eligible boat
  - a permission granted under the *Great Barrier Reef Marine Park Act 1975* (Cwlth) that applies in relation to the eligible boat
- (d) be accompanied by any other documents mentioned in the form.
- (2) The applicant must give the authority any further documents or information the authority reasonably requires to decide the application.

*Example—*

if the applicant is claiming assistance for eligible berthing expenses paid by the applicant after the application is made—official receipts, or copies of official receipts, for the eligible berthing expenses

## **10 Deciding applications**

- (1) The authority must consider, and decide to approve or refuse to approve, each application for assistance under a round of the scheme that complies with section 9(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—
  - (a) the applicant is eligible for assistance under section 8; and
  - (b) the assistance claimed by the applicant represents reasonable value for money.
- (4) The authority must refuse an application for assistance under a round of the scheme if the authority's assistance funds for the round are not sufficient to pay further assistance under the scheme.
- (5) If the authority refuses to approve the application, the authority must give the applicant written notice of the decision.

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**10A Payment of assistance**

- (1) This section applies if the authority decides to approve an application for assistance under the scheme.
- (2) The authority may pay the amount of the assistance approved in a way, and to an entity, the authority considers appropriate.

*Examples—*

- 1 If the applicant has paid the eligible berthing expenses for which the assistance is claimed, the authority may pay the assistance to the applicant.
  - 2 If the applicant has not yet paid eligible berthing expenses for which the assistance is claimed, the authority may pay the assistance to the entity that issued the invoice to the applicant for the eligible berthing expenses.
- (3) Subsections (4) and (5) apply if the authority pays the amount of the assistance to an entity other than the applicant.
  - (4) The authority must, as soon as practicable after making the payment, give the applicant written notice stating—
    - (a) the authority has approved the application; and
    - (b) the amount that has been paid to the entity.
  - (5) The payment discharges the applicant from liability to the entity for the eligible berthing expenses for which the assistance is claimed, but only to the extent of the amount of the payment.

**11 Conditions**

- (1) The payment of assistance under the scheme is subject to the conditions stated in subsection (2).
- (2) The applicant must—
  - (a) keep, for 4 years after the application is approved, tax invoices and official receipts for the eligible berthing expenses for which the applicant claimed assistance under the scheme; and
  - (b) consent to the authority conducting an audit of the documents kept under paragraph (a) to allow the

authority to verify the applicant's entitlement to the assistance given under the scheme.

- (3) The applicant may comply with subsection (2)(a) by keeping a copy of a tax invoice or official receipt.



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## Schedule 19      **Tourism Business Professional Advice Rebate Scheme**

section 3(1)

### 1      **Objective of scheme**

The objective of the scheme is to help businesses in a tourism industry that have been financially affected by COVID-19.

### 2      **Purpose of assistance**

The purpose of assistance under the scheme is to give rebates to owners of eligible businesses to offset the cost of eligible professional advice received from a suitably qualified professional adviser.

### 3      **Definitions for schedule**

In this schedule—

**ANZSIC** means the document called ‘Australian and New Zealand Standard Industrial Classification (ANZSIC)’ published by the Australian Bureau of Statistics, as amended from time to time.

*Note—*

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

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

**eligible business** see section 4.

**eligible financial advice** means written financial advice about 1 or more of the following matters—

- (a) business rationalisation, resizing or downsizing;
- (b) debt refinancing;
- (c) debt recovery;

(d) expense management to assist in suspending a business.

**eligible human resources advice** means written human resources advice about 1 or more of the following matters—

- (a) workforce planning;
- (b) workplace relations policies and procedures;
- (c) staff performance and disciplinary matters;
- (d) negotiating employee contracts;
- (e) terminating employees' employment and related payments.

**eligible legal advice** means written legal advice about 1 or more of the following matters—

- (a) contract development;
- (b) compliance with—
  - (i) laws related to taxes or employment; or
  - (ii) industrial agreements or instruments;
- (c) ending property or supplier contracts.

**eligible professional advice**, for an eligible business, means 1 or more of the following types of advice received by the business on or after the day of the commencement, if the advice relates to the operation of the eligible business—

- (a) eligible financial advice;
- (b) eligible human resources advice;
- (c) eligible legal advice.

**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.

**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.

**suitably qualified professional adviser**, for eligible professional advice, means a person who—

- (a) is an owner or employee of a business—
  - (i) that provides professional services; and
  - (ii) for which an entity holds an Australian Business Number; and
- (b) is based in Queensland; and
- (c) has—
  - (i) the relevant qualifications and experience to give the advice; and
  - (ii) membership of a professional body that entitles the adviser to give the advice.

*Examples of a professional body for subparagraph (ii)—*

Institute of Public Accountants, CPA Australia, Chartered Accountants Australia and New Zealand, Australian Human Resources Institute, Queensland Law Society, Bar Association of Queensland

**tourism industry** means an industry classified under ANZSIC within class code 4279, 4400, 4511, 4513, 4520, 4530, 4623, 4820, 5010, 6611, 7220, 7299, 8910, 8921, 8922, 9003, 9131 or 9139.

#### 4 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 a tourism industry in Queensland; and
  - (e) immediately before 1 February 2020, the business primarily operated for the domestic or 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 business received a jobkeeper payment each fortnight between 28 September 2020 and 28 March 2021, both dates inclusive; or
    - (ii) the annual turnover of the business for 2020 was at least 30% less than the annual turnover of the business for 2019; and
  - (h) under the Queensland tourism business financial counselling service, the business has received—
    - (i) a business health check report; and
    - (ii) a referral to receive eligible professional advice.
- (2) 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.

- (3) However, a business is not an *eligible business* if the business is—
- (a) a local or regional tourism organisation; or
  - (b) a business operated by a local government or the Commonwealth government; or
  - (c) a non-profit organisation.

- (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.

*jobkeeper payment* see the *Coronavirus Economic Response Package (Payments and Benefits) Rules 2020* (Cwlth), section 4(1).

*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.

*Queensland tourism business financial counselling service* means the program called ‘Queensland tourism business financial counselling service’ that is—

- (a) administered by the tourism department; and
- (b) published on the tourism department’s website.

*tourism department* means the department in which the *Tourism and Events Queensland Act 2012* is administered.

## **5 Nature and amount of assistance**

- (1) The nature of assistance available to an applicant under the scheme is a rebate to offset the cost of receiving eligible professional advice from a suitably qualified professional adviser.
- (2) The maximum amount of assistance payable under the scheme is the lesser of the following amounts—
  - (a) 50% of the cost of the eligible professional advice;
  - (b) \$2,500.

## **6 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) has received eligible professional advice for the eligible business; and
  - (c) has paid in full for the eligible professional advice.
- (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 assistance under the scheme; or
  - (b) for eligible professional advice received from a suitably qualified professional adviser who is a related entity, or

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an employee of a related entity, of an owner of the eligible business to which the application relates.

(3) In this section—

*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—
  - (i) a company mentioned in paragraph (a); or
  - (ii) a company of which a company mentioned in paragraph (a) is a 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.

## **7 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; and
  - (c) be received by the authority no later than 30 June 2022.
- (2) If the authority asks the applicant to provide further information to decide the application, the applicant must provide the information.

## **8 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 7(1).
- (2) The authority must consider applications in the order they are received by the authority.

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- (3) The authority must approve an application if the authority is satisfied the applicant is eligible for assistance under section 6.
- (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.



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## Schedule 20      Hendra virus PPE Rebate Scheme

section 3(1)

### 1      Objective of scheme

The objective of the scheme is to assist eligible applicants in offsetting the purchase price of prescribed PPE for eligible veterinary surgeons who may be at significant risk of being exposed to the Hendra virus.

### 2      Nature of assistance

- (1) The nature of assistance that may be given to an applicant under the scheme is a rebate to offset the purchase price of prescribed PPE for eligible veterinary surgeons.
- (2) The following rebates are payable under the scheme—
  - (a) a rebate for the initial purchase of prescribed PPE for an eligible veterinary surgeon (the *start-up rebate*);
  - (b) a rebate for the purchase of prescribed PPE payable after an approved test of a suspected Hendra virus infection sample has been completed (the *replenishment rebate*).

### 3      Definitions for sch 20

In this schedule—

*applicant* means a person applying for financial assistance under the scheme.

*approved entity* means the department in which the repealed *Exotic Diseases in Animals Act 1981* was administered immediately before that Act was repealed.

*approved test* means 1 or more tests of a suspected Hendra virus infection sample—

- (a) carried out by the approved entity for diagnosing the Hendra virus; and
- (b) for which the approved entity has issued a unique identifying number.

*Examples of diagnostic tests—*

- polymerase chain reaction test
- virus isolation test
- enzyme linked immunosorbent assay test
- virus neutralisation test

***eligible veterinary surgeon***, for an applicant, see section 5(1)(d).

***official receipt*** means a receipt including—

- (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) a description of each item to which the receipt relates.

***prescribed PPE*** see section 4.

***replenishment rebate*** see section 2(2)(b).

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

***start-up rebate*** see section 2(2)(a).

***suspected Hendra virus infection sample*** means a sample taken by a veterinary surgeon from a horse that, when the sample was taken—

- (a) was showing symptoms of disease; and
- (b) was suspected by the veterinary surgeon of being infected with the Hendra virus.

***veterinary surgeon*** see the *Veterinary Surgeons Act 1936*, schedule.

#### **4 Meaning of *prescribed PPE***

***Prescribed PPE*** means—

- 
- (a) any of the following items of personal protective equipment—
- biohazard bag
  - disposable boot covers
  - disposable overalls
  - disposable respirator
  - duct tape
  - full face shield
  - nitrile gloves
  - safety eyewear
  - sharps disposal container; or
- (b) a pack containing any of the items of personal protective equipment mentioned in paragraph (a).

## 5 General eligibility criteria

- (1) An applicant is eligible for assistance under the scheme if the authority is satisfied that—
- (a) the applicant is 1 of the following entities conducting a veterinary practice—
- (i) an individual conducting the veterinary practice on the individual's own account (a *sole trader*);
  - (ii) 2 or more individuals in a partnership;
  - (iii) a corporation; and
- (b) the applicant holds an Australian Business Number for the veterinary practice; and
- (c) the applicant is not—
- (i) the State, the Commonwealth or another State; or
  - (ii) an instrumentality or agent of the State, the Commonwealth or another State; or
  - (iii) an entity established or operated under an Act that is funded to any extent with moneys of, or

otherwise financially assisted by, the State, the Commonwealth or another State; and

- (d) any of the following persons is a veterinary surgeon (an *eligible veterinary surgeon*) whose practice of veterinary science relates to horses—
    - (i) for an applicant who is a sole trader—the applicant;
    - (ii) for an applicant that is a partnership—a partner in the partnership;
    - (iii) for any applicant—a person employed, engaged or otherwise acting under the direction of the applicant in the person’s practice of veterinary science; and
  - (e) the eligibility criteria under section 6 or 7 have been met.
- (2) In this section—  
*veterinary science* see the *Veterinary Surgeons Act 1936*, section 2A.

## **6 Eligibility criteria for start-up rebate**

For an applicant to be eligible for the start-up rebate, the authority must be satisfied that—

- (a) the applicant bought prescribed PPE on or after 24 March 2012; and
- (b) the applicant has not already received the start-up rebate.

## **7 Eligibility criteria for replenishment rebate**

For an applicant to be eligible for the replenishment rebate, the authority must be satisfied—

- (a) an eligible veterinary surgeon for the applicant took a suspected Hendra virus infection sample from a horse; and

- 
- (b) the sample was given to the approved entity for testing for the Hendra virus; and
  - (c) the approved entity completed an approved test of the sample on or after 24 March 2012; and
  - (d) the replenishment rebate has not already been paid for the approved test.

## **8 Amount and payment of assistance**

- (1) The amount of the start-up rebate payable for an application is the amount paid for prescribed PPE up to a maximum of \$250 for each eligible veterinary surgeon to whom the application relates.
- (2) The start-up rebate can be paid to an applicant only once.
- (3) The amount of the replenishment rebate is \$250 for each approved test that is completed.
- (4) The replenishment rebate can be paid for an approved test only once.

## **9 Applications**

- (1) 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 mentioned in the application form.
- (2) Without limiting subsection (1)(b), an application for the start-up rebate must be accompanied by tax invoices and official receipts for the purchase of the prescribed PPE to which the application relates.
- (3) The authority may request that an applicant provide further relevant information required to decide the application.
- (4) An application for assistance under the scheme must be received by the authority no later than 30 June 2016.

## **10 Deciding applications**

The authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.

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## Schedule 21      Disaster Assistance (Non-profit Organisations) Loans Scheme

section 3(1)

### Part 1                      Preliminary

#### 1                      Objective of scheme

The objective of the scheme is to provide assistance to eligible entities that have suffered direct damage caused by an eligible disaster.

#### 2                      Purpose of assistance

- (1) The purpose of the assistance under the scheme is to help an eligible entity pay for costs arising out of direct damage caused by an eligible disaster.
- (2) However, assistance under the scheme is not intended to compensate eligible entities for loss of income suffered as a result of an eligible disaster.

#### 3                      Definitions for sch 21

In this schedule—

*applicant* means a person applying for financial assistance under the scheme.

*appropriate Minister* means the Minister responsible for administering the *Disaster Management Act 2003*.

*defined disaster area*, for an eligible disaster, means an area—

- (a) defined by the appropriate Minister for the purpose of activating the disaster recovery funding arrangements for communities affected by the eligible disaster; and

- (b) described in a document held by the authority and available for inspection by members of the public.

*Editor's note—*

Defined disaster areas are published on the authority's website.

***development*** see the *Planning Act 2016*, schedule 2.

***disaster recovery funding arrangements*** means the funding arrangements for providing financial assistance to communities affected by an eligible disaster, as agreed between the Commonwealth and the State, and as described in a document (however called) published by the Commonwealth.

*Editor's note—*

The disaster recovery funding arrangements can be viewed on the Australian Government Disaster Assist website.

***eligible entity*** means a non-profit organisation eligible for assistance under the scheme.

***eligible disaster*** means—

- (a) a natural disaster; or  
(b) a terrorist act.

***natural disaster*** see section 4.

***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.

***official receipt*** means a receipt including—

- (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) a description of each item to which the receipt relates.

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

*terrorist act* see the *Police Powers and Responsibilities Act 2000*, section 211.

#### 4 Meaning of *natural disaster*

- (1) A *natural disaster* means any of the following events—
- (a) a bushfire;
  - (b) a cyclone;
  - (c) an earthquake;
  - (d) a flood;
  - (e) a landslide;
  - (f) a meteorite strike;
  - (g) a storm, including any of, or any combination of, the following—
    - (i) hail;
    - (ii) rain;
    - (iii) wind;
  - (h) a storm surge;
  - (i) a tornado;
  - (j) a tsunami.
- (2) However, an event, other than an event mentioned in subsection (1)(a), is not a *natural disaster* if the authority considers human activity significantly contributed to the event or loss or damage suffered because of the event.

*Examples of human activity for subsection (2)—*

- a deliberate act
- an accident
- development

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

### **5**         **Nature of assistance**

The nature of the assistance under the scheme is the provision of a concessional loan for re-establishing the normal operation of an eligible entity, including doing any of the following—

- (a) repairing or replacing damaged plant and equipment;
- (b) repairing or restoring essential premises, including grounds, amenities and infrastructure;
- (c) supplying stock for up to 1 month to replace lost stock and maintain liquidity of the eligible entity.

### **6**         **Maximum loan amount**

- (1) The amount of loan assistance for an applicant under the scheme for an eligible disaster—
  - (a) is based on the authority's assessment of the applicant's financial position, including any amount recovered by the applicant under an insurance policy; and
  - (b) must not be more than the amount of the net loss to the applicant caused by the eligible disaster.
- (2) However, the amount of a loan to an applicant under the scheme for an eligible disaster must not be more than \$100,000.

### **7**         **Eligibility criteria**

An applicant is eligible for assistance under the scheme for an eligible disaster if the authority is satisfied—

- (a) the applicant is a non-profit organisation; and
- (b) immediately before the eligible disaster, the applicant carried on operations as a non-profit organisation in the defined disaster area; and
- (c) the applicant has suffered direct damage to essential premises, plant, equipment or stock for carrying on its

operations as a non-profit organisation as a result of the eligible disaster; and

- (d) the applicant has not taken excessive risks in carrying on operations as a non-profit organisation; and

*Example for paragraph (d)—*

The authority is satisfied the applicant's capital expenditure for the non-profit organisation has not been excessive.

- (e) the applicant has taken reasonable precautions to avoid or minimise loss or damage from the eligible disaster; and

*Example for paragraph (e)—*

The authority is satisfied the applicant has adequate insurance against loss or damage from the eligible disaster.

- (f) the applicant is responsible for the cost of repairing or replacing the damaged assets; and

- (g) the applicant has used all liquid assets and normal credit sources up to normal credit limits; and

- (h) the applicant can not, from the applicant's own resources and without assistance under the scheme—

(i) repair or replace assets directly damaged as a result of the eligible disaster; or

(ii) return to operations at a similar level as before the eligible disaster; and

- (i) before applying for the assistance, the applicant has used any other available assistance from the Commonwealth or State or insurance to repair or replace damaged assets or to try to return the non-profit organisation to operations at a similar level as before the eligible disaster; and

- (j) the applicant demonstrates the ability to repay the loan applied for.

## 9 Security

A loan under the scheme must be secured to the satisfaction of the authority.

## **10 Terms of repayment**

- (1) The term of a loan under the scheme is the term decided by the authority up to a maximum of 10 years.
- (2) The amounts of the repayments of principal and interest under the loan are the amounts decided by the authority, subject to subsections (3) and (4).
- (3) The authority may—
  - (a) review an applicant's financial situation annually to decide whether or not to increase the interest rate charged for the loan; and
  - (b) if the authority considers the applicant's financial situation has improved—increase the interest rate up to a commercial rate of interest.
- (4) The authority may allow deferral of repayments of the principal under the loan for up to 2 years, if the principal and interest are repaid over the balance of the term of the loan.

## **11 Conditions**

- (1) Payment of assistance under the scheme is subject to the conditions stated in subsections (2) and (3).
- (2) The applicant must, if requested by the authority, provide evidence to the authority from time to time in the form of tax invoices, official receipts for payment, or bank statements, showing—
  - (a) full details of the goods or services acquired; and
  - (b) that all amounts claimed by the applicant under the scheme have been paid by the applicant.
- (3) If an applicant asks for the authority's consent to substitute a security for an existing security for the loan and the authority consents to the substitution, the applicant must pay to the authority—
  - (a) the authority's reasonable fee for giving the consent; and
  - (b) any other reasonable costs of the authority in relation to the substitution.

## **12 Applications**

- (1) An application for assistance under the scheme must—
  - (a) be made on the authority’s application form; and
  - (b) be accompanied by the documentation stated on the application; and
  - (c) be given to the authority.
- (2) The authority may request that an applicant provide further relevant information required to decide the application.

## **13 Deciding applications**

The authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.

## Schedule 22      Horticulture Irrigation Pricing Rebate Scheme

section 3(1)

### Part 1                      Preliminary

#### 1                      Purpose of rebate scheme

The purpose of the rebate scheme is to give rebates to persons who have been supplied water by Seqwater or SunWater and who operate a horticultural enterprise.

#### 2                      Definitions for schedule

In this schedule—

***ABS water application rate***, for a crop, means the Queensland application rate in megalitres per hectare for the crop as set out in the document called ‘Water Use on Australian Farms’ for the reference period 2019–20 financial year published by the Australian Bureau of Statistics.

*Note—*

Water Use on Australian Farms 2019–20 is available on the Australian Bureau of Statistics’ website.

***access charge*** means the charge per customer for users of water from the Mareeba-Dimbulah Water Supply Scheme.

***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 a person applying for financial assistance under the rebate scheme.

**bulk water supply scheme** means a SunWater or Seqwater water supply scheme under which a part A price, part B price or access charge may apply to the supply of water under the scheme.

**Burdekin Haughton Water Supply Scheme** means the scheme for the supply of water under the resource operations licence for the Burdekin Haughton Water Supply Scheme.

**category 1 applicant** means an applicant who operates a horticultural enterprise.

**category 2A applicant** means an applicant who—

- (a) operates a horticultural enterprise; and
- (b) produces or has produced non-horticultural crops; and
- (c) can demonstrate to the authority—
  - (i) the volume of water the subject of the eligible irrigation pricing bill that was used to irrigate horticultural crops; or
  - (ii) the volume of water used to irrigate horticultural crops in a quarter prior to the quarter for which the eligible irrigation pricing bill is issued.

**category 2B applicant** means an applicant who—

- (a) operates a horticultural enterprise; and
- (b) produces or has produced non-horticultural crops; and
- (c) can not demonstrate to the authority—
  - (i) the volume of water the subject of the eligible irrigation pricing bill that was used to irrigate horticultural crops; or
  - (ii) the volume of water used to irrigate horticultural crops in a quarter prior to the quarter for which the eligible irrigation pricing bill is issued.

**distribution scheme** means a SunWater or Seqwater water supply scheme under which a part A price, part B price, part C price, part D price or access charge may apply to the supply of water under the scheme.

***eligible irrigation pricing bill*** means an invoice—

- (a) issued by Pioneer Valley Water Co-operative Limited, Seqwater or SunWater; and
- (b) issued for 1 of the quarters in the 2021–2022 financial year, the 2022–2023 financial year or the 2023–2024 financial year; and
- (c) under which the calculation of some or all of the prices set out in the invoice have included the application of a 15% discount.

***horticultural crops*** means crops produced by horticulture.

***horticultural enterprise*** means a business that produces or has produced horticultural crops.

***horticulture*** means an activity listed in ANZSIC under group 011, 012 or 013.

***Mareeba-Dimbulah Water Supply Scheme*** means the scheme for the supply of water under the resource operations licence for the Mareeba-Dimbulah Water Supply Scheme.

***non-horticultural crops*** means crops produced other than by horticulture.

***part A price*** means the price per megalitre based on the volume of water entitlements held by an applicant who is supplied by a bulk water supply scheme.

***part B price*** means the price per megalitre based on the volume of water entitlements used by an applicant who is supplied by a bulk water supply scheme.

***part C price*** means the price per megalitre based on the volume of water entitlements held by an applicant who is supplied by a distribution scheme.

***part D price*** means the price per megalitre—

- (a) based on the volume of water allocation used by the applicant for the supply of water by a distribution scheme; or



- (b) based on the volume of water sourced from water harvesting from the Burdekin Haughton Water Supply Scheme.

***Pioneer Valley Water Co-operative Limited*** means Pioneer Valley Water Co-operative Limited ABN 55 322 373 770.

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

***Seqwater*** means Queensland Bulk Water Supply Authority ABN 75 450 239 876 established under the *South East Queensland Water (Restructuring) Act 2007*.

***SunWater*** means SunWater Limited ACN 131 034 985.

***water allocation*** means a water allocation under the *Water Act 2000*.

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

### **3 Nature and amount of assistance**

- (1) The nature of the assistance available to an applicant under the rebate scheme is a rebate of 35% to offset the cost of water used to irrigate horticultural crops.
- (2) The amount of assistance payable to an applicant under the rebate scheme is calculated under part 3.

