



Queensland

Rural and Regional Adjustment (Taxi and Limousine Business Support Grants Scheme) Amendment Regulation 2019

Subordinate Legislation 2019 No. 157

made under the

Rural and Regional Adjustment Act 1994

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Rural and Regional Adjustment (Taxi and Limousine Business Support Grants Scheme)
Amendment Regulation 2019

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1 Short title

This regulation may be cited as the *Rural and Regional Adjustment (Taxi and Limousine Business Support Grants Scheme) Amendment Regulation 2019*.

2 Regulation amended

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

3 Amendment of s 3 (Approval of schemes—Act, s 11)

Section 3(1), ‘1 to 11’—
omit, insert—
1 to 12

4 Insertion of new sch 12

After schedule 11—
insert—

**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.

ENDNOTES

- 1 Made by the Governor in Council on 22 August 2019.
- 2 Notified on the Queensland legislation website on 23 August 2019.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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