### **4 Eligibility criteria**

An applicant is eligible to receive assistance under the rebate scheme if—

- (a) the applicant makes an application in accordance with section 5; and
- (b) the authority is satisfied the applicant has paid an eligible irrigation pricing bill; and
- (c) the authority is satisfied that one of the following applies—

- (i) some or all of the water the subject of charges under the eligible irrigation pricing bill was used to irrigate horticultural crops;
  - (ii) the applicant has irrigated horticultural crops in a quarter prior to the quarter the subject of the eligible irrigation pricing bill, but did not irrigate horticultural crops with the water the subject of charges under the eligible irrigation pricing bill because Seqwater or SunWater made an announcement limiting the water that may be taken under water allocations;
  - (iii) the applicant has irrigated horticultural crops during the quarter to which the eligible irrigation pricing bill relates using water other than the water the subject of charges under the eligible irrigation pricing bill; and
- (d) the authority is satisfied that the applicant is a category 1 applicant, category 2A applicant or category 2B applicant.

## **5 Requirements for applications**

- (1) An application for assistance under the rebate scheme must—
- (a) be made to the authority using the application form approved by the authority; and
  - (b) be accompanied by—
    - (i) a document from a bank or financial institution showing the payment of the charges under the eligible irrigation pricing bill the subject of the application; and
    - (ii) the documents stated in the application form; and
  - (c) be received by the authority no later than 31 December 2024.
- (2) More than 1 eligible irrigation pricing bill may be the subject of an application.

- (3) If the authority asks the applicant to provide further information to decide the application, the applicant must provide the information.
- (4) If the applicant does not comply with a request made by the authority under subsection (3), the applicant's application is taken to be withdrawn.

## 6 Deciding applications

- (1) The authority must consider, and decide to approve or refuse to approve, each application for assistance under the rebate scheme that complies with section 5(1).
- (2) The authority must approve an application if satisfied the applicant is eligible for assistance under section 4.
- (3) The authority may seek the advice of persons with suitable qualifications and experience to help the authority in deciding an application.
- (4) If the authority refuses to approve an application, the authority must give the applicant written notice of the decision.

## Part 3 Amount of payment

### 7 Category 1 applicant

For a category 1 applicant, the amount of the assistance under the rebate scheme is worked out using the following formula—

$$P = (((PA + PC) \times WA) + ((PB + PD) \times WAU) + WAC) \times 0.35$$

where—

*P* is the amount of the rebate payment.

*PA* is the sum of—

- (a) the part A price set out in the eligible irrigation pricing bill; and

- (b) the amount of any discount that was applied to calculate that price.

**PC** is the sum of—

- (a) the part C price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

**WA** is the portion of the applicant's water allocation, in megalitres, as set out in the eligible irrigation pricing bill.

**PB** is the sum of—

- (a) the part B price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

**PD** is the sum of—

- (a) the part D price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

**WAU** is the applicant's water allocation, in megalitres, used for water the subject of the eligible irrigation pricing bill.

**WAC** is the access charge set out in the eligible irrigation pricing bill before any discount is applied to the charge.

## 8 Category 2A applicant

For a category 2A applicant, the amount of the assistance under the rebate scheme is worked out using the following formula—

$$P = \left( \frac{VH}{TV} \times (((PA + PC) \times WA) + ((PB + PD) \times WAU) + WAC) \right) \times 0.35$$

where—

**P** is the amount of the rebate payment.

**VH** is—

- (a) for an applicant to whom section 2, definition *category 2A applicant*, paragraph (c)(i) applies—the volume of water the subject of the eligible irrigation pricing bill that was used to irrigate horticultural crops; or
- (b) for an applicant to whom section 2, definition *category 2A applicant*, paragraph (c)(ii) applies—the volume of water used to irrigate horticultural crops in a quarter prior to the quarter for which the eligible irrigation pricing bill is issued.

**TV** is—

- (a) for an applicant to whom section 2, definition *category 2A applicant*, paragraph (c)(i) applies—the volume of water the subject of the eligible irrigation pricing bill that was used to irrigate all crops; or
- (b) for an applicant to whom section 2, definition *category 2A applicant*, paragraph (c)(ii) applies—the volume of water used to irrigate all crops in a quarter prior to the quarter for which the eligible irrigation pricing bill is issued.

**PA** is the sum of—

- (a) the part A price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

**PC** is the sum of—

- (a) the part C price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

**WA** is the portion of the applicant's water allocation, in megalitres, as set out in the eligible irrigation pricing bill.

**PB** is the sum of—

- (a) the part B price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

**PD** is the sum of—

- (a) the part D price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

**WAU** is the applicant’s water allocation, in megalitres, used for water the subject of the eligible irrigation pricing bill.

**WAC** is the access charge set out in the eligible irrigation pricing bill before any discount is applied to the charge.

## 9 Category 2B applicant

For a category 2B applicant, the amount of the assistance under the rebate scheme is worked out using the following formula—

$$P = \left( \frac{\sum_{i=1}^n h_i}{\sum_{i=1}^n h_i + \sum_{i=1}^n x_i} \times (((PA + PC) \times WA) + ((PB + PD) \times WAU) + WAC) \right) \times 0.35$$

where—

**P** is the amount of rebate payment.

$$\sum_{i=1}^n h_i = h_1 + h_2 + \dots + h_n$$

**h<sub>i</sub>** means the product of the ABS water application rate for a particular horticultural crop and the applicant’s land area under production for that crop.

$$\sum_{i=1}^n x_i = x_1 + x_2 + \dots + x_n$$

$x_i$  means the product of the ABS water application rate for a particular non-horticultural crop and the applicant's land area under production for that crop.

**PA** is the sum of—

- (a) the part A price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

**PC** is the sum of—

- (a) the part C price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

**WA** is the portion of the applicant's water allocation, in megalitres, as set out in the eligible irrigation pricing bill.

**PB** is the sum of—

- (a) the part B price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

**PD** is the sum of—

- (a) the part D price set out in the eligible irrigation pricing bill; and
- (b) the amount of any discount that was applied to calculate that price.

**WAU** is the applicant's water allocation, in megalitres, used for water the subject of the eligible irrigation pricing bill.

**WAC** is the access charge set out in the eligible irrigation pricing bill before any discount is applied to the charge.

## **Schedule 23      Special Disaster Assistance Recovery Grants Scheme**

section 3(1)

### **Part 1                      Preliminary**

#### **1                      Objective of scheme**

The objective of the scheme is to support community recovery by providing assistance, under agreements entered into from time to time between the Commonwealth and the State, to eligible entities that have suffered direct damage caused by an eligible disaster.

#### **2                      Purpose of assistance**

- (1) The purpose of the assistance under the scheme is to help an eligible entity pay for costs of clean up and reinstatement of the eligible entity's primary production enterprise, small business or means for conducting its operations as a non-profit organisation that has suffered direct damage caused by an eligible disaster.
- (2) However, assistance under the scheme is not intended to compensate eligible entities for loss of income suffered because of an eligible disaster.

#### **3                      Definitions for sch 23**

In this schedule—

**2019–2020 extraordinary bushfire disaster** means an eligible disaster mentioned in section 4(1)(a) that—

- (a) happens during the 2019–2020 financial year; and
- (b) is defined by the appropriate Minister for the purpose of activating the disaster recovery funding arrangements.



*Note—*

See also—

- (a) the summary of the appropriate Minister's approval activating the disaster recovery funding arrangements for the eligible disaster published on the website of the Queensland Reconstruction Authority; and
- (b) the assistance establishment notice for the eligible disaster published on the authority's website.

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

***appropriate Minister*** means the Minister responsible for administering the *Disaster Management Act 2003*.

***assistance establishment notice*** see section 6(2).

***closing day***, for an application for assistance under the scheme for an eligible disaster, means—

- (a) the day by which the authority must receive the application as stated in the assistance establishment notice for the eligible disaster; or
- (b) if the day is changed under section 6B, the day as changed.

***damaged goods***, for a primary production enterprise, includes injured or dead livestock.

***defined disaster area***, for an eligible disaster, means an area—

- (a) defined by the appropriate Minister for the purpose of activating the disaster recovery funding arrangements for the communities affected by the disaster; and
- (b) described in a document held by the authority and available for inspection by members of the public.

*Editor's note—*

Documents describing defined disaster areas are published on the authority's website.

***disaster recovery funding arrangements*** means the funding arrangements for providing financial assistance to communities affected by an eligible disaster, as agreed

between the Commonwealth and the State, and as described in a document (however called) published by the Commonwealth.

*Editor's note—*

The disaster recovery funding arrangements can be viewed on the Australian Government Disaster Assist website.

***disaster zone*** see section 6A(2).

***eligible disaster*** means—

- (a) a natural disaster; or
- (b) a terrorist act.

***eligible entity*** means any of the following eligible under part 4 for assistance under the scheme—

- (a) a primary producer;
- (b) a small business owner;
- (c) a non-profit organisation.

***employing*** includes engaging under a contract for services.

***exceptional circumstances grant*** see section 7(2).

***January–February 2019 Queensland flood disaster*** means the eligible disaster defined by the appropriate Minister on 8 February 2019, for the purpose of activating the disaster recovery funding arrangements, as ‘North and Far North Queensland Monsoon Trough, 25 January - 10 February 2019’ (as amended from time to time).

*Note—*

See also—

- (a) the summary of the appropriate Minister’s approval activating the disaster recovery funding arrangements for the eligible disaster published on the website of the Queensland Reconstruction Authority; and
- (b) the assistance establishment notice for the eligible disaster published on the authority’s website.

***livestock*** includes poultry.

***natural disaster*** see section 4.

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***non-farm income*** means gross income derived from sources other than a primary production enterprise.

***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.

***official receipt*** means a receipt including—

- (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) a description of each item to which the receipt relates.

***primary producer*** means—

- (a) a sole trader who—
  - (i) spends the majority of his or her labour on a primary production enterprise; and
  - (ii) either—
    - (A) derives the majority of his or her income from the primary production enterprise; or
    - (B) in the opinion of the authority, based on the demonstrated production potential of the primary production enterprise, will eventually derive the majority of his or her income from the primary production enterprise; or

- (b) a partnership, company or trust that carries on a primary production enterprise for which the partners, shareholders or beneficiaries—
  - (i) spend the majority of their labour on a primary production enterprise; and
  - (ii) either—
    - (A) derive the majority of their income from the primary production enterprise; or
    - (B) in the opinion of the authority, based on the demonstrated production potential of the primary production enterprise, will eventually derive the majority of their income from the primary production enterprise.

***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.

***reinstatement***, of a primary production enterprise, small business or means for conducting operations as a non-profit organisation, means the carrying out of activities that are necessary to help the enterprise, business or organisation to continue or resume production or trading at a similar level as before the eligible disaster.

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

***small business*** means a small business under section 5 or 5A.

***small business owner*** means a sole trader, partnership, private company or trust that carries on a small business.

***standard grant*** see section 7(2).

***stated closing day*** see section 6A(1)(f).

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*terrorist act* see the *Police Powers and Responsibilities Act 2000*, section 211.

#### 4 Meaning of *natural disaster*

- (1) A *natural disaster* means any of the following events described in an assistance establishment notice—
- (a) a bushfire;
  - (b) a cyclone;
  - (c) an earthquake;
  - (d) a flood;
  - (e) a landslide;
  - (f) a meteorite strike;
  - (g) a storm, including any, or any combination, of the following—
    - (i) hail;
    - (ii) rain;
    - (iii) wind;
  - (h) a storm surge;
  - (i) a tornado;
  - (j) a tsunami.
- (2) However, an event, other than an event mentioned in subsection (1)(a), is not a *natural disaster* if the authority considers human activity significantly contributed to the event or loss or damage suffered because of the event.

*Examples of human activity for subsection (2)—*

- a deliberate act
- an accident
- development

- (3) In this section—

*development* see the *Planning Act 2016*, schedule 2.

## 5 Meaning of *small business*

- (1) A *small business* is a business—
  - (a) for which an entity holds an Australian Business Number; and
  - (b) in which are employed fewer than—
    - (i) 20 full-time employees; or
    - (ii) if the business has employees other than full-time employees—20 equivalent full-time employees.
- (2) However, a *small business* does not include a body corporate under the *Body Corporate and Community Management Act 1997*.
- (3) Also, a business is not a *small business* if—
  - (a) the business is operated by a public company; or
  - (b) the business is a charitable business that, under the disaster recovery funding arrangements, is eligible to receive assistance for the clean-up and reinstatement of the business in relation to direct damage caused by an eligible disaster.
- (4) Further, a business is not a small business if—
  - (a) the business is carried on by a sole trader; and
  - (b) the business has no employees, other than the sole trader; and
  - (c) the sole trader does not derive the majority of the sole trader's income from the business.
- (5) Despite subsection (4)(c), a business is a small business if the sole trader—
  - (a) immediately before an eligible disaster, derived the majority of the sole trader's income from the business; and
  - (b) in the opinion of the authority, would have derived the majority of the sole trader's income from the small business again, but for the eligible disaster.

- (6) For subsection (1)(b), 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.

- (7) In this section—

*charitable business* means a business that does not operate to make a profit.

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

*public company* means a public company within the meaning of the Corporations Act.

## 5A Small businesses in development

- (1) This section applies if—
- (a) an individual is developing an enterprise to become a small business under section 5; and
  - (b) in the authority's opinion, the enterprise will be developed into a small business under section 5 that will be carried on by the individual as a sole trader.
- (2) The enterprise is taken to be a small business.
- (3) The individual is taken to be carrying on the small business.
- (4) Activities carried on for the purpose of the development are taken to be business activities.

## Part 2 Establishment of assistance

### 6 Publication of assistance establishment notice

- (1) This section applies if the Commonwealth and the State have agreed that assistance should be given under the disaster recovery funding arrangements to eligible entities for an event mentioned in section 4(1).
- (2) The Minister may publish, on the authority's website, a notice (an *assistance establishment notice*) complying with section 6A for the event.

### 6A Requirements for assistance establishment notice

- (1) The assistance establishment notice must state—
  - (a) a description of the event; and
  - (b) whether either or both of the following are eligible to apply for assistance for the event—
    - (i) primary producers;
    - (ii) small business owners and non-profit organisations; and

*Note—*

Under section 10, an entity may apply for assistance in only 1 capacity.

- (c) whether assistance for the event is available by way of either or both of the following—
  - (i) a standard grant;
  - (ii) an exceptional circumstances grant; and

*Note—*

Even if both grants are available, under section 23(3) an applicant may apply for only 1 of the grants.

- (d) the maximum total amount of assistance that may be given to an eligible entity for the event; and

*Note—*

See section 20.



- 
- (e) whether or not section 18(3) applies in relation to an application for the assistance and, if so, whether section 18(3) applies in relation to the total or another stated amount of the assistance; and
  - (f) the day (the ***stated closing day***) by which an application for the assistance must be received by the authority.
- (2) Subsection (3) applies if, for the disaster recovery funding arrangements, a matter mentioned in any of subsection (1)(b) to (e) applies differently in relation to the assistance for the event for damage suffered in different areas (each of which is a ***disaster zone***) within the defined disaster area.
- (3) The assistance establishment notice must also state—
- (a) a description of the location of each disaster zone; and
  - (b) as relevant, the matter mentioned in subsection (1)(b) to (e) as it applies in relation to the assistance for damage suffered in each disaster zone.

*Note—*

See sections 18(2) and (3) and 23(5).

- (4) For subsection (3)(a), a disaster zone may be described by reference to a map or plan accompanying the assistance establishment notice.

## **6B Amending assistance establishment notice to change closing day**

The Minister may, on or before the stated closing day, amend the assistance establishment notice to change the stated closing day to a later day.

## **Part 3 Nature of assistance**

### **7 Nature of assistance under scheme**

- (1) The nature of the assistance that may be given under the scheme is a grant to help an eligible entity clean-up and reinstate the entity's—

- (a) primary production enterprise; or
- (b) small business; or
- (c) means for conducting its operations as a non-profit organisation;

that has suffered direct damage caused by an eligible disaster.

- (2) The grant may be for an amount up to \$10,000 (a *standard grant*) or up to the amount mentioned in subsection (3) (an *exceptional circumstances grant*) to cover the cost of any of the things to which section 8(2) or 9(2) applies.
- (3) For subsection (2), the maximum amount for an exceptional circumstances grant is—
  - (a) if the grant is for an eligible entity that is a primary producer for the January–February 2019 Queensland flood disaster—\$75,000; or
  - (b) if the grant is for an eligible entity that is a small business owner or non-profit organisation for the January–February 2019 Queensland flood disaster—\$50,000; or
  - (c) if the grant is for an eligible entity that is a primary producer for a 2019–2020 extraordinary bushfire disaster—\$75,000; or
  - (d) if the grant is for an eligible entity that is a small business owner or non-profit organisation for a 2019–2020 extraordinary bushfire disaster—\$50,000; or
  - (e) otherwise—\$75,000.

## **8 Assistance under standard or exceptional circumstances grant generally**

- (1) This section applies to a standard grant or exceptional circumstances grant, other than an exceptional circumstances grant to which section 9 applies.
- (2) The grant may cover a cost that has been incurred for any of the following things because of direct damage caused by the eligible disaster—

- 
- (a) engaging a tradesperson to conduct a safety inspection of damage to a property, premises or equipment;
- (b) purchasing, hiring or leasing equipment or materials to clean a property, premises or equipment;
- (c) employing a person to clean a property, premises or equipment if—
- (i) the cost would not ordinarily have been incurred in the absence of an event mentioned in section 4(1); or
  - (ii) the cost exceeds the cost of employing a person to clean the property, premises or equipment that would ordinarily have been incurred in the absence of an event mentioned in section 4(1);
- (d) removing and disposing of debris or damaged goods and material;
- (e) repairing a building or repairing or replacing fittings in a building, if the repair or replacement is essential for resuming operation of a primary production enterprise, small business or non-profit organisation;
- Examples of fittings for paragraph (e)—*
- electrical wiring, floor coverings, shelving
- (f) purchasing, hiring or leasing equipment or materials that are essential for immediately resuming operation of a primary production enterprise, small business or non-profit organisation;
- (g) for a primary production enterprise, any of the following—
- (i) repairing or reconditioning essential equipment;
  - (ii) repairing or replacing fencing on a property, other than to the extent the cost may be recovered under other assistance from the Commonwealth or State;

*Examples of other assistance—*

- a freight subsidy under the disaster recovery funding arrangements for transporting fencing materials

- a concessional loan under the Disaster Assistance (Primary Producers) Loans Scheme under schedule 2 for purposes including paying the costs of repair or replacement of fencing
- (iii) purchasing fodder, other than to the extent the cost may be recovered under other assistance from the Commonwealth or State;
- Examples of other assistance—*
- a freight subsidy under the disaster recovery funding arrangements for carting emergency fodder
  - a concessional loan under the Disaster Assistance (Primary Producers) Loans Scheme under schedule 2 for purposes including paying for fodder
- (iv) maintaining the health of livestock;
- (v) replacing dead livestock;
- (vi) repairing or restoring fields;
- (vii) salvaging crops, grain or feed;
- (viii) replacing lost or damaged plants if the replacement is essential for immediately resuming operation of the primary production enterprise;
- (ix) replacing essential water that has been used for fire fighting;
- (x) carting water;
- (h) for a small business or non-profit organisation, either of the following—
- (i) replacing lost or damaged stock if the replacement is essential for immediately resuming operation of the small business or non-profit organisation;
  - (ii) leasing temporary premises for the purpose of resuming operation of the small business or non-profit organisation.
- (3) For subsection (2), a reference to a building does not include a reference to a building that is used as a dwelling, unless—

- (a) the dwelling is used for carrying on the primary production enterprise, small business or non-profit organisation; or

*Example of a dwelling for paragraph (a)—*

a dwelling used for temporary accommodation for workers for a primary production enterprise

- (b) for a small business—the dwelling is an asset of the business.

*Example of a dwelling for paragraph (b)—*

a dwelling that is let by a small business whose main activity involves letting dwellings

- (4) In this section—

*plants* includes root stock, seedlings, seeds and tube stock.

## **9 Assistance under exceptional circumstances grant for 2019–2020 extraordinary bushfire disaster**

- (1) This section applies to an exceptional circumstances grant for a 2019–2020 extraordinary bushfire disaster.
- (2) The exceptional circumstances grant may cover a cost that has been incurred for any of the following things because of direct damage caused by the eligible disaster—
- (a) engaging a tradesperson to conduct a safety inspection of damage to a property, premises or equipment;
- (b) purchasing, hiring or leasing equipment or materials to clean a property, premises or equipment;
- (c) employing a person to clean a property, premises or equipment if—
- (i) the cost would not ordinarily have been incurred in the absence of the eligible disaster; or
- (ii) the cost exceeds the cost of employing a person to clean the property, premises or equipment that would ordinarily have been incurred in the absence of the eligible disaster;

- (d) removing or disposing of damaged goods, including any associated costs;
  - (e) for a primary production enterprise, any of the following—
    - (i) purchasing, hiring or leasing equipment that is essential for immediately resuming operation of the primary production enterprise;
    - (ii) repairing a building or repairing or replacing fittings in a a building, if the repair or replacement is essential for resuming operation of the primary production enterprise;
    - (iii) repairing, reconditioning or replacing essential plant or equipment, including, for example, water tanks, water reticulation systems, forestry equipment and aquaculture and fishing equipment;
    - (iv) removing silt from a dam;
    - (v) repairing or replacing fencing or horticultural netting on a property, other than to the extent the cost may be recovered under other assistance from the Commonwealth or State;
    - (vi) purchasing fodder, grain or other feed for livestock;
    - (vii) agisting livestock, including any associated transport costs, other than to the extent the costs may be recovered under other assistance from the Commonwealth or State;
    - (viii) assessing, treating or maintaining the health of livestock or aquaculture species;
    - (ix) salvaging, but not replacing, crops, grain, feed, fertiliser or timber;
    - (x) replacing essential water that has been used for fire fighting;
    - (xi) carting water.
- (3) For subsection (2), a reference to a building does not include a reference to a building used as a dwelling, unless—

- (a) the dwelling is used for carrying on the primary production enterprise or a small business or non-profit organisation; or

*Example of a dwelling for paragraph (a)—*

a dwelling used for temporary accommodation for workers for a primary production enterprise

- (b) for a small business or non-profit organisation—the dwelling is an asset of the small business or non-profit organisation.

*Example of a dwelling for paragraph (b)—*

a dwelling that is let by a small business whose main activity involves letting dwellings

## **Part 4 Eligibility for assistance**

### **9A Purpose of pt 4**

This part provides for the eligibility of an entity for assistance under the scheme.

### **10 Application may be made in 1 capacity only**

An entity may apply for assistance under the scheme in only 1 of the following capacities—

- (a) primary producer;
- (b) small business owner;
- (c) non-profit organisation.

### **11 Eligibility criteria—primary producer**

- (1) An applicant who is a primary producer is eligible for assistance under the scheme for an eligible disaster if the authority is satisfied—
- (a) an assistance establishment notice states that primary producers are eligible to apply for the assistance; and

- (b) either—
    - (i) the applicant's primary production enterprise is located in the defined disaster area for the eligible disaster and has suffered direct damage as a result of the eligible disaster; or
    - (ii) both of the following apply—
      - (A) the applicant's primary production enterprise is located outside the defined disaster area for the eligible disaster but is carried on at least sometimes on a regular basis in the area;
      - (B) plant or equipment of the primary production enterprise situated in the defined disaster area has been damaged as a result of the eligible disaster; and
  - (c) the applicant was engaged in the primary production enterprise when the eligible disaster happened; and
  - (d) the applicant is primarily responsible for meeting the costs claimed in the application; and
  - (e) for an applicant applying for assistance to cover the cost of a thing mentioned in section 8(2)(g)(v), (vi) or (vii) or 9(2)(e)(ix)—the applicant has provided satisfactory evidence of the loss or damage to which the cost relates; and
  - (f) the applicant intends to re-establish the primary production enterprise in the defined disaster area for the eligible disaster.
- (2) To remove any doubt, it is declared that subsection (1)(e) is not limited by section 18.
- (3) Subsection (1)(d) to (f) does not apply to an applicant if—
- (a) the applicant's application for assistance is for the January–February 2019 Queensland flood disaster; and
  - (b) an assistance establishment notice for the disaster states that this subsection applies to the applicant.
- (4) Also, subsection (1)(d) does not apply to an applicant if—



- (a) the applicant's application for assistance is for a 2019–2020 extraordinary bushfire disaster; and
- (b) the assistance establishment notice for the disaster states that this subsection applies to the applicant.

## **12 Eligibility criteria—small business owner**

- (1) An applicant who is a small business owner is eligible for assistance under the scheme for an eligible disaster if the authority is satisfied—
  - (a) an assistance establishment notice states that small business owners are eligible to apply for the assistance; and
  - (b) either—
    - (i) the applicant's small business is located in the defined disaster area for the eligible disaster and has suffered direct damage as a result of the eligible disaster; or
    - (ii) both of the following apply—
      - (A) the applicant's small business is located outside the defined disaster area for the eligible disaster but is carried on at least sometimes on a regular basis in the area;
      - (B) plant or equipment of the small business situated in the defined disaster area has been damaged as a result of the eligible disaster; and
  - (c) the applicant was engaged in carrying on the small business when the eligible disaster happened; and
  - (d) the applicant is primarily responsible for meeting the costs claimed in the application; and
  - (e) the applicant intends to re-establish the small business in the defined disaster area for the eligible disaster.
- (2) However, an applicant is not eligible for assistance under the scheme for damage to a property the applicant lets to a person

for residential or commercial purposes, unless the applicant lets the property in the course of operating a business.

- (3) Subsection (1)(d) does not apply to an applicant if—
- (a) the applicant's application for assistance is for a 2019–2020 extraordinary bushfire disaster; and
  - (b) the assistance establishment notice for the disaster states that this subsection applies to the applicant.

### **13 Eligibility criteria—non-profit organisation**

- (1) An applicant that is a non-profit organisation is eligible for assistance under the scheme for an eligible disaster if the authority is satisfied—
- (a) an assistance establishment notice states that non-profit organisations are eligible to apply for the assistance; and
  - (b) either—
    - (i) the non-profit organisation is located in the defined disaster area for the eligible disaster and its means for conducting its operations have suffered direct damage as a result of the eligible disaster; or
    - (ii) both of the following apply—
      - (A) the non-profit organisation is located outside the defined disaster area for the eligible disaster but is operated at least sometimes on a regular basis in the area;
      - (B) plant or equipment of the non-profit organisation situated in the defined disaster area has been damaged as a result of the eligible disaster; and
  - (c) the applicant was engaged in conducting its operations when the eligible disaster happened; and
  - (d) the applicant is primarily responsible for meeting the costs claimed in the application; and
  - (e) the applicant can not repair or replace assets directly damaged as a result of the eligible disaster from the

- applicant's own resources without assistance under the scheme; and
- (f) the applicant intends to re-establish its operations in the defined disaster area for the eligible disaster.
- (2) However, a non-profit organisation is not eligible for assistance under the scheme for an eligible disaster if—
- (a) the disaster recovery funding arrangements activated for the eligible disaster include a community recovery fund; and
  - (b) the non-profit organisation has claimed or received a grant under the community recovery fund for the eligible disaster.
- (3) Subsection (1)(d) does not apply to an applicant if—
- (a) the applicant's application for assistance is for a 2019–2020 extraordinary bushfire disaster; and
  - (b) the assistance establishment notice for the disaster states that this subsection applies to the applicant.

#### **14 Additional restrictions on eligibility—non-profit organisation**

- (1) A non-profit organisation is not eligible for assistance under the scheme for an item for which a claim is made in the application if the non-profit organisation has received or been approved to receive financial assistance, other than partial assistance, under another scheme, whether or not of the Commonwealth government or another government.
- (2) In this section—
- partial assistance*, in relation to another scheme, means assistance under that scheme to fund part of the cost of the item for which a claim is made in the application.

#### **15 Eligibility for standard grant**

An applicant is eligible for a standard grant for an eligible disaster if—

- (a) an assistance establishment notice states that assistance for the eligible disaster is available by way of a standard grant; and
- (b) the applicant has not applied for an exceptional circumstances grant for the eligible disaster.

## **16 Eligibility for exceptional circumstances grant**

- (1) An applicant is eligible for an exceptional circumstances grant for an eligible disaster if—
  - (a) an assistance establishment notice states that assistance for the eligible disaster is available by way of an exceptional circumstances grant; and
  - (b) the applicant has not applied for a standard grant for the eligible disaster; and
  - (c) for a 2019–2020 extraordinary bushfire disaster—no other entity has applied for assistance for the primary production enterprise the subject of the applicant’s application; and
  - (d) the applicant consents to the authority obtaining information or documents from an insurer about the applicant’s primary production enterprise, small business or means for conducting its operations as a non-profit organisation, to allow the authority to verify the applicant’s entitlements under an insurance policy taken out with the insurer.
- (1A) However, if the applicant’s application for assistance is for a 2019–2020 extraordinary bushfire disaster, the applicant is not eligible for an exceptional circumstances grant for the eligible disaster to the extent the applicant has received, or has been approved to receive, financial assistance under another Commonwealth or State assistance scheme for costs incurred for a thing mentioned in section 9(2).
- (2) Subsection (1)(d) does not apply to an applicant if—
  - (a) the applicant’s application for assistance is for—

- (i) the January–February 2019 Queensland flood disaster; or
  - (ii) a 2019–2020 extraordinary bushfire disaster; and
- (b) an assistance establishment notice for the disaster states that this subsection applies to the applicant.

## 17 **Effect of insurance on eligibility for exceptional circumstances grant**

- (1) This section applies to an applicant for assistance for an eligible disaster by way of an exceptional circumstances grant if the applicant receives, or is entitled to receive, an amount under a policy of insurance for a relevant cost relating to direct damage caused by the eligible disaster.
- (2) The applicant is not eligible to receive assistance under the scheme to cover the relevant cost.
- (2A) This section does not apply to an applicant if—
- (a) the applicant’s application for assistance is for the January–February 2019 Queensland flood disaster; and
  - (b) an assistance establishment notice for the disaster states that this subsection applies to the applicant.
- (3) In this section—
- relevant cost* means the cost of any of the things to which section 8(2) or 9(2) applies.

## 18 **Financial evidence for application**

- (1) Subsection (3) applies in relation to an application for assistance under the scheme for an eligible disaster—
- (a) if the assistance establishment notice for the disaster states subsection (3) applies to the application; and
  - (b) in relation to the amount of the assistance stated in the notice.
- (2) Also, if an eligible entity applies for assistance for damage suffered in 2 or more disaster zones, and the assistance

establishment notice states that subsection (3) applies in relation to any of those zones, then subsection (3) applies to the application in relation to all of the zones.

- (3) An applicant is eligible for assistance for the eligible disaster only if the applicant provides evidence to the authority, in the form of tax invoices, official receipts for payment or bank statements, that all amounts claimed by the applicant under the scheme have been paid by the applicant.

## **Part 5 Conditions of assistance**

### **19 Keeping records for audit**

- (1) Payment of assistance under the scheme is subject to the following conditions—
  - (a) an applicant must, until 1 year after the closing day for the applicant's application for assistance, keep the following records for amounts for which the applicant has received assistance under the scheme—
    - (i) all tax invoices, official receipts, bank statements or other similar records of amounts paid;
    - (ii) all quotations or other similar records of amounts claimed;
  - (b) an applicant must consent to the authority conducting an audit of the records mentioned in paragraph (a) to allow the authority to verify that amounts given to the applicant under the scheme have been used in accordance with the application for assistance.
- (2) This section does not apply to the payment of an exceptional circumstances grant if—
  - (a) the grant is for the January–February 2019 Queensland flood disaster; and
  - (b) an assistance establishment notice for the disaster states that this subsection applies to the applicant for the grant.

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## Part 6 Amount of assistance

### 20 Maximum amount of assistance

Subject to sections 20A to 22, the maximum amount of assistance that may be given under the scheme to an eligible entity for an eligible disaster is the amount stated in the assistance establishment notice for the eligible disaster.

### 20A Assistance given for damage in 2 or more disaster zones

- (1) This section applies if—
  - (a) assistance is given under the scheme to an eligible entity for damage suffered in 2 or more disaster zones; and
  - (b) the assistance establishment notice states different maximum total amounts of assistance applying to those disaster zones.
- (2) The maximum total amount of assistance that may be given to the entity is the highest of the amounts mentioned in subsection (1)(b).

### 21 Special provisions for primary producers and small business owners

- (1) This section applies if—
  - (a) either—
    - (i) an eligible entity that is a primary producer carries on more than 1 primary production enterprise (each a *separate business*) at separate locations; or
    - (ii) an eligible entity that is a small business owner carries on more than 1 small business (each also a *separate business*) at separate locations; and
  - (b) the authority is satisfied the separate business would be a commercially viable and autonomous business (an *eligible separate business*) if the other separate businesses carried on by the eligible entity ceased to operate.

- (2) The eligible entity may apply for assistance under the scheme for each eligible separate business as if each eligible separate business were a separate primary production enterprise or small business in relation to which the applicant may be eligible for assistance under the scheme.
- (3) The maximum amount of assistance that may be given under the scheme to an eligible entity for each eligible separate business, for an eligible disaster, is the maximum amount of the assistance stated in the assistance establishment notice under section 6A(1)(d).
- (4) For subsection (1)(b), the authority may have regard to the following—
  - (a) the staffing arrangements of the separate business;
  - (b) whether the separate business has its own plant, equipment or stock;
  - (c) the accounting and insurance arrangements of the separate business;
  - (d) whether the separate business operates under its own trading name.
- (5) Subsection (4) does not limit the matters to which the authority may have regard.

## **22 Special provisions for non-profit organisations**

- (1) This section applies if—
  - (a) an eligible entity that is a non-profit organisation carries on more than 1 operation (each a *separate non-profit operation*) as a non-profit organisation; and
  - (b) the authority is satisfied each separate non-profit operation (an *eligible separate operation*) would continue to run autonomously if other separate non-profit operations carried on by the eligible entity ceased to operate.
- (2) The eligible entity may apply for assistance under the scheme for each eligible separate operation as if each eligible separate operation were a separate non-profit organisation in relation to



which the applicant may be eligible for assistance under the scheme.

- (3) The maximum amount of assistance that may be given under the scheme to an eligible entity for each eligible separate operation for an eligible disaster is the maximum amount of the assistance stated in the assistance establishment notice under section 6A(1)(d).
- (4) For subsection (1)(b), the authority may have regard to the following—
  - (a) the staffing arrangements of the separate operation;
  - (b) the accounting and insurance arrangements of the separate operation;
  - (c) whether the separate operation operates under its own trading name;
  - (d) the financial independence and autonomy of the separate operation.
- (5) Subsection (4) does not limit the matters to which the authority may have regard.

## **Part 7**                      **Other provisions about applications**

### **23**        **Requirements for applications**

- (1) This section applies to an application for assistance under the scheme for damage caused by an eligible disaster.
- (2) An application must—
  - (a) be made on the authority’s application form; and
  - (b) be accompanied by the documents stated in the application; and
  - (c) be given to the authority.
- (3) An applicant may apply for assistance for only 1 of the following—

- (a) a standard grant;
  - (b) an exceptional circumstances grant.
- (4) If the application for assistance is for a 2019–2020 extraordinary bushfire disaster—
- (a) the application must also be accompanied by—
    - (i) a list of the things under section 9(2) for which assistance under the scheme is claimed, including an estimate of the cost of each thing; and
    - (ii) photographic evidence of the direct damage caused by the disaster; and
  - (b) despite subsection (3), the applicant may make 1 or more further applications for assistance for an exceptional circumstances grant for the disaster if—
    - (i) the applicant has incurred further costs for any of the things mentioned in section 9(2); and
    - (ii) the total amount the applicant has received, or has been approved to receive, for assistance under the scheme for the disaster is less than the maximum amount for the applicant under section 7(3).
- (5) Despite anything in an assistance establishment notice, an application for assistance for damage suffered by the applicant in one disaster zone may also relate to damage suffered by the applicant in another disaster zone.
- (6) An application must be received by the authority no later than the closing day for the application.
- (7) The authority may ask an applicant to give further relevant information required to decide the application.

## **24 Deciding applications**

The authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.

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## **Schedule 24      Special Disaster Assistance Recovery Loans Scheme**

section 3(1)

### **Part 1                      Preliminary**

#### **1                      Objective of scheme**

The objective of the scheme is to provide assistance, under agreements entered into from time to time between the Commonwealth and the State, to eligible entities that are directly affected by an eligible disaster.

#### **2                      Purpose of assistance**

- (1) The purpose of assistance under the scheme is to provide concessional loans to an eligible entity—
  - (a) to pay for costs of repairing or replacing assets lost or damaged because of an eligible disaster; or
  - (b) to provide the eligible entity with working capital; or
  - (c) for assistance relating to the 2019–2020 extraordinary bushfire disaster—to refinance an eligible commercial loan.
- (2) For subsection (1)(a), repairing or replacing assets includes, for example, the following—
  - (a) repairing or replacing damaged plant, equipment or buildings;
  - (b) purchasing replacement stock or livestock;
  - (c) restoring, re-planting or establishing an area of land to replace damaged crops.
- (3) However, assistance under the scheme is not intended to compensate eligible entities for loss of income suffered because of an eligible disaster.

### 3 Definitions for schedule

In this schedule—

**2019–2020 extraordinary bushfire disaster** means the bushfires that—

- (a) happened during the 2019–2020 financial year; and
- (b) were defined by the appropriate Minister for the purpose of activating the disaster recovery funding arrangements.

**applicant** means a person applying for financial assistance under the scheme.

**appropriate Minister** means the Minister responsible for administering the *Disaster Management Act 2003*.

**defined disaster area**, for an eligible disaster, means an area—

- (a) defined by the appropriate Minister for the purpose of activating the disaster recovery funding arrangements for communities affected by the eligible disaster; and
- (b) described in a document held by the authority and available for inspection by members of the public.

**disaster recovery funding arrangements** means the funding arrangements for providing financial assistance to communities affected by an eligible disaster, as agreed between the Commonwealth and the State, and as described in a document, however called, published by the Commonwealth.

*Editor's note—*

The disaster recovery funding arrangements can be viewed on the Australian Government Disaster Assist website.

**eligible commercial loan** see section 3A.

**eligible disaster** means a natural disaster or terrorist act.

**eligible entity** means any of the following, eligible under part 2 for assistance under the scheme—

- (a) a primary producer;
- (b) a small business owner;

(c) a non-profit organisation.

**livestock** includes poultry.

**loss of income**, for an applicant, see section 4.

**natural disaster** see section 5.

**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.

**primary producer** means—

- (a) a sole trader who spends the majority of the sole trader's labour on, and derives the majority of the sole trader's income from, a primary production enterprise; or
- (b) for a partnership, company or trust that carries on a primary production enterprise—the partners in the partnership, shareholders in the company or beneficiaries of the trust who spend the majority of their labour on, and derive the majority of their income from, the primary production enterprise.

**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.

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

**small business** see section 6.

***small business owner*** means—

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

***terrorist act*** see the *Police Powers and Responsibilities Act 2000*, section 211.

***working capital***, for an eligible entity, means money used to continue the normal operation of the entity's primary production enterprise, small business or non-profit activities, including, for example, the following—

- (a) paying salaries or wages;
- (b) paying creditors;
- (c) paying rent and rates;
- (d) buying goods, including fuel, for the purpose of carrying on the primary production enterprise, small business or non-profit activities;
- (e) for a primary production enterprise—buying fodder or water for livestock or produce, and transporting livestock or produce.

### **3A Meaning of *eligible commercial loan***

An ***eligible commercial loan*** is a loan obtained from a financial institution, other than any of the following types of loans—

- (a) off-balance sheet financing;
- (b) a short-term credit facility;

*Examples—*

credit card, line of credit, overdraft facility

- 
- (c) a loan established at a concessional rate under a Commonwealth or State government scheme;
  - (d) an equipment finance loan.

#### **4 Meaning of *loss of income***

- (1) An applicant's *loss of income* is the net income that would have been earned in a period (the *relevant period*) if the operation of the applicant's primary production enterprise, small business or non-profit organisation had not been interrupted by the eligible disaster.
- (2) The loss of income is assessed on the basis of the financial performance of the applicant's primary production enterprise, small business or non-profit organisation in previous periods in which the circumstances, other than the effect of the eligible disaster, were similar to the circumstances in the relevant period.

#### **5 Meaning of *natural disaster***

- (1) A *natural disaster* is any of the following events—
  - (a) a bushfire;
  - (b) a cyclone;
  - (c) an earthquake;
  - (d) a flood;
  - (e) a landslide;
  - (f) a meteorite strike;
  - (g) a storm, including any, or any combination, of the following—
    - (i) hail;
    - (ii) rain;
    - (iii) wind;
  - (h) a storm surge;
  - (i) a tornado;

- (j) a tsunami.
- (2) However, an event, other than an event mentioned in subsection (1)(a), is not a ***natural disaster*** if the authority considers human activity significantly contributed to the event or to loss or damage suffered because of the event.

*Examples of human activity for subsection (2)—*

- a deliberate act
- an accident
- development

## 6 Meaning of ***small business***

- (1) A ***small business*** is a business—
- (a) for which an entity holds an Australian Business Number; and
- (b) in which are employed fewer than—
- (i) 20 full-time employees; or
- (ii) if the business has employees other than full-time employees—20 equivalent full-time employees; and
- (c) that is not operated by a public company.
- (2) However, a ***small business*** does not include a body corporate under the *Body Corporate and Community Management Act 1997*.
- (3) For subsection (1)(b), 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 individual who ordinarily works for at least 35 hours each week for the business.

*public company* means a public company within the meaning of the Corporations Act, section 9.

## Part 2                      General provisions for scheme

### 7                      Nature of assistance

The nature of the assistance that may be given under the scheme is the provision of a loan at a concessional interest rate for an amount to be used for a purpose mentioned in section 2.

### 8                      Maximum loan amount

- (1) The amount of loan assistance for an applicant under the scheme for an eligible disaster—
  - (a) is based on the authority's assessment of the applicant's financial position, including any amount recovered by the applicant under an insurance policy; and
  - (b) must not be more than the amount of the net loss to the applicant caused by the eligible disaster.
- (2) The maximum amount of loan assistance under the scheme for an applicant to refinance an eligible commercial loan is 50% of the total outstanding loan balance.
- (3) Despite subsections (1) and (2), the total amount of a loan to an applicant under the scheme for an eligible disaster must not be more than \$500,000.

## 9 Eligibility criteria

An applicant is eligible for assistance under the scheme for an eligible disaster if the authority is satisfied—

- (a) the applicant is a primary producer, small business owner or non-profit organisation; and
- (b) immediately before the eligible disaster—
  - (i) the applicant carried on a primary production enterprise, small business or non-profit activities (each a *relevant activity*) in the defined disaster area; or
  - (ii) the applicant had been carrying on a relevant activity in the defined disaster area on a regular basis; or
  - (iii) assets used by the applicant to carry on a relevant activity were situated in the defined disaster area; and
- (c) the applicant has suffered, as a direct result of the eligible disaster—
  - (i) damage to the assets used for carrying on the relevant activity; or
  - (ii) a significant loss of income; and
- (d) there are reasonable prospects for the long-term viability of the relevant activity if the assistance is provided; and
- (e) the applicant can not, from the applicant's own resources and without assistance under the scheme—
  - (i) repair or replace assets directly damaged as a result of the eligible disaster; or
  - (ii) return to operations at a similar level as before the eligible disaster; and
- (f) the applicant has not received another concessional loan for loss or damage that was related to the eligible disaster; and

- 
- (g) the applicant demonstrates the ability to repay the loan applied for; and
  - (h) for assistance, other than assistance to refinance an eligible commercial loan—the applicant has used all liquid assets and normal credit sources up to normal limits; and
  - (i) for assistance to refinance an eligible commercial loan—
    - (i) the applicant has suffered the damage to assets or loss of income mentioned in paragraph (c) as a direct result of the 2019–2020 extraordinary bushfire disaster; and
    - (ii) immediately before the applicant was affected by the 2019–2020 extraordinary bushfire disaster, the applicant held an eligible commercial loan relating to the relevant activity; and
    - (iii) the applicant can not refinance the loan from the applicant’s own resources and without assistance under the scheme.

## **10 Interest rates**

- (1) The interest charged on a loan given under the scheme must be calculated at a concessional interest rate decided by the authority.
- (2) The authority may include a condition varying the interest rate during the term of the loan.

## **11 Security**

A loan under the scheme must be secured to the satisfaction of the authority.

## **12 Terms of repayment**

- (1) The term of a loan under the scheme is the term decided by the authority up to a maximum of 10 years.

- (2) During the first 2 years of the loan, the authority must defer repayments of principal and interest under the loan.
- (3) From the start of the third year of the loan, the amounts of the repayments of principal and interest under the loan are the amounts decided by the authority.

### **13 Review by authority**

Assistance given to an eligible entity under the scheme is subject to an annual review by the authority.

## **Part 3 Other provisions about applications**

### **14 Requirements for applications**

- (1) This section applies to an application for assistance under the scheme for damage caused by an eligible disaster.
- (2) An application must—
  - (a) be made on the authority's application form; and
  - (b) be accompanied by the documents stated in the application form; and
  - (c) be given to the authority.
- (3) The authority may ask an applicant to give further relevant information to decide the application.

### **15 Deciding applications**

The authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.

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## Schedule 25      **Bovine Johne's Disease Assistance Scheme**

section 3(1)

### Part 1                      **Preliminary**

#### 1            **Objective of scheme**

The objective of the scheme is to provide assistance to eligible applicants who, because of an occurrence of bovine Johne's disease in Queensland, have suffered financial loss as a result of 1 or more of the following—

- (a) the slaughter of cattle;
- (b) alternative supply actions affecting cattle;
- (c) the short-term quarantine of cattle.

#### 2            **Purpose of assistance**

- (1) The purpose of the assistance under the scheme is to help an eligible applicant recover from the financial impact of slaughtering, taking alternative supply actions affecting, or carrying out the short-term quarantine of, cattle under planned slaughter or testing conditions.
- (2) However, assistance under the scheme is not intended to compensate eligible applicants for losses suffered as a result of slaughtering, taking alternative supply actions affecting, or carrying out the short-term quarantine of, cattle.

#### 3            **Definitions for sch 25**

In this schedule—

*accepted value*, of an animal to which an application relates, means—

- (a) if the applicant bought the animal—the purchase price for the animal; or
- (b) otherwise—the value of the animal stated in the latest approved valuation report for the animal.

***alternative supply actions***, affecting cattle, means the actions for managing the cattle stated in the supply chain plan for the cattle.

*Examples of alternative supply actions—*

- feeding, agisting or consigning the cattle to a feedlot
- transporting the cattle to an alternative market

***animal*** means a head of cattle.

***applicant*** means a person applying for assistance under the scheme.

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

***approved valuation report*** means a valuation report prepared—

- (a) by a person accredited as an A1, A2 or A3 assessor of cattle by AuctionsPlus Pty Ltd ACN 072 403 984; and

*Editor's note—*

The requirements for gaining A1, A2 and A3 assessor accreditation are stated on AuctionsPlus Pty Ltd's website.

- (b) in accordance with the Ausvetplan operational procedures.

***Ausvetplan operational procedures*** means the document called 'Austvetplan Operational Procedures Manual Valuation and Compensation', version 3.0, published by the Primary Industries Ministerial Council in 2006, or any earlier or later version of the document.

***bovine Johne's disease*** means the bovine strains of *Mycobacterium avium paratuberculosis*.

***cattle holding*** means a place where cattle are kept, pastured or grazed.

*Examples—*

- a farm
- a feedlot

***certificate of health*** means a certificate of health that complies with the repealed *Stock Regulation 1988*, section 10.

***direct market assistance*** see section 5(a).

***disease plan***, for part 4A, see section 11A.

***eligible applicant*** means an applicant who is eligible for assistance under the scheme.

***inspector*** see the repealed *Stock Act 1915*, schedule 2.

***official receipt*** means a receipt including—

- (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) a description of each item to which the receipt relates.

***PDIP guide*** means the document called ‘Property Disease Investigation Plan’, version 4.1, published by the department on 1 April 2013, or any earlier or later version of the document.

***planned slaughter or testing conditions*** means conditions—

- (a) affecting cattle—
  - (i) that are infected, or suspected to be infected with bovine Johne’s disease; and
  - (ii) to which either of the following relate—
    - (A) a notice under the repealed *Stock Act 1915*, section 14(1); or
    - (B) an undertaking under the repealed *Stock Act 1915*, section 14(2); and
- (b) stated in a property disease investigation plan or property disease eradication plan.

***property disease eradication plan*** means a written plan for eradicating bovine Johne's disease by destocking prepared consistently with the PDIP guide.

*Note—*

At the commencement of this definition, the processes for destocking under a property disease eradication plan were set out in item 2.9 of the PDIP guide.

***property disease investigation plan*** means a written plan for investigating suspected bovine Johne's disease prepared in accordance with the PDIP guide and the standard definitions rules and guidelines.

***related entity*** see section 4.

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

***short-term assistance*** see section 5(c).

***short-term quarantine***, of cattle, means the quarantine of cattle for a period of at least 2 months, but not more than 6 months.

***standard definitions rules and guidelines*** means the document called 'National Johne's Disease Program Standard Definitions and Rules For Cattle—BJD Standard Definitions, Rules and Guidelines for the control of cattle strains of *Mycobacterium paratuberculosis* in cattle and for goats, deer and camelids', version 8, published by the Animal Health Committee in May 2012, or any earlier or later version of the document.

***supply chain pathway assistance*** see section 5(b).

***supply chain plan*** means a written plan for managing cattle affected by planned slaughter or testing conditions, stating the actions that have been, are being, or are to be, taken to manage the cattle in response to the conditions.

#### **4 Meaning of *related entity***

- (1) An applicant is a ***related entity*** of a person to whom section 7(e)(i) or (ii) applies if the authority considers—





slaughter or testing conditions (*direct market assistance*);

- (b) a grant to help an eligible applicant recover from the financial impact of taking alternative supply actions affecting cattle under planned slaughter or testing conditions (*supply chain pathway assistance*);
- (c) a grant (*short-term assistance*) to help an eligible applicant recover from the financial impact of carrying out the short-term quarantine of cattle under planned slaughter or testing conditions.

## 6 Maximum amount of total assistance under scheme

The maximum amount of the total assistance that may be given to an eligible applicant for all forms of assistance under the scheme is \$200,000.

*Note—*

See section 11C(2) for the maximum amount of short-term assistance that may be given to an eligible applicant.

## 7 Eligibility criteria

An applicant is eligible for assistance under the scheme if—

- (a) the applicant owns cattle in Queensland; and
- (b) either—
  - (i) an inspector has given a notice under the repealed *Stock Act 1915*, section 14(1), for any of the cattle because the cattle are infected, or suspected to be infected, with bovine Johne's disease; or
  - (ii) the applicant has given an undertaking under the repealed *Stock Act 1915*, section 14(2), relating to any of the cattle because of bovine Johne's disease or suspected bovine Johne's disease; and
- (c) the notice or undertaking—
  - (i) was in force on 20 November 2012; or
  - (ii) has been in force at any time since that day; and

- 
- (d) the applicant is eligible for 1 or more of the following—
    - (i) direct market assistance under section 8;
    - (ii) supply chain pathway assistance under section 10;
    - (iii) short-term assistance under section 11B; and
  - (e) the applicant is not a related entity of a person who—
    - (i) has been granted assistance under the scheme; or
    - (ii) has made an application that has not been decided; and
  - (g) the applicant has not already received the maximum amount of assistance under the scheme; and
  - (h) if the applicant has brought cattle into Queensland from another State on or after 20 November 2010—the applicant has obtained a certificate of health for the cattle.

## Part 3 Direct market assistance

### 8 Eligibility criteria

- (1) An applicant is eligible for direct market assistance for slaughtering cattle if, in addition to being satisfied of the matters mentioned in section 7, the authority is satisfied—
  - (a) the applicant has prepared a property disease investigation plan or a property disease eradication plan (each a *relevant plan*) in response to bovine Johne's disease; and
  - (b) the applicant has slaughtered relevant cattle under the relevant plan.
- (2) However, the applicant is not eligible for direct market assistance for slaughtering an animal—
  - (a) that was 11 years or older; or
  - (b) in relation to which—

- (i) assistance under the scheme has already been granted; or
  - (ii) an earlier application has been made but is yet to be decided.
- (3) In this section—

**chief inspector** see the repealed *Stock Act 1915*, schedule 2.

**relevant cattle** means cattle of any of the following categories, required to be slaughtered under planned slaughter or testing conditions under a relevant plan—

- (a) cattle that have come from a cattle holding where there have been cattle infected with bovine Johne's disease;

*Editor's note—*

In property disease investigation plans, this category of cattle is commonly referred to as 'trace forward' cattle.

- (b) cattle kept on a cattle holding where there are, or have been, other cattle infected with bovine Johne's disease;
- (c) cattle from which a blood or faecal sample, taken by an inspector or veterinary surgeon, reacts positively to a test for bovine Johne's disease that is—
  - (i) of a type approved by the chief inspector; and
  - (ii) conducted by a laboratory accredited by the National Association of Testing Authorities Australia ABN 59 004 379 748 to conduct veterinary testing.

**veterinary surgeon** see the *Veterinary Surgeons Act 1936*, schedule.

## 9 Amount of direct market assistance

- (1) The amount of direct market assistance that may be given to an eligible applicant for the slaughter of an animal to which section 8(1)(b) applies is the amount that is the relevant percentage of the animal's accepted value worked out under subsection (2) less the amount of the deduction, if relevant, worked out under subsection (3).



- (b) the applicant has prepared a supply chain plan for the cattle that has been approved by the chief executive; and
  - (c) the applicant has taken the alternative supply actions affecting the cattle stated in the plan.
- (2) However, the applicant is not eligible for supply chain pathway assistance for the costs incurred in taking alternative supply actions that affect any of the cattle if—
- (a) supply chain pathway assistance has already been granted for—
    - (i) the same costs in relation to the cattle; or
    - (ii) the costs incurred in taking alternative supply actions in relation to the cattle under a supply chain plan other than the plan mentioned in subsection (1)(b); or
  - (b) direct market assistance has already been granted in relation to the cattle; or
  - (c) an earlier application has been made in relation to the cattle but is yet to be decided.

## **11 Amount of supply chain pathway assistance**

- (1) The amount of supply chain pathway assistance that may be given to an eligible applicant is half of the amount of the costs incurred by the applicant in carrying out the alternative supply actions to which the application relates.
- (2) This section is subject to section 6.

## **Part 4A Short-term assistance**

### **11A Definition for pt 4A**

In this part—

*disease plan* means—

- (a) a property disease investigation plan; or

- (b) a property disease eradication plan.

## **11B Eligibility criteria**

- (1) An applicant is eligible for short-term assistance if, in addition to being satisfied of the matters mentioned in section 7, the authority is satisfied—
- (a) cattle owned by the applicant have been, but are no longer—
    - (i) under short-term quarantine; and
    - (ii) subject to planned slaughter or testing conditions under a disease plan prepared by the applicant in response to bovine Johne's disease; and
  - (b) the applicant has incurred costs in implementing the disease plan; and
  - (c) the applicant has not already received the maximum amount of short-term assistance that may be given to an eligible applicant.
- (2) However, the applicant is not eligible for short-term assistance for the costs incurred in carrying out the short-term quarantine of any of the cattle if—
- (a) short-term assistance has already been granted for—
    - (i) the same costs in relation to the cattle; or
    - (ii) the costs incurred in carrying out the short-term quarantine of the cattle under a disease plan other than the plan mentioned in subsection (1)(a)(ii); or
  - (b) direct market assistance has already been granted in relation to the cattle; or
  - (c) an earlier application has been made in relation to the cattle but is yet to be decided.

### **11C Amount of short-term assistance**

- (1) The amount of short-term assistance that may be given to an eligible applicant is half of the amount of the costs incurred by the applicant in implementing the disease plan.

*Examples of costs—*

- costs of feeding or agisting the cattle or consigning the cattle to a feedlot
  - costs of transporting the cattle to an alternative market
- (2) However, the maximum amount of short-term assistance that may be given to an eligible applicant is \$20,000.
- (3) Also, this section is subject to section 6.

## **Part 5 Other provisions**

### **12 Conditions of assistance**

- (1) Payment of assistance under the scheme is subject to the conditions stated in subsections (2) to (6).
- (2) The applicant must give the authority—
- (a) each of the following documents that is relevant to the assistance applied for—
    - (i) the property disease investigation plan;
    - (ii) the property disease eradication plan;
    - (iii) the supply chain plan; and
  - (b) any other document the authority reasonably requires to decide whether or not the applicant is a related entity of a person to whom section 7(e)(i) or (ii) applies.

*Examples of another document—*

a lease, an agistment contract

- (3) If the application relates to the slaughter of, alternative supply actions affecting, or the short-term quarantine of, cattle that were brought into Queensland from another State on or after 20 November 2010, the applicant must give the authority the certificate of health for the cattle.



- 
- (4) If the application is for direct market assistance, the applicant must give the authority evidence of the accepted value of each slaughtered animal in the form of—
    - (a) for an animal bought by the applicant—tax invoices, official receipts for payment or bank statements; or
    - (b) otherwise—the latest valuation report for the animal.
  - (5) If the application is for supply chain pathway assistance, the applicant must give the authority evidence of the costs incurred in carrying out the alternative supply actions in the form of tax invoices, official receipts for payment or bank statements.
  - (5A) If the application is for short-term assistance, the applicant must give the authority evidence of the costs incurred in carrying out the short-term quarantine of the cattle in the form of tax invoices, official receipts for payment or bank statements.
  - (6) The applicant must consent to the authority obtaining from the department information about either of the following relevant to the applicant's eligibility for assistance—
    - (a) a document mentioned in subsection (2), (3), (4), (5) or (5A);
    - (b) slaughtering cattle.

### **13 Applications**

- (1) An application for assistance under the scheme must be—
  - (a) made on the authority's application form; and
  - (b) accompanied by the documentation stated on the application; and
  - (c) given to the authority.
- (2) An application for assistance under the scheme must be received by the authority no later than 30 June 2015.
- (3) The authority may request that an applicant provide further relevant information or documents required to decide the application.

## **14 Deciding applications**

- (1) Subject to subsection (2), the authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.
- (2) The authority must refuse an application for assistance if the authority's assistance funds for the scheme are not sufficient to pay for the assistance.

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## Schedule 26 COVID–19 Jobs Support Loan Scheme

section 3(1)

### Part 1 Preliminary

#### 1 Objective of scheme

The objective of the scheme is to assist Queensland businesses and non-profit organisations financially impacted by COVID–19 to retain employees and maintain their operations.

#### 2 Purpose of assistance

- (1) The purpose of assistance under the scheme is to provide concessional loans to eligible entities to assist the eligible entities to meet working capital expenses.
- (2) For subsection (1), working capital expenses include, for example, the following—
  - (a) paying employee wages;
  - (b) paying creditors;
  - (c) paying rent and rates;
  - (d) buying goods, including fuel, for the purpose of carrying on the business.
- (3) However, for subsection (1), the following are not working capital expenses—
  - (a) refinancing existing business loans or equipment finance;
  - (b) purchasing new equipment or other assets.

#### 3 Definitions for schedule

In this schedule—

**applicant** means a person applying for financial assistance under the scheme.

**COVID-19** means the coronavirus known as COVID-19.

**eligible business** see section 4.

**eligible entity** means 1 of the following—

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

**employee**, of an eligible entity—

- (a) means an individual who ordinarily works for the eligible entity; and
- (b) includes an individual mentioned in paragraph (a) who is—
  - (i) an owner of the business carried on by the eligible entity; or
  - (ii) a director of the eligible entity.

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

**loss of income** see section 6.

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

**owner**, of a business, means a sole trader, partnership, private company, public company or trust that carries on the business.

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

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

An **eligible business** is a business—

- (a) for which an entity holds an Australian Business Number; and
- (b) that has 1 or more equivalent full-time employees in Queensland; and

(c) that is registered for GST.

## 5 Equivalent full-time employees

For an eligible entity, the number of equivalent full-time employees of the entity 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.

## 6 Meaning of *loss of income*

- (1) An eligible entity's *loss of income* is the difference between—
  - (a) the net income that the eligible entity earned in a period (the *relevant period*); and
  - (b) the net income that the eligible entity would have earned in the relevant period if the operation of the applicant's eligible entity had not been interrupted by COVID-19.
- (2) The loss of income is assessed on the basis of the financial performance of the eligible entity during the same relevant period during the 2017-18 and 2018-19 financial years.

# Part 2 General provisions of scheme

## 7 Nature of assistance

The nature of the assistance that may be given under the scheme is the provision of a loan at a concessional interest

rate for an amount to be used for a purpose mentioned in section 2.

## **8 Maximum loan amount**

- (1) The amount of loan assistance that may be given to an applicant under the scheme is the lesser of—
  - (a) 50% of the eligible entity's annual employee wage expense; or
  - (b) \$250,000.
- (2) In this section—

*annual employee wage expense* means an average of the following expenses—

- (a) the total expense incurred by the business paying wages and superannuation to employees during the 2017–18 financial year; and
- (b) the total expense incurred by the business paying wages and superannuation to employees during the 2018–19 financial year.

*wages*, for an employee, see *Industrial Relations Act 2016*, schedule 5.

## **9 Eligibility criteria—eligible business**

An applicant is eligible for assistance under the scheme if the authority is satisfied—

- (a) the applicant is the owner of an eligible business; and
- (b) the applicant has continuously operated the eligible business since at least 1 July 2017; and
- (c) the eligible business has suffered a loss of income as a result of COVID–19; and
- (d) the eligible business is viable under normal business conditions; and
- (e) the applicant is able to service the loan under normal business conditions; and

- (f) the applicant intends to continue operating the eligible business after receiving the loan; and
- (g) the applicant intends to use any surplus liquid reserves or normal credit sources up to normal credit limits, in conjunction with the loan, to maintain business operations.

## **10 Eligibility criteria—non-profit organisation**

An applicant is eligible for assistance under the scheme if the authority is satisfied—

- (a) the applicant is a non-profit organisation; and
- (b) the applicant has 1 or more equivalent full-time employees in Queensland; and
- (c) the applicant has operated continuously since at least 1 July 2017; and
- (d) the applicant has suffered a loss of income as a result of COVID-19; and
- (e) the applicant is considered viable under normal business conditions; and
- (f) the applicant is able to service the loan under normal business conditions; and
- (g) the applicant intends to continue operations after receiving the loan; and
- (h) the applicant intends to use any surplus liquid reserves or normal credit sources up to normal credit limits, in conjunction with the loan, to continue operations.

## **11 Interest rates**

- (1) The interest charged on a loan given under the scheme must be calculated at a concessional interest rate decided by the authority.
- (2) The authority may include a condition varying the interest rate during the term of the loan.

## **12 Security**

A loan under the scheme must be secured to the satisfaction of the authority.

## **13 Terms of repayment**

- (1) The term of a loan under the scheme is the term decided by the authority up to a maximum of 10 years.
- (2) During the first year of the loan, the authority must not charge interest and must defer repayments of principal under the loan.
- (3) From the start of the second year of the loan, the amounts of the repayments of principal and interest under the loan are the amounts decided by the authority.
- (4) From the start of the second year of the loan, the authority may defer repayments of interest for a further 2 years under the loan.

## **14 Requirements for applications**

An application must—

- (a) be made on the authority's application form; and
- (b) be accompanied by the documents stated in the application; and
- (c) be given to the authority.

## **15 Conditions**

- (1) It is a condition of the loan that the applicant must consent to the authority conducting an audit to allow the authority to verify that amounts given to the applicant under the scheme have been used in accordance with the application for assistance.
- (2) It is a condition of the loan that if the authority asks the applicant for consent to confer with the applicant's commercial lender, the applicant must provide the consent.



**16 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 in the order the applications are received by the authority.

**17 Review by authority**

Assistance given to an applicant under the scheme may be subject to an annual review by the authority.

## **Schedule 27      COVID-19 Small Business Adaption Grant Scheme—Round 2**

section 3(1)

### **Part 1                      Preliminary**

#### **1                      Objective of scheme**

The objective of the scheme is to help small businesses seriously disrupted by a closure or restrictions direction to sustain, adapt or develop the resilience of, their operations.

#### **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 a person applying for assistance under the scheme.

***closure or restrictions direction*** means—

- (a) the public health direction called ‘Non-essential Business Closure Direction’, made on 23 March 2020 and revoked on 25 March 2020; or

- (b) a public health direction called ‘Non-essential business, activity and undertaking closure direction’; or

*Examples—*

- the Non-essential Business, Activity and Undertaking Closure Direction, made on 25 March 2020 and revoked on 26 March 2020
  - the Non-essential Business, Activity and Undertaking Closure Direction (No. 5), made on 9 April 2020 and revoked on 21 April 2020
  - the Non-essential Business, Activity and Undertaking Closure Direction (No. 10), made on 14 May 2020 and revoked on 1 June 2020
- (c) the public health direction called ‘Restrictions on Businesses, Activities and Undertakings Direction’, made on 1 June 2020 and revoked on 15 June 2020; or
- (d) the public health direction called ‘Restrictions on Businesses, Activities and Undertakings Direction (No. 2)’, made on 15 June 2020.

***eligible activity*** see section 4.

***eligible business*** see section 6.

***employee***, of a business, see section 5.

***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.

***public health direction*** see the *Public Health Act 2005*, section 362B(1).

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

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

#### 4 Meaning of *eligible activity*

- (1) An *eligible activity*, in relation to an eligible business, is any of the following—
- (a) obtaining either of the following in relation to the sustainability or diversification of the business—
    - (i) financial, legal or other professional advice;
    - (ii) strategic planning, financial counselling or business coaching;
  - (b) conducting a marketing or communication activity;  
*Example of a marketing or communication activity—*  
developing a web page, an app or other media
  - (c) developing a digital or technological strategy, or buying specialised digital equipment or business-specific software, for the purpose of conducting the business's operations online;
  - (d) conducting training in relation to adapting to a new business model;
  - (e) paying a capital expense resulting from the business's compliance with a closure or restrictions direction;  
*Examples of a capital expense resulting from the business's compliance with a closure or restrictions direction—*
    - an expense associated with installing screening equipment for contactless transactions
    - an expense associated with installing counter-fronts designed to ensure social distancing
  - (f) 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 23 March 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)(c) or (e), 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.

***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 *employee* of a business**

- (1) An individual who is employed, or usually employed, by the business, is an *employee* of the business.
- (2) To remove any doubt, it is declared that neither of the following is an *employee* of a business—
  - (a) an owner of the business;
  - (b) a person who performs work under a contract for services with the business, including, for example, a subcontractor.

## **6 Meaning of *eligible business***

- (1) A business is an *eligible business* if—
  - (a) an entity—
    - (i) holds an Australian Business Number for the business; and
    - (ii) has continuously held the same Australian Business Number for the business since 23 March 2020; and
  - (b) the business is, and has since 23 March 2020 been, registered for GST; and
  - (c) the business has its headquarters in Queensland; and
  - (d) the business has at least 1, but not more than 19, employees; and
  - (e) 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 100 days. The turnover of the business, according to its financial records, for the 100-day period must be more than \$20,547.95.

- (f) the total of the wages and superannuation paid by the business to its employees during the 2018–2019 financial year or the 2019–2020 financial year was less than \$1.3m; and
  - (g) neither an owner, nor a director or shareholder of an owner, of the business is an insolvent under administration.
- (2) In this section—
- insolvent under administration* see the Corporations Act, section 9.

## Part 2                      General provisions of scheme

### 7                      Nature and amount of assistance

- (1) The nature of the 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.

### 8                      Eligibility criteria

- (1) For an applicant to be eligible to receive assistance under the scheme, the applicant must—
  - (a) be an owner of an eligible business; and
  - (b) be applying for assistance in relation to an eligible activity carried out, or to be carried out, for the eligible business; and

- (c) demonstrate to the satisfaction of the authority that—
  - (i) the eligible business stopped operating for a period because of, or was otherwise seriously disrupted by, a closure or restrictions direction; and
  - (ii) the revenue of the eligible business has, for at least 1 month starting on or after 23 March 2020, reduced by at least 30% because of the COVID-19 emergency; and
  - (iii) the eligible activity will assist in sustaining, adapting, or developing the resilience of, the operations of the eligible business; and
  - (iv) 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—
    - (i) assistance under the scheme; 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 financial assistance from the Commonwealth government or the government of the State.
- (3) In this section—

**COVID-19 emergency** see the *COVID-19 Emergency Response Act 2020*, schedule 1.



## 9 Requirements for applications

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

## 10 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 9(1).
- (2) The authority must consider applications in the order they are received by the authority.
- (3) The authority must refuse an application for assistance relating to an eligible SEQ business to the extent the proportion of the authority's scheme funds allocated for owners of eligible SEQ businesses are not enough to pay for the assistance.
- (4) Also, the authority must refuse an application for assistance relating to an eligible regional business to the extent the proportion of the authority's scheme funds allocated for owners of eligible regional businesses are not enough to pay for the assistance.
- (5) In this section—

*eligible regional business* means an eligible business that is not an eligible SEQ business.

*eligible SEQ business* means an eligible business whose principal place of business is located within—

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

*Note—*

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

- (b) the Gold Coast, Ipswich, Lockyer Valley, Logan, Moreton Bay, Noosa, Redlands, Scenic Rim, Somerset, Sunshine Coast or Toowoomba local government area.

*scheme funds*, of the authority, means the authority's assistance funds for the scheme.

## **11 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, official 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.

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## Schedule 28 COVID-19 Taxi and Limousine Industry Assistance Scheme

section 3(1)

### Part 1 Preliminary

#### 1 Objective of scheme

The objective of the scheme is to provide financial assistance to—

- (a) particular holders of taxi service licences and limousine licences; and
- (b) particular operators of taxi services and booked hire services; and
- (c) particular holders of booking entity authorisations.

#### 2 Purpose of scheme

- (1) The purpose of the scheme is to address the disruption caused to the taxi and limousine industry by the COVID-19 emergency by supporting the services provided by the industry to allow them to operate or return to operation.

- (2) In this section—

**COVID-19 emergency** means the declared public health emergency under the *Public Health Act 2005*, section 319(2) for COVID-19 declared on 29 January 2020, as extended and further extended under that Act.

#### 3 Definitions for schedule

In this schedule—

**applicant** means a person applying for financial assistance under the scheme.

**authorisation register** means the register of booking entity authorisations kept under the *Transport Operations (Passenger Transport) Act 1994*, section 91ZH.

**booked hire service** see the *Transport Operations (Passenger Transport) Act 1994*, section 71.

**booking entity authorisation** see the *Transport Operations (Passenger Transport) Act 1994*, section 91V(1).

**closing day** see section 14(1)(c).

**eligible motor vehicle**, for a booking entity authorisation, see section 5.

**licence register** means the register of licences kept under the *Transport Operations (Passenger Transport) Act 1994*, section 91U.

**limousine** means a motor vehicle stated in a limousine licence.

**limousine licence** see the *Transport Operations (Passenger Transport) Act 1994*, section 91H(1).

**motor vehicle** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**notice** means written notice.

**operator** see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

**relevant booking entity authorisation** see section 6.

**relevant licence** see section 4.

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

**taxi** means a motor vehicle stated in a taxi service licence.

**taxi service licence** see the *Transport Operations (Passenger Transport) Act 1994*, section 91D.

**transport chief executive** means the chief executive of the department in which the *Transport Operations (Passenger Transport) Act 1994* is administered.

**ultimate lessee**, of a relevant licence, means a person who—

- (a) is a lessee or sublessee of the licence; and
- (b) has not leased the person's interest in the licence to another person.

#### 4 What is a *relevant licence*

A *relevant licence* is a taxi service licence, or a limousine licence, that was in force on 16 June 2020.

#### 5 What is an *eligible motor vehicle*

(1) An *eligible motor vehicle*, for a booking entity authorisation, is a motor vehicle that—

- (a) is available to be used to provide booked hire services under the booking entity authorisation; and
- (b) is 1 of the following types—
  - (i) an exempted taxi;
  - (ii) a taxi, other than an exempted taxi, that displays the livery of the authorised booking entity that holds the booking entity authorisation;
  - (iii) a limousine.

(2) In this section—

*authorised booking entity* see the *Transport Operations (Passenger Transport) Act 1994*, section 91V(2).

*exempted taxi* means a taxi that is not required under the taxi service licence for the taxi to be fitted with a taximeter.

#### 6 What is a *relevant booking entity authorisation*

(1) A *relevant booking entity authorisation* is a booking entity authorisation—

- (a) that was in force for at least the period starting on 10 March 2020 and ending on 16 June 2020; and
- (b) for which there were 1 or more eligible motor vehicles on 10 March 2020.

- (2) However, if 10 or more motor vehicles were available to be used to provide booked hire services under the booking entity authorisation on 10 March 2020, the authorisation is a relevant booking entity authorisation only if 70% or more of those vehicles were eligible motor vehicles.

## **Part 2                      Taxi service licences and limousine licences**

### **7                      Nature of assistance**

The nature of the assistance that may be given under this part is a payment of an amount to particular holders of relevant licences and particular operators, based on the number of relevant licences held or operated.

### **8                      Eligibility criteria**

- (1) An applicant is eligible for assistance under the scheme if—
- (a) on 16 June 2020, the applicant was recorded in the licence register as the holder of a relevant licence; or
  - (b) the applicant has been declared, under section 19, to be the holder of a relevant licence.
- (2) For subsection (1)(a), if 2 or more persons hold a relevant licence, the persons are collectively the holder of the relevant licence.
- (3) Also, an applicant is eligible for assistance under the scheme if—
- (a) all of the following apply—
    - (i) the applicant was an operator on 16 June 2020;
    - (ii) on 16 June 2020—
      - (A) the applicant was recorded in the licence register as the holder of a relevant licence and the licence was not subject to a lease or a relevant agreement; or

- 
- (B) the applicant was recorded in the licence register as the ultimate lessee of a relevant licence and the licence was subject to a lease but not subject to a relevant agreement; or
  - (C) the applicant was a party to a relevant agreement about a relevant licence under which the applicant was responsible for the majority of the costs associated with providing the services of a taxi or limousine under the licence;
- (iii) the relevant licence mentioned in subparagraph (ii)(A), (B) or (C) had a taxi or limousine stated in it on 10 March 2020; or
- (b) the applicant has been declared, under section 19, to be the operator of a relevant licence.
- (4) Further, an applicant is eligible for assistance under the scheme if, on 16 June 2020—
    - (a) the applicant was an operator; and
    - (b) the applicant was a party to a relevant agreement about a relevant licence under which the applicant was responsible for half of the costs associated with providing the services of a taxi or limousine under the licence; and
    - (c) the relevant licence that was the subject of the relevant agreement mentioned in paragraph (b) had a taxi or limousine stated in it on 10 March 2020.
- (5) In this section—

**relevant agreement**, about a taxi service licence or limousine licence, means a written agreement between a person mentioned in subsection (3)(a)(ii)(A) or (B) (the **first party**) and another person (the **second party**) under which—

    - (a) the parties agree to apportion the costs associated with providing the services of a taxi or limousine under the licence; and

- (b) the second party has made a payment to the first party for the right to provide the services of a taxi or limousine under the relevant licence.

## **9 Effect of declaration in relation to relevant licence**

- (1) Subsection (2) applies if a person is declared, under section 19, to be the holder of a relevant licence.
- (2) For section 8(1)(a), the person who, on 16 June 2020, was recorded in the licence register as the holder of the relevant licence is taken not to have been so recorded on that day.
- (3) Subsection (4) applies if a person is declared, under section 19, to be the operator of a relevant licence.
- (4) For section 8(3)(a) and (4), a person who, on 16 June 2020, held an interest mentioned in section 8(3)(a)(ii)(A), (B) or (C) or (4)(b) in the relevant licence is taken not to have held the interest on that day.

## **10 Amount of assistance**

- (1) The amount of assistance payable under this part to an applicant is the total of each amount payable under subsection (2), (3), (4) or (5).
- (2) If the applicant is eligible for assistance under section 8(1), the amount is \$1,000 for each relevant licence to which section 8(1)(a) or (b) applies.
- (3) If the applicant is eligible for assistance under section 8(3)(a), the amount is—
  - (a) \$3,500 for each relevant licence for which the applicant was recorded in the licence register as mentioned in section 8(3)(a)(ii)(A) or (B); and
  - (b) \$3,500 for each relevant licence about which the applicant was a party to a relevant agreement as mentioned in section 8(3)(a)(ii)(C); and
  - (c) \$1,000 for each relevant licence mentioned in paragraph (a) or (b) that had a wheelchair accessible taxi stated in it on 10 March 2020.



- 
- (4) If the applicant is eligible for assistance under section 8(3)(b), the amount is—
    - (a) \$3,500 for each relevant licence in relation to which the applicant has been declared to be an operator; and
    - (b) \$1,000 for each relevant licence mentioned in paragraph (a) that had a wheelchair accessible taxi stated in it on 10 March 2020.
  - (5) If the applicant is eligible for assistance under section 8(4), the amount is half the amount that would be payable if the applicant were eligible for assistance under section 8(3)(a)(ii)(C).
  - (6) If 2 or more persons (*multiple holders*) are eligible under section 8(1)(a) or (3)(a)(ii)(A) because the relevant licence is collectively held by the multiple holders, only 1 payment may be made to 1 of the multiple holders.
  - (7) If 2 or more persons (also *multiple holders*) are eligible under section 8(3)(a)(ii)(B) because the multiple holders are all ultimate lessees of the relevant licence, only 1 payment may be made to 1 of the multiple holders.
  - (8) For subsections (6) and (7), the 1 payment must be made by the authority to the multiple holder nominated to the authority by the multiple holders for payment under the scheme.
  - (9) In this section—

*wheelchair accessible taxi* means a taxi that has the capacity to accommodate at least 1 wheelchair and the occupant of the wheelchair.

## Part 3                      Booking entity authorisations

### 11           Nature of assistance

The nature of the assistance that may be given under this part is a payment of an amount to holders of relevant booking entity authorisations based on the number of taxis and limousines that are eligible motor vehicles for the authorisations.

## **12 Eligibility criteria**

- (1) An applicant is eligible for assistance under the scheme if—
  - (a) on 16 June 2020, the applicant was recorded in the authorisation register as the holder of a relevant booking entity authorisation; or
  - (b) the applicant has been declared, under section 19, to be the holder of a relevant booking entity authorisation.
- (2) However, an applicant is not eligible for assistance unless—
  - (a) on or before 16 June 2020, the applicant has provided the information mentioned in the *Transport Operations (Passenger Transport) Regulation 2018*, section 109 to the transport chief executive for the quarter ending 31 March 2020; or
  - (b) after 16 June 2020, the applicant—
    - (i) has provided the information mentioned in the *Transport Operations (Passenger Transport) Regulation 2018*, section 109 to the transport chief executive for the quarter ending 31 March 2020; and
    - (ii) has provided any information requested by the transport chief executive about the information mentioned in subparagraph (i).
- (3) For subsection (1), if 2 or more persons hold a relevant booking entity authorisation, the persons are collectively the holder of the relevant booking entity authorisation.

## **13 Amount of assistance**

- (1) The amount of assistance payable under this part to an applicant who is eligible under section 12 is \$1,500 for each motor vehicle that, on 10 March 2020, was an eligible motor vehicle for a relevant booking entity authorisation of which the applicant was the holder as mentioned in section 12(1)(a) or (b).

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- (2) However, the assistance payable under subsection (1) is limited to a maximum of 1,000 eligible motor vehicles for each relevant booking entity authorisation.

## Part 4                      General provisions

### 14            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 mentioned in the application; and
  - (c) be received on or before the day (the *closing day*) that is 5 weeks after the commencement.
- (2) The authority may ask an applicant to provide further information required to decide the application.

### 15            Extension of closing day

- (1) The authority may, by notice published on the authority's website (an *extension notice*), extend the closing day to a stated day that is not more than 3 months after the commencement.
- (2) However, the authority may publish an extension notice only if satisfied, following consultation with industry representatives, that applicants need more time in which to apply for assistance under the scheme.

### 16            Accepting late applications

Despite section 14(1)(c), the authority may accept an application for assistance under the scheme that is received after the closing day under that section or as extended under section 15.

## 17 Deciding applications

The authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.

## 18 Disclosure and use of information

- (1) This section applies in relation to information gained by the transport chief executive—
- (a) through the transport chief executive's involvement in the administration of the *Transport Operations (Passenger Transport) Act 1994*; or
  - (b) because of an opportunity provided by that involvement.

*Examples of information for subsection (1)—*

- details of a relevant licence or relevant booking entity authorisation
  - the name, date of birth and contact details of the holder of a relevant licence or relevant booking entity authorisation
- (2) The transport chief executive may—
- (a) disclose the information to the authority for the purpose of administering the scheme; or
  - (b) record or use the information to perform a function under this regulation.
- (3) Also, to the extent the information relates to the persons who collectively are the holder of a relevant licence or a relevant booking entity authorisation or the ultimate lessees of a relevant licence, the transport chief executive may disclose the information about any of the persons to any of the other persons for the purpose of helping them apply for assistance under the scheme.
- (4) In this section—

***function*** includes power.

***perform***, a function, includes exercise a power.

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## Part 5                      **Declarations by transport chief executive**

### 19            **Declarations**

- (1) The transport chief executive may, by notice given to the authority, declare that 1 or more stated persons are—
  - (a) the holder of a relevant licence; or
  - (b) the operator of a relevant licence; or
  - (c) the holder of a relevant booking entity authorisation.
- (2) The transport chief executive may make a declaration under subsection (1)(a) in relation to a person or persons only if satisfied—
  - (a) before 16 June 2020, the relevant licence was transferred to the person or persons and approval for the transfer was given under the *Transport Operations (Passenger Transport) Regulation 2018*, section 161; or
  - (b) both of the following apply—
    - (i) the relevant licence is vested in, or has been transferred to, the person or persons whether by operation of law or otherwise;
    - (ii) having regard to the matters relating to the vesting or transfer, the transport chief executive is satisfied the person or persons should be declared to be the relevant holder of the licence.

*Example for paragraph (b)—*

If a relevant licence is vested in the executor of a deceased estate, the transport chief executive may be satisfied the executor should be declared to be the holder of the licence.

- (3) The transport chief executive may make a declaration under subsection (1)(b) or (c) in relation to 1 or more stated persons only if satisfied it is appropriate, having regard to the purpose of this scheme, to make the declaration.

- (4) If a declaration under subsection (1)(a), (b) or (c) is made in relation to 2 or more stated persons, the persons are collectively taken to be declared to be—
  - (a) the holder of the relevant licence; or
  - (b) the operator of the relevant licence; or
  - (c) the holder of the relevant booking entity authorisation.
- (5) The transport chief executive must, within 28 days after making a declaration under this section, give notice of the declaration to any person whose interests are affected by the declaration.

## 20 Internal review

- (1) A person whose interests are affected by a relevant declaration may apply to the transport chief executive for a review of the decision to make the declaration.

*Note—*

Under part 3A of the Act, a person may apply for review of a decision of the authority under section 17.

- (2) The *Transport Planning and Coordination Act 1994*, part 5, division 2, other than sections 32 and 34(4) and (6), applies for the review of the decision as if—
  - (a) the decision were an original decision to which that division applies; and
  - (b) the reference in the *Transport Planning and Coordination Act 1994*, section 31(1) to the transport Act were a reference to section 19 of this regulation.
- (3) In this section—

***relevant declaration*** means a declaration under section 19 that 1 or more stated persons are—

  - (a) the holder of a relevant licence; or
  - (b) the operator of a relevant licence; or
  - (c) the holder of a relevant booking entity authorisation.

**21 Transport chief executive may ask for information**

The transport chief executive may, by notice, ask a person for information the transport chief executive considers necessary to identify, under this schedule, the holder or operator of a relevant licence or the holder of a relevant booking entity authorisation.

## Schedule 29 COVID-19 Daintree Area Scheme

section 3(1)

### Part 1 Preliminary

#### 1 Objective of scheme

- (1) The objective of the scheme is to support the community in the Daintree area in response to the COVID-19 emergency.
- (2) In this section—

*COVID-19 emergency* means the declared public health emergency under the *Public Health Act 2005*, section 319(2) for COVID-19 declared on 29 January 2020, as extended and further extended under that Act.

#### 2 Purpose of assistance

The purpose of assistance under the scheme is to benefit the community in the Daintree area by giving financial assistance to eligible entities operating from off-grid premises in the area.

#### 3 Definitions for schedule

In this schedule—

*applicant* means a person applying for assistance under the scheme.

*Daintree area* means the area bounded by a line starting at the point on the northern bank of the Daintree River and the low-water mark of the Pacific Ocean then running progressively—



- 
- (a) generally northerly along the low-water mark of the Pacific Ocean to the south bank of the Bloomfield River; and
  - (b) generally southerly along the western border of the Cape Tribulation section of the Daintree National Park to the intersection with the boundary of the Wet Tropics of Queensland World Heritage Area; and
  - (c) generally southerly to the point on the northern bank of the Daintree River directly opposite Kilkeary Point; and
  - (d) generally easterly along the northern bank of the Daintree River to the starting point.

***eligible entity*** means—

- (a) a small business or non-profit organisation that is eligible for assistance under section 8; or
- (b) a household that is eligible for assistance under section 9.

***household*** means 1 or more individuals who occupy the same premises as a usual place of residence.

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

***off-grid premises*** see section 4.

***owner***, of a small business, means a sole trader, partnership, private company or trust that carries on the business.

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

***small business*** see section 5.

#### **4 Meaning of *off-grid premises***

Premises are ***off-grid premises*** if—

- (a) the premises are not connected to the supply network under the *Electricity Act 1994*; and

- (b) the occupier of the premises is not a customer of an electricity entity for the premises under the *Electricity Act 1994*.

## 5 Meaning of *small business*

- (1) A *small business* is a business—
  - (a) for which an entity holds an Australian Business Number; and
  - (b) in which are employed no more than—
    - (i) 100 full-time employees; or
    - (ii) if the business has part-time employees—100 equivalent full-time employees; and
  - (c) that is not operated by a public company.
- (2) For subsection (1)(b), the number of equivalent full-time employees of a small 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 small business, means an employee who ordinarily works for at least 35 hours each week for the entity.
  - part-time employee*, of a small business, means an employee, other than a full-time employee.
  - public company* means a public company within the meaning of the Corporations Act, section 9.

---

## Part 2                      General provisions of scheme

### 6            Nature of assistance

The nature of the assistance that may be given under the scheme is the payment of an amount to an eligible entity under section 7 for the purpose mentioned in section 2.

### 7            Maximum amount of assistance

- (1) The maximum amount of assistance payable under the scheme for a household is \$200.
- (2) The maximum amount of assistance payable under the scheme for a small business or non-profit organisation for each off-grid premises at which the business or organisation is operated is \$500.

### 8            Eligibility criteria—small business or non-profit organisation

An applicant is eligible for assistance under the scheme if the authority is satisfied—

- (a) the applicant is—
  - (i) the owner of a small business; or
  - (ii) a non-profit organisation; and
- (b) the applicant is carrying on the small business or operations as a non-profit organisation from off-grid premises located within the Daintree area; and
- (c) the authority has not previously approved assistance under the scheme in relation to the off-grid premises.

### 9            Eligibility criteria—households

An applicant is eligible for assistance under the scheme if the authority is satisfied—

- (a) the applicant is a member of a household; and

- (b) the household occupies off-grid premises located within the Daintree area; and
- (c) the applicant has lived in the premises for at least 6 months immediately before applying for assistance under the scheme; and
- (d) the authority has not previously approved assistance under the scheme in relation to the off-grid premises—
  - (i) whether the applicant or another person applied for the assistance; or
  - (ii) whether the premises were occupied as a household or used to carry on a small business or operations as a non-profit organisation; and
- (e) the authority has not previously approved assistance under the scheme for the applicant as a member of a household occupying other off-grid premises.

## **10 Applications**

- (1) An application for assistance under the scheme must—
  - (a) be made on the form approved by the authority; and
  - (b) be accompanied by the documents stated in the application form; and
  - (c) be given to the authority on or before 30 June 2021.
- (2) If the authority asks the applicant to provide further information to decide 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 for assistance under the scheme.
- (2) The authority must consider applications in the order the applications are received by the authority.
- (3) However, for subsection (2), if the authority asks an applicant for further information under section 10(2), the applicant's

application is taken to have been received when the authority receives the further information.

- (4) The authority may approve an application only if the authority's assistance funds for the scheme are sufficient to pay for the assistance.

## **Schedule 30      Farm management grants scheme**

section 3(1)

### **1      Objective of scheme**

The objective of the scheme is to help primary producers for primary production enterprises, or interested persons, who have received eligible professional advice from a suitably qualified professional adviser.

### **2      Nature of assistance**

The nature of the assistance that may be given to an applicant under the scheme is a rebate to offset the cost of the eligible professional advice incurred by the applicant.

### **3      Definitions for sch 30**

In this schedule—

*applicant* means a person applying for financial assistance under the scheme.

*eligible professional advice* means eligible professional advice under section 4(1).

*interested person*, for a primary production enterprise, means a person who—

- (a) is a child of, or is otherwise related to, a primary producer for the primary production enterprise; and
- (b) has acquired, or is intending to acquire, an interest in the primary production enterprise.

*official receipt* means a receipt that includes—

- (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) a description of each item to which the receipt relates.

***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
- (b) 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.

***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.

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

***suitably qualified professional adviser***, for eligible professional advice, means a person who has—

- (a) the relevant qualifications and experience to give the advice; or
- (b) membership of a professional body that entitles the adviser to give the advice.

***Examples of a suitably qualified professional adviser—***

accountant, agribusiness professional, agricultural industry professional, agronomist, financial planner, lawyer

#### **4 Eligible professional advice**

- (1) Eligible professional advice under the scheme is professional advice about—
  - (a) the acquisition of an interest in a primary production enterprise by an interested person for the enterprise; or
  - (b) particular aspects of the management of a primary production enterprise decided by the Minister to be professional advice to which the scheme applies.

*Examples of professional advice—*

accountancy advice, financial planning, legal advice

- (2) If the Minister makes a decision under subsection (1)(b), the Minister must notify the authority about the decision.
- (3) The authority must publish notice of the Minister's decision on the authority's website.

#### **5 Eligibility criteria**

For an applicant to be eligible to receive assistance under the scheme, the authority must be satisfied that—

- (a) for an application relating to advice mentioned in section 4(1)(a)—the applicant is a primary producer or is an interested person for a primary production enterprise; and
- (b) for an application relating to advice mentioned in section 4(1)(b)—the applicant is a primary producer; and
- (c) the applicant has paid for, or will pay for, eligible professional advice; and
- (d) the eligible professional advice was or will be given by a suitably qualified professional adviser who is not employed by an entity owned or partially owned by the applicant.



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## **6 Amount and payment of assistance**

- (1) The amount of the rebate payable to an applicant is half the amount paid by the applicant for eligible professional advice up to a maximum of \$2,500 for each official receipt and tax invoice for the eligible professional advice that is given to the authority.
- (2) However, an applicant may be paid a maximum of only \$2,500 in each financial year.

## **7 Applications**

- (1) An application for assistance under the scheme may only be made after the applicant pays for eligible professional advice.
- (2) An application for assistance under the scheme must be—
  - (a) made on the application form approved by the authority; and
  - (b) accompanied by—
    - (i) an official receipt and tax invoice for the eligible professional advice showing that all amounts claimed by the applicant under the scheme have been paid by the applicant; and
    - (ii) the documents mentioned in the application form.

## **8 Deciding the application**

- (1) The authority must consider, and decide to approve or refuse to approve, each application for assistance.
- (2) The authority must consider applications in the order the applications are received by the authority.
- (3) The authority must refuse an application relating to advice mentioned in section 4(1)(a) to the extent the proportion of the funds allocated under the scheme for applications for assistance for that type of advice are not enough to pay for the assistance.
- (4) Also, the authority must refuse an application relating to advice mentioned in section 4(1)(b) to the extent the

proportion of the funds allocated under the scheme for applications for assistance for that type of advice are not enough to pay for the assistance.

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## Schedule 31      **White spot disease concessional loan scheme**

section 3(1)

### Part 1                      **Preliminary**

#### 1                      **Objective of scheme**

The objective of the scheme is to provide assistance to prawn farmers whose prawn farming primary production enterprises are directly affected by white spot disease to help the enterprises recover from the impact of the disease.

#### 2                      **Definitions**

In this schedule—

*applicant* means a prawn farmer applying for a loan under the scheme.

*approved form* means a form approved by the authority.

*prawn farmer* means—

- (a) a sole trader who—
  - (i) spends the majority of his or her labour on a prawn farming primary production enterprise; and
  - (ii) derives the majority of his or her income from the prawn farming primary production enterprise at the time of applying for assistance under the scheme; or
- (b) a partnership, proprietary company or trust that carries on a prawn farming primary production enterprise for which the partners, shareholders or beneficiaries—
  - (i) spend the majority of their labour on the prawn farming primary production enterprise; and

- (ii) derive the majority of their income from the prawn farming primary production enterprise at the time of applying for assistance under the scheme.

*prawn farming primary production enterprise* means an aquaculture business—

- (a) for which there is an Australian business number; and  
(b) that involves the raising and production of prawns—  
(i) for human consumption; or  
(ii) for sale to a prawn farmer.

*proprietary company* means a proprietary company within the meaning of the Corporations Act.

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

*white spot disease* means the white spot syndrome virus.

## Part 2 General provisions for scheme

### 3 Nature of assistance

The nature of the assistance under the scheme is a loan, at a concessional interest rate, to a prawn farmer for activities that—

- (a) improve the productivity and viability of the prawn farmer’s prawn farming primary production enterprise; or  
(b) improve the biosecurity controls of the prawn farmer’s prawn farming primary production enterprise; or

*Example of biosecurity controls—*

access restrictions, bird nets, fencing, solid waste treatment, water treatment

- (c) diversify the source of the prawn farmer’s income.

*Example—*

buying infrastructure necessary for farming a marine species other than prawns

#### 4 Maximum amount of loan

The maximum amount of a loan under the scheme is \$3,000,000.

#### 5 Interest rate

- (1) The initial interest rate payable by an applicant is the base lending rate when the applicant first draws down the loan or part of the loan.
- (2) The initial interest rate for the loan—
  - (a) depends on whether the applicant decides to have the interest rate fixed for 1, 3 or 5 years when the applicant first draws down the loan or part of the loan; and
  - (b) is worked out by the authority based on the base lending rate when the interest rate is fixed.
- (3) At any time during the term of the loan after any period decided under subsection (2)(a), the authority may agree to fix the interest rate for periods of 1, 3 or 5 years.
- (4) The authority may, during the term of the loan, increase the interest rate to a commercial rate if the authority is satisfied the applicant's financial capacity has improved.
- (5) If, under subsection (4), the authority decides to increase the interest rate because the applicant's financial capacity improves during the term of the loan, the authority may decide the extent to which the interest rate for the loan is to increase—
  - (a) in an annual review of the loan; and
  - (b) based on the improvement.
- (6) The authority may decide the extent to which the interest rate is to increase under subsection (5) more than once in relation to the applicant.
- (7) In this section—

*base lending rate* means the 1, 3 or 5 year lending rate, as appropriate, of the Queensland Treasury Corporation, plus a margin decided by the authority and approved by the Minister.

## **6 Terms of repayment**

- (1) The term of a loan under the scheme is the term agreed between the authority and the applicant, based on the applicant's income patterns.
- (2) However, the maximum term of a loan under the scheme is 20 years.
- (3) The authority may give the applicant an interest only period of not more than 5 years.

## **7 Security**

If an applicant is given a loan under the scheme, the applicant must give security for the loan that the authority is satisfied is commensurate with the amount of the loan.

## **8 Eligibility criteria**

- (1) An applicant is eligible for a loan under the scheme if—
  - (a) the applicant demonstrates the following to the authority's satisfaction—
    - (i) the applicant is a prawn farmer;
    - (ii) the applicant has been carrying on a prawn farming primary production enterprise for at least 2 years;
    - (iii) some or all of the prawn farming primary production enterprise is located on the Logan River catchment or Albert River catchment;
    - (iv) the applicant's non-enterprise or liquid assets are no more than the amount needed for prudent risk management of the prawn farming primary production enterprise;
    - (v) the applicant has sound prospects for commercial viability in the long term;
    - (vi) the applicant can service the loan; and
  - (b) the applicant gives the authority a management plan that outlines the intended outcomes associated with the

activities for which the applicant is applying for the loan; and

- (c) if the loan is sought for activities that require a licence, permit or other approval—
  - (i) the applicant gives the authority a copy of the licence, permit or approval; or
  - (ii) the applicant demonstrates to the authority's satisfaction that the applicant can acquire the licence, permit or approval.
- (2) In this section—

*management plan*, for an applicant applying for a loan under the scheme, means a plan that—

- (a) includes details of the activities for which the applicant is applying for the loan; and
- (b) states how the activities will—
  - (i) improve the productivity and viability of the applicant's prawn farming primary production enterprise; or
  - (ii) improve the biosecurity controls of the applicant's prawn farming primary production enterprise; or
  - (iii) diversify the source of the applicant's income; and
- (c) complies with the guidelines for management plans under the scheme that are issued by the authority.

*Note—*

A copy of the guidelines for management plans under the scheme may be obtained from the authority.

## 9 Applications for assistance

- (1) A prawn farmer may apply, in the approved form, for a loan under the scheme.
- (2) The application must be given to the authority before 30 June 2018.

## **10 Deciding applications for assistance**

- (1) The authority must consider an application for a loan under the scheme and decide to approve or refuse the application.
- (2) Subject to subsection (3), the authority must approve an application if the authority is satisfied—
  - (a) the applicant is eligible for the loan under section 8; and
  - (b) the application relates to activities mentioned in section 3(a) to (c).
- (3) The authority must refuse an application if the authority's assistance funds for the scheme are not enough to provide the loan under the scheme.



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# 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.

*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, other than any of the following local government areas—

- (a) City of Brisbane;
- (b) Ipswich;
- (c) Logan;
- (d) Redland.

***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.

## Part 2                      General provisions for scheme

### 7                      Nature and amount of assistance

- (1) The nature of assistance available under the scheme is a grant of financial assistance to an eligible entity for an eligible activity.

- 
- (2) A grant of financial assistance is not available for—
    - (a) funding an activity that commenced or was completed before an application for assistance under the scheme is made; or
    - (b) repairing or replacing existing capital infrastructure; or
    - (c) making payments towards a debt; or
    - (d) purchasing land; or
    - (e) undertaking training, or paying professional costs, not related to the eligible activity the subject of the application; or
    - (f) conducting feasibility studies; or
    - (g) paying administration costs.
  - (3) Also, a grant of financial assistance is not available unless the eligible entity meets the eligibility criteria.
  - (4) The amount of a grant of financial assistance under the scheme for an eligible activity—
    - (a) is based on the authority's assessment of the applicant's financial position, including the applicant's 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; and
    - (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 \$200,000.

## **8 Scheme to operate in rounds**

- (1) The scheme will operate in rounds.
- (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.

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## Schedule 33      Vessel Tracking Rebate Scheme

section 3(1)

### Part 1              Preliminary

#### Division 1          General

##### 1              Objective of scheme

The objective of the scheme is to assist holders of prescribed licences by offsetting costs incurred during the period starting on 1 June 2018 and ending on 30 June 2022 (the *prescribed period*) for either or both of the following—

- (a) buying new vessel tracking units from authorised suppliers for installation in eligible boats authorised for use under the licences;
- (b) having vessel tracking units professionally installed in the eligible boats.

#### Division 2          Key definitions

##### 2              What is a *prescribed licence*

Each of the following is a *prescribed licence*—

- (a) a charter fishing licence;
- (b) an eligible commercial fishing boat licence;
- (c) an eligible commercial harvest fishery licence.

### 3 What is a *charter fishing licence*

A *charter fishing licence* is a charter fishing licence issued under the *Fisheries Act 1994*.

### 4 What is an *eligible commercial fishing boat licence*

(1) An *eligible commercial fishing boat licence* is any of the following—

- (a) a commercial fishing boat licence (a *class 1 CFB licence*) on which 1 fishery symbol beginning with ‘C’, ‘M’ or ‘T’, or the fishery symbol ‘N11’ or ‘L3(0)’, and no other fishery symbol, is written;
- (b) a commercial fishing boat licence (a *class 2 CFB licence*) on which the fishery symbol ‘L3(1)’, and no other fishery symbol, is written;
- (c) a commercial fishing boat licence (a *class 3 CFB licence*) on which 1 fishery symbol beginning with ‘K’ or ‘N’, other than the fishery symbol ‘N11’, and no other fishery symbol, is written;
- (d) a commercial fishing boat licence (a *class 4 CFB licence*) on which—
  - (i) 1 of the fishery symbols ‘L1’, ‘L2’, ‘L4’, ‘L8’ or ‘R’, and no other fishery symbol, is written; or
  - (ii) at least 1 of the fishery symbols ‘L1’, ‘L2’, ‘L3’ or ‘L8’, and the fishery symbol ‘RQ’ or ‘SM’, are written; or
  - (iii) multiple fishery symbols, 1 of which is the fishery symbol ‘L1’, ‘L2’, ‘L4’, ‘L8’ or ‘R’, but none of which is the fishery symbol ‘RQ’ or ‘SM’, are written;
- (e) a commercial fishing boat licence (a *class 5 CFB licence*) on which multiple fishery symbols, none of which is the fishery symbol ‘L1’, ‘L2’, ‘L4’, ‘L8’ or ‘R’, are written.

(2) In this section—

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*commercial fishing boat licence* means a primary commercial fishing licence issued under the *Fisheries Act 1994*.

## 5 What is an *eligible commercial harvest fishery licence*

- (1) An *eligible commercial harvest fishery licence* is any of the following—
- (a) a commercial harvest fishery licence (a *class 1 CHF licence*) on which 1 of the fishery symbols ‘A1’, ‘A2’ or ‘D’, and no other fishery symbol, is written;
  - (b) a commercial harvest fishery licence (a *class 2 CHF licence*) on which the fishery symbol ‘B1’, and no other fishery symbol, is written;
  - (c) a commercial harvest fishery licence (a *class 3 CHF licence*) on which multiple fishery symbols, 1 of which is the fishery symbol ‘A1’, ‘A2’ or ‘D’, are written;
  - (d) a commercial harvest fishery licence (a *class 4 CHF licence*) on which the fishery symbol ‘J1’, and no other fishery symbol, is written.
- (2) In this section—

*commercial harvest fishery licence* means a commercial harvest fishery licence issued under the *Fisheries Act 1994*, including a commercial harvest fishery licence taken to be a primary commercial fishing licence under the *Fisheries (General) Regulation 2019*, section 155.

## 6 When is a vessel tracking unit *professionally installed* in an eligible boat

A vessel tracking unit is *professionally installed* in an eligible boat if—

- (a) the unit is installed by a person (an *approved installer*) who—
  - (i) is not the holder of the prescribed licence authorising the use of the boat; and

- (ii) is approved, under the vessel tracking standard, to install the unit; and
- (b) the holder of the prescribed licence pays the approved installer to perform the installation; and
- (c) the unit is installed as required by the standard.

## Division 3                      Other definitions

### 7                      Other definitions for schedule

In this schedule—

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

**authorised supplier**, in relation to a new vessel tracking unit, means—

- (a) the manufacturer of the unit; or
- (b) a person who, in the ordinary course of the person's business, sells the unit.

**broadest fishery symbol**, for a class 4 CFB licence, means the fishery symbol written on the licence that authorises the use of the highest number of eligible tender boats under the licence.

**certificate of operation** means a certificate of operation issued for a vessel under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cwlth), schedule 1, section 48.

**eligible boat** means a boat propelled by a motor with a power output of at least 3kw.

**eligible tender boat** means a tender boat propelled by a motor with a power output of at least 3kw.

**fishery symbol** see the *Fisheries (General) Regulation 2019*, schedule 11.

**installation rebate** see section 8(b).

**new**, in relation to a vessel tracking unit, means the unit has not previously been sold or used.

**nominated licence**, for an application, see section 9(2).

**prescribed period** see section 1.

**purchase rebate** see section 8(a).

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

**tender boat** see the *Fisheries (General) Regulation 2019*, schedule 11.

**vessel tracking standard** means the document called ‘Vessel Tracking Installation and Maintenance Standard’ published by the department.

*Editor’s note—*

A copy of the vessel tracking standard is available on the department’s website.

**vessel tracking unit** means a piece of equipment, used as part of a system that monitors the position and operation of a boat, that is identified in the vessel tracking standard.

## Part 2                      General provisions for scheme

### Division 1                Preliminary

#### 8                      Nature of assistance

The nature of assistance that may be given under the scheme is either or both of the following—

- (a) a rebate (a **purchase rebate**) for buying a new vessel tracking unit from an authorised supplier within the prescribed period;
- (b) a rebate (an **installation rebate**) for having a vessel tracking unit professionally installed in an eligible boat authorised for use under the licence within the prescribed period.

## **9 Nature of applications**

- (1) An application must be made—
  - (a) in relation to a prescribed licence, or prescribed licences, held by the applicant; and
  - (b) for either or both of the following in connection with the licence or licences—
    - (i) the purchase rebate;
    - (ii) the installation rebate.

*Note—*

Requirements for applications are stated in section 23.

- (2) Each prescribed licence to which an application relates is a *nominated licence* for the application.

## **Division 2 Eligibility for assistance**

### **10 General eligibility criteria**

- (1) A person is eligible for assistance under the scheme if—
  - (a) the person makes an application in accordance with sections 9 and 23 within the prescribed period; and
  - (b) the authority is satisfied the person has, for each vessel tracking unit for which the purchase rebate or installation rebate is sought under the application—
    - (i) bought the unit; and

*Note—*

See also section 11.

- (ii) registered the verification details for the unit on the department's public register of fishing authorities known as FishNet.

*Editor's note—*

FishNet is available at [www.fishnet.fisheries.qld.gov.au](http://www.fishnet.fisheries.qld.gov.au).

- (2) However, a person is not eligible for assistance under the scheme in connection with a prescribed licence that is—



- (a) suspended; or
  - (b) being held by way of a temporary transfer under the *Fisheries Act 1994*, section 65C.
- (3) In this section—
- boat mark*** see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 25.
- verification details***, for a vessel tracking unit for which the purchase rebate or installation rebate is sought under an application, means—
- (a) the serial number for the unit; and
  - (b) the licence number of the nominated licence for the application that authorises the use of the boat in which the unit is, or is to be, installed; and
  - (c) if the nominated licence for the application is not a charter fishing licence—the boat mark for the boat in which the unit is, or is to be, installed.

## **11 Additional eligibility criterion—purchase rebate**

An applicant is eligible for the purchase rebate only if the authority is satisfied the applicant has, for each vessel tracking unit for which the rebate is sought under the application, bought the unit—

- (a) from an authorised supplier; and
- (b) when the unit was new; and
- (c) within the prescribed period.

## **12 Additional eligibility criteria—installation rebate**

- (1) An applicant is eligible for the installation rebate only if the authority is satisfied the applicant has, for each vessel tracking unit for which the rebate is sought under the application, had the unit professionally installed—
- (a) in an eligible boat authorised for use under a nominated licence for the application; and

- (b) within the prescribed period.
- (2) However, an applicant is not eligible for the installation rebate for a vessel tracking unit for which the rebate has previously been paid to a person.

### **13 Additional eligibility criterion—particular licences**

- (1) This section applies if a nominated licence for an application is an eligible commercial fishing boat licence or eligible commercial harvest fishery licence.
- (2) The applicant is eligible for assistance under the scheme in connection with the nominated licence only for vessel tracking units identified in the vessel tracking standard as units approved for use in a fishery whose fishery symbol is written on the licence.
- (3) In this section—  
*fishery* see the *Fisheries Act 1994*, section 7.

### **14 Moved fishery symbols**

- (1) This section applies if—
  - (a) a nominated licence for an application (a *current application*) is an eligible commercial fishing boat licence or eligible commercial harvest fishery licence; and
  - (b) a fishery symbol written on the licence has been moved from another licence under the *Fisheries (Commercial Fisheries) Regulation 2019*, chapter 3, part 4, division 2; and
  - (c) the fishery symbol was relevant to an earlier application relating to the other licence that has been approved.
- (2) For the purposes of the current application, the nominated licence is taken not to have the fishery symbol written on it.

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## Division 3                      Amount and payment of assistance

### 15            Amount of assistance

- (1) The amount of the purchase rebate payable to an applicant under the scheme is as follows—
  - (a) for a category A unit—the amount the applicant paid to buy the unit, up to a maximum of \$300;
  - (b) for a category B unit—the amount the applicant paid to buy the unit, up to a maximum of \$750.
- (2) The amount of the installation rebate payable to an applicant under the scheme for the installation of a vessel tracking unit is the amount the applicant paid to have the unit professionally installed in an eligible boat, up to a maximum of \$220.
- (3) In this section—

*category A unit* means a vessel tracking unit identified as a category A unit in the vessel tracking standard.

*category B unit* means a vessel tracking unit identified as a category B unit in the vessel tracking standard.

### 16            Payment of purchase rebate

Subject to division 4, the purchase rebate can be paid to an applicant once for each vessel tracking unit bought by the applicant in accordance with section 11.

### 17            Payment of installation rebate

- (1) Subject to division 4, the installation rebate can be paid to an applicant as follows—
  - (a) if a nominated licence for the application is a charter fishing licence—once for each vessel tracking unit professionally installed, in accordance with section 12(1), in an eligible boat that—

- (i) is identified in a certificate of operation held by the applicant; and
    - (ii) is authorised for use under the licence; and
    - (iii) the authority considers is ordinarily used by the applicant for charter fishing trips under the licence;
  - (b) if a nominated licence for the application is a class 4 CFB licence—once for each vessel tracking unit professionally installed, in accordance with section 12(1), in an eligible boat authorised for use under the broadest fishery symbol for the licence;
  - (c) otherwise—once for each vessel tracking unit professionally installed, in accordance with section 12(1), in an eligible boat authorised for use under a nominated licence for the application.
- (2) In this section—
- charter fishing trip* see the *Fisheries (General) Regulation 2019*, schedule 11.

## **Division 4                      Restrictions on payment of assistance**

### **18            Application of division**

This division applies in relation to an application if, under division 2, the applicant is eligible for assistance under the scheme.

### **19            Rebates payable once per eligible boat**

- (1) Neither the purchase rebate nor the installation rebate can be paid more than once for each eligible boat authorised for use under a nominated licence for the application.
- (2) This section does not limit section 17(1)(b).

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**20 Charter fishing licences**

Neither the purchase rebate nor the installation rebate can be paid more than 7 times in connection with each nominated licence for the application that is a charter fishing licence.

**21 Eligible commercial fishing boat licences**

Neither the purchase rebate nor the installation rebate can be paid—

- (a) more than once in connection with each nominated licence for the application that is a class 1 CFB licence; or
- (b) more than twice in connection with each nominated licence for the application that is a class 2 CFB licence; or
- (c) more than 3 times in connection with each nominated licence for the application that is a class 3 CFB licence or class 5 CFB licence; or
- (d) more than the lesser of the following in connection with each nominated licence for the application that is a class 4 CFB licence—
  - (i) once for each eligible boat authorised for use under the broadest fishery symbol for the licence;
  - (ii) 7 times.

**22 Eligible commercial harvest fishery licences**

Neither the purchase rebate nor the installation rebate can be paid to the applicant—

- (a) more than 3 times in connection with each nominated licence for the application that is a class 1 CHF licence or class 3 CHF licence; or
- (b) more than 5 times in connection with each nominated licence for the application that is a class 2 CHF licence; or

- (c) more than 6 times in connection with each nominated licence for the application that is a class 4 CHF licence.

## Division 5 Applications

### 23 Application requirements

- (1) An application must be made in the form approved by the authority and accompanied by—
  - (a) the licence number of each nominated licence for the application; and
  - (b) if a nominated licence for the application is a charter fishing licence—a copy of each certificate of operation for an eligible boat authorised for use under the licence; and
  - (c) if the application is for the purchase rebate—evidence the applicant bought each vessel tracking unit for which the rebate is sought in accordance with section 11; and
  - (d) if the application is for the installation rebate—evidence the applicant had each vessel tracking unit for which the rebate is sought professionally installed in accordance with section 12(1).
- (2) An applicant must give the authority any further documents or information the authority reasonably requires to decide the application.
- (3) In this section—

*evidence*, in relation to the purchase or professional installation of a vessel tracking unit, includes a tax invoice and official receipt for the purchase or installation.

*official receipt* means a receipt including—

- (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) a description of each item to which the receipt relates.

## **24 Deciding applications**

- (1) The authority must consider, and decide to approve or refuse to approve, each application.
- (2) The authority may approve an application only if the authority's assistance funds for applications are sufficient to pay the relevant amount for the application.

## **Schedule 34      Large electricity customer adjustment payment scheme**

section 3(1)

### **Part 1                      Preliminary**

#### **1                      Objective of scheme**

The objective of the scheme is to help large electricity customers to—

- (a) move from being charged transitional tariffs or obsolete tariffs to being charged standard tariffs for the sale of electricity; and
- (b) implement best practice electricity management strategies identified in eligible energy efficiency audits; and
- (c) identify opportunities for energy productivity improvements through the implementation of commercially feasible energy management strategies.

#### **2                      Definitions**

In this schedule—

*applicant* means a person applying for financial assistance under the scheme.

*eligible energy efficiency audit*, for an applicant, means an audit of the energy efficiency of the applicant's building or business activity that is carried out under a relevant standard.

*eligible energy efficiency project*, for an applicant, means a project to implement a recommendation in a report for an eligible energy efficiency audit carried out for the applicant.



**large electricity customer** means a person who is a large customer under the *National Energy Retail Law (Queensland)*, section 5(3)(a).

**obsolete tariff** means a notified price under the *Electricity Act 1994*, section 90(1) that is an obsolete tariff.

**relevant chief executive** means the chief executive of the department administering the *Electricity Act 1994*.

**relevant standard** means—

- (a) AS/NZS 3598.1:2014 (Energy audits—Part 1: Commercial buildings), published jointly by Standards Australia and Standards New Zealand; or
- (b) AS/NZS 3598.2:2014 (Energy audits—Part 2: Industrial and related activities), published jointly by Standards Australia and Standards New Zealand; or
- (c) AS/NZS 3598.3:2014 (Energy audits—Part 3: Transport related activities), published jointly by Standards Australia and Standards New Zealand.

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

**standard tariff** means a notified price under the *Electricity Act 1994*, section 90(1), other than an obsolete tariff or transitional tariff.

**transitional tariff** means a notified price under the *Electricity Act 1994*, section 90(1) that is a transitional tariff.

## Part 2 General provisions for scheme

### 3 Nature of assistance

The nature of financial assistance that may be given to an applicant under the scheme is a payment to offset the cost of an eligible energy efficiency project.

#### **4 Eligibility criteria**

An applicant is eligible for assistance under the scheme if the authority is satisfied that—

- (a) when the application is made, the applicant is a large electricity customer; and
- (b) a retailer under the *Electricity Act 1994* charged the applicant on a transitional tariff or obsolete tariff for the sale of electricity; and
- (c) an eligible energy efficiency audit for the applicant has been carried out and a report for the audit has been prepared; and
- (d) the eligible energy efficiency project to which the application relates is located in Queensland; and
- (e) the relevant chief executive approved a proposal made by the applicant to implement the eligible energy efficiency project.

#### **5 Amount of assistance**

- (1) Subject to subsection (2), the maximum amount of assistance payable to an applicant under the scheme is 50% of the cost of the eligible energy efficiency project to which the application relates under a proposal mentioned in section 4(e).
- (2) If an eligible energy efficiency audit for the applicant was or is carried out after 30 May 2018, the amount of assistance payable to the applicant must not be more than \$250,000.

#### **6 Applications**

- (1) An application for assistance under the scheme must—
  - (a) be made by an applicant on the form approved by the authority; and
  - (b) be accompanied by the documents mentioned in the form; and

- 
- (c) if the applicant has an Australian Business Number—state the applicant’s Australian Business Number.
  - (2) The applicant must give the authority any further documents or information the authority reasonably requires to decide the application.

## **7 Deciding applications**

- (1) The authority must approve an application if the authority is satisfied—
  - (a) the applicant is eligible for assistance under section 4; and
  - (b) the application relates to the applicant’s eligible energy efficiency project.
- (2) The authority must refuse an application if the authority’s assistance funds for the scheme are not enough to pay for the assistance under the scheme.

## **8 Conditions**

- (1) The payment of assistance under the scheme is subject to the conditions stated in subsections (2) and (3).
- (2) The applicant must—
  - (a) have entered into a funding agreement; and
  - (b) comply with the conditions stated in the funding agreement.
- (3) The applicant must give the authority—
  - (a) a certificate issued by a contractor stating that all electrical equipment and electrical installations installed for the applicant’s eligible energy efficiency project or part of the project are installed as required under the *Electrical Safety Act 2002*, section 36; and
  - (b) tax invoices and official receipts of amounts the applicant paid under the eligible energy efficiency

project for eligible products and any work completed by a contractor; and

- (c) evidence the tariff charged on the sale of electricity under the *Electricity Act 1994* is a standard tariff.

- (4) In this section—

**contractor** means a person who holds an electrical licence under the *Electrical Safety Act 2002* and who is appropriately qualified to complete the project or part of the project.

**funding agreement** means an agreement between an applicant and the authority that provides for—

- (a) the applicant to carry out an eligible energy efficiency project; and
- (b) the authority to pay the applicant an amount to offset the cost of the eligible energy efficiency project.

**official receipt** means a receipt of an amount paid by an applicant to an entity that includes—

- (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) a description of each item to which the receipt relates.

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## Schedule 35      Energy savers plus extension payment scheme

section 3(1)

### Part 1                      Preliminary

#### 1              Objective of scheme

The objective of the scheme is to help electricity customers who conduct businesses primarily in an agricultural industry to—

- (a) identify energy savings; and
- (b) reduce energy consumption; and
- (c) identify opportunities for energy productivity improvements through the implementation of commercially feasible energy management strategies.

#### 2              Definitions

In this schedule—

***agricultural industry*** means an industry classified under ANZSIC, division A, subdivisions 1 and 2, groups 011 to 020, within eligible class codes 0111 to 0203.

***ANZSIC*** means the document called ‘Australian and New Zealand Standard Industrial Classification (ANZSIC), 2006 (Revision 1.0)’ published in February 2006 by the Australian Bureau of Statistics.

***applicant*** means a person applying for financial assistance under the scheme.

***applicant’s proposal*** means a proposal for an eligible energy efficiency project that is made by an applicant on the form approved by the authority.

***customer*** see the *Electricity Act 1994*, section 23(1).



- 
- (a) the applicant is an electricity customer who conducts a business primarily in an agricultural industry; and
  - (b) the relevant chief executive approved a request by the applicant for an eligible energy efficiency audit for the applicant to be carried out; and
  - (c) the eligible energy efficiency audit has been carried out and a report for the audit has been prepared; and
  - (d) the eligible energy efficiency project to which the application relates is located in Queensland; and
  - (e) the authority approved the applicant's proposal to carry out the eligible energy efficiency project; and
  - (f) the authority gave the applicant written notice of the approval.

## **5 Amount of assistance**

The maximum amount of assistance payable to an applicant under the scheme is the lesser of the following—

- (a) 50% of the cost of implementing the eligible energy efficiency project to which the application relates;
- (b) \$20,000.

## **6 Applications**

- (1) An application for assistance under the scheme must—
  - (a) be made by an applicant on the form approved by the authority; and
  - (b) be accompanied by the documents mentioned in the form; and
  - (c) if the applicant has an Australian Business Number—state the applicant's Australian Business Number.
- (2) The applicant must give the authority any further documents or information the authority reasonably requires to decide the application.

## 7 Deciding applications

- (1) The authority must approve an application if the authority is satisfied—
  - (a) the applicant is eligible for assistance under section 4; and
  - (b) the application relates to the applicant's eligible energy efficiency project.
- (2) The authority must refuse an application if the authority's assistance funds for the scheme are not enough to pay for the assistance under the scheme.

## 8 Conditions

- (1) The payment of assistance under the scheme is subject to the conditions stated in subsection (2).
- (2) The applicant must give the authority—
  - (a) a certificate issued by a contractor stating that all electrical equipment and electrical installations installed for the applicant's eligible energy efficiency project or part of the project are installed as required under the *Electrical Safety Act 2002*, section 36; and
  - (b) tax invoices and official receipts of amounts the applicant paid under the eligible energy efficiency project for eligible products and any work completed by a contractor.
- (3) In this section—

**contractor** means a person who holds an electrical licence under the *Electrical Safety Act 2002* and who is appropriately qualified to complete the project or part of the project.

**official receipt** means a receipt of an amount paid by an applicant to an entity that includes—

- (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) a description of each item to which the receipt relates.

## **Schedule 36      Work in paradise incentive scheme**

section 3(1)

### **Part 1                      Preliminary**

#### **1            Objective of scheme**

The objective of the scheme is to help particular regional businesses in the tourism industry to meet recovering customer demand.

#### **2            Purpose of assistance**

The purpose of assistance under the scheme is to attract job seekers to offers of continuous periods of eligible employment by—

- (a) paying up to 3 incentive instalments to eligible job seekers; and
- (b) paying a travel bonus to job seekers who—
  - (i) are eligible for the first incentive instalment under the scheme in relation to a continuous period of eligible employment; and
  - (ii) relocate, by at least 100km from their principal place of residence, to engage in the eligible employment.

#### **3            Definitions for schedule**

In this schedule—

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

*Note—*

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

***applicant*** means a person applying for financial assistance under the scheme.

***continuous*** means without interruption, other than—

- (a) an interruption of up to 6 months because of—
  - (i) illness or injury; or
  - (ii) a seasonal or environmental event; or

*Examples—*

cyclone, flood

- (iii) a workplace closure in compliance with a public health direction under the *Public Health Act 2005*, section 362B; or
- (b) another interruption of up to 2 weeks.

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

***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 operates primarily for the tourist market; and
- (d) whose primary activity is—
  - (i) an activity listed in ANZSIC under class code 4400, 4511, 4513, 4520, 4530, 4623, 4820, 5010, 6611, 7220, 7299, 8910, 8921, 8922, 9003, 9131 or 9139; or
  - (ii) art gallery operation; or
  - (iii) duty free store operation; or
  - (iv) souvenirs retailing, other than by direct selling; or
  - (v) travel goods retailing, other than by direct selling.

***eligible employment*** means employment that is—

- (a) with an eligible business for at least 20 hours per week; and
- (b) in a local government area other than the City of Brisbane, Bundaberg, Central Highlands, Fraser Coast, Gladstone, Gold Coast, Gympie, Ipswich, Livingstone, Lockyer Valley, Logan, Moreton Bay, Noosa, North Burnett, Redland, Rockhampton, Scenic Rim, Somerset, Sunshine Coast or Toowoomba local government area.

*first instalment* see section 5(1)(a).

*incentive instalment* see section 4(1)(a).

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

*second instalment* see section 5(1)(b).

*third instalment* see section 5(1)(c).

*travel bonus* see section 4(1)(b).

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

### 4 **Nature and amount of assistance**

- (1) The nature of assistance available to an applicant under the scheme is—
  - (a) payment of up to 3 instalments (each an *incentive instalment*) as an incentive to complete 3 continuous periods of eligible employment, starting after 20 May 2021; and
  - (b) for an applicant who, after 20 May 2021, relocates by a distance of at least 100km from the applicant's principal place of residence to complete at least 2 continuous weeks of eligible employment—payment of an amount (the *travel bonus*) as an incentive for the relocation.
- (2) The amount of each incentive instalment payable under the scheme is \$500.
- (3) The amount of the travel bonus payable under the scheme is \$250.

## 5 Payment of assistance

- (1) The incentive instalments are payable to an applicant under the scheme as follows—
  - (a) an instalment (the *first instalment*) on the authority approving the application under section 9;
  - (b) an instalment (the *second instalment*) on the authority being satisfied the applicant has completed at least 12 continuous weeks of eligible employment;
  - (c) an instalment (the *third instalment*) on the authority being satisfied the applicant has completed at least 24 continuous weeks of eligible employment.
- (2) However, an incentive instalment is not payable to an applicant in relation to a continuous period of eligible employment completed after 31 December 2022.
- (3) The travel bonus is payable to an applicant under the scheme on the authority approving the application under section 9.

## 6 Nature of applications

An application must be made—

- (a) in relation to a period of eligible employment offered to the applicant, starting after 20 May 2021—
  - (i) of at least 8 continuous weeks; and
  - (ii) of which the applicant has completed at least 2 continuous weeks; and
- (b) for either or both of the following in connection with the eligible employment—
  - (i) incentive instalments;
  - (ii) the travel bonus.

*Note—*

Requirements for applications are stated in section 8.

## 7 Eligibility criteria

- (1) An applicant is eligible to receive assistance under the scheme if—
  - (a) the applicant has not previously received assistance under the scheme; and
  - (b) the authority is satisfied the applicant—
    - (i) is either—
      - (A) an Australian citizen or permanent resident; or
      - (B) entitled, under a visa granted under the *Migration Act 1958* (Cwlth), to work in Australia; and
    - (ii) is at least 18 years of age; and
    - (iii) has been offered at least 8 continuous weeks of eligible employment, starting after 20 May 2021.
- (2) However, an applicant is only eligible to receive—
  - (a) the first instalment on the authority being satisfied the applicant has completed at least 2 continuous weeks of the eligible employment mentioned in subsection (1)(b)(iii); and
  - (b) the second instalment on the authority being satisfied as mentioned in section 5(1)(b); and
  - (c) the third instalment on the authority being satisfied as mentioned in section 5(1)(c).
- (3) Also, an applicant is eligible to receive the travel bonus only if the authority is satisfied—
  - (a) the applicant has relocated, by a distance of at least 100km from the applicant's principal place of residence, to engage in the eligible employment; and
  - (b) the relocation happened after 20 May 2021.
- (4) In this section—

***permanent resident*** means the holder of a permanent visa under the *Migration Act 1958* (Cwlth), section 30(1).

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## **8 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 form; and
  - (c) be received by the authority no later than 5:30p.m. on 31 March 2022.
- (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.

## **Schedule 37 COVID-19 business support grants scheme (August 2021)**

section 3(1)

### **Part 1 Preliminary**

#### **1 Objectives of scheme**

The objectives of the scheme are—

- (a) to provide assistance to small and medium-sized businesses and non-profit organisations, and large tourism and hospitality businesses and non-profit organisations, that—
  - (i) have been affected by a lock down event; or
  - (ii) were trading in the border area on 31 July 2021 and have been affected by a border closure event; and
- (b) if border closure events have been in effect throughout the ongoing hardship eligibility period—to provide additional assistance to businesses and non-profit organisations for which an applicant has received, or is eligible to receive, an initial grant and that—
  - (i) were trading in the border area on both 31 July 2021 and 14 October 2021; and
  - (ii) have been affected by the border closure events throughout the ongoing hardship eligibility period.

#### **2 Purposes of assistance**

- (1) The purposes of assistance under the scheme are—
  - (a) to provide relief and support—
    - (i) for eligible entities in relation to a lock down event; and



- (ii) for eligible entities that were trading in the border area on 31 July 2021 and have been affected by a border closure event; and
- (b) if border closure events have been in effect throughout the ongoing hardship eligibility period—to provide additional relief and support for eligible entities for which an applicant has received, or is eligible to receive, an initial grant and that—
  - (i) were trading in the border area on both 31 July 2021 and 14 October 2021; and
  - (ii) have been affected by the border closure events throughout the ongoing hardship eligibility period.
- (2) However, assistance under the scheme is not intended to compensate eligible entities for loss of income suffered as a result of a lock down event or border closure event.

### 3 Definitions for schedule

In this schedule—

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

*Note—*

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

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

**border area** means the area shown on a map, held by the department in which the *Jobs Queensland Act 2015* is administered, called ‘COVID-19 business support grants—border areas mapping’ dated 13 September 2021.

*Editor’s note—*

The maps are available on the authority’s website.

**border closure event** means the imposition of restrictions under a COVID-19 border restrictions direction.

**COVID-19 border restrictions direction** means—

Schedule 37

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- (a) the revoked public health direction called ‘Border Restrictions Direction (No. 35)’ made on 14 August 2021; or
- (b) the revoked public health direction called ‘Border Restrictions Direction (No. 36)’ made on 18 August 2021; or
- (c) the revoked public health direction called ‘Border Restrictions Direction (No. 37)’ made on 21 August 2021; or
- (d) the revoked public health direction called ‘Border Restrictions Direction (No. 38)’ made on 24 August 2021; or
- (e) the revoked public health direction called ‘Border Restrictions Direction (No. 39)’ made on 25 August 2021; or
- (f) the revoked public health direction called ‘Border Restrictions Direction (No. 40)’ made on 4 September 2021; or
- (g) the public health direction called ‘Border Restrictions Direction (No. 41)’ made on 13 September 2021; or
- (h) another public health direction that—
  - (i) restricts the reasons for which a person may enter Queensland from an area within a postcode listed in schedule 3 of the revoked public health direction mentioned in paragraph (a); and
  - (ii) applies while all of the postcodes mentioned in subparagraph (i) are identified in a public health direction as a COVID-19 hotspot.

***COVID-19 lock down direction*** means—

- (a) the revoked public health direction called ‘Restrictions for Locked Down Areas (South-East Queensland) Direction’ made on 31 July 2021; or
- (b) the revoked public health direction called ‘Restrictions for Locked Down Areas (South-East Queensland) Direction (No. 2)’ made on 1 August 2021; or

- 
- (c) the public health direction called ‘Restrictions for Locked Down Areas (Cairns and Yarrabah) Direction’ made on 8 August 2021; or
  - (d) another public health direction, other than a COVID-19 border restrictions direction, that—
    - (i) takes effect in August 2021; and
    - (ii) restricts the reasons for which people may leave their homes.

***eligible business*** see section 5.

***eligible entity*** means—

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

***eligible non-profit organisation*** see section 6.

***employee***, of a business or non-profit organisation, see section 4.

***government entity*** means—

- (a) a government entity within the meaning of the *Public Service Act 2008*, section 24; 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).

***initial grant*** see section 7(2).

***insolvent under administration*** see the Corporations Act, section 9.

***lock down event*** means the imposition of restrictions under a COVID-19 lock down direction.

***non-profit organisation*** means a charity or other non-profit entity that is incorporated under a law of the Commonwealth or a State.

***ongoing hardship grant*** see section 7(2A).

***ongoing hardship eligibility period*** means the period starting on 14 August 2021 and ending on 14 October 2021.

***owner***, of an eligible business, means a sole trader, partnership, private company, public company or trust that carries on the business.

***public health direction*** see the *Public Health Act 2005*, section 362B(1).

***relevant financial year*** means any of the following financial years—

- (a) 2018–2019;
- (b) 2019–2020;
- (c) 2020–2021.

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

***tourism and hospitality activity*** means any of the following activities listed in ANZSIC—

- (a) accommodation;
- (b) cafes and restaurants, takeaway food and catering services, pubs, taverns and bars, and clubs (hospitality);
- (c) museum operation;
- (d) zoological and botanic garden operation and nature reserves and conversation park operation;
- (e) performing arts operation, performing arts venue operation, and amusement parks and centres operation;
- (f) casino operation and other gambling activities;
- (g) scenic and sightseeing transport and water passenger transport;
- (h) travel agency and tour arrangement services.

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

#### **4 Meaning of *employee***

- (1) An individual who is employed, or ordinarily employed, by a business or non-profit organisation is an *employee* of the business or organisation.
- (2) To remove any doubt, it is declared that none of the following persons is an employee of a business—
  - (a) if the owner of the business is a sole trader—the owner;
  - (b) if the owner of the business is a partnership, private company, public company or trust—the partners in the partnership, directors of the company or trustees of the trust.
- (3) Also, a person who performs work under a contract for services with a business or non-profit organisation, including, for example, a subcontractor, is not an employee of the business or non-profit organisation.

#### **5 Meaning of *eligible business***

- (1) A business is an *eligible business* if—
  - (a) an entity—
    - (i) holds an Australian Business Number for the business; and
    - (ii) has continuously held the same Australian Business Number for the business since 30 June 2021; and
  - (b) the business is registered for GST; and
  - (c) the business has its headquarters in Queensland and was trading in Queensland on 31 July 2021; and
  - (d) the business has at least 1 employee; and
  - (e) either—
    - (i) the annual turnover of the business for any of the relevant financial years 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 2021–2022 financial year can reasonably be expected to be more than \$75,000; and
- (f) for a business that paid wages and superannuation to its employees during any relevant financial year totalling more than \$10,000,000—the primary activity of the business is a tourism and hospitality activity; and
- (g) none of the following entities is an insolvent under administration or is in administration, receivership or liquidation—
  - (i) the business;
  - (ii) if the owner of the business is a sole trader—the owner;
  - (iii) if the owner of the business is a partnership, private company, public company or trust—the partners in the partnership, directors of the company or trustees of the trust.
- (2) However, a business is not an *eligible business* if—
  - (a) the business is a government entity; or
  - (b) the business’s only source of income is 1 or more of the following—
    - (i) earnings from rental properties;
    - (ii) interest earned on investments;
    - (iii) dividends; or
  - (c) the owner of the business is a sole trader who has received, or is eligible to receive, a COVID-19 disaster payment (Cwlth) in relation to a lock down event or border closure event.
- (3) In this section—

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**COVID-19 disaster payment (Cwlth)** means a payment covered by the *Financial Framework (Supplementary Powers) Regulations 1997* (Cwlth), schedule 1AB, part 4, item 492.

## 6 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; and
    - (ii) has continuously held the same Australian Business Number since 30 June 2021; and
  - (b) the organisation is registered for GST; and
  - (c) the organisation has its headquarters in Queensland and was trading in Queensland on 31 July 2021; and
  - (d) the organisation has at least 1 employee; and
  - (e) either—
    - (i) the annual turnover of the organisation for any of the relevant financial years was more than \$75,000; or
    - (ii) both of the following apply—
      - (A) the organisation has been operating for a period of less than 1 financial year;
      - (B) according to its financial records, the turnover of the organisation for the 2021–2022 financial year can reasonably be expected to be more than \$75,000; and
  - (f) for an organisation that paid wages and superannuation to its employees during any relevant financial year totalling more than \$10,000,000—the primary activity of the organisation is a tourism and hospitality activity; and
  - (g) neither the organisation, nor a member of the organisation’s governing body, is an insolvent under

administration or is in administration, receivership or liquidation.

*Examples of members of the organisation's governing body—*

- a director of the organisation
- a member of the organisation's management committee
- a trustee of the organisation

- (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.

## Part 2                      General provisions of scheme

### 7                      Nature and amount of assistance

- (1) The nature of the assistance available to an applicant under the scheme is the grant of financial assistance for an eligible entity.
- (2) For an applicant who is eligible to receive assistance under the scheme for an eligible entity under section 8, a grant of financial assistance (an ***initial grant***) is payable under the scheme in the amount of—
- (a) \$10,000, if—
- (i) the eligible entity's wages and superannuation amount for a relevant financial year was less than \$1,300,000 or the entity was not trading during any relevant financial year; and
- (ii) paragraphs (b) and (c) do not apply; or
- (b) \$15,000, if—



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- (i) the eligible entity's wages and superannuation amount for a relevant financial year was not less than \$1,300,000 but not more than \$10,000,000; and
  - (ii) paragraph (c) does not apply; or
  - (c) \$30,000, if—
    - (i) the eligible entity's wages and superannuation amount for a relevant financial year was more than \$10,000,000; and
    - (ii) the primary activity of the entity is a tourism and hospitality activity.
- (2A) Also, for an applicant who is eligible to receive assistance under the scheme for an eligible entity under section 8A, an additional grant of financial assistance (an *ongoing hardship grant*) in the amount of \$5,000 is payable under the scheme.
- (3) In this section—
- wages and superannuation amount*, of an eligible entity for a relevant financial year, means the total of the wages and superannuation paid by the eligible entity to its employees during the relevant financial year.

## 8 Eligibility criteria for initial grant

- (1) For an applicant to be eligible to receive an initial grant under the scheme for an eligible entity, the applicant must—
  - (a) be—
    - (i) if the entity is an eligible business—an owner of the business; or
    - (ii) the eligible non-profit organisation; and
  - (b) demonstrate to the satisfaction of the authority—
    - (i) the matters mentioned in subsection (2) or (3); and
    - (ii) that the turnover of the eligible entity for the nominated 7-day period is at least 30% less than the entity's turnover for the comparison period.

- (2) For subsection (1)(b)(i), if the application for assistance relates to a lock down event, the matters are that during a nominated 7-day period, the eligible entity has—
- (a) been required to stop operating or limit its operations because of a lock down event; or
  - (b) otherwise been affected by a lock down event.
- (3) Also for subsection (1)(b)(i), if the application for assistance relates to a border closure event, the matters are that the eligible entity—
- (a) was trading in the border area on 31 July 2021; and
  - (b) has been affected by a border closure event during a nominated 7-day period.
- (4) However, an applicant is not eligible to receive an initial grant for an eligible entity for which the applicant or any other person has received an initial grant in relation to the same, or any other, lock down event or border closure event.
- (5) In this section—

***comparison period***, in relation to a nominated 7-day period, means—

- (a) the period in 2019 comprising the same days as the nominated 7-day period; or

*Example for paragraph (a)—*

If the nominated 7-day period is 31 July to 6 August 2021, the comparison period would be 31 July to 6 August 2019.

- (b) if the authority considers the period mentioned in paragraph (a) is not indicative of the eligible entity's typical weekly turnover unaffected by a lock down event or border closure event—another period of 7 consecutive days the authority considers is comparable to the nominated 7-day period.

*Examples of circumstances in which paragraph (b) may apply—*

- the eligible entity was not operating during the period mentioned in paragraph (a)
- the eligible entity's turnover during the period mentioned in paragraph (a) was affected by a significant event

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*nominated 7-day period* means a period of any 7 consecutive days—

- (a) that is nominated by the applicant; and
- (b) at least 1 full day of which is included in the period of the lock down event or border closure event to which the application for assistance relates.

## **8A Eligibility criteria for ongoing hardship grant**

- (1) For an applicant to be eligible to receive an ongoing hardship grant for an eligible entity—
  - (a) the applicant must have received, or be eligible to receive, an initial grant for the eligible entity; and
  - (b) border closure events must have been in effect throughout the ongoing hardship eligibility period; and
  - (c) the applicant must demonstrate to the satisfaction of the authority that the eligible entity—
    - (i) was trading in the border area on both 31 July 2021 and 14 October 2021; and
    - (ii) has been affected by the border closure events throughout the ongoing hardship eligibility period.
- (2) However, an applicant is not eligible to receive an ongoing hardship grant for an eligible entity for which the applicant or any other person has already received an ongoing hardship grant.

## **9 Requirements for applications**

- (1) An application for assistance under the scheme must be—
  - (a) made on the form approved by the authority not later than the closing day for applications stated by the authority on its website; and
  - (b) accompanied by the documents stated in the application form; and
  - (c) given to the authority.

- (2) If the authority asks the applicant to provide further information to support the application, the applicant must provide the information.

## **10 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 9(1).
- (2) 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 scheme are not enough to pay for the assistance.

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## Schedule 38      **Tourism and hospitality sector hardship grants scheme**

section 3(1)

### Part 1                      **Preliminary**

#### 1              **Objective of scheme**

The objective of the scheme is to provide assistance to tourism and hospitality businesses and non-profit organisations that have been financially affected by travel restrictions imposed by the Commonwealth government or State government in response to COVID-19.

#### 2              **Purpose of assistance**

- (1) The purpose of assistance under the scheme is to provide relief and support for eligible businesses and non-profit organisations affected by COVID-19 travel restrictions, including to help them maintain employment for their employees in Queensland.
- (2) However, assistance under the scheme is not intended to compensate eligible businesses and non-profit organisations for loss of income suffered as a result of COVID-19 travel restrictions.

#### 3              **Definitions for schedule**

In this schedule—

**annual turnover** see the *Income Tax Assessment Act 1997* (Cwlth), section 328-120.

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

*Note—*

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

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

***associated entity***, of an owner of a business, for part 3, see section 11.

***business collection***, for part 3, see section 15.

***category A business***, for part 2, see section 6.

***category A entity***, for part 2, see section 5.

***category A non-profit organisation***, for part 2, see section 7.

***category B business***, for part 3, see section 12.

***category B entity***, for part 3, see section 11.

***category B non-profit organisation***, for part 3, see section 14.

***category C business***, for part 3, see section 13.

***COVID-19 travel restrictions*** means—

- (a) 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; or
- (b) the following restrictions or prohibitions imposed under the *Public Health Act 2005*, section 362B, 362H or 362I—
  - (i) restrictions imposed on, or the prohibition of, persons entering Queensland from another State or another country;
  - (ii) restrictions imposed on, or the prohibition of, persons entering or leaving particular premises, or particular areas, in Queensland.

***employee*** see section 4.

***excluded business*** means a business—

- (a) that is a government entity; or

- 
- (b) that is a local or regional tourism organisation; or
  - (c) that is an industry representative organisation; or
  - (d) whose only source of income is 1 or more of the following—
    - (i) earnings from rental properties;
    - (ii) interest earned on investments;
    - (iii) dividends.

***excluded non-profit organisation*** means a non-profit organisation—

- (a) that is a government entity; or
- (b) that is a local or regional tourism organisation; or
- (c) that is an industry representative organisation; or
- (d) whose only source of income is 1 or more of the following—
  - (i) earnings from rental properties;
  - (ii) interest earned on investments;
  - (iii) dividends.

***government entity*** means—

- (a) a government entity within the meaning of the *Public Service Act 2008*, section 24; 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*** see the Corporations Act, section 9.

***non-profit organisation*** means a charity or other non-profit entity that is incorporated under a law of the Commonwealth or a State.

***owner***, of a business—

- (a) for part 2, see section 5; or
- (b) for part 3, see section 11.

***part 2 first payment*** see section 10(a).

***part 2 second payment*** see section 10(b).

***part 3 first payment*** see section 18(1)(a).

***part 3 second payment*** see section 18(1)(b).

***related body corporate***, for part 3, see section 11.

***relevant financial year*** means any of the following financial years—

- (a) 2018–2019;
- (b) 2019–2020;
- (c) 2020–2021.

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

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

#### **4 Meaning of *employee***

- (1) An individual who is employed, or ordinarily employed, by a business or non-profit organisation is an ***employee*** of the business or organisation.
- (2) To remove any doubt, it is declared that none of the following persons is an employee of a business—
  - (a) if the owner of the business is a sole trader—the owner;
  - (b) if the owner of the business is a partnership, private company, public company or trust—the partners in the partnership, directors of the company or trustees of the trust.



- (3) Also, a person who performs work under a contract for services with a business or non-profit organisation, including, for example, a subcontractor, is not an employee of the business or non-profit organisation.

## Part 2                      Tourism and hospitality sector hardship grants

### 5            Definitions for part

In this part—

*category A business* see section 6.

*category A entity* means—

- (a) a category A business; or
- (b) a category A non-profit organisation.

*category A non-profit organisation* see section 7.

*owner*, of a business, means a sole trader, partnership, private company, public company or trust that carries on the business.

### 6            Meaning of *category A business*

- (1) A business is a *category A business* if—
- (a) an entity—
    - (i) holds an Australian Business Number for the business; and
    - (ii) has continuously held the same Australian Business Number for the business since 30 June 2021; and
  - (b) the business is registered for GST; and
  - (c) the business is, and has been since 30 June 2021, trading from premises in Queensland; and
  - (d) the business has, and on 30 June 2021 had, at least 1 employee in Queensland; and

- (e) either—
    - (i) the annual turnover of the business in Queensland for any of the relevant financial years was more than \$75,000; or
    - (ii) both of the following apply—
      - (A) the business has operated in Queensland for only part of the 2020–2021 financial year;
      - (B) according to its financial records, the annual turnover of the business in Queensland for the 2021–2022 financial year can reasonably be expected to be more than \$75,000; and
  - (f) either—
    - (i) the business’s primary activity is an activity listed in ANZSIC under class code 4400, 4511, 4512, 4513, 4520, 4530, 4820, 5010, 7220, 8910, 8921, 8922, 9001, 9003 or 9131; or
    - (ii) both of the following apply—
      - (A) the business’s primary activity is an activity listed in ANZSIC under class code 4279, 4621, 4623, 6611, 6619, 6962, 7299 or 9139;
      - (B) the predominant clients for the business’s primary activity are tourists; and
  - (g) none of the following entities is an insolvent under administration or is under administration or in receivership or liquidation—
    - (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, private company, public company or trust—the partners in the partnership, directors of the company or trustees of the trust.
- (2) However, a business is not a *category A business* if the business is an excluded business.

**7 Meaning of *category A non-profit organisation***

- (1) A non-profit organisation is a *category A non-profit organisation* if—
- (a) the organisation—
    - (i) holds an Australian Business Number; and
    - (ii) has continuously held the same Australian Business Number since 30 June 2021; and
  - (b) the organisation is registered for GST; and
  - (c) the organisation is, and has been since 30 June 2021, trading from premises in Queensland; and
  - (d) the organisation has, and on 30 June 2021 had, at least 1 employee in Queensland; and
  - (e) either—
    - (i) the annual turnover of the organisation in Queensland for any of the relevant financial years was more than \$75,000; or
    - (ii) both of the following apply—
      - (A) the organisation has operated in Queensland for only part of the 2020–2021 financial year;
      - (B) according to its financial records, the annual turnover of the organisation in Queensland for the 2021–2022 financial year can reasonably be expected to be more than \$75,000; and
  - (f) either—
    - (i) the organisation’s primary activity is an activity listed in ANZSIC under class code 4400, 4511, 4512, 4513, 4520, 4530, 4820, 5010, 7220, 8910, 8921, 8922, 9001, 9003 or 9131; or
    - (ii) both of the following apply—
      - (A) the organisation’s primary activity is an activity listed in ANZSIC under class code

4279, 4621, 4623, 6611, 6619, 6962, 7299 or 9139;

- (B) the predominant clients for the organisation's primary activity are tourists; and
- (g) neither the organisation, nor a member of the organisation's governing body, is an insolvent under administration or is under administration or in receivership or liquidation.

*Examples of members of the organisation's governing body—*

- a director of the organisation
- a member of the organisation's management committee
- a trustee of the organisation

- (2) However, a non-profit organisation is not a **category A non-profit organisation** if the non-profit organisation is an excluded non-profit organisation.

## 8 Nature and amount of assistance

- (1) The nature of the assistance available to an applicant under this part is the grant of financial assistance for a category A entity.
- (2) The amount of assistance payable under this part is—
- (a) \$30,000, if—
- (i) the entity's wages and superannuation amount for a relevant financial year was less than \$1,300,000 or the entity has operated in Queensland for only part of the 2020–2021 financial year; and
  - (ii) paragraphs (b) and (c) do not apply; or
- (b) \$50,000, if—
- (i) the entity's wages and superannuation amount for a relevant financial year was not less than \$1,300,000 but not more than \$10,000,000; and
  - (ii) paragraph (c) does not apply; or

- 
- (c) \$100,000, if the entity's wages and superannuation amount for a relevant financial year was more than \$10,000,000.
- (3) The assistance payable under this part is payable in 2 equal amounts in accordance with section 10.
- (4) In this section—
- wages and superannuation amount*, of a category A entity for a relevant financial year, means the total of the wages and superannuation paid in Queensland by the entity to its employees during the relevant financial year.

## 9 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance under this part for a category A entity, the applicant—
- (a) must be—
- (i) if the entity is a category A business—an owner of the business; or
- (ii) the category A non-profit organisation; and
- (b) must demonstrate to the satisfaction of the authority that—
- (i) the entity's turnover in Queensland for a nominated 7-day period is at least 70% less than the entity's turnover in Queensland for the comparison period; and
- (ii) the entity has, during the nominated 7-day period, been significantly affected by COVID-19 travel restrictions; and
- (c) must not have received assistance under part 3.
- (2) Subsection (3) applies to an applicant who—
- (a) is a sole trader; and
- (b) has received a COVID-19 disaster payment (Cwlth) in relation to COVID-19 travel restrictions for a particular period.

(3) The applicant's nominated 7-day period may not include, or partly include, the particular period.

(4) In this section—

**comparison period**, in relation to a nominated 7-day period, means—

(a) a period—

- (i) in 1 of the relevant financial years chosen by the applicant; and
- (ii) that comprises the same days as the applicant's nominated 7-day period; or

*Example for paragraph (a)—*

If the applicant's nominated 7-day period is 1 to 7 August 2021, and the applicant chooses the relevant financial year of 2020–2021, the comparison period would be 1 to 7 August 2020.

(b) if the authority considers the period mentioned in paragraph (a) is not indicative of the category A entity's typical weekly turnover unaffected by COVID-19 travel restrictions—another period of 7 consecutive days the authority considers is comparable to the nominated 7-day period.

*Examples of circumstances in which paragraph (b) may apply—*

- the category A entity was not operating during the period mentioned in paragraph (a)
- the category A entity's turnover during the period mentioned in paragraph (a) was affected by a significant event

**COVID-19 disaster payment (Cwlth)** means a payment covered by the *Financial Framework (Supplementary Powers) Regulations 1997* (Cwlth), schedule 1AB, part 4, item 492.

**nominated 7-day period** means a period of any 7 consecutive days that—

- (a) is nominated by the applicant; and
- (b) starts no earlier than 1 July 2021 and ends no later than 30 September 2021.

## 10 Payment of assistance

Assistance under this part is payable to an applicant as follows—

- (a) half of the amount is payable (the *part 2 first payment*) on the authority approving the application under section 21;
- (b) the remaining half of the amount is payable (the *part 2 second payment*) on the authority being satisfied the business or non-profit organisation to which the application relates has, on 8 November 2021, at least 1 employee.

## Part 3 Major tourism experiences hardship grants

### 11 Definitions for part

In this part—

*associated entity*, of an owner of a business, means—

- (a) if the owner is a body corporate—a related body corporate; or
- (b) an entity that, in relation to its business affairs, acts or could reasonably be expected to act—
  - (i) in accordance with the owner’s directions or wishes; or
  - (ii) in concert with the owner; or
- (c) an entity that the authority reasonably considers is associated with the owner in relation to its business affairs.

*business collection* see section 15.

*category B business* see section 12.

*category B entity* means—

- (a) a category B business; or

(b) a category B non-profit organisation.

*category B non-profit organisation* see section 14.

*category C business* see section 13.

*owner*, of a business, means an entity that has control and responsibility for conducting the business, either directly or through an associated entity of the entity.

*related body corporate* see the Corporations Act, section 9.

## 12 Meaning of *category B business*

(1) A business is a *category B business* if—

(a) an entity—

(i) holds an Australian Business Number for the business; and

(ii) has continuously held the same Australian Business Number for the business since 30 June 2021; and

(b) the business is registered for GST; and

(c) the business is, and has been since 30 June 2021, trading from premises in Queensland; and

(d) on 30 June 2021, the business had at least 50 employees in Queensland; and

(e) each of the employees mentioned in paragraph (d) who was a casual or temporary employee had been employed by the business in Queensland for at least 12 months immediately before 30 June 2021; and

(f) either—

(i) the annual turnover of the business in Queensland for any of the relevant financial years was not less than \$25,000,000; or

(ii) both of the following apply—

(A) the business has operated in Queensland for only part of the 2020–2021 financial year;



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- (B) according to its financial records, the annual turnover of the business in Queensland for the 2021–2022 financial year can reasonably be expected to be not less than \$25,000,000; and
- (g) the business’s primary activity is an activity listed in ANZSIC under class code 4820, 5010, 8921, 8922, 9131 or 9139; and
- (h) the predominant clients for the business’s primary activity are tourists; and
- (i) none of the following entities is an insolvent under administration or is under administration or in receivership or liquidation—
- (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, private company, public company or trust—the partners in the partnership, directors of the company or trustees of the trust;
  - (iv) an associated entity of an owner of the business.
- (2) However, a business is not a *category B business* if the business is an excluded business.

### 13 Meaning of *category C business*

- (1) A business is a *category C business* if—
- (a) an entity—
    - (i) holds an Australian Business Number for the business; and
    - (ii) has continuously held the same Australian Business Number for the business since 30 June 2021; and
  - (b) the business is registered for GST; and

- (c) the business is, and has been since 30 June 2021, trading from premises in Queensland; and
  - (d) the business's primary activity is an activity listed in ANZSIC under class code 4820, 5010, 8921, 8922, 9131 or 9139; and
  - (e) the predominant clients for the business's primary activity are tourists; and
  - (f) none of the following entities is an insolvent under administration or is under administration or in receivership or liquidation—
    - (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, private company, public company or trust—the partners in the partnership, directors of the company or trustees of the trust;
    - (iv) an associated entity of an owner of the business.
- (2) However, a business is not a *category C business* if the business is a category B business or an excluded business.

#### 14 **Meaning of *category B non-profit organisation***

- (1) A non-profit organisation is a *category B non-profit organisation* if—
- (a) the organisation—
    - (i) holds an Australian Business Number; and
    - (ii) has continuously held the same Australian Business Number since 30 June 2021; and
  - (b) the organisation is registered for GST; and
  - (c) the organisation is, and has been since 30 June 2021, trading from premises in Queensland; and
  - (d) on 30 June 2021, the business had at least 50 employees in Queensland; and

- 
- (e) each of the employees mentioned in paragraph (d) who was a casual or temporary employee had been employed by the organisation in Queensland for at least 12 months immediately before 30 June 2021; and
- (f) either—
- (i) the annual turnover of the organisation in Queensland for any of the relevant financial years was not less than \$25,000,000; or
- (ii) both of the following apply—
- (A) the organisation has operated in Queensland for only part of the 2020–2021 financial year;
- (B) according to its financial records, the annual turnover of the organisation in Queensland for the 2021–2022 financial year can reasonably be expected to be not less than \$25,000,000; and
- (g) the organisation’s primary activity is an activity listed in ANZSIC under class code 4820, 5010, 8921, 8922, 9131 or 9139; and
- (h) the predominant clients for the organisation’s primary activity are tourists; and
- (i) neither the organisation, nor a member of the organisation’s governing body, is an insolvent under administration or is under administration or in receivership or liquidation.

*Examples of members of the organisation’s governing body—*

- a director of the organisation
- a member of the organisation’s management committee
- a trustee of the organisation

- (2) However, a non-profit organisation is not a **category B non-profit organisation** if the non-profit organisation is an excluded non-profit organisation.

## **15 Meaning of *business collection***

- (1) Two or more businesses are a *business collection* if—
- (a) either—
    - (i) each of the businesses is owned by the same owner; or
    - (ii) 1 or more of the businesses is owned by more than 1 owner, but each of the businesses has at least 1 owner in common; and
  - (b) 1 of the following applies—
    - (i) each of the businesses is a category B business;
    - (ii) each of the businesses is a category B business or a category C business, but at least 1 is a category B business and at least 1 is a category C business;
    - (iii) each of the businesses is a category C business and the requirements mentioned in subsection (2) are met in relation to the businesses.
- (2) For subsection (1)(b)(iii), the requirements are—
- (a) on 30 June 2021, the category C businesses had a combined total of at least 50 employees in Queensland; and
  - (b) each of the employees mentioned in paragraph (a) who was a casual or temporary employee had been employed by 1 of the category C businesses in Queensland for at least 12 months immediately before 30 June 2021; and
  - (c) either—
    - (i) if all of the category C businesses have operated in Queensland for only part of the 2020–2021 financial year—according to the financial records of the category C businesses, the combined total of the annual turnover of the category C businesses in Queensland for the 2021–2022 financial year can reasonably be expected to be not less than \$25,000,000; or

- (ii) otherwise—the combined total of the annual turnover of the category C businesses in Queensland for any of the relevant financial years was not less than \$25,000,000.

## **16 Nature and amount of assistance**

- (1) The nature of the assistance available to an applicant under this part is the grant of financial assistance for—
  - (a) a category B entity; or
  - (b) a business collection.
- (2) The amount of assistance payable under this part in relation to a category B entity is—
  - (a) \$2,000,000, if—
    - (i) the entity’s annual turnover in Queensland for any of the relevant financial years was not less than \$25,000,000 or the entity has operated in Queensland for only part of the 2020–2021 financial year; and
    - (ii) on 30 June 2021, the entity had at least 50 employees in Queensland; and
    - (iii) paragraphs (b) and (c) do not apply; or
  - (b) \$3,000,000, if—
    - (i) the entity’s annual turnover in Queensland for any of the relevant financial years was not less than \$100,000,000; and
    - (ii) on 30 June 2021, the entity had at least 200 employees in Queensland; and
    - (iii) paragraph (c) does not apply; or
  - (c) \$4,000,000, if—
    - (i) the entity’s annual turnover in Queensland for any of the relevant financial years was not less than \$200,000,000; and

- (ii) on 30 June 2021, the entity had at least 500 employees in Queensland.
- (3) The amount of assistance payable under this part in relation to a business collection is—
  - (a) \$2,000,000, if—
    - (i) the combined total of the collection's annual turnover in Queensland for any of the relevant financial years was not less than \$25,000,000 or all of the businesses comprising the collection have operated in Queensland for only part of the 2020–2021 financial year; and
    - (ii) on 30 June 2021, the collection had a combined total of at least 50 employees in Queensland; and
    - (iii) paragraphs (b) and (c) do not apply; or
  - (b) \$3,000,000, if—
    - (i) the combined total of the collection's annual turnover in Queensland for any of the relevant financial years was not less than \$100,000,000; and
    - (ii) on 30 June 2021, the collection had a combined total of at least 200 employees in Queensland; and
    - (iii) paragraph (c) does not apply; or
  - (c) \$4,000,000, if—
    - (i) the combined total of the collection's annual turnover in Queensland for any of the relevant financial years was not less than \$200,000,000; and
    - (ii) on 30 June 2021, the collection had a combined total of at least 500 employees in Queensland.

## 17 Eligibility criteria

- (1) For an applicant to be eligible to receive assistance under this part for a category B entity, the applicant—

- 
- (a) must be—
    - (i) if the entity is a category B business—an owner of the business; or
    - (ii) the category B non-profit organisation; and
  - (b) must demonstrate to the satisfaction of the authority that—
    - (i) the category B entity's turnover in Queensland for the relevant period is at least 50% less than the entity's turnover for the comparison period; and
    - (ii) the entity has, during the relevant period, been significantly affected by COVID-19 travel restrictions; and
  - (c) must not have received assistance under part 2.
- (2) However, an applicant may not receive assistance for a category B business if it is a business for which the applicant or another applicant has received assistance under this part as a business that is part of a business collection.
- (3) For an applicant to be eligible to receive assistance under this part for a business collection—
- (a) the applicant must be an owner of each of the businesses comprising the collection; and
  - (b) the applicant must demonstrate to the satisfaction of the authority that—
    - (i) the combined total turnover in Queensland of the businesses comprising the collection for the relevant period is at least 50% less than the businesses' combined total turnover in Queensland for the comparison period; and
    - (ii) the collection has, during the relevant period, been significantly affected by COVID-19 travel restrictions; and
  - (c) the applicant must not have received assistance under part 2.

- (4) However, an applicant may not receive assistance for a business collection if at least 1 of the businesses comprising the collection is a business for which the applicant or another applicant has received assistance under this part as—
- (a) a category B business; or
  - (b) part of another business collection.

- (5) In this section—

***comparison period***, in relation to the relevant period, means—

- (a) a period—
  - (i) in 1 of the relevant financial years chosen by the applicant; and
  - (ii) that comprises the same days as the relevant period; or

*Example for paragraph (a)—*

If the applicant chooses the relevant financial year of 2020–2021, the comparison period would be 1 July 2020 to 30 September 2020.

- (b) if the authority considers the period mentioned in paragraph (a) is not indicative of the typical turnover of the category B entity or business collection in the relevant period unaffected by COVID-19 travel restrictions—another period of 90 consecutive days the authority considers is comparable to the relevant period.

*Examples of circumstances in which paragraph (b) may apply—*

- for an application in relation to a category B entity—the entity was not operating during the period mentioned in paragraph (a)
- for an application in relation to a business collection—the combined total turnover of the businesses comprising the collection during the period mentioned in paragraph (a) was affected by a significant event

***relevant period*** means the period 1 July 2021 to 30 September 2021.



## 18 Payment of assistance

- (1) Assistance under this part is payable to an applicant as follows—
  - (a) half of the amount is payable (the *part 3 first payment*) on the authority approving the application under section 21;
  - (b) the remaining half of the amount is payable (the *part 3 second payment*) on the authority being satisfied that—
    - (i) for an application relating to a category B entity—the entity has, on 8 November 2021, at least the same number of employees as the entity had on 25 September 2021; or
    - (ii) for an application relating to a business collection—the businesses comprising the collection have, on 8 November 2021, a combined total of at least the same number of employees as the businesses had as a combined total on 25 September 2021.
- (2) For subsection (1)(b), the following persons are to be included as employees of a category B entity or a business that, on 8 November 2021, is part of a business collection—
  - (a) an employee of the entity or business who has been stood down under the *Fair Work Act 2009* (Cwlth), section 524 and who, on 8 November 2021, remains stood down;
  - (b) an employee of the entity or business who, on 8 November 2021, is on leave without pay;
  - (c) an employee of the entity or business who, during the period 25 September 2021 to 8 November 2021, voluntarily ended the employee's employment with the entity or business.

## 19 Conditions

- (1) Payment of assistance under this part is subject to the conditions stated in subsections (2) and (3).

- (2) For assistance relating to a category B entity, the entity must, on 31 December 2021, have at least the same number of employees as the entity had on 25 September 2021.
- (3) For assistance relating to a business collection, the businesses comprising the collection must, on 31 December 2021, have a combined total of at least the same number of employees as the businesses had as a combined total on 25 September 2021.
- (4) For subsections (2) and (3), the following persons are to be included as employees of a category B entity or a business that, on 31 December 2021, is part of a business collection—
  - (a) an employee of the entity or business who has been stood down under the *Fair Work Act 2009* (Cwlth), section 524 and who, on 31 December 2021, remains stood down;
  - (b) an employee of the entity or business who, on 31 December 2021, is on leave without pay;
  - (c) an employee of the entity or business who, during the period 25 September 2021 to 31 December 2021, voluntarily ended the employee's employment with the entity or business.
- (5) If an applicant receives a part 3 first payment and a part 3 second payment but the condition under subsection (2) or (3) is not satisfied, the applicant must repay the part 3 first payment and part 3 second payment to the authority.

## **Part 4                      General provisions**

### **20            Requirements for applications**

- (1) An application for assistance under the scheme must be—
  - (a) made on the form approved by the authority; and
  - (b) accompanied by the documents stated in the application form; and

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- (c) for a part 2 first payment or part 3 first payment—be received by the authority no later than 6p.m. on 22 November 2021; and
  - (d) for a part 2 second payment or part 3 second payment—be received by the authority no later than 6p.m. on 6 December 2021.
- (2) Separate applications must be made for each payment.
  - (3) An applicant may not make an application for a part 2 second payment until a part 2 first payment has been made to the applicant.
  - (4) An applicant may not make an application for a part 3 second payment until a part 3 first payment has been made to the applicant.
  - (5) If the authority asks the applicant to provide further information to support an application, the applicant must provide the information.

## **21 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 20(1) to (4).
- (2) The authority must consider applications for assistance under parts 2 and 3 separately and 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 scheme are not enough to pay for the assistance